CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTIETH CONGRESS, SECOND SESSION.

VOLUME XLIII.

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VOLUME XLIII, PART IV.

CONGRESSIONAL RECORD

AND

APPENDIX,

SIXTIETH CONGRESS, SECOND SESSION.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4548) to provide for the sale of timber on allotted Indian land, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. BROWN, and Mr. BANKHEAD as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. WARREN, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CULLOM, and Mr. CLAY as the said conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 105.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 additional copies of the Annual Report of the Isthmian Canal Commission for 1908, with accompanying illustrations, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On February 17, 1909:

H. R. 21458. An act authorizing sales of land within the Coeur d'Alene Indian Reservation to the Northern Idaho Insane Asylum and to the University of Idaho; and

H. R. 27252. An act for the relief of Francisco Krebs and his heirs and assigns.

On February 18, 1909:

H. J. Res. 234. Joint resolution to authorize the Secretary of War to furnish two condemned bronze cannon and cannon balls to the city of Bedford, Ind.;

H. R. 18726. An act for the relief of Wyatt O. Selkirk;

H. R. 20385. An act to enable the Omaha and Winnebago Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska;

H. R. 26216. An act to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona;

H. R. 25552. An act to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907;

H. R. 19662. An act to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace;"

H. R. 21926. An act for the organization of the militia in the District of Columbia;

H. R. 18487. An act for the relief of Charles H. Dunning;

H. R. 24831. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 25391. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 25806. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 26461. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

On February 19, 1909:

H. R. 21560. An act to provide for circuit and district courts of the United States at Gadsden, Ala.; and

H. R. 16274. An act to amend section 10 of chapter 252, volume 29, of Public Statutes at Large.

On February 20, 1909:

H. R. 20247. An act to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906;

H. R. 25064. An act for the relief of Angeline C. Burgert; and

H. R. 28164. An act for the investigation, treatment, and prevention of trachoma among the Indians.

On February 23, 1909:

H. J. Res. 227. Joint resolution authorizing the Secretary of War to deliver a condemned cannon to the Grand Army of the Republic;

H. R. 6903. An act for the relief of Willis A. Joy;

H. R. 12760. An act to correct the military record of Isaac N. Fordyce;

H. R. 17960. An act for the relief of Marcellus Butler;

H. R. 27342. An act to amend the military record of David H. Dickinson;

H. R. 9617. An act for the relief of Joseph Swisher;

H. R. 13851. An act providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass.;

H. R. 16551. An act to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95, for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander;*

H. R. 24140. An act extending the provisions of the act of June 10, 1880, concerning transportation of dutiable merchandise without appraisement; and

H. R. 25805. An act to reenact and to amend sections 3646 and 3647 of the Revised Statutes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The House resumed consideration of the legislative, executive, and judicial appropriation bill (H. R. 23464).

The SPEAKER. Is a separate vote demanded on any of the amendments remaining in disagreement?

Mr. LIVINGSTON. Mr. Speaker, we ask for a separate vote on each amendment.

The SPEAKER. The Clerk will read the first amendment.

The Clerk read as follows:

Amendment No. 43: Page 9, lines 23, 24, and 25, strike out "and including purchase, driving, and care of carriage and horses for Vice-President."

Mr. BINGHAM. Mr. Speaker, I move that the House disagree to the Senate amendment and insist upon its disagreement.

The SPEAKER. The gentleman from Pennsylvania moves that the House insist on its disagreement to the Senate amendment.

Mr. GILLETT. Mr. Speaker, I think there is a misunderstanding on this amendment.

Mr. CLARK of Missouri. What does this amendment do?

Mr. GILLETT. Mr. Speaker, the House provided for a carriage for the Vice-President. We sent that over to the Senate as a sort of message of courtesy, and we had a suspicion that the Senate might reciprocate our courtesy and put on a provision for a carriage for the Speaker, but the Senate, instead of doing that struck out entirely the provision for carriages. The committee of conference makes no recommendation as to this. Personally I do not think we ought to give a carriage to the Vice-President of the United States unless we give a carriage to the Speaker. Personally I am opposed to this whole carriage appropriation, for Cabinet officers or others. I believe if we made an appropriation of $1,000 for each Cabinet officer to hire carriages they would get just as good service as they do now, and we would save $4,000, because it now costs about $5,000 for every carriage. But inasmuch as the law is that all Cabinet officers should have carriages, personally I do not see why the Vice-President and the Speaker, certainly of equal dignity, should not have carriages. I do not think the Vice-President ought to have a carriage unless the Speaker has a carriage.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question. Here is the item as we had it originally as I understand it:

For miscellaneous items, exclusive of labor—

Mr. GILLETT. The gentleman has the wrong amendment.

Mr. FITZGERALD. No; he has not.

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Mr. BINGHAM. Amendment No. 43.

Mr. CLARK of Missouri. Amendment 43 is simply striking out these words—

and including the purchase, driving, and care of carriages and horses for Vice-President.

Mr. GILLETT. Yes.

Mr. CLARK of Missouri. If we concur in the Senate amendment, we get rid of that vice-presidential carriage.

Mr. GILLETT. Yes. I think we either ought to do that or we ought to put on a carriage for the Speaker.

Mr. CLARK of Missouri. Mr. Speaker, I make that motion to recede and concur in Senate amendment 43.

Mr. BINGHAM. Mr. Speaker, I will accept the gentleman's amendment.

Mr. KEIFER. I understand there is a motion to disagree pending already.

Mr. GILLETT. The gentleman's motion would take preference of that.

Mr. CLARK of Missouri. If I withdraw my motion now, Mr. Speaker, do I lose the right to make it subsequently?

The SPEAKER. The gentleman will be recognized unless some member of the committee in charge of the bill should move.

Mr. CLARK of Missouri. I will make that motion now, Mr. Speaker.

Mr. LIVINGSTON. I ask that that amendment be passed over for the present.

Mr. HULL of Iowa. I object.

The SPEAKER. The question is on the motion of the gentleman from Missouri that the House recede and concur in Senate amendment No. 43.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 46: Page 11, line 11, after "dollars," insert: "*Provided*, That the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $15,000 per annum."

Mr. CLARK of Missouri. Mr. Speaker, I offer the following resolution——

Mr. BINGHAM. Mr. Speaker, before the gentleman does that I desire to say that I propose to make the motion that the House recede from its disagreement and concur. I propose to make that on all of the amendments, so that the House will know that we are carrying out the assurance given to the House that there should be a vote on each of the propositions or amendments.

The SPEAKER. The gentleman from Pennsylvania moves that the House recede from its disagreement and concur in the Senate amendment.

Mr. CLARK of Missouri. Is there to be any discussion about this amendment?

Mr. GILLETT. Yes; does the gentleman wish time on this?

Mr. CLARK of Missouri. I want about five minutes.

Mr. BINGHAM. I yield to the gentleman five minutes.

Mr. CLARK of Missouri. I will say what I have to say on all of these salaries. As far as the increase of the Speaker's salary is concerned, and that of the Vice-President, they are the smallest of these matters in controversy. The increase in each case is from $12,000 to $15,000 per annum; but I am against them. As to the proposition to increase the President's compensation to $100,000, I would like to ask my scholarly friend from Massashusetts [Mr. GILLETT] how it happened that in the case of the Vice-President and of the Speaker you used the word "salary" and in case of the President the Latin word "compensation?"

Mr. GILLETT. If the gentleman refers to me, I want to say that that language was put in by the Senate and not by the House. I do not see, however, that it makes any difference; no criticism was put upon it.

Mr. KEIFER. The word "compensation" is used in the Constitution in reference to the pay of the President and other officers.

Mr. MANN. And that language was not put in in the Senate.

Mr. CLARK of Missouri. We find ourselves in this situation. I repeat that we must do one of three things—cut down appropriations, increase taxes, or issue bonds. I am against the last two. They come in here with a list of increases of salaries on one page amounting to $282,000. Of those salaries $19,500 attach to the new offices which this Congress is creating at the request of Senator Knox, Senator in esse and Secretary of State in posse. The smallest increase is in the Speakership and Vice-Presidency. There has been very little discussion about that item. I am against them; but the chief increase is in the President's salary.

There is a great deal of misinformation about what the President of the United States receives. Newspaper and magazine editors who, it seems to me, ought to know better, talk about the compensation of the President of the United States being only $50,000 a year. I say, it seems to me that any intelligent man ought to know better. He is allowed $25,000 traveling expenses, and that is $75,000 at one clip; and all he gets, one way and another, amounts to $143,000 a year.

Mr. MANN. More than double that.

Mr. LIVINGSTON. Two hundred and ninety-one thousand dollars.

Mr. CLARK of Missouri. Two hundred and ninety-one thousand dollars, the ranking Democrat on the Appropriations Committee, Colonel LIVINGSTON, says. I will put the list in my remarks. These editors and magazines and newspapers undertake to make a comparison between what the various royalties in the world receive and what the President of the United States gets. They never once mention, and it seems to me they must know, that the King of England and the King of Belgium and the rest of the great potentates do not get three or four million dollars a year for their personal use. They have to pay their civil lists out of the allotment that is made to them in various degrees, in one way or another, and the chances are that the President of the United States really lives as well as any of them and has as much money with which to pay expenses of housekeeping.

I want to repeat, because somebody might raise that point, that as far as the President-elect is concerned, I have the friendliest feeling for him. The first time I ever clapped my eyes on him I concluded that he was a man of extraordinary parts, and I believe it yet. But the personality of the incoming President has nothing to do with it. I want to repeat, we are in a condition of being in the hole financially, and there are only three ways to get out—cut down expenses, raise the taxes or issue bonds. You might as well understand that at once and be through with it; and the only way to get out of it is to cut the salaries down here. We are asked to increase these salaries $282,000. Anybody can vote for it that wants to, but I will not.

Mr. GILLETT. Mr. Speaker, I want to make a suggestion and ask unanimous consent of the House. We have now before us seven or eight different amendments, all providing for increases of salary, upon which a separate vote has been demanded. The House will want debate. What I ask unanimous consent for is that the debate on all raises of salary be consolidated, and that we have an hour's debate, to be divided equally between the two sides, on all the propositions of salary, and then have a separate vote on each one.

Mr. FITZGERALD. I suggest to the gentleman from Massachusetts there are many of these items upon which there will be practically no debate, and if we proceed in this way we will facilitate matters.

Mr. GILLETT. The trouble is likely to be, as it has in this case—we are discussing the Speakership, and we have also been debating the increase in the salary of the President. I am not criticising it at all, but it strikes me that we will save time if the House will consolidate debate and then have an opportunity of voting separately on each amendment.

Mr. FITZGERALD. Mr. Speaker, I shall object to one hour's debate on this question, because the gentleman himself is entitled to an hour on all of them,

Mr. CLARK of Missouri. Let us have an hour on a side. We will make haste by doing that.

Mr. GILLETT. Personally, I will agree to an hour on a side to settle it. Then, I suggest, Mr. Speaker, that we have an hour on each side.

Mr. CLARK of Missouri. Mr. Speaker, I believe I will withdraw that request.

The SPEAKER. The Chair will put the request. The gentleman from Massachusetts asks unanimous consent that there shall be an hour's debate on each side on all the amendments not disposed of, and that then the vote shall be taken.

Mr. SHERLEY. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Without such an agreement, would an hour be given to the Member in charge of the bill on each amendment?

The SPEAKER. Well, not at all, unless the House so desires. Each amendment is subject to the rules of the House, and the previous question can operate.

Mr. SHERLEY. I understand, but in the absence of moving the previous question on any amendment the Member in charge would be entitled to an hour's debate on each amendment.

The SPEAKER. There might be ten days' debate on each amendment.

Mr. SHERLEY. I understand that, of course, if he yielded the floor, but if he did not yield the floor he could yield to other Members up to an hour and then move the previous question.

The SPEAKER. The gentleman from Pennsylvania is now using some of his hour——

Mr. SHERLEY. I understand——

The SPEAKER (continuing). And at any time he can take the sense of the House on the previous question. If the gentleman from Pennsylvania uses his whole hour, then somebody on the other side will be entitled to another hour.

Mr. SHERLEY. That is not the point to which I am addressing myself, but the point is this: Whether the right of the gentleman from Pennsylvania to an hour extends to an hour on each proposition?

The SPEAKER. Why, each proposition stands alone unless there is unanimous consent given, which the gentleman has asked, that there be an hour's debate on each side on all these amendments, the debate to be had at this time.

Mr. FITZGERALD. Mr. Speaker, if the time be fixed for debate on all these amendments, I am convinced this House will be empty until the debate is concluded. I believe Members should be here to hear the discussion, and I object.

The SPEAKER. The gentleman from Pennsylvania has fifty-five minutes.

Mr. BINGHAM. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I understand from the course of debate upon these questions of salary that we are speaking somewhat generally, although the proposition now before the House has reference to the salary of the Speaker. Personally, I should be glad to vote to increase the salary of all the officers mentioned in the bill, including judges, and so forth, that are now in dispute, but I sympathize somewhat with the distinguished gentleman from Missouri [Mr. CLARK] in his discussion, in which he undertakes to say that this is a time for economy, though before I go into that I want to say a word or two in reply to his criticism upon the House Committee on Appropriations. I have had the experience of nearly four terms on that committee, going there in December, 1905, a stranger to most of the members thereof. I have witnessed throughout that entire period the severe manner in which the chairman and his colleagues, not always including myself, have criticised all the estimates which have been brought there.

They have dealt with appropriation bills in a severely bucolic way. Sometimes in the matter of reductions of expenditures they have violated existing law. But up to the present day we have been fighting in that committee these matters of deficiencies, increased appropriations, and all that, but the gentleman from Missouri seems to think that the Committee on Appropriations, and not the Committee on Ways and Means or the Congress, is responsible for the great appropriations that are made from year to year and for the deficiencies in the revenues of the Government that now exist. I would like to know whether the Committee on Appropriations is responsible for the various acts which we have passed in the Fifty-ninth Congress and in this Congress which have made appropriations absolutely necessary. I believe the gentleman from Missouri and his colleagues generally on the minority side of the House voted for very many bills that required, when they were enacted into law, great appropriations, but the talk now would be as though the Committee on Appropriations was guilty of extravagance. This talk is highly misleading and unjust. The gentleman and his colleagues voted for the pure-food act, for the interstate-commerce act, for the meat-inspection act, for which we had to almost immediately appropriate $3,000,000 to meet its requirements; they also voted generally for the increase of the army in many respects, including an increase of salaries of officers of the army and increase in the number of enlisted men, and also for their increased pay; also for the increase of the salaries of officers of the navy, and for the increase of 9,000 enlisted men or more for the navy and for their increase in pay. As we authorize the building of battle ships from year to year and build them there have to be new crews for them; they have to be maintained in full commission, guns and ammunition purchased, coal supplied; and a great fleet of our battle ships has just returned from a cruise around the world at great increased cost to the United States.

If I had time I could enumerate a large number of other things which require large appropriations, and for none of which is the Committee on Appropriations responsible. The Ways and Means Committee should be held responsible for not reporting bills which, if enacted into laws, would provide revenues at least equal to expenditures required to be made to execute existing laws.

They voted for a river and harbor appropriation bill at the last session of this Congress, and I think there was no exception on the other side of the House, carrying above $83,000,000 for rivers and harbors. We are doing or preparing to do the same thing in this session of Congress, and yet we are to be proclaimed to the country as having an Appropriation Committee that is responsible for the great expenditures of this Congress and in these times.

Now, I do not intend to dwell upon, but simply to call attention to, some of these obvious things. When we come to the matter of increasing the salary of the President of the United States, I shall vote for that increase. When the Constitution first went into effect, when the law was first made fixing the salary of the President of the United States, George Washington, at $25,000 a year, this country was comparatively very poor. We had then but little more than 3,000,000 of people. We have now more than thirty times that number, perhaps 100,000,000 of people. We were limited then to 13 or 14 States at the time that law was passed, and we did not look for revenues from the many sources that have come since and come now. We have grown more in proportion of wealth than we have grown in proportion to population, and to increase the salary now from the present fixed compensation of $50,000 to $100,000 a year will still leave the salary proportionately less than it was at the beginning of our constitutional government.

I agree, Mr. Speaker, with the distinguished gentleman from Missouri [Mr. CLARK] that we are legislating on this subject now in a somewhat reckless way. The Constitution of the United States, paragraph 6, section 1, Article II, says:

> The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

What constitutes emoluments I do not exactly know, but it looks like we are appropriating large sums that were in the nature of emoluments and that were not contemplated at all by the Constitution; for instance, $25,000 a year for traveling expenses of the President of the United States, and for other things.

This bill undertakes to bring us within the limitations of the Constitution of the United States. It reads——

The SPEAKER. The time of the gentleman has expired.

Mr. BINGHAM. I yield one minute more.

Mr. KEIFER (reading from the bill)—

> For compensation of the President of the United States, $100,000, this sum to include all transportation expenses now otherwise provided for by law; and after the 3d of March, 1909, the compensation of the President of the United States shall be $100,000 per annum.

Mr. PRINCE. I want to ask the gentleman one question. Will he be kind enough to state to the House how much of the $25,000 for transportation the President used last year?

Mr. KEIFER. I understand it was substantially all used, but I can not be accurate in my answer.

Mr. PRINCE. I have understood that he used a very small portion of it, and the balance was covered back into the Treasury.

Mr. KEIFER. I believe we should increase the President's salary to an adequate sum and that hereafter no emoluments should be voted to him. In this way we will obey the Constitution. The sum of $100,000 per annum is not large when all things are considered. The President, to sustain the dignity and importance of his high office, should be paid that sum. It is less than some of the life-insurance companies and some other corporations pay their presidents per annum. In some sense a President is cut off after he retires from the Presidency from following the natural and ordinary business or professional pursuits and from all political offices. He should not be required to abase himself after holding the first office as ruler in this or any other country.

Mr. BINGHAM. Mr. Speaker, I am ready for a vote. I desire to make this announcement to the House: I have moved that the House recede from its disagreement with the Senate and accede to the same, so that a vote of "yea" would authorize your committee to accept the $15,000 for the pay of the Speaker.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. BINGHAM].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GILLETT. Division, Mr. Speaker.

The SPEAKER. The gentleman will again state the motion. The Chair does not get it clearly.

Mr. GILLETT. That the House recede and concur in the Senate amendment.

Mr. BONYNGE. A parliamentary inquiry, Mr. Speaker. Which amendment is now under consideration?

The SPEAKER. The Clerk will, without objection, report the Senate amendment, so that the House may understand what the motion covers.

The Clerk read as follows:

Amendment No. 46. Page 11, line 11, after the word "dollars," insert: "*Provided*, That the salary of the Speaker of the House of Representatives, after March 3, 1909, shall be $15,000 per annum."

The SPEAKER. Now, the motion is that the House recede from its disagreement to the Senate amendment and concur, which would agree to the amendment.

Mr. TAWNEY. Mr. Speaker, pending that, I ask unanimous consent to make a personal statement in behalf of the Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. I was called from the floor a moment ago during debate. I am authorized to say to the House that the amendment increasing the salary of the Speaker, adopted in the Senate, was not suggested by the Speaker, nor was any intimation given by him to anyone that he desired the salary of the office increased while he retains the office. And that the House, in the consideration of this question, should consider it entirely impersonal and from the standpoint of the office itself and its attendant obligations.

I am authorized to make this statement. As I said before, I was called out before the debate was concluded.

Mr. CLARK of Missouri. I would like to ask the gentleman one question: Is it not true that the Senate put this Speaker's salary raise in here just as a kind of "greasing the skin" to get the rest of these amendments through? [Laughter.]

Mr. TAWNEY. I will answer that by saying that I do not know what motive prompted the Senate. I have no reason to believe that the motive of the Senate was any other than honorable and honest.

Mr. GAINES of Tennessee. I would like to ask the gentleman when the salary of the Speaker was last raised?

Mr. TAWNEY. The gentleman from Tennessee knows that.

Mr. GAINES of Tennessee. Of course I do; but there are a lot of others who do not. It was in the last four years.

The SPEAKER. The question is on the motion that the House recede from its disagreement to the Senate amendment and concur in the same.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. GILLETT. Division, Mr. Speaker!

The House divided; and there were—ayes 57, noes 102.

So the motion was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 60, page 37, line 14, strike out "fifty" and insert "one hundred;" 61, line 14, after "dollars," insert "this sum to include all transportation expenses now otherwise provided for by law, and after the 3d of March, 1909, the compensation of the President of the United States shall be $100,000 per annum."

The SPEAKER. The gentleman from Pennsylvania.

Mr. MANN. Is that one amendment? It is two amendments, and a separate vote was demanded on every amendment.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that both amendments be considered together.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KEIFER. I do not want to vote on the two amendments together. [Cries of "Too late!"]

The SPEAKER. The Clerk will again report the amendments, without objection.

The Clerk read as follows:

Page 37, line 14, strike out "fifty" and insert "one hundred;" page 37, line 14, after "dollars," insert "this sum to include all transportation expenses now otherwise provided for by law, and after the 3d of March, 1909, the compensation of the President of the United States shall be $100,000 per annum."

Mr. KEIFER. On that I demand a separate vote.

The SPEAKER. The gentleman demands a separate vote. The vote will be taken on amendment No. 60, which the Clerk will report.

The Clerk read as follows:

Page 37, line 14, strike out "fifty" and insert "one hundred."

Mr. BINGHAM. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment, and accede to the same—to concur.

The SPEAKER. The gentleman moves that the House recede from its disagreement to Senate amendment No. 60, and agree to the same.

Mr. BINGHAM. I now yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, the only two amendments in all of these in which I personally feel much interest are this amendment and the amendment for the Supreme Court. It seems to me in those two cases we ought to accept the salaries fixed by the Senate. Ordinarily when we seek to determine the salary of a person, we ask what would be the salary of similar services elsewhere. That, of course, does not apply here, for there can be no similar services; or we sometimes say, what would be paid for similar talents elsewhere? That does not apply in this case. We must apply some other test if we can, and discover some standard by which we shall determine what salary the President of the United States shall be paid; and the only standard I think of is to pay him on such a scale as his surroundings make suitable, and at the same time not to have to worry or much consider about making the two ends meet. The honor, the power, the opportunity for achievement, to say nothing of patriotism, are sufficient attraction to the office regardless of the salary.

I have no doubt an overwhelming majority of the people of the United States would say at first blush, "It is impossible for a man to spend $50,000 a year." To a great majority of the people $50,000 is of itself a fortune; and to expend that amount in one year seems incredible. But those of us who live in Washington know that we have placed our President in a palace and compelled him to live in some conformity therewith, and we want him to live in the fashion that is suitable to those surroundings, and therefore——

Mr. SHACKLEFORD. Will the gentleman allow me to ask him a question?

Mr. GILLETT. I yield to the gentleman.

Mr. SHACKLEFORD. Do we not appropriate for the contingent expenses, and provide for all the accessories and extras that the gentleman speaks of?

Mr. GILLETT. We certainly do provide for a great many of the running expenses of the White House.

Mr. SHACKLEFORD. I thought we paid for all of them—for 30 or 40 horses, and $12,000 for automobiles.

Mr. JOHNSON of South Carolina. What do we not provide for?

Mr. GILLETT. We do not provide for the food and a great deal of the service.

Mr. JOHNSON of South Carolina. We do not provide food or clothing, and that is all we do not provide for.

Mr. GILLETT. Oh, no; there is a great deal of the service that we do not provide for. The present occupancy of the White House proves that. It seems to me that the present President has lived exactly in the manner that we should be glad to have our Presidents live. He has lived there in such a way that when any distinguished men came to Washington, and a great many who were not distinguished, they have been pretty sure of an invitation to the White House. He has maintained a bountiful, but not ostentatious, hospitality. In my opinion, he has lived the ideal life there of a President of the United States, so far as his expenditures have been concerned. Now, I know that has cost the President all of his salary. His annual expenses have amounted to $50,000; and therefore, inasmuch as he has lived according to my idea of the way we should like to have the President live, not extravagantly or ostentatiously, I think $50,000 a year is the amount which the President can be reasonably expected to expend for himself and family in the White House.

I believe that the President, in addition, ought to be allowed to save enough out of his salary so that at the end of his four years he can have laid up a sufficient sum to support him in comfort thereafter, without entering again into the struggle for subsistence.

For that reason, and for that reason alone, I think his salary ought to be increased; so that the President, if he reasonably spends $50,000 a year, can lay up $50,000 a year, and at the end have a competence for himself and family for the rest of his life.

Mr. CAMPBELL. You propose to cut off the extra amount that was given for the expenses of the presidential office and to increase the salary?

Mr. GILLETT. That is the Senate amendment. Now, personally, what I should prefer would be to leave his salary as it is at present and give the President an annuity for the rest of his life. That would more meet my ideas of the requirements of his situation; enough salary to allow him to live there in the way I have indicated and afterwards to have an annuity which will relieve him from again having to enter into the ordinary struggle of existence. I think an ex-President ought to be left in a position of independence.

Mr. GAINES of Tennessee. Can the gentleman tell us what expense of the White House it is that the Government of the United States does not now pay?

Mr. GILLETT. It does not pay for any of the food. It pays for only a part of the service. I can not enumerate all the expenses that it does not pay for.

Mr. GAINES of Tennessee. What is it that it does pay?

Mr. GILLETT. I would say to the gentleman that it has cost the present President $50,000 a year to live.

Mr. GAINES of Tennessee. I understand that; and in the next four or five years it may cost $150,000 a year, and then you will want to have the salary raised to that.

Mr. GILLETT. If it cost him that to live in an ideal way, I would.

Mr. GAINES of Tennessee. I am perfectly sincere in wanting this information. I want to know what the Government pays toward the expenses of running the White House.

Mr. HITCHCOCK. I think I can give some of those items, if the gentleman will permit.

Mr. GILLETT. The Government pays for the care of the building, the lighting of the building, the furnishing and painting, takes care of the building, and pays for some of the service. That is what the Government pays for.

Mr. GAINES of Tennessee. What does it pay toward entertainment?

Mr. GILLETT. It pays for a part of the service, and it pays for the flowers.

Mr. MANN. And the strawberries.

Mr. GILLETT. No; I do not believe it.

Mr. MANN. Oh, yes; it pays for the strawberries.

Mr. GAINES of Tennessee. The President simply pays for the necessities for his family, and the Government pays for everything else.

Mr. GILLETT. Oh, that is a mistake.

Mr. GAINES of Tennessee. Then I would like to be corrected.

Mr. GILLETT. Then I correct the gentleman.

Mr. GAINES of Tennessee. Wherein am I mistaken?

Mr. GILLETT. I do not know the details; but I know that it is costing the President $50,000 a year to live, and I do know that he has lived in a manner which seems to me ideal. He has lived simply and at the same time hospitably and bountifully. I do not know the items of his expenses; but he lives as a President ought to live, and it has cost him $50,000 a year. It seems to me that that is the standard that a President ought to live up to.

Mr. GAINES of Tennessee. At one time the President's salary was $25,000 a year, and then during the term of President Grant it was raised to $50,000, and then Congress undertook to repeal it and President Grant vetoed it for the benefit of his successors, as he said. Now, I want to ask the gentleman what expenses attach to the White House now more than they did when General Grant was President?

Mr. GILLETT. Oh, I am not going into that. It does not affect my argument at all. The only question for the House to decide is how do we want the President to live, and ought we to give him enough so that after he is retired he may have a competence upon which to live? Personally, I believe in those two statements, and that will determine my vote on this question.

Mr. FINLEY. Will the gentleman yield for a question?

Mr. GILLETT. Yes.

Mr. FINLEY. Does not the President now in the White House advocate the simple life, and does he practice it?

Mr. GILLETT. I think he practices it.

Mr. MANN. Will the gentleman from Massachusetts yield for a question?

Mr. GILLETT. My time has expired.

Mr. BINGHAM. Mr. Speaker, in order to draw the discussion during the hour to the amendment under consideration, I desire that the House should know exactly what the proposition is. "Compensation to the President of the United States, $100,000. This sum to include the transportation expenses now otherwise provided for, and after the 3d of March, 1909, the compensation of the President of the United States shall be $100,000 per annum."

Now, I desire the House to know the antecedents of the gentleman elected as President of the United States after the 4th of March next, who will be the President-elect and entitled to the compensation of $100,000.

William Howard Taft, of Cincinnati, Ohio, Secretary of War (1603 K street), was born in Cincinnati, Hamilton County, Ohio, September 15, 1857; was graduated in 1874 from Woodward High School; graduated from Yale University in 1878; graduated in law from Cincinnati College in 1880, in which year he was admitted to bar of supreme court of Ohio; appointed assistant prosecuting attorney in 1881; resigned in 1882 to become collector of internal revenue, first district, Ohio, under President Arthur; resigned collectorship in 1883 to enter practice of law; in 1887 was appointed by Governor FORAKER judge of the superior court of Cincinnati; resigned in 1890 to become Solicitor-General of the United States under appointment of President Harrison; resigned in 1892 to become United States circuit judge for sixth judicial circuit; in 1896 became professor and dean of law department of University of Cincinnati; resigned in 1900 circuit judgeship and deanship to become, by appointment of President McKinley, president of the United States Philippine Commission; in 1901, by appointment of President McKinley, became first civil governor of the Philippine Islands; was appointed Secretary of War by President Roosevelt February 1, 1904.

I have read this for the simple purpose of showing that during the life of President-elect Taft he has been virtually in the service of the National Government under a fixed limited compensation, with no opportunity to enter into the business contests which would have benefited him in his estate, and he has had no opportunity to enter into the competitions of life which may have resulted in successes that would insure competence and fortune, but on the 4th of March, having honorably held all these limited compensation offices under the National Governmet, we simply ask that $100,000 may be given to him as compensation that he may have it for the four years he is in office, and I hope a qualified competence for the future.

Mr. LIVINGSTON. Will the gentleman from Pennsylvania yield me five minutes?

Mr. BINGHAM. With pleasure.

Mr. LIVINGSTON. I will yield five minutes to the gentleman from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Mr. Speaker, this provision in the bill, as the gentleman from Missouri [Mr. CLARK] has well said, is misleading. It purports to give to the President of the United States "compensation" of $100,000, but a hasty perusal of two or three of the big appropriation bills which have gone through this House reveals the fact that the President of the United States receives much more compensation than is provided specifically for him in the shape of salary.

Glancing through these bills I find, for instance, these items which certainly should be included in the general term "Compensation for the President of the United States." This compensation which has been growing year by year has now reached imperial proportions, such as would be excusable if we had a court maintained at national expense. Here are some of the scattered items taken from different bills:

Compensation or salary	$50,000
Ordinary care of the White House	35,000
Extraordinary care of the White House	15,000
Fuel	6,000
Greenhouses	9,000
Traveling expenses	25,000
Stables	35,000
Lighting	1,000
Guards (approximately)	22,000
Secret Service (approximately)	3,500
Contingent expenses	25,000
Clerks and employees	69,900
Total	296,400

In addition to that, each year there are items for repairs, which this year amounted to $15,000 for the repairs and $3,000 for repairs of greenhouses; a total, as far as I have been able to find in the few minutes' hasty search, of $314,000.

Mr. GILLETT. Does the gentleman think that the $69,900 for clerks and employees ought to be included?

Mr. HITCHCOCK. I have embraced within that the cost of maintaining the White House, and it is by no means complete. There is a barber employed there at $1,600, who is on another pay roll, which I understand is in the Navy Department. Then, as we know, it recently developed on the floor of the House that horses have been purchased out of a military fund for the use of the President and the White House. Nobody knows how many thousands of dollars of "compensation" are thus taken from the military fund. Besides this, seven employees of the office of Public Printer are kept at the White House to act as messengers and penmen in addressing social invitations. Then there is the use of the *Mayflower* and of the *Sylph* as Presidential yachts, and nobody knows how many additional things hidden away in other appropriation bills and charged to various departments. In addition to all this it is proposed to increase the nominal salary, the compensation, to $100,000 a year. Mr. Speaker, I think that this House of Representatives owes it to this country as a duty to put its stamp of disapproval promptly upon this effort to create practically regal conditions in the White House, imitating the ceremony, imitating the extravagance, imitating the luxury of the courts of the Old World. I believe that this House at this time, when the Treasury is already confronted with most serious conditions, ought promptly and definitely to put its seal of disapproval upon this attempt to increase many salaries, and, above all, the salary of the President of the United States. [Applause on the Democratic side.]

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, I am one of those who voted a few minutes ago against the proposal to increase the salary of

the Speaker. I think that everything the gentleman from Missouri [Mr. CLARK] has said with reference to the necessity of exercising strict economy in making appropriations was well considered and should receive the most careful attention of the House. And, indeed, I think, Mr. Speaker, we have been very vigilant in resisting increase of all salaries except our own. We are the most highly paid legislative body in the world by at least 300 per cent. We are paid at the rate of over $15,000 a year; that is to say, we get $15,000 for less than a year's actual work.

We enjoy the service of clerks paid by the Government at the rate of $1,500 a year, and if we must consider as part of our compensation the arrangements made for our comfort while discharging our duties, as has been suggested in the case of the President, it is fair to add that we occupy a palace out of which the White House might be stolen without seriously reducing its dimensions. [Laughter.] Now, I am by no means prepared to say our salaries are excessive, but I do say the President's salary is wholly inadequate; and this, I think, has been shown by actual experience. The statement of the gentleman from Nebraska [Mr. HITCHCOCK] that the expenses of maintaining the Executive Mansion should be counted as compensation paid to the President is, in my judgment, utterly erroneous if not wildly extravagant. The compensation which a man receives for any public service is the money that he can employ for his own benefit—with which he can do as he pleases.

The money that is appropriated for specific public expenditures, whether in the White House or out of it, is no more compensation to the President than the amount that is paid for the maintenance of yonder Office Building or of this Chamber can be considered a part of our compensation. The gentleman from Nebraska or some other gentleman has objected that the salary of the President was doubled—made $50,000 instead of $25,000—in the time of President Grant. That is quite true, and equally true that it has not been increased since. Our salaries, which were $5,000 a year at that time, are now $7,500. We have increased our direct compensation 50 per cent. But we have done more for ourselves. We have created the office of secretary to each individual Member.

We have erected a palace inside which a room fully furnished is provided for each of us, where we can ruminate upon our duties and prepare to discharge them under conditions of ease and comfort, if not of positive luxury. And after we have provided all this for ourselves—compensation at the rate of $15,000 a year, an increase, if we include the "trimmings"—if I may use such an expression—in the shape of clerk hire and a restored franking privilege of nearer 80 than 70 per cent—we find gentlemen declaring that it is indefensible to propose an increase of 25 per cent practically in the compensation of the President.

Mr. HITCHCOCK. Mr. Speaker, do I understand the gentleman from New York [Mr. COCKRAN] to say that the luxury of this Office Building is a part of the compensation for Members of Congress, and the luxury of the White House is not a part of the compensation of the President?

Mr. COCKRAN. No, no, Mr. Speaker. I say that neither can properly be considered a part of the compensation paid to Members of Congress or to the President; but I do object most strenuously to charging against the President the expenses of maintaining the public building called the "White House" as part of his salary, and at the same time treating the expenses of maintaining a public building for our own accommodation not as part of our compensation, but as a feature of general appropriations necessary to the support of government. I am not decrying what we have done for ourselves, but I am appealing for treatment equally liberal—or, at least, in some degree commensurate—for the head of the Government. I do not say we have done too much or even enough for ourselves. When we consider the excellence of our own service and the delicacy of our perceptions, it may be that the provision made for our comfort in the Office Building is hardly commensurate with our merits. [Laughter and applause.]

Mr. Speaker, the question whether the rate of compensation proposed by this measure is adequate or inadequate is one of fact. I do not think anyone will question that no President can live on less than the full amount of the salary now paid him if he continues to occupy the dwelling provided for him. Does any gentleman here believe that any President of the United States within the last fifty years has, by the exercise of any reasonable economy, been able to save out of his salary sufficient to provide for his support even on the most modest scale after he left office?

Mr. HITCHCOCK. Why should he?

Mr. COCKRAN. Why should he!

Mr. HITCHCOCK. Yes.

Mr. COCKRAN. Mr. Speaker, I must confess the gentleman from Nebraska astounds me by such a question. He asks why should a man who has been raised by the votes of the American people to a position of responsibility without parallel in the world, and who by accepting it practically disqualifies himself from engaging afterwards in the ordinary occupations of life—why he should receive such compensation as would enable him, by the practice of economy, to make some provision for his own future! Would any man who had rendered to a private corporation services at all comparable in value to those every President of the United States had rendered the people of this country be suffered to face the specter of want or distress in his declining years? Mr. Speaker, I do not believe the American people will allow the business corporations of this land to teach them lessons of prudence and of justice in vain.

The SPEAKER. The time of the gentleman has expired.

Mr. COCKRAN. I ask for five minutes more.

Mr. BINGHAM. I yield the gentleman five minutes more.

Mr. HITCHCOCK. Will the gentleman yield for a question?

Mr. COCKRAN. If the gentleman from Nebraska will refrain from interrupting now, I will answer any question he may wish to put before I sit down.

No President has withdrawn from the White House during this generation, as far as I know, with sufficient funds saved during his term of office to suffice for his support afterwards. Now, we all know that a man who has been chosen to that high place is practically disqualified after he leaves it from most pursuits in which a livelihood can be gained.

Mr. HITCHCOCK. Right at that point——

Mr. COCKRAN. I must beg the gentleman to let me finish this statement. We have had recently the very painful spectacle of a man who had been President of the United States and who, while he had been often criticised bitterly during his official career for some of his political actions, had never been required to meet or explain the faintest shadow of an imputation on his personal conduct, after his retirement found himself forced to accept employment by some corporations; and his acceptance of that employment, while I have no desire to criticise it, has been the one feature of his life which many of those who treasure his fame have been inclined to regret. And yet what one of us has any right to sit in judgment on him? What he did he may have felt himself forced to do. Had he hesitated to accept the occupation that offered itself he might, for all we know, have felt the hands of his children tugging at his skirts, reminding him that his supreme duty was to furnish them with bread and to provide the education necessary to prepare them for life.

Which one of us, I ask, can criticise that man, who had served his country with eminent fidelity and whom his country had left without provision, because he accepted an employment that offered a fair prospect of affording the essentials of life to himself and his family?

Mr. SABATH. What President was that?

Mr. COCKRAN. The gentleman, I assume, knows perfectly well that I refer to Mr. Grover Cleveland, and his acceptance of a position under the great life insurance companies at a very critical time for the officers managing them.

Mr. SABATH. But that was done for the interest of thousands and thousands of people, was it not?

Mr. COCKRAN. I can not say why he did it. I do say it was the one feature of his whole life which anybody could question or criticise. I myself do not question or criticise it. So far as I am concerned, I believe that he was governed in this, as in all his conduct, by the highest motives.

But I mention this incident in our political history because I consider it little short of a great national shame that this country, with its enormous resources, should have left a man who had served as its President in a position where he may have felt himself compelled to seek his bread under conditions which exposed him to criticism—even though the criticism merely touched matters of appearance—not of absolute morality. Now I will yield for any question.

Mr. HITCHCOCK. Does the gentleman think that the present President of the United States should be disqualified from accepting lucrative literary recompense when he retires from the White House?

Mr. COCKRAN. No, sir. I do not think there should be any limitation whatever placed upon a man who had been President after he leaves the White House. He should be free to do as he pleases, governed only by his own sense of what may be due to the great office he had filled.

But I do say that the President of the United States, if he be not a man of such literary renown that newspapers and other publications all over the country will be clamoring for his services, if he be simply a man who has performed his task accord-

ing to the highest conception of public duty, should not be forced on pain of sinking into distress, to accept employments which might expose him to criticism or reproach; but he should be paid such compensation while in office that he may by the practice of fair economies secure the means of supporting life with decency in his retirement. That is what I contend for. [Applause.]

Mr. HITCHCOCK. Is a life of idleness so much to be desired that when a man has once held high office he shall dedicate the remainder of his days to idleness?

Mr. COCKRAN. Mr. Speaker, no one contends that an ex-President shall be debarred from all occupation and condemned to a life of idleness after his retirement. I contend merely that he shall not be placed in a position where he must be driven by necessity to seek employment and to accept the first that offers itself. But surely, sir, you can not call that a life of idleness when a man, approaching three score years and ten—the period of life when most Presidents left the White House—after having completed four or eight years' service in the highest position on this earth, should shun the strenuous competitions of life. I do not say that he should be disqualified from any employment or that we should prescribe for him any method of existence. I do say that while he is engaged in our service we should afford him such compensation that, by the exercise of reasonable economy, he can choose his own method of life after leaving office. If relieved from the absolute necessity of finding bread, we can trust any man of such qualities that he could succeed in gaining the Presidency to comport himself in retirement with a dignity befitting the magnitude of the trust that has been reposed in him and the high honor with which he has been crowned. [Loud applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 20111. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing;

H. R. 18694. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama;

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia;"

H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes;"

H. R. 26072. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 257. Joint resolution to authorize the Secretary of State to invite the governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain.

The Speaker announced his signature to enrolled joint resolutions of the following titles:

S. R. 76. Joint resolution relative to homestead designations made and to be made, of members of the Osage tribe of Indians;

S. R. 126. Joint resolution authorizing the Secretary of War to donate six condemned cannon to the city of Cheyenne, Wyo.; and

S. R. 88. Joint resolution to provide for an accounting of certain funds held in trust for the Chippewa Indians, in Minnesota.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 105.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 additional copies of the Annual Report of the Isthmian Canal Commission for 1908, with accompanying illustrations, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives—

to the Committee on Printing.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The House resumed the consideration of the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the distinguished gentleman from New York [Mr. COCKRAN] says that we are the highest-paid legislative body in the world; that we receive $15,000 for less than one year's work. The gentleman may speak for himself as to the length of time that he works during the two years of his service, though even in that he is mistaken, but that statement certainly is not correct as to the other 390 Members of this House. [Applause.] For the work that is performed by the legislative body of which we are Members, I dare say we are not paid higher rates than for similar work performed in any other legislative body. We receive higher pay, and we do more work. [Applause.]

Now, Mr. Speaker, we ought not to be detracted from the real question at issue, and that is not as to the comparative value of the President's services or even as to his salary. It might be thought it would have been well when we increased the salaries of the judges of the courts a few years ago that we should have increased the President's salary. But we are confronted with this situation: A popular President is going out of the White House, and I dare say one of, if not the most, popular Presidents with the people that the country has ever seen. [Applause on the Republican side.] He leaves the White House at a time when the Treasury is almost empty, when the deficit is appalling, when no one yet on the majority side of the House has had the nerve to propose any method by which we may raise revenues equal to the expenditures. And we propose now to increase what? The salary of the incoming Chief Magistrate. I say in his behalf, if you wish to keep him popular with the country, you ought not on the incoming of his term of office handicap him by increasing his salary and leaving the janitors' salaries where they now are. [Applause.] We will have much to meet with during the term of his office and during the incoming term of our own offices in providing for revenues to meet the expenditures and in providing for the expenditures which will be asked from the White House.

Mr. Speaker, it will not go pleasant to the people of the United States, however anxious they may be to give to the Chief Magistrate of the country a sufficient salary for an ample living; it will not go well with the people at a time when the Treasury is empty, to increase the one office which receives the big salary. What would we say to-day in the face of the conditions that surround the great United States Steel Company, and when they talk of reducing the tariff, and they talk of reducing the wages of the wage-earners on that ground, if the directors of that great corporation, in the face of a proposed deficiency in revenue, in the face of suggested reduction in their wages, should offer to increase the salary of their one big-salaried officer? It would sound ridiculous to the people in that case, and it will sound appalling to the people in this case if on this occasion, with an empty Treasury, we double the salary that the President has received so long. [Applause.]

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, we are a great people. This is a gigantic Government—one of the wealthiest countries in all the world. [Applause.] In my opinion, the taxpayers of this great Government are in favor of paying their servants decent wages. They are not stingy. They do not believe in the policy of "straining at a gnat and swallowing a camel." What the people want is honest men in public life, who will render efficient service, and they are willing to pay for it. They want men in official life who are true to their best interests, who will do justice to all without fear or favor, and they are willing to pay their officials compensation commensurate with the dignity of the office and the services performed. The people of the country are not mean. They want justice done to high and low, and equality before the law for all. My judgment is that in comparison with salaries paid the executives of other republics, the President of the United States is the poorest paid official in the world. At present he can not live on his salary in a way to reflect credit on the high office, and if he is not a rich man, he must run in debt. This is not right, and no one should expect it.

I do not believe there is an intelligent taxpayer in this country who will find fault with the Congress for voting to pay the President of the United States $25,000 more salary; and that is what this amendment does. The President now gets $50,000

a year and $25,000 for traveling expenses. This amendment proposes to give the President a salary of $100,000 without traveling expenses.

Mr. OLLIE M. JAMES. The $25,000 does not go to the President unless he uses it?

Mr. SULZER. He has used it.

Mr. OLLIE M. JAMES. He has not used it; he has not used more than $9,000.

Mr. SULZER. I understood that practically all the $25,000 appropriated has usually been expended.

Mr. OLLIE M. JAMES. The gentleman is entirely in error.

Mr. SULZER. Well, be that as it may, my opinion on the main proposition is unaltered. I am in favor of this amendment to pay the President of the United States a salary commensurate with the tremendous responsibilities incident to the great office that he holds—the greatest office in the world.

I believe that the people of the country favor paying our President an annual salary of $100,000. I introduced a bill in Congress some time ago fixing the compensation of the President at $100,000 a year, and I received hundreds of letters from people in all parts of the country favoring it, and I did not receive one letter against it. Many leading newspapers of the country editorially advocated it. I believe it is none too much; and I doubt if the President, all things considered, will be able to save very much of it.

Now, sir, I am in favor of paying the officials of the United States Government salaries commensurate with the positions they hold and the work they do, so that they can live respectably and decently. I am in favor, and I believe the people are in favor, of getting the very best ability they can for all these positions; and they are in favor of paying fair and just salaries. For that reason I just voted to increase the salary of the Speaker to $15,000 a year, and I do not think that is too much salary for the Speaker of this House. I shall also vote to increase the salary of the Vice-President, and the salaries of the United States Supreme Court justices, and the judges of the United States circuit and district courts. They are paid entirely too little. We are flying in the face of the best interests of the country in this matter.

The salaries of our judges are ridiculous in comparison with their great ability and the important and responsible work they do. The people all over the country are in favor of paying these judges proper salaries. The federal judges are now paid inadequately for their labor. We cry "economy." I am in favor of economy, but I am opposed to a "penny wise and a pound foolish" economy. I am against parsimony—against the false economy that saves at the spigot while the flood gates of the Treasury are opened wide to all kinds of appropriations, and in many instances, so far as the people are concerned, for matters of little moment and of questionable character. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Speaker, just a word more. I indulge the hope that the Senate amendment will be adopted and the salary of the President fixed at $100,000 a year.

Mr. BINGHAM. I yield four minutes to the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Speaker, to my mind the gravest aspect of this proposal to double the President's salary is not presented by the fact that we have a bankrupt treasury, grave as that is. It should not be a party question; for in a broader and better sense "We are all Democrats, we are all Republicans."

The leader of the minority has justly directed our attention to the comparisons drawn by periodicals and magazines, and by gentlemen on this floor, between the alleged compensation of the President and the rich emoluments of kings and princes. As if it followed that an injustice was done the President of the United States if we failed to maintain him and his in all the luxury of the wearer of a crown. Admitting, Mr. Speaker, for the sake of argument, that he does receive less than the monarchs of Europe, it is as it should be.

The difference between the life of a citizen President in the White House and the state of a king is vital, absolute, fundamental. It springs from the inherent and eternal variance between the genius of a republic and a monarchy.

The monarchs of Europe are encumbered by vast estates and palaces, the heavy inheritance of centuries of feudal tyranny.

Edward VII must maintain his establishments in England, Ireland, and Scotland—Sandringham, Windsor, and Buckingham. It is so all over the Continent. The object of greatest interest to the traveler, and often the source of pride to the misguided subject, is "the palace of the King."

Pomp and display are essential to the life and maintenance of a monarch. They weaken and corrupt a republic. It is necessary that a king should outshine the satellites who surround his throne and reflect his splendor.

The feathers that adorn the royal bird support him in his flight; strip him of his plumage and you fix him to the earth.

A monarchical government—

Says Montesquieu—

supposes preeminence and ranks as likewise a noble descent. * * * The state subsists independently of the love of our country, of the thirst of true glory, of self-denial, of the sacrifice of our dearest interests, and of all those heroic virtues which we admire in the ancients, and to us are known only by story.

The mainstay of monarchy is its power to excite and satisfy a lordly pride in the subject. Stars, garters, titles, and diadems are the secret of its power and the evidence of its glory.

The source and strength of a republic is virtue.

Virtue—

Says Montesquieu—

is therefore necessary in this body from the very nature of the constitution.

Our Presidents are simply the most eminent and trusted servants of the people, and history delights to record that among the rulers of the world they have been marked, not by the cost and tinsel of their equipages, but by the nobility of their character and the excellence of their administration.

It is to the eternal honor of our Presidents that, clothed with plenary powers denied every constitutional monarch of Europe, they have exercised this authority while living the simple life of a citizen, his children attending the common schools, neither seeking or receiving crowns or coronets, those baubles so dear to the vulgar rich; his home a modest mansion, almost devoid of equipage or luxury, pretension or display. These Presidents have surrendered their mighty commissions without effort or regret, returning to the people and resuming without loss of dignity the duties of a citizen.

The gentleman from New York [Mr. COCKRAN] has spoken of the "palace" in which we discharge our duties. It is true. No country in the world has such a Capitol as the one over which now floats the Stars and Stripes, and I thank God for it. [Loud applause.] I rejoice that no capital city on earth is adorned by edifices so magnificent. These buildings are not the private residences of a ruler, but the abode of a nation infinite in wealth and resource, and in their immensity, costliness, and beauty they commemorate the power of the Government and the glory of the country. [Loud applause.]

Mr. BINGHAM. Mr. Speaker, I yield four minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, the President of the United States is the Commander in Chief of the Army and the Navy of the United States. Officers and enlisted men of the army and navy of the United States and of all other countries are granted the privilege of retirement when they have honorably filled a faithful term of office. I believe that the compensation of the President of the United States was originally placed at a figure that would provide for such a purpose. After a service has been rendered in these two branches of the Government, an officer or enlisted man is not supposed to be compelled to engage in a competitive employment for a livelihood. Now, it has been shown, not only in connection with the President just leaving the office, but in connection with practically all of our Presidents who have received the present compensation, that substantially the whole amount has become necessary for the legitimate expenses of the service. Thus when they finish their faithful and honorable service they have no provision for retirement and are cut off from privileges enjoyed by other officers.

I estimate that three-quarters of active pay, which is the rate of retired pay allowed the officers of the army and navy, amounting in this case to $37,500 a year, taken for the length of time corresponding to the expectation of life of the average ex-President, would amount to between $350,000 and $400,000, which is approximately the aggregate increase of salary carried by this amendment in a presidential term. This would be just about the equivalent, therefore, of giving the Commander in Chief the benefit of retirement which we give to all other officers who have served faithfully in the army and the navy of the United States. The question of the maintenance of the establishment at the White House and the question of a deficit in the Treasury have nothing material to do with the question before us. It is simply whether we are to make it possible for a President, during his term of office, to provide for his future support. I do not believe that the American people wish to see their ex-Presidents driven to enter into competitive pursuits to keep the wolf from the door, and I do not believe, for any fictitious economy, we ought to require this of them. While we have an annual budget of a billion dollars, one-hundredth

part of 1 per cent is not excessive to pay the highest officer of the Government. I believe that with national assets of $120,000,000,000 the sum of $100,000 is far below the absolute minimum that could be expected on any business basis to be paid to the chief officer presiding over such a country.

Mr. BINGHAM. Mr. Speaker, I yield four minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, I listened with a great deal of pleasure to our distinguished friend from New York [Mr. COCKRAN], as I always do. He has the finest command of the English language of any man that I have run up against in fifty-eight years of tabernacling in the flesh, but I want to say that the intimation in his speech that we all voted to raise our own salaries is incorrect.

Mr. COCKRAN. I did not mean to say that. I meant that the Congress voted for it.

Mr. CLARK of Missouri. I say, in the language of Shakespeare:

Shake not thy gory locks at me; thou canst not say I did it.

I always voted against raising the salaries of Representatives and Senators, and I always voted against raising the salaries of Members' clerks. I said then that it was an evil example that would return to plague us, and the truth of that is abundantly demonstrated here to-day.

If they are determined to give the President of the United States this increase of $50,000 a year, thereby making his salary $100,000, I say the law ought to be amended so that $50,000 a year of that money shall remain in the Treasury until his term expires, and pay it to him then [applause], because the history of the past shows that almost every man who has occupied the White House—no difference whether he was getting $25,000 or $50,000 or $75,000, as the President is really getting now—spent every dollar while he was there; and if we gave him $150,000 a year, he would spend that. By so retaining one-half his salary he would be saved from the effects of his own improvidence and have enough to live on comfortably all his remaining days.

I agree with some of these gentlemen in one of their statements. It is pitiful to see an ex-President of the United States come to want. It is pitiful to see anybody come to want. Presidents of the United States ought to do like the rest of mankind—save part of their salaries and make provision for that old age which comes to most people. [Applause.] I repeat that there is not a man living who can justify these raises of salary in the condition that the Treasury and the country are in now.

Read the market reports of yesterday and see what is happening. Stocks going off everywhere, which is a premonitory symptom of coming panic. I hate to say that, but I believe it. Now, I want to say another word. The Speaker of this House deserves $15,000 a year just as much as does the Vice-President. More so. The Speaker does more work, and then he is not a mere figurehead. [Applause.] On the contrary, he comes very near being the whole show. [Great laughter.] We refused a few minutes ago to increase the Speaker's salary and surely we shall refuse to increase the Vice-President's salary. Otherwise we confess the superiority of the Senate.

I want to give it as my opinion that the $15,000 to the Speaker, a raise of $3,000 a year, was put in as a sop to Cerberus, as a kind of oil to grease the skids to let in these senatorial increases for the President, Vice-President, and the judiciary, and the whole crowd. [Laughter]. I do not believe there is a man in the House that can justify this increase to his constituents at home. [Applause.]

Mr. BINGHAM. Mr. Speaker, I demand the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Pennsylvania to recede from the disagreement with the Senate and concur in the amendment.

The question was taken, and on a division (demanded by Mr. GILLETT) there were 145 ayes and 154 noes.

Mr. WATSON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 168, answered "present" 3, not voting 74, as follows:

YEAS—141.

Alexander, N. Y.	Bede	Burton, Del.	Cook, Pa.
Allen	Bennet, N. Y.	Burton, Ohio	Cooper, Wis.
Ames	Bingham	Butler	Coudrey
Andrus	Bonynge	Calder	Dalzell
Bannon	Boutell	Calderhead	Denby
Barchfeld	Bradley	Chaney	Douglas
Barclay	Brownlow	Cockran	Draper
Bartholdt	Burke	Cocks, N. Y.	Durey
Bates	Burleigh	Cole	Dwight
Ellis, Mo.	Higgins	Lovering	Rodenberg
Ellis, Oreg.	Hill, Conn.	McCall	Rothermel
Englebright	Hobson	McCreary	Ryan
Fitzgerald	Howell, N. J.	McKinlay, Cal.	Scott
Focht	Howland	McKinley, Ill.	Slemp
Foss	Huff	McKinney	Smith, Cal.
Foster, Ind.	Hughes, W. Va.	McLachlan, Cal.	Smith, Mich.
Foster, Vt.	Humphrey, Wash.	McMorran	Southwick
Foulkrod	Jenkins	Madison	Sperry
French	Jones, Wash.	Malby	Stevens, Minn.
Fuller	Keifer	Martin	Sulloway
Gaines, W. Va.	Keliher	Moon, Pa.	Sulzer
Gardner, Mass.	Kennedy, Ohio	Moore, Pa.	Tawney
Gardner, N. J.	Kipp	Mudd	Taylor, Ohio
Gillett	Knapp	Needham	Thomas, Ohio
Goebel	Knopf	Olcott	Tirrell
Goulden	Knowland	Overstreet	Waldo
Graff	Küstermann	Parker	Washburn
Graham	Lafean	Parsons	Watson
Greene	Landis	Payne	Weeks
Gronna	Langley	Peters	Wheeler
Guernsey	Law	Porter	Wilson, Ill.
Hale	Lawrence	Pray	Woodyard
Harding	Lindsay	Prince	The Speaker
Haskins	Longworth	Pujo	
Hawley	Loud	Riordan	
Hepburn	Loudenslager	Roberts	

NAYS—168.

Acheson	Denver	Hubbard, Iowa	Pollard
Adair	Diekema	Hubbard, W. Va.	Pou
Aiken	Dixon	Hull, Iowa	Rainey
Alexander, Mo.	Driscoll	Hull, Tenn.	Randell, Tex.
Anthony	Edwards, Ga.	Humphreys, Miss.	Ransdell, La.
Barnhart	Edwards, Ky.	James, Ollie M.	Rauch
Bartlett, Ga.	Ellerbe	Johnson, Ky.	Reeder
Beale, Pa.	Esch	Johnson, S. C.	Robinson
Beall, Tex.	Estopinal	Kennedy, Iowa	Rucker
Bell, Ga.	Ferris	Kimball	Russell, Mo.
Bennett, Ky.	Floyd	Kinkaid	Russell, Tex.
Booher	Fornes	Kitchin	Sabath
Boyd	Foster, Ill.	Lassiter	Saunders
Brodhead	Fulton	Lee	Shackleford
Broussard	Gaines, Tenn.	Lenahan	Sheppard
Brundidge	Gardner, Mich.	Lever	Sherley
Burgess	Garner	Lewis	Sherwood
Burleson	Garrett	Lindbergh	Sims
Burnett	Gilhams	Livingston	Slayden
Byrd	Gill	Lloyd	Small
Campbell	Gillespie	McHenry	Smith, Iowa
Candler	Gregg	McLain	Smith, Mo.
Capron	Hackney	McLaughlin, Mich.	Smith, Tex.
Carter	Haggott	McMillan	Snapp
Caulfield	Hamilton, Iowa	Macon	Speight
Chapman	Hamilton, Mich.	Madden	Stafford
Clark, Mo.	Hamlin	Mann	Stanley
Clayton	Hammond	Maynard	Steenerson
Conner	Hardwick	Miller	Stephens, Tex.
Cook, Colo.	Harrison	Moon, Tenn.	Swasey
Cooper, Pa.	Haugen	Moore, Tex.	Talbott
Cooper, Tex.	Hay	Morse	Thomas, N. C.
Cox, Ind.	Hayes	Murdock	Tou Velle
Craig	Heflin	Murphy	Townsend
Cravens	Helm	Nelson	Underwood
Crawford	Henry, Conn.	Nicholls	Volstead
Crumpacker	Henry, Tex.	Norris	Wallace
Cushman	Hinshaw	Nye	Watkins
Darragh	Hitchcock	O'Connell	Webb
Davenport	Holliday	Padgett	Williams
Davis	Houston	Page	Wilson, Pa.
Dawson	Howell, Utah	Perkins	Wood

ANSWERED "PRESENT"—3.

Adamson	Finley	Sherman

NOT VOTING—74.

Ansberry	Flood	Kahn	Reid
Ashbrook	Foelker	Lamar, Fla.	Reynolds
Bartlett, Nev.	Fordney	Lamar, Mo.	Rhinock
Birdsall	Fowler	Lamb	Richardson
Bowers	Glass	Laning	Sparkman
Brantley	Godwin	Leake	Sterling
Caldwell	Goldfogle	Legare	Sturgiss
Carlin	Gordon	Lorimer	Taylor, Ala.
Cary	Griggs	Lowden	Thistlewood
Cassel	Hackett	McDermott	Vreeland
Clark, Fla.	Hall	McGavin	Wanger
Cousins	Hamill	McGuire	Weems
Currier	Hardy	Marshall	Weisse
Davidson	Hill, Miss.	Mondell	Wiley
Dawes	Howard	Mouser	Willett
De Armond	Hughes, N. J.	Olmsted	Wolf
Fairchild	Jackson	Patterson	Young
Fassett	James, Addison D.	Pearre	
Favrot	Jones, Va.	Pratt	

So the motion was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. CURRIER with Mr. FINLEY.

Until further notice:

Mr. PEARRE with Mr. MCDERMOTT.

Mr. CASSEL with Mr. GORDON.

Mr. COUSINS with Mr. BARTLETT of Nevada.

Mr. OLMSTED with Mr. BRANTLEY.

Mr. FAIRCHILD with Mr. RHINOCK.

Mr. LANING with Mr. ASHBROOK.

Mr. FORDNEY with Mr. RICHARDSON.

Mr. LOWDEN with Mr. CARLIN.
Mr. MARSHALL with Mr. FAVROT.
Mr. MONDELL with Mr. HACKETT.
Mr. MOUSER with Mr. HAMILL.
Mr. SHERMAN with Mr. LAMB.
Mr. STERLING with Mr. HARDY.
Mr. STURGISS with Mr. HUGHES of New Jersey.
Mr. THISTLEWOOD with Mr. REID.
Mr. VREELAND with Mr. SPARKMAN.
Mr. YOUNG with Mr. WILLETT.

Mr. RICHARDSON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and giving attention when his name was called or should have been called?

Mr. RICHARDSON. I came in from the Office Building, hurrying as much as I could.

The SPEAKER. But was not present when his name was called?

Mr. RICHARDSON. I did not hear my name called.

The SPEAKER. Was the gentleman giving attention when his name should have been called?

Mr. RICHARDSON. Well, I was trying to get here, Mr. Speaker.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Mr. CLARK of Missouri. Mr. Speaker, I move to reconsider and to lay that motion on the table.

Mr. WATSON. Mr. Speaker, I now move to recede and to concur, with an amendment.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

Mr. WATSON. The gentleman can not take me off my feet.

Mr. MANN. Yes; I can with a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MANN. The gentleman from Pennsylvania [Mr. BINGHAM] in charge of the bill, having been defeated on this motion, is not the opposition now entitled to recognition under the practice of the House?

The SPEAKER. First, the gentleman from Missouri moves to reconsider and to lay that motion on the table. Did the gentleman vote in the affirmative?

Mr. CLARK of Missouri. No.

Mr. SHERLEY. That is not necessary.

The SPEAKER. The Chair will hear the motion of the gentleman from Indiana.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry. I voted with the majority, and have I not the right to make the usual motion to reconsider and to lay that motion on the table?

The SPEAKER. The gentleman is correct. The Chair misapprehended the situation for a moment.

Mr. CLARK of Missouri. Then, I move to reconsider and to lay that motion on the table. First, however, I move to instruct the conferees——

The SPEAKER. But the gentleman is not at this time recognized for that motion to instruct.

Mr. WATSON. Mr. Speaker, I move to recede and concur with an amendment striking out "one hundred" and inserting "seventy-five," and on that I demand the previous question.

Mr. MANN. Mr. Speaker, I submit that the gentleman is not entitled to recognition for that purpose, and that some gentleman in opposition to the amendment of the Senate, and a member of the majority on the last vote, is entitled to recognition to make a motion to further insist on the disagreement.

The SPEAKER. This is a case of preferential motions, and it is the rank of the motion rather than the rank of the Member that decides.

Mr. CLARK of Missouri. I move that the House conferees be instructed——

The SPEAKER. But we have not got to the point of instruction as yet. The Chair will hear the motion of the gentleman from Missouri.

Mr. CLARK of Missouri. I move that the House further insist on its disagreement to this amendment.

The SPEAKER. The gentleman desires to move that the House do further insist on its disagreement to the Senate amendment.

Mr. CLARK of Missouri. On this amendment.

Mr. WATSON. Mr. Speaker, I make the point——

The SPEAKER. The motion will be entered; but the motion of the gentleman from Indiana [Mr. WATSON], in the opinion of the Chair, takes precedence of that motion. The motion of the gentleman from Indiana is to recede from its disagreement with the Senate and to concur with an amendment, namely, to fix the salary at $75,000. In the opinion of the Chair, that motion takes precedence of the motion of the gentleman from Missouri.

Mr. WATSON. On that I demand the previous question.

The SPEAKER. On that the gentleman demands the previous question.

Mr. MANN. But the gentleman is not entitled to the floor to demand the previous question.

Mr. WATSON. I demanded the previous question in my original motion.

The SPEAKER. The motion determines who shall be recognized, and this motion takes precedence.

Mr. FITZGERALD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. While the motion takes precedence, the control of the floor passes to those who were in the majority on the last vote, and the gentleman from Missouri [Mr. CLARK] is entitled to the control of the floor.

Mr. CLARK of Missouri. Oh, Mr. Speaker, I have no objection to the vote being taken.

The SPEAKER. Very well. The question is on ordering the previous question on the motion of the gentleman from Indiana.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the amendment of the gentleman from Indiana that the House recede from its disagreement to the Senate amendment and agree to the same with an amendment, which the Clerk, without objection, will again report.

The Clerk read as follows:

Strike out "one hundred" and insert "seventy-five."

Mr. CLARK of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 149, answered "present" 2, not voting 71, as follows:

YEAS—164.

Alexander, N. Y.	Dwight	Humphrey, Wash.	Parker
Allen	Ellis, Mo.	Jenkins	Parsons
Ames	Ellis, Oreg.	Jones, Wash.	Payne
Andrus	Englebright	Keifer	Pearre
Bannon	Esch	Kellher	Perkins
Barchfeld	Estopinal	Kinkaid	Peters
Barclay	Focht	Kipp	Porter
Bartholdt	Fornes	Knapp	Pray
Bates	Foss	Knopf	Prince
Beale, Pa.	Foster, Ind.	Knowland	Pujo
Bennet, N. Y.	Foster, Vt.	Küstermann	Riordan
Bennett, Ky.	Foulkrod	Lafean	Rodenberg
Bingham	French	Lamar, Fla.	Rothermel
Bonynge	Fuller	Landis	Ryan
Boutell	Gaines, W. Va.	Langley	Slemp
Boyd	Gardner, Mass.	Law	Smith, Cal.
Bradley	Gilhams	Lawrence	Smith, Mich.
Broussard	Gillett	Lindsay	Southwick
Brownlow	Goebel	Longworth	Sperry
Burke	Goulden	Loud	Sterling
Burleigh	Graff	Loudenslager	Stevens, Minn.
Burton, Del.	Graham	Lovering	Sturgiss
Burton, Ohio	Greene	McCall	Sulloway
Butler	Gronna	McCreary	Sulzer
Calder	Guernsey	McGuire	Swasey
Calderhead	Haggott	McKinlay, Cal.	Tawney
Chaney	Hale	McKinley, Ill.	Taylor, Ohio
Cockran	Hall	McKinney	Thomas, Ohio
Cocks, N. Y.	Hamill	McLachlan, Cal.	Tirrell
Cole	Harding	McMillan	Volstead
Cook, Pa.	Haskins	McMorran	Vreeland
Cooper, Pa.	Hawley	Madison	Waldo
Cooper, Wis.	Hepburn	Malby	Wanger
Coudrey	Higgins	Martin	Washburn
Cousins	Hill, Conn.	Moon, Pa.	Watson
Dalzell	Hobson	Moore, Pa.	Weeks
Denby	Howell, Utah	Mudd	Wheeler
Douglas	Howland	Needham	Wilson, Ill.
Draper	Hubbard, W. Va.	Nye	Wood
Driscoll	Huff	Olcott	Woodyard
Durey	Hughes, W. Va.	Overstreet	The Speaker

NAYS—149.

Acheson	Clayton	Gaines, Tenn.	Hitchcock
Adair	Conner	Garner	Holliday
Adamson	Cook, Colo.	Garrett	Houston
Aiken	Cox, Ind.	Gill	Hubbard, Iowa
Alexander, Mo.	Craig	Gillespie	Hull, Iowa
Anthony	Crawford	Gordon	Hull, Tenn.
Barnhart	Crumpacker	Gregg	Humphreys, Miss.
Bartlett, Ga.	Cushman	Griggs	James, Ollie M.
Beall, Tex.	Darragh	Hackney	Johnson, Ky.
Bede	Davenport	Hamilton, Iowa	Johnson, S. C.
Bell, Ga.	Davis	Hamilton, Mich.	Kennedy, Iowa
Booher	Dawson	Hamlin	Kimball
Brodhead	Denver	Hammond	Kitchin
Burgess	Diekema	Hardwick	Lamb
Burnett	Dixon	Hardy	Lassiter
Byrd	Edwards, Ga.	Harrison	Lee
Campbell	Edwards, Ky.	Haugen	Lenahan
Candler	Ellerbe	Hay	Lever
Capron	Ferris	Heflin	Lewis
Carter	Fitzgerald	Helm	Lindbergh
Caulfield	Floyd	Henry, Conn.	Livingston
Chapman	Foster, Ill.	Henry, Tex.	Lloyd
Clark, Mo.	Fulton	Hinshaw	McHenry

McLain	O'Connell	Russell, Tex.	Steenerson
McLaughlin, Mich.	Padgett	Sabath	Stephens, Tex.
Macon	Page	Saunders	Talbott
Mann	Pollard	Shackleford	Thomas, N. C.
Maynard	Pou	Sheppard	Tou Velle
Miller	Rainey	Sherley	Townsend
Mondell	Randell, Tex.	Sherwood	Underwood
Moon, Tenn.	Ransdell, La.	Sims	Wallace
Moore, Tex.	Rauch	Slayden	Watkins
Morse	Reeder	Small	Webb
Murdock	Rhinock	Smith, Iowa	Williams
Murphy	Richardson	Smith, Mo.	Wilson, Pa.
Nelson	Robinson	Smith, Tex.	
Nicholls	Rucker	Stafford	
Norris	Russell, Mo.	Stanley	

ANSWERED "PRESENT"—2.

Finley	Sherman

NOT VOTING—71.

Ansberry	De Armond	Hughes, N. J.	Patterson
Ashbrook	Fairchild	Jackson	Pratt
Bartlett, Nev.	Fassett	James, Addison D.	Reid
Birdsall	Favrot	Jones, Va.	Reynolds
Bowers	Flood	Kahn	Roberts
Brantley	Foelker	Kennedy, Ohio	Scott
Brundidge	Fordney	Lamar, Mo.	Snapp
Burleson	Fowler	Laning	Sparkman
Caldwell	Gardner, Mich.	Leake	Spight
Carlin	Gardner, N. J.	Legare	Taylor, Ala.
Cary	Glass	Lorimer	Thistlewood
Cassel	Godwin	Lowden	Weems
Clark, Fla.	Goldfogle	McDermott	Weisse
Cooper, Tex.	Hackett	McGavin	Wiley
Cravens	Hayes	Madden	Willett
Currier	Hill, Miss.	Marshall	Wolf
Davidson	Howard	Mouser	Young
Dawes	Howell, N. J.	Olmsted	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HAYES with Mr. COOPER of Texas.

Mr. SNAPP with Mr. WILEY.

Mr. SCOTT with Mr. SPIGHT.

Mr. MADDEN with Mr. HOWARD.

Mr. KENNEDY of Ohio with Mr. CRAVENS.

Mr. KAHN with Mr. BURLESON.

Mr. HOWELL of New Jersey with Mr. BRUNDIDGE.

Mr. GARDNER of New Jersey with Mr. GLASS.

Mr. GARDNER of Michigan with Mr. BARTLETT of Nevada.

Mr. FAIRCHILD. Mr. Speaker, I would like to vote "aye."

The SPEAKER. Was the gentleman present and giving attention when his name was called?

Mr. FAIRCHILD. I was not; I was out.

The SPEAKER. Then the gentleman does not bring himself within the rule.

The SPEAKER directed that his name be called; and when it was called, he answered "aye."

The result of the vote was announced as above recorded.

[Applause.]

Mr. BINGHAM. Mr. Speaker, I now move consideration of amendment numbered 61, and on that I yield to the gentleman from Indiana [Mr. WATSON] for an amendment.

The SPEAKER. The Clerk will report an amendment numbered 61.

The Clerk read as follows:

Amendment 61, page 37, line 14, after "dollars," insert:
"This sum to include all transportation expenses now otherwise provided for by law, and after the 3d of March, 1909, the compensation of the President of the United States shall be $100,000 per annum."

Mr. WATSON. Mr. Speaker——

The SPEAKER. The gentleman from Pennsylvania yields to the gentleman from Indiana for an amendment?

Mr. WATSON. Yes; for an amendment. I move that the House recede from its disagreement to Senate amendment numbered 61 and concur in that amendment with an amendment striking out $100,000 and inserting $75,000, and on that I move the previous question.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "one hundred" and insert "seventy-five."

Mr. MILLER. Mr. Speaker——

Mr. WATSON. Mr. Speaker, I am informed by the gentleman from Pennsylvania that there was an understanding that the previous question was not to be ordered, and with that understanding, therefore, from the gentleman from Pennsylvania, I desire to withdraw that portion of my motion in which I demanded the previous question.

The SPEAKER. The Chair will state the motion. The gentleman from Indiana moves that the House do recede from its disagreement to Senate amendment numbered 61 and agree to the same with an amendment to strike out the words "one hundred" and insert the word "seventy-five;" and the gentleman from Pennsylvania has the floor.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Indiana a question in reference to his proposition, so I may understand it. I want to understand whether, if the proposition of the gentleman from Indiana is adopted, it fixes the salary of the President at $75,000 and does away entirely with traveling expenses.

Mr. WATSON. That is my understanding of the effect of this proposition.

Mr. MANN. Well, that would not be the effect of the proposition.

Mr. WATSON. I am not answering according to the understanding of the gentleman from Illinois, but from the understanding of "the gentleman from Indiana," who was answering the question.

The SPEAKER. Without objection, the Clerk will again report the amendment as it is proposed by the gentleman in the motion that he has made. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Page 37, line 14, after the word "dollars," insert:
"This sum to include all transportation expenses now otherwise provided for by law, and after the 3d of March, 1909, the compensation of the President of the United States shall be $75,000 per annum."

Mr. MANN. Now, will the gentleman from Pennsylvania [Mr. BINGHAM] yield for a question?

Mr. BINGHAM. Certainly.

Mr. MANN. Was it the intention, as the gentleman from Pennsylvania understands, to limit the compensation and traveling expenses of the President hereafter to $75,000?

Mr. BINGHAM. I was not acquainted with the detail of the proposition of the gentleman's amendment. It is for him to state, and he can state it.

Mr. MANN. The only amendment the gentleman from Indiana [Mr. WATSON] offers is to reduce the amount from $100,000 to $75,000.

Mr. GILLETT. I will state to the gentleman that that was the understanding in the conference.

Mr. MANN. Then I call the attention of the gentleman to the fact that, so far as the transportation expenses are concerned, this amendment only relates to the ensuing fiscal year, and leaves the law providing for $25,000 a year for traveling expenses after the first of the next fiscal year still a law, and, with the President's salary at $75,000, makes a total of $100,000. And I ask the gentlemen whether they will be willing to accept an amendment providing, at the end of the amendment, "this amount shall cover all transportation expenses now otherwise provided for by law," so that $75,000 will hereafter cover both the salary and traveling expenses?

Mr. GILLETT. I think that ought to be done, I will say, Mr. Speaker. I think it ought to be done in order to carry out the purpose of the gentleman from Indiana [Mr. WATSON]. I will say personally, however, that I am in favor of allowing this $25,000 in addition to the $75,000.

Mr. MANN. I understand; but I am only getting at the purpose of the amendment of the gentleman from Indiana. He offered no amendment except to change the amount in the Senate amendment from $100,000 to $75,000. Now the chairman of the committee brings in the Senate amendment.

Mr. BINGHAM. The House has voted down the Senate amendment.

Mr. MANN. The House has not voted on the Senate amendment.

Mr. WATSON. My advice to the gentleman would be that the amendment be accepted.

Mr. MANN. Will the gentleman yield to me to offer an amendment to the amendment of the gentleman from Indiana [Mr. WATSON]?

Mr. BINGHAM. The House is in control now, in view of the amendment of the gentleman from Indiana [Mr. WATSON].

Mr. WATSON. The gentleman simply yielded to me to make the motion.

Mr. BINGHAM. I will yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Then, Mr. Speaker, I move to amend the motion of the gentleman from Indiana by inserting at the end of the Senate amendment this language:

Which amount shall cover all transportation expenses now otherwise provided for by law.

The SPEAKER. Without objection, the Clerk will again read the amendment numbered 60, as has been passed upon by the House, and in connection with amendment numbered 60, amendment numbered 61 as it is proposed to be amended by the gentleman from Indiana [Mr. WATSON]. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Amendment numbered 60. Page 37, line 14, strike out "fifty" and insert "one hundred."

Amendment numbered 61. Page 37, line 14, after "dollars" insert: "This sum to include all transportation expenses now otherwise provided for by law, and after the 3d of March, 1909, the compensation of the President of the United States shall be $75,000 per annum."

Mr. MANN. Now, I call the attention of the Speaker, who evidently had not caught the point I made, that the limitation upon the transportation expenses only applies to the next fiscal year, while the change of the law fixing the salary of the President says nothing about transportation expenses. Therefore I wish to offer an amendment making it perfectly clear that hereafter the President gets $75,000 a year for salary, including his transportation expenses.

The SPEAKER. The Chair will suggest to the gentleman that if he will put the word "hereafter" in the amendment after the word "to," in line 14, making it read "this sum to hereafter include"——

Mr. MANN. Yes; but that is only an appropriation for the next fiscal year, "for compensation of the President of the United States, $75,000." That is an appropriation for the ensuing fiscal year. There is no change of law about that. It says:

This sum to include all transportation expenses.

The SPEAKER. What is the gentleman's amendment?

Mr. MANN. Following the end of the other amendment, "which amount shall cover all transportation expenses now otherwise provided for by law."

The SPEAKER. To come in on line 3.

Mr. MANN. So that it will read that "after the 3d of March, 1909, the compensation of the President of the United States shall be $75,000 per annum, which amount shall cover all transportation expenses now otherwise provided for by law."

The SPEAKER. The gentleman modifies the amendment with an amendment which the Clerk will report.

The Clerk read as follows:

Insert at the end of the Senate amendment 61:
"which amount shall cover all transportation expenses now otherwise provided for by law."

The SPEAKER. With the consent of the House, the gentleman from Indiana modifies his amendment as read by the Clerk.

Mr. COCKRAN. I object. I would like to have a separate vote on this proposition.

The SPEAKER. The gentleman from Indiana can withdraw his amendment and offer it in any form he desires.

Mr. WATSON. "The gentleman from Indiana" is entirely satisfied with the existing status. So far as I have any influence, I have advised the chairman of the committee that has this bill in charge to accept this amendment, but the gentleman from New York has seen fit to interpose an objection to this matter for unanimous consent on another question.

Mr. MANN. The gentleman from Pennsylvania yielded the floor to me to offer the amendment as an amendment.

The SPEAKER. But the amendment is pending as an amendment to the motion.

Mr. WATSON. Mr. Speaker, if I can be recognized for that purpose, I will move to withdraw the amendment and reoffer it in another form.

The SPEAKER. The gentleman does not have to move to do so. Up to this time he has the absolute right to do so.

Mr. WATSON. Then, within the limits I do so.

The SPEAKER. Does the gentleman now make the motion?

Mr. WATSON. I do now make the motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Recede from the disagreement to Senate amendment No. 61, and agree to the same with an amendment, or so that it will read as follows:

"Page 37, line 14, after 'dollars,' insert: 'this sum to include all transportation expenses now otherwise provided for by law, and after the 3d of March, 1909, the compensation of the President of the United States shall be $75,000, which amount shall cover all transportation expenses now otherwise provided for by law.'"

The SPEAKER. The question is on the adoption of the motion.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 62, page 37, line 16, strike out "twelve" and insert "fifteen."

Mr. BINGHAM. I ask for a vote on amendments 62 and 63. I move that the House recede from its disagreement to Senate amendments and accede to the same; and I ask for a vote.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Recede from disagreement to the Senate amendment 62 and agree to the same.

Mr. GILLETT. Why, Mr. Speaker, I think the House does not understand that. The gentleman has made a motion to recede, in accord with the motion he has made on all the other amendments; but inasmuch as the House has already voted against raising the salary of the Speaker, I do not suppose there is any intention on the part of the House to raise the salary of the Vice-President; so it is the purpose of the House to insist on disagreement.

Mr. MANN. The vote ought to be taken on amendments 62 and 63 together.

Mr. BINGHAM. The House gave unanimous consent for a vote on these propositions. I am simply doing as I announced before, that I would make one consistent motion; and that is the reason I am making the motion to recede and concur.

The SPEAKER. The gentleman from Pennsylvania moves that the House do recede from its disagreement to the Senate amendments and concur in the Senate amendment.

Mr. MANN. I suggest to the gentleman, Mr. Speaker, that he make that motion on amendments 62 and 63, because they are alike.

The SPEAKER. If there be no objection, the gentleman's motion will cover both.

Mr. SHERLEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. If the motion to recede and concur is voted down, will it then be in order to move to recede and agree with an amendment?

The SPEAKER. It seems to the Chair it would be in order to recede from the disagreement with the Senate.

Mr. SHERLEY. But the motion of the gentleman from Pennsylvania is to recede and concur. If that be voted down, would it not be in order to concur with an amendment?

The SPEAKER. Substantially so, although phrased a little differently.

Mr. SHERLEY. If a division is demanded on the motion to recede and concur, and the motion to recede is voted down, then the next step in order would be for the House to further insist on its disagreement. I want to prevent this continuous reconsideration.

The SPEAKER. Precisely; and when the question is presented the Chair will rule upon it.

Mr. SHERLEY. I demand a division of the question.

The SPEAKER. The question is on receding from the disagreement of the House to Senate amendment 62.

Mr. PAYNE. Mr. Speaker, I want to suggest that amendments 62 and 63 be read. If gentlemen are given an opportunity to see that they are virtually the same amendment, there will probably be no occasion for a division.

Mr. SHERLEY. That is the gentleman's opinion; but this House had a vote on a proposition, and immediately after that the gentleman from Indiana [Mr. WATSON] forced us to another vote.

Mr. MANN. It is simply a misunderstanding as to what the division is upon, that is all.

The SPEAKER. The Clerk will report the motion of the gentleman from Pennsylvania.

The Clerk read as follows:

Recede from the House disagreement to Senate amendments numbered 62 and 63 and agree to the same.

Mr. HENRY of Texas. May we not have the amendments read?

The SPEAKER. Yes; if there be no objection, the Clerk will read the amendments again.

The Clerk read as follows:

Amendment 62: Page 37, line 16, strike out "twelve" and insert "fifteen."

Amendment 63: Page 37, line 16, after "dollars," insert "to take effect on March 4, 1909."

The SPEAKER. So that it will read——

The Clerk read as follows:

So that it will read: "For compensation of the Vice-President of the United States, $15,000, to take effect March 4, 1909."

Mr. SHERLEY. Now, I have demanded a division on the motion.

The SPEAKER. The vote, then, will be taken upon amendment 62.

Mr. SHERLEY. Oh, no, Mr. Speaker. That is not my request.

The SPEAKER. The Chair understands the gentleman. The question will be taken upon receding from the disagreement of the House to the Senate amendments.

The question being taken, on a division (demanded by Mr. GAINES of West Virginia) there were—ayes 143, noes 187.

Accordingly the House refused to recede from its disagreement.

Mr. GILLETT. I move that the House insist on its disagreement to the amendments of the Senate—to both amendments.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 64: Page 40, line 19, after "dollars," where it occurs the first time, insert:
"Undersecretary of State, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of State may designate and as may be provided by law, $10,000."

Mr. BINGHAM. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 64 and agree to the same amended as follows: Strike out the word "under," in the first line, and insert in lieu thereof the word "vice;" and strike out "$10,000" and insert in lieu thereof "$7,500."

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Recede from the House disagreement to amendment No. 64 and agree to the same with an amendment striking out the word "under" and inserting in lieu thereof the word "vice;" also striking out the words "ten thousand dollars" and inserting in lieu thereof the words "seven thousand five hundred dollars."

So that the amendment will read:

Page 40, line 19, after "dollars," where it occurs the first time, insert: "Vice-Secretary of State, to be appointed by the President, by and with the advice and consent of the Senate, who shall perform such duties as the Secretary of State may designate, and as may be provided by law, $7,500."

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. COCKRAN. Will the gentleman give way long enough to explain to the House the reason for this suggestion of vice, so to speak, and precisely why the Department of State should be equipped with these assistants beyond what any other department of the Government is likely to enjoy?

Mr. GILLETT. Mr. Speaker, this "vicious" amendment that is referred to——

Mr. COCKRAN. I said "a suggestion of vice."

Mr. GILLETT. "Vicious" is a synonym for that. That word was put in for this reason: The other day the House instructed the conferees to insist upon their disagreement. The conferees have done so, but now this proposition which the gentleman from Pennsylvania has submitted is made, as it is hoped, to meet the desires of the House.

Personally I will say that I do not like the change of the word "under" to "vice." Personally I should prefer the word "under," which is used in diplomatic circles. This is not a local matter; this is a diplomatic matter. It is language which is not confined to our country. It is language which authorizes the appointment of an officer who deals with ministers from other countries, and therefore, above all others, it seems to me appropriate that we should use a term understood in diplomatic circles and in the world outside, and therefore I should prefer the word "under."

But it was understood that there were objections by some Members of the House, and inasmuch as what we aim at is results, and nomenclature is of no great importance, the change was made from the word "under" to the word "vice." The word is of slight importance. The important question is the establishment of this new officer.

Mr. COCKRAN. That is it. How did we get along all these years without him?

Mr. GILLETT. He is required from the excessive work now burdening the Secretary of State. That is what has been told us.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. GILLETT. Certainly.

Mr. PERKINS. Is it not conceded by the gentleman from Massachusetts that the affairs of the Secretary of State, during the past twelve years, have been conducted with unexampled efficiency, and sufficiency without the existence of these five additional officers which the gentleman now asks us to authorize?

Mr. GILLETT. The gentleman from New York is mistaken in saying that we ask for five new officers. I agree, as the gentleman says, that in recent years the Department of State has been conducted with unexampled strength and wisdom, and we can be very proud of it, but the gentleman who has recently been Secretary of State, and who I think ranks as one of the great Secretaries of our history, is the man who first made this suggestion, I am told, that there should be an office with high enough salary to procure a man of high attainments to take from him a part of the important work of the department and meet the foreign representatives, so that it will leave him more opportunity for the intellectual——

Mr. MANN. And dinner giving.

Mr. GILLETT. That is absurd.

Mr. MANN. Will the gentleman yield for a question?

Mr. GILLETT. Certainly.

Mr. MANN. Will the gentleman inform us whether Secretary Root in his annual report recommended this office or in the estimates submitted to the Treasury Department the office was recommended or in any communication to the House Committee on Foreign Affairs he recommended the office or in any communication to anyone in the House he has recommended the office?

Mr. GILLETT. I do not know that he did.

Mr. PERKINS. Will the gentleman yield for another question?

Mr. GILLETT. I will.

Mr. PERKINS. I would like to ask the gentleman whether it is not his opinion that the great familiarity that Secretary Root has with all the questions of detail in his office to which he was obliged to attend himself was one of the reasons for his extraordinary success when he had to deal with the great questions of his office?

Mr. GILLETT. That is a matter of detail of which I have no knowledge.

Mr. PERKINS. Will the gentleman from Massachusetts yield for still another question?

Mr. GILLETT. I will.

Mr. PERKINS. Does it not seem that when the temper of the House is opposed to the increases of salary for which there is much to be said, it is somewhat inopportune to reach the same result to a larger extent by creating four or five additional officers to do the work which has been done more satisfactorily by the Secretary of State for twelve long years?

Mr. GILLETT. I will ask the gentleman what he means by "four or five additional officers?"

Mr. PERKINS. The under-secretary, or vice-secretary, is an entirely new office.

Mr. GILLETT. Certainly.

Mr. PERKINS. And the fourth assistant secretary is entirely new, and private secretary, I think, is entirely new.

Mr. GILLETT. Mr. Speaker, there are three new offices.

Mr. PERKINS. I do not care anything about the messenger and clerk. I do not know whether they are new or not.

Mr. GILLETT. Practically there are only two new offices of any account. The office of vice-secretary and the fourth assistant secretary. Now we are discussing simply the vice-secretary, and in answer to the gentleman, I will express the reasons which were given to us in the conference for appointing this official.

Mr. WILLIAMS. Has not this vice-secretary a secretary?

Mr. GILLETT. Certainly.

Mr. WILLIAMS. Has not this assistaant secretary a secretary?

Mr. GILLETT. No; I think not.

Mr. WILLIAMS. Are there not smaller fleas to feed upon the larger fleas?

Mr. GILLETT. Mr. Speaker, the reason stated was this: There is no question that in the last ten years our country has grown in its diplomatic relations with the rest of the world beyond all precedent. Not only have our commerce and our exports developed, but the war with Spain and the acquisition of the Philippines have brought us into closer connection with the whole world, particularly the East, and therefore made us a nation with diplomatic questions such as we never had before. We were told that the Secretary of State during this time has been very much overworked; and that it was wise and fair, inasmuch as there had been no increase in the higher offices of this department for over thirty years, that there should be somebody who would relieve him of a portion of his burdens and allow him to spend more time than had ever been accorded before in considering these great diplomatic questions.

Mr. OLLIE M. JAMES. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. GILLETT. Yes.

Mr. OLLIE M. JAMES. In view of the heavy strain upon the present Secretary of State in performing the very heavy duties which the gentleman has described, I would ask him if he believes he will be able to represent the State of New York in the Senate hereafter?

Mr. GILLETT. Oh, I do not think the time of the House ought to be taken up by such interruptions.

Mr. COCKRAN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from New York?

Mr. GILLETT. Certainly.

Mr. COCKRAN. I would like to ask the gentleman a question, and that is whether the business of the State Department now is any more important or any more extensive than it was during the critical period of the civil war——

Mr. GILLETT. Probably not.

Mr. COCKRAN (continuing). When, I believe, there was neither a vice nor an undersecretary of state nor a fourth assistant Secretary of State.

Mr. GILLETT. The consular and diplomatic service and interests are very much more world-wide than they were at that time. Of course, immediately at the crises of the civil war the relations with England and France undoubtedly required more time and mental strain than at any time in peace, but since then Japan and China have come into the scope of our diplomatic relations, countries which were then absolutely of no importance diplomatically.

Mr. BARTHOLDT. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. I yield.

Mr. BARTHOLDT. I should like to ask my friend from Massachusetts whether it is not true that a tremendous amount of new work has to be performed by the State Department, new because of a new policy adopted by this Government, and, fortunately, by other governments, because of the fact that arbitration treaties are being concluded between all the countries of the world.

I have learned from officials of the State Department that that has increased the work of that department tremendously, and it has not only increased the work of our State Department, but the work in all foreign offices of the world. During Mr. Root's incumbency we have concluded 18 different arbitration treaties with 18 countries of the world. These treaties must be prepared in the State Department. The details must be looked after——

Mr. GILLETT. That is a rather long question. [Laughter.]

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. GILLETT. Yes.

Mr. MANN. The gentleman referred to the great amount of work in the consular business. Is the gentleman aware of the fact that until we created the Department of Commerce and Labor the State Department published the consular reports and did all the work in reference to them, and that now that publication is conducted by the Department of Commerce and Labor, which does most of the work in connection with them?

Mr. GILLETT. Oh, I did not say anything about consular reports.

Mr. MANN. Well, the consular work is mostly making the reports.

Mr. GILLETT. Oh, no.

Mr. MACON. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. MACON. I desire to ask the gentleman in charge of the bill why the committee deems it necessary to change the designation or title of this particular officer?

Mr. GILLETT. The gentleman can not have been in the Chamber when I stated that.

Mr. MACON. Oh, yes; I have been in the Chamber every minute of the session. For instance, we have had Assistant Secretaries of State, and Mr. Bacon, the present Secretary of State, served in that capacity. Now, why is it necessary to have a Vice-Secretary of State instead of an additional assistant when the services of such able material is in the office of the assistant?

Mr. GILLETT. Because, Mr. Speaker, this was intended to create an entirely different class of official from the Assistant Secretaries. There are now three Assistant Secretaries. I do not wish to say anything uncomplimentary of the Assistant Secretaries of State, and therefore I must be careful in my language, but it was intended to create an office which should be filled by a man who could, in his intellectual grasp, be a second secretary, and who was of a different status from the assistants, so that foreign ministers and ambassadors could go to him and relieve the Secretary of that labor.

Mr. MACON. It seems, Mr. Speaker, the present Secretary of State, under the title of Assistant Secretary, did all of this extraordinary and important work that the gentleman from Massachusetts now insists that the vice-assistant must do. I can not see any reason for the change of designation or title of the position unless it is to be the policy now to create vice-assistants in all of the departments of the Government, a Vice-Assistant Secretary of the Treasury, a Vice-Assistant Secretary of War, a Vice-Assistant Secretary of the Navy, and so forth, all down the line.

Mr. FITZGERALD. Mr. Speaker, will the gentleman from Pennsylvania yield me five minutes?

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. GILLETT. The gentleman from Pennsylvania yields me more time.

Mr. BINGHAM. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts.

Mr. GILLETT. I will not abuse that grant, Mr. Speaker, but it will be recognized that my time has mostly been taken up by questions, and I wish to state simply two reasons which were given us for desiring these places. One was the tremendous growth, which everybody will recognize, in the business of the Department of State, which more than absorbs the time of the Secretary of State, so that it makes it imperative on him to have such an assistant. The second reason is that his assistant should have such a status that he would be recognized by the ambassadors and ministers here as one with whom they could deal directly, and therefore save the head of the department from a good deal of consultation.

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman from Massachusetts a question.

The SPEAKER. Does the gentleman from Massachusetts yield?

Mr. GILLETT. I yield.

Mr. WILLIAMS. In view of these growing duties that are resting so burdensomely upon the Secretary of State, does the gentleman think we ought to reduce the salary from that of all the other Cabinet officers?

Mr. GILLETT. That has already been done.

Mr. SHERLEY. Will the gentleman permit a question?

The SPEAKER. Does the gentleman yield?

Mr. GILLETT. I yield.

Mr. SHERLEY. Was not this the real reason advanced for the creation of the office of the Undersecretary, as he was called—to have in the Department of State a permanent official who should have direction of the foreign policies of the United States and who would continue through changing administrations?

Mr. GILLETT. I wish it were so, Mr. Speaker, but I do not understand it that way. I think it ought to be, but I do not believe that any official with a salary of $7,500 or $10,000 would be allowed in a change of administration to keep his place.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. I yield.

Mr. HENRY of Texas. Why could not the President appoint a gentleman as Assistant Secretary of sufficient caliber to be a Secretary of State, and has not that recently been the case? Was not the present Secretary of State an Assistant Secretary of State, and should not it always be that way if the President should exercise wisdom in the selection of the officer?

Mr. GILLETT. I told the gentleman that he desires this man to be of a distinctive class, with more salary and a different name, so that he can be more close to the Secretary of State and be considered as more responsible than he would be without such designation.

Mr. HENRY of Texas. Another question. Has there been any proposition to create a vice Secretary of War, a vice Postmaster-General, a vice Speaker, or a vice Vice-President?

Mr. GILLETT. Oh, no.

Mr. BINGHAM. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. TAWNEY. Will the gentleman from New York yield to me just for a moment to make a statement?

Mr. FITZGERALD. I do; go ahead.

Mr. TAWNEY. Mr. Speaker, as soon as these amendments are disposed of I shall move to go into the Committee of the Whole House for the consideration of the sundry civil bill, and desire now to give notice that we shall remain in continuous session until late this evening in the consideration of that bill.

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. FITZGERALD. Mr. Speaker, it was upon my motion that the House instructed the conferees to insist upon its disagreement to this and several other amendments. I am still opposed to the creation of the places, but I am heartily in favor of the change of designation suggested by the gentleman from Pennsylvania. I have carefully investigated the exact meaning of the two terms in controversy. I have sought my information in the Standard Dictionary, a work to which we may all refer occasionally with a great deal of benefit. I find that the term

"vice" means one who acts in place of another; a substitute; a deputy.

It seems to me that that is what was intended in creating this place.

Mr. OLMSTED. Will the gentleman yield to me just for a question? Is it not a fact that the term "Undersecretary," being used by other governments, would be understood by their representatives as signifying the functions of that officer better than the term "vice?"

Mr. FITZGERALD. I am unable to tell whether our legislation will give more or less comprehension to representatives of any government other than our own. Let me read what the ordinary American citizen would understand if the term "Undersecretary" were adopted by Congress, and I read from the definition, as I say, found in the Standard Dictionary of the English Language:

UNDER (an adjective). 1. Situated under something else, or under all the others of a series; lower, or lowermost; opposed to *upper;* as, an under *layer.* 2. Subordinate: erroneous separate use of the preposition; as, *under* master—

That should properly be written as a hyphenated word—

3. Lower in pitch—*under dog* (colloq., U. S.), the dog overpowered in a dog fight; hence, the weaker or worsted person in a contention.

So that the ordinary American citizen endeavoring to ascertain what the Undersecretary of State meant would find that that was the official of the Government of the United States who was usually worsted in a contention in diplomatic relations with some other country. [Laughter.]

I suggest, Mr. Speaker, that it was not only unfortunate that the Senate of the United States should be so careless in its use of the English language, but it is highly probable that this House should insist that whatever title be given to this office it would not create the impression that this highly qualified additional assistant should always be not exactly the "under dog," but, if I might use a common expression, the "scapegoat" of the administration in diplomatic relations. [Laughter.] Now, I would prefer, if we had this official, to have him called the "Vice-Secretary."

Mr. WILLIAMS. Deputy Secretary.

Mr. FITZGERALD. Vice-Secretary, superior to deputy; and representing the Secretary in his absence. But I am of the opinion that we have now obtained such a very eminent and qualified personage for the office of Secretary of State that he does not need this additional place.

It is suggested that the salary fixed for this additional place by a peculiar coincidence corresponds with the salary now being received by Senators and Members of the House of Representatives. I would not suggest that some man unfortunate enough not to meet with the approbation of his constitutents in a recent campaign is in the mind of any person for this place, but it does seem, having read that one gentleman who had been suggested would not take it, and another one would not take another place, because he would not be subordinate to this, that perhaps some eagle eye has with unerring wisdom lighted upon what is usually termed a "lame duck" in one House or the other, and that, so that there might be no jealousy or feeling between the legislative and the executive branches, determined not to put his salary in excess of ours.

I hope the amendment will not be agreed to in any shape.

The SPEAKER. The time of the gentleman has expired.

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. DENBY].

Mr. DENBY. Mr. Speaker, the question is sometimes asked why the Secretary of State needs an undersecretary, when the secretaries of the other great departments of our Government do not. The answer is very simple, if we analyze the character of the various departments. The State Department is the only department of the American Government that is not a business department. The Navy Department, the War Department, the Post-Office Department, and the others, with the exception of the Attorney-General's department perhaps, are all business departments, and they buy and sell materials, they conduct great works, and they are subdivided so that the chiefs of the bureaus can take care of the actual purchases of materials and the actual conduct of these great business enterprises. The department of the Secretary of State, upon the other hand, is a department of correspondence. All of its business is conducted through the medium of correspondence, and the department is divided into separate bureaus to take care of correspondence.

But, at the same time, every leaf and every word of a part at least of that correspondence may be of surpassing importance to the people of the United States, and sometimes to the people of all the world.

Mr. MANN. Will the gentleman yield?

The SPEAKER. Does the gentleman from Michigan [Mr. DENBY] yield to the gentleman from Illinois [Mr. MANN]?

Mr. DENBY. I yield.

Mr. MANN. Does the gentleman know how many chiefs of bureaus there are in the State Department?

Mr. DENBY. Five or six.

Mr. MANN. There are eight in this bill.

Mr. DENBY. Eight. It does not matter how many. There is a chief of the Bureau of Passports, a chief of the Bureau of Archives, a consular chief, a diplomatic chief, and others.

But, as I say, the correspondence handled by the State Department is of great significance to the prosperity and sometimes the peace of the United States. It is absolutely essential that nothing go out from the Department of State that has not been carefully considered and that has not been subjected to the closest scrutiny.

You know, and I know, that the Secretary of State, more than any other official of the United States Government, has in his hands sometimes the power of peace or war; and you know, if you have ever had anything to do with this department, that the Secretary's work is as hard as or harder than that of any other chief of any other department of the American Government. He can not be on deck all the time. Sometimes he is absent, and it is absolutely essential that there should be in the department an official who—call him what you like—is in reality an understudy of the Secretary of State, a man who shall be able to discharge the most important duties in the department, a man who shall not be specifically in charge of any one department, nor give his time to any one branch of the work, but a man who shall have the whole great work of the department, a man who shall understand and thoroughly appreciate the policies of his chief and the policies of the administration, a man who can stand in the position as an understudy and discharge the whole duties of the place.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. DENBY. I have a very short time, but I yield with pleasure to the gentleman from Iowa.

Mr. HULL of Iowa. I will wait until you get through.

Mr. DENBY. They are asking in this bill for another Assistant Secretary of State in addition to the Undersecretary. It is necessary for the administration policies, if the policies of Secretary Root are to be carried out. During the last two years they have created, without authority of law, another department at the head of which should be an Assistant Secretary of State—a department called the "Division of the Far East," wherein now are men who have had experience as consuls-general and other high officials in oriental countries; and it must be clear to this House that if we are to get the best work out of our consular and diplomatic officers, and the best results out of our diplomacy, we must use men best fitted for the positions that we have in the service. [Applause.]

[Here the hammer fell.]

Mr. DENBY. May I have a few more moments?

Mr. BINGHAM. I yield to the gentleman.

Mr. DENBY. Mr. Speaker, it is impossible to half cover the subject and to give the many good reasons why the enactment of this legislation is desirable. I will not continue on that line. But let me say one thing further as to the word "undersecretary," which has created so much derision in this House. I would say that by its adoption we would only be conforming to the diplomatic usage of other countries. Great Britain has an undersecretary of state. So has Germany; but I will not undertake to pronounce the name of the official, for fear my pronunciation should cause amusement, but it is a title which translates exactly "undersecretary of state." Italy has an undersecretary of state. France has not a corresponding official, but she recognizes the customary use of the word "under" in all her great organization.

The terms used are "sous-chef" and "sous-directeur," which are applied in all the branches of her services. Now, it is too late for the United States to be afraid to use any term because it will be aping somebody. Gentlemen fear that they will be aping England. I have no fear of aping any other country when we use words that conform to the usage of the world. We have "ambassadors," which we borrowed from Europe; we have an "attorney-general," which we borrowed from England; and we have other officials of the United States Government and many of them have duplicates abroad. Gentlemen talk about aping England. Do you know what you will be doing, gentlemen, if you do away with the term "undersecretary" of state and adopt the term of "vice-secretary?" You will be aping the Japanese [laughter], for Japan is the only Government that uses "vice-secretary of state" to-day; and, although I have the greatest admiration for Japan and am perfectly willing to ape Japan if the House prefers it, yet I would really

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rather ape England, France, Italy, and the nations of Europe if I must ape somebody. But I do not believe we shall be aping, but only conforming, very sensibly conforming, to the usage of the world. I see no objections and many strong reasons for the enactment of the legislation. [Loud applause.]

Mr. BINGHAM. I yield ten minutes to the gentleman from Indiana.

Mr. WATSON. Mr. Speaker, I am decidedly in favor of the motion made by the distinguished gentleman from Pennsylvania, and in the very brief time allotted to me I trust that I may be able to give some reasons for the faith that is within me.

It will be noticed, Mr. Speaker, that the proposition contended for is to provide, first, a Fourth Assistant Secretary of State, whose duties shall be the same as those already discharged by the First, Second, and Third Assistant Secretaries of State, which number are now employed in that Department.

In the second place, it provides for a Vice-Secretary of State, with a salary of $7,500 a year; a confidential clerk to that secretary; and also a secretary to that secretary. I may say at the outset that this is but the initial step of a reorganization of the State Department; so that as many of its officials as are necessary may deal with domestic affairs, and as many as are necessary may be made to deal only with the foreign affairs of that department.

And I may say in this connection, gentlemen, that this is not the conception of Mr. KNOX, as has been universally supposed heretofore, and even charged on this floor—though that would detract nothing from its merit in my estimation—but it is the conception of Mr. Root, as we may all find by reading his testimony before the Committee on Appropriations this year.

That distinguished diplomat in his testimony gives many reasons why the Fourth Assistant Secretary of State should be employed, and I will submit to the conscience and the good sense of every man here that if he will read that testimony he will be entirely satisfied as to the necessity for the creation of that new office. He says:

> The necessities of the various bureaus in the department, arising from causes that I will mention to you presently, have made it necessary to employ new clerks, to put five clerks who belong in the indexing bureau at work on particular things.

And he goes on to specify how the lack of clerks in that department has made a rearrangement necessary, and finishes it up with the statement that the maximum and minimum tariff, which in all probability, as he then supposed, might be adopted by the incoming Congress, would make such changes in the phraseology of the tariff, such changes in the schedules as will put every foreign office in the world with whose country America comes in contact into business correspondence with the State Department and render absolutely necessary the increase for which he asks.

Proceeding, he says that the present organization is temporarily satisfactory, but adds:

> I consider that the time will shortly come when it will be exceedingly desirable to make material changes in the organization of the State Department. I think the time will come when the enlarged business will justify and require a politico-geographical division.

The Secretary then proceeds to give the reasons for that statement, and, after showing the increase in the business of that department, gives reasons for this change that are so cogent and convincing as to be irresistible.

Mr. Speaker, international relations involving the sensibilities and the interests of all nations are in their nature a delicate subject, and the work of a department of foreign affairs therefore must go on in silence, unobserved and unappreciated, except when attention is drawn to it by some new treaty, trade agreement, or the like actually affecting the interests of every American citizen. The unobtrusive character of this work should not lead us to forget its vital importance.

It may be pertinent at this point to recall to mind by a few examples what the Department of State and the foreign service and their work do stand for. After the civil war and the practical disappearance of our merchant marine there was a long lull in the activities of American foreign policy. The annexation of the Hawaiian Islands in 1898 forced upon us a political interest in the Pacific, where from early days we had had a growing trade with China and the Orient. Our commercial interests and our influence in China were crystallized in the "open-door" policy of John Hay. We were the first to negotiate a modern treaty with Japan, with which Empire our commercial and political relations soon became close and important. We joined in the action at Peking following the Boxer uprising of 1900. Meanwhile the Spanish war had imposed upon us a still deeper interest in the Far East, along with the acquisition of the Philippine Islands and Guam. The same war cast upon us the possession of Porto Rico and a responsibility for Cuba. Secretary Root's trip to Latin America has ushered in a new era of Pan-American relations of the greatest importance. The building of the Panama Canal, with its great commercial and political effects, makes still more important our position in the Carribean Sea. These few facts suffice to show that the United States can not avoid its destiny to be a world power. As a world power the country needs a thoroughly efficient State Department and foreign service.

During approximately the past two or three years the Department of State has been occupied, for example, with the negotiation and signing of 24 arbitration treaties, part of the total of some fifty-odd treaties signed during Mr. Root's incumbency. The importance and difficulty of the recent British negotiation in settlement of boundary and fishery questions is well known to any student of our history from one century ago down to this day. There are also included treaties in respect to Panama and Colombia, treaties to protect American property in trade-marks, copyrights, and designs, and many others of a technicality and difficulty demanding the application of superior ability. There are the commercial agreements with France and with Germany. There may be mentioned, also, increased relations growing out of The Hague Conference and other congresses and conferences, such as The Hague conventions, the Congress on Tuberculosis, the Pan-American Scientific Congress, the International Prize Court Conference, the participation at commercial expositions in Japan and Ecuador, in Belgium, and elsewhere, the Congress on Hygiene and Dermography, and so forth. The Central American Peace Conference held at Washington last winter seems to promise results most gratifying to the United States and Mexico, whose Governments brought it about and guided its progress. The work of assisting Santo Domingo in adjusting her foreign debt was another task. We have lately been concerned in troubles in Haiti.

Our Venezuelan questions of long standing and of great complexity seem happily to be responding to a wise adjustment. The Pan-American conferences, another of which is to occur next year at Buenos Aires, provide a great variety of subjects for careful study, and to the peoples of this hemisphere are not second in importance even to The Hague conferences, in which we are proud to cooperate for the realization of the ideal of peace and arbitration. You all know that there was also an immigration question with Japan growing out of economic considerations and that that question was satisfactorily arranged. You know also of the recent exchanges outlining the accordant Far Eastern policies of the two Governments. Going back a little further, we recall the work of the State Department in making possible the peace of Portsmouth. Not at all by way of a complete list, but simply by way of a few examples, I have sought to impress upon the House the real importance and difficulty of the work of the Department of State.

What I have mentioned are results. It goes without saying that these results are the coefficient of a vastly increased amount of work. From the subjects cited it is clear, also, that this represents not only a vast increase of routine and mechanical work, but most especially a vast increase of intellectual work which can be performed only by those higher officials to the number of which it is sought to add.

The difficulty of the work for which the Secretary of State is responsible is greatly augmented by the fact that he has to do business at long distance through instructions to agents abroad, whose usefulness depends entirely upon the lucidity and wisdom of the instructions they receive. The daily guidance of over a hundred diplomatic officers and about a thousand consular officers, situated in every quarter of the world and urgently requiring instructions and decisions upon almost every conceivable subject, is no easy task. Such is the great unseen work of a department whose personnel on duty in Washington is relatively small. Since 1893 the clerical force of the State Department has been increased by 64. In 1874 there were 42 clerks and 3 assistant secretaries. To-day there are 118 clerks and 3 assistant secretaries. Just as a ship reques a certain complement of officers in proportion to its crew, so for the efficient direction of its efforts the Department of State requires a certain proportional number of higher officials to manage the different parts of the machine.

As already indicated, a reason this proportion is high in this department is that that portion of its work which is mere routine is relatively very small, because its work is more varied, perhaps, than that of any other department in Washington, and for that reason different matters have to be distributed in many groups and placed under different supervision. For example, there are matters of trade and tariff and the negotiation of commercial agreements; matters of citizenship, naturalization, and expatriation; matters of extradition; peculiar groups

of subjects requiring special knowledge of the conditions in different parts of the world; the separate administration of the diplomatic and consular services, the solidarity of each of which must be preserved; the administration of the department itself; the arrangements in connection with international exhibitions and scientific congresses; arrangements for the reception of and dealing with foreign ambassadors and other representatives, of whom there is a larger number accredited to this than to any other government.

Moreover, it should be remembered that the Department of State is not usually discussing questions of peace or war, but is occupied with matters of the utmost importance to the commercial or other interests of the whole country, or of individual citizens concerned, or resident abroad, either in furtherance of American commerce or as travelers entitled to the protection of their Government. How great are our vested interests abroad and the number of our citizens representing our national life the world over may be inferred from the estimate that in Mexico alone there are 40,000 American citizens and an investment of $700,000,000 of American capital. The increase of foreign travel may be inferred from these figures: Our outgoing passengers numbered in 1898, 225,411; in 1906, 496,737; in 1907, 569,882; while our immigration has correspondingly increased.

But I desire to recur briefly to the testimony of Mr. Root. He says:

> Let me give you some figures as an indication of the increase of business in this department. First, the number of mail pieces handled—that is, letters received and sent out—for the fiscal year 1905–6 was 111,992; fiscal year 1906–7, 131,186; fiscal year 1907–8, 161,046.
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> You see, it is going up steadily, in two years ranging from 111,000 to 160,000, not on matters that are trivial, but on matters of the utmost consequence and importance, the dealing of this Nation with all the other peoples of the world.

And so there is an absolute necessity along that line. But let me proceed further.

Mr. TAWNEY then asked him a question about how much our increased participation in the affairs of the world, how much the assumption of new duties, the filling of new zones of authority and new realms of responsibility had to do with making this increase necessary, and he responded simply by reciting the splendid increase in our foreign trade—$1,662,000,000 in 1896, $2,960,000,000 in 1906, $3,315,000,000 in 1907—all of which he says makes an increase in this department more necessary, because it has more business to handle. We come in contact with other peoples more intimately; we touch other nations more closely; there are more places of contact; there are more opportunities for friction. Therefore this great department, which has to do not only with peace at home, but with international comity, ought to be supplied by the American Congress with enough arms to reach out and touch every nation with which we have business and commercial relations. [Applause.]

After making certain references to the consular service, he further says:

> The whole world is advancing in cooperation on all sorts of topics. International conventions, congresses, and conferences of all kinds are springing up and are continually on the increase. You had The Hague Convention. We have had here in Washington this last summer the tuberculosis congress. We have going on this month in Chile a Pan-American scientific congress. We have just opened in London an international prize court conference. We have in preparation an international exposition at Quito, for all of which you have made special appropriations. There is about to be held here a congress on hygiene, under authority of Congress, and a great many others, smaller ones, less important. All of them mean correspondence, questions to be settled, information to be obtained, delegates to be appointed and to be instructed.
>
> There is another thing which is quite important. In consequence of the changes in the immigration law and the changes in the citizenship laws, questions are constantly arising and work is being created for the clerks in the State Department. Then, the building of the Panama Canal has brought about a condition where it has been necessary for the United States to have an active policy in the Caribbean. Our treaty with Santo Domingo is an illustration.
>
> We have been undertaking to help the people in Central America. To accomplish that, Mexico and the United States have been collaborating. The presence of Mexico takes away all the prejudice that would come from the difference of race and language and institution, while the presence of the United States with Mexico takes away the suspicion that comes from Mexico's proximity. The two countries have been working together, trying to exercise an influence in the direction of peace and order. It is a very laborious work. You have given us some additional ministers, so we have a minister in each of the Central American States. That all means more work for the clerks, but I think it is worth while, because when we get the canal built we have got to be the great influence in the Caribbean. We do not want other countries, we do not want to govern them, we do not want to annex them, we do not want anybody else to take possession of them; we want them to govern themselves, and we have got to be the great influence toward the stability and the success of their self-government. That all means labor, and it means assiduous attention, and it means work for the clerks.

And so we proceed upon the theory that this is a great peace establishment. Why, gentleman of the House, we have appropriated $125,000,000 this year for the navy. We have appropriated $90,000,000 for the army, and yet the great State Department, which has to do with peace at home and peace abroad, with all of its officers and clerks and employees at Washington, with all its foreign diplomats, with all its consular offices, costs but a little over $4,000,000 every year, and one-third of that is turned into the Treasury in the shape of consular fees; and yet when $16,000 of increase is asked for, men—speaking with all due respect—who have freely swallowed camels strain at this gnat.

Now, why the office of vice-secretary? I prefer to have it called "undersecretary." I remember when I first came to Congress when the great John Hay, one of the most splendid officials that ever occupied that high position, was Secretary of State, in a conversation said that, while it was a very congenial and splendid work to engage in, yet that one-half of all his time was taken up in conversation with foreign diplomats; when if we had some secretary with whom they were willing to converse, that man could take that business off his hands and give him time for other work in that department. That is what this secretary would do.

Why, as my friend from Michigan [Mr. DENBY] has said, other countries have undersecretaries of state, and foreign diplomats are accustomed to dealing with undersecretaries, but they will not deal with an assistant secretary, because they think that he occupies a clerical position; and every one of them insists upon dealing with the Secretary of State in person and coming in personal contact with him.

Every foreign diplomat proceeds upon the theory, which he has a right to do, that his country is as good as any country and every one insists on standing on the same level and coming in contact personally with the Secretary of State himself.

If this office is created, foreign diplomats can deal with this man, and he can do that work and thus relieve the Secretary of State from the great personal burden that comes from that species of entertainment, that species of personal contact that the Secretary himself must otherwise endure. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BINGHAM. I will yield five minutes more to the gentleman from Indiana.

Mr. PAYNE. I wish the gentleman would state what Secretary Root recommended.

Mr. WATSON. He said, so far as the present was concerned, that he thought the existing arrangement was sufficient, and he did not recommend an Undersecretary, and he did not recommend a vice-secretary, but he said, as I have read, that the time was approaching when a reorganization of this bureau was essential along the lines I am endeavoring to indicate.

So that the Fourth Assistant Secretary of State is the one man that is to deal with the domestic affairs of the department, while the other, with the private secretary and his assistant secretary, are the ones who are to deal with the foreign affairs of this great department.

Mr. HULL of Iowa. Will the gentleman yield for a question?

Mr. WATSON. Certainly.

Mr. HULL of Iowa. If the Fourth Assistant Secretary is to deal with domestics affairs and the Undersecretary with foreign affairs, what are the other three secretaries to deal with?

Mr. WATSON. They are to assist in dealing, as they do now, with the domestic affairs, and also such foreign affairs as may be thrust on them by the exigencies of the situation.

Now, I shall not take up and discuss many of these provisions. I should be glad if the Members of this House had an opportunity to read what Secretary Root had to say before the Committee on Appropriations when he met with that committee.

But I want to call attention to this fact, and it is a singular fact, one which should certainly be borne in mind in the consideration of this question, and that is, with all the other governments of the world the chief cabinet officer and the head of the department for foreign affairs are separate and distinct men.

In this Government alone, among all the great governments of the world, we have the head of the State Department and the man who deals with foreign affairs in one and the same individual—that is, the Secretary of State is the head of the department handling foreign affairs, an office which entails in the case of a great Government like this tasks difficult enough for any man's ability. Simultaneously he must be prepared at all times to advise the President of the United States upon that great variety of great problems of domestic policy which lie at the root of the country's welfare.

Mr. HITCHCOCK. Mr. Speaker, will the gentleman yield?

Mr. WATSON. Certainly.

Mr. HITCHCOCK. Is it not a fact that in the foreign countries to which the gentleman refers this particular cabinet officer, instead of giving his whole time to executive work, is

required to sit with the Parliament or the Reichstag and take part in legislation?

Mr. WATSON. That is absolutely true.

Mr. HITCHCOCK. And is that not one of the reasons why an Undersecretary of State is required?

Mr. WATSON. But that does not change the functions and the duties of the man who fills the office. He has to deal with those affairs, and here the Secretary of State sits at the head of the President's official family, and he has to be the chief adviser and counselor on all matters domestic and has to be the man through whom all our foreign relations are to be maintained.

In other words, this office ought to be created in order to roll back from the shoulders of the Secretary of State the great burdens of that office and make it possible for him to attend to the other duties that are thrust upon him free from unnecessary burdens.

Mr. Speaker, I desire to say that this is a business matter, and it seems to me we can not stand here with only $16,000 demanded on a propositon of this kind, and vote as we ought to vote, unless we favor this increase. I trust that this problem will receive the consideration its importance merits, and that when the vote is taken it will be found favorable to the proposition of my friend from Pennsylvania. [Applause.]

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it is not easy to oppose the wishes of a gentleman who is to be translated from a seat in Congress to a position in the Cabinet, and yet it seems to me somewhat remarkable that without any suggestion from the Department of State itself, without any request from the Secretary of State or any Secretary of State at any time, without any bill having been introduced into either House of Congress, without the matter ever having been considered by a committee of the House, it should now be proposed to add two Secretaries of State and make in that department six Secretaries of State, in effect. The Department of State has less work to do than any other department of the Government. It now has a Secretary of State and three Assistant Secretaries. It has the same number of chief executives that the great Treasury Department has, that the great Post-Office Department has, and although the gentleman from Michigan [Mr. DENBY] says these other departments are guided by chiefs of bureaus, the same is true of the State Department. They have eight chiefs of bureaus, and the only reason that can be given for creating two additional offices is to provide places for two additional people. [Applause.] If I could be convinced that my distinguished friend from Indiana [Mr. WATSON], who has made such a graceful speech here, was to fill the office of under or vice or whatever it is secretary of state, I do not know but I might persuade my conscience so far as to permit him to occupy the place. But I know they will not select such a man for that place. Six Secretaries of State! They are now so thick that the Secretaries of State in that department fall over each other in the halls. [Laughter.]

Mr. DENBY. Will the gentleman yield for a question?

Mr. MANN. If I can get more time, I yield for a question.

Mr. DENBY. Does the gentleman know that there has been for the last year in the Department of State, acting in the position which is designed for the Fourth Assistant Secretary of State, a man who has held the position of consul-general of the United States, and who took a position of a clerkship at $900 a year in order to do the work of the Assistant Secretary? Yet the gentleman says they fall over each other.

Mr. MANN. Oh, well, do not take all of my time. I heard the gentleman from Michigan state a few moments ago that outside of the law and contrary to the law——

Mr. DENBY. No; never!

Mr. MANN. The State Department had created, practically, this place.

Mr. DENBY. But the gentleman has misquoted me.

Mr. MANN. Oh, the gentleman has said that.

Mr. DENBY. If the gentleman from Illinois quotes me at all, he must quote me correctly. I did not say contrary to the law; I said outside of the law.

Mr. MANN. Oh, well, the gentleman is drawing a fine distinction. I know no difference between outside the law and contrary to the law in the creation of offices. [Applause.]

If it is not provided for by the law, it is contrary to the law. The gentleman begs the question. There is no occasion for the creation of these offices. There is no reason for it, and no man here can justify himself for providing for six Secretaries of State, with fewer men under each of them than is under any other assistant secretary to any Cabinet officer.

No man here can justify himself in creating this Secretary of State and only one Assistant Secretary of the Interior. [Applause.]

The SPEAKER. The time of the gentleman has expired. [Cries of "Vote!"]

Mr. BINGHAM. Mr. Speaker, I would ask the patience of the House for just a moment to make one submission, briefly, that I had hoped would come under the original proposition proposed in regard to the undersecretary. The question has been asked what is the need of an Undersecretary or Vice-Secretary of State, why give him that particular title, and why so high a salary? It would be idle for me to dwell upon the importance of the functions of the Department of State. Its primacy among the executive departments is recognized by law and custom. That its head should not be overtaxed and in consequence prevented from giving to the grave and delicate questions arising in our foreign relations the full measure of study and consideration they require is a premise none of course will deny. When, therefore, both the outgoing and incoming Secretary of State affirm that that official was overtaxed, and I have authority for the use of that language, and that there is need for such an office of Undersecretary of State, their assurances should go far to settle that much.

It has been thirty-four years since the last assistant secretaryship of state was created. The fact is that while other departments of the Federal Government have been enlarged to meet the increased demands upon them, incident to the Nation's growth, the State Department in large measure is to-day constituted upon the scale established a generation ago. Yet it has not only to perform the functions of that day augmented by their natural growth, but entirely new fields have in the interval been added to its province by force of events well known and now beyond recall even if we would recall them. With this expansion duties and responsibilities of a capital character not properly appurtenant to the office of an assistant secretary have piled up upon the head of the department, until it has become imperative that he be relieved of some of them. The only way to do this is to create in the department an official who shall be something more than an assistant or deputy secretary; one with appropriate rank and authority in the eyes of the world to share some of those duties which in the past have customarily required the personal attention of the Secretary for want of an under official of appropriate rank to refer them to.

Coming now to the title of the proposed office, the problem obviously was to find one that would correctly indicate the nature of the office and distinguish it from an Assistant Secretaryship of State. First assistant or chief assistant secretary or deputy secretary manifestly would not do, because the object is to create an office of higher rank and authority than an assistant or deputy secretary—an office whose incumbent should take over entirely or share with the Secretary duties which it has not been the custom to assign to assistant secretaries.

Of other titles suggested, "undersecretary" met with the most favor, not only because it aptly describes the office proposed to be created, but also because, being a phrase long in use in statecraft, its own well-defined meaning would be no little help in marking out the new post's proper sphere in the State Department.

The SPEAKER. The time of the gentleman has expired.

Mr. BINGHAM. Mr. Speaker, my time being up, I have only one more statement to make and I call for the previous question.

The SPEAKER pro tempore (Mr. OLMSTED). The gentleman from Pennsylvania demands the previous question.

Mr. SHERLEY. Mr. Speaker, on that motion I demand a division.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question now is upon the motion to recede and concur in the sixty-fourth amendment, with an amendment, and on that the gentleman from Kentucky demands a division.

Mr. SHERLEY. Oh, no; the gentleman from Kentucky insists——

Mr. CLARK of Missouri. Mr. Speaker, I do not want to lose the opportunity of demanding the yeas and nays.

The SPEAKER pro tempore. The Chair now understands the gentleman from Kentucky to ask a division of the question.

Mr. SHERLEY. Yes.

The SPEAKER pro tempore. The question now is, therefore, Will the House recede from its disagreement to Senate amendment numbered 64?

Mr. FINLEY. Let that be reported again, if you please.

The SPEAKER pro tempore. Without objection, the amendment will be again reported. [After a pause.] The Chair hears none.

The amendment was again reported.

The SPEAKER pro tempore. The motion is, Will the House do recede from its disagreement on Senate amendment numbered 64.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. BINGHAM) there were—ayes 89, noes 134.

So the motion was rejected.

Mr. CLARK of Missouri. Mr. Speaker, I move that the House insist on its disagreement to that amendment.

The SPEAKER pro tempore. The gentleman from Missouri moves that the House further insist on its disagreement to Senate amendment numbered 64.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 65: Page 40, line 22, after the word "each." insert: "Fourth Assistant Secretary of State, to be appointed by the President, by and with the advice of the Senate, who shall perform such duties as the Secretary of State may designate and as may be provided by law, $4,500."

Mr. UNDERWOOD. Mr. Speaker—— [Cries of "Vote!"]

The SPEAKER pro tempore. What is the motion?

Mr. BINGHAM. I move that we recede.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves that the House do recede from its disagreement from the Senate amendment and agree to the same.

The question was taken, and the motion was rejected.

Mr. CLARK of Missouri. Mr. Speaker, I move that the House further insist on its disagreement to that amendment.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 66, page 41, line 10, after the word "dollars," insert "said private secretary and clerk to the Secretary of State"——

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the House insist on its disagreement—of course it is useless, those others having been defeated, to pass this—and I ask unanimous consent that the House insist upon its disagreement.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the House do insist upon its disagreement to the remaining Senate amendments. Is there objection?

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, because they all want to do that——

Mr. GILLETT. Mr. Speaker, there are several other amendments.

The SPEAKER. The Chair understands the gentleman moves to insist upon a further disagreement——

Mr. GILLETT. To the amendments in the office of the Secretary of State, Mr. Speaker.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 192: Page 160, line 3, strike out "thirteen" and insert "fifteen."

Mr. GILLETT. Mr. Speaker, I move that the House recede from its disagreement to the Senate amendment and concur in the same.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] moves that the House recede from its disagreement to the Senate amendment and concur in the same.

Mr. CLARK of Missouri. Mr. Speaker, there is not one man in ten in the House that knows what that amendment is.

Mr. MANN. It is the Supreme Court amendment.

Mr. CLARK of Missouri. I knew what it was, and so did the gentleman from Illinois. I have been keeping tab on it.

Mr. GILLETT. Mr. Speaker, I ask that it be reported once more.

The SPEAKER. Without objection, it will be again reported.

The Clerk read as follows:

Amendment No. 192: Page 160, line 3, strike out "thirteen" and insert "fifteen," so as to read:
"For the Chief Justice of the Supreme Court of the United States, $15,000."

The SPEAKER. The gentleman from Massachusetts moves that the House do recede and concur.

The question was taken, and the motion was rejected.

The SPEAKER. The Clerk will report the next amendment.

Mr. CLARK of Missouri. Mr. Speaker, I move that the House further insist on its disagreement to that amendment.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 193: Page 160, line 4, strike out "twelve" and insert "fourteen," so as to read:
"And for eight associate justices, at $14,500 each."

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the House further insist on all the other amendments in the bill and ask for a further conference.

Mr. MANN. Mr. Speaker, reserving the right to object, let me ask what is the object of the gentleman?

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] asks unanimous consent that the House do further insist on its disagreement to the Senate amendment remaining.

Mr. GRAHAM. I object, Mr. Speaker.

Mr. LIVINGSTON. Mr. Speaker, I move that so far as the salaries of the associate justices are concerned the House insist upon its disagreement.

The SPEAKER. The gentleman from Georgia moves that the House do further insist upon its disagreement to the Senate amendment as to the associate justices.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows.

Amendment No. 195: Page 160, line 13, strike out "seven" and insert "nine," so as to read:
"For 29 circuit judges, at $9,000 each, $261,000."

Mr. GILLETT. Mr. Speaker, I move that the House do insist upon its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 196: Page 160, line 13, strike out "three" and insert "sixty-one;" so that it will read:
"Two hundred and ninety thousand dollars."

Mr. LIVINGSTON. Mr. Speaker, I move that the House insist on its disagreement.

Mr. GILLETT. Mr. Speaker, I move that the House insist upon its disagreement to all remaining amendments.

Mr. GRAHAM. I object, Mr. Speaker.

The SPEAKER. Is a separate vote demanded on any of the remaining amendments?

Mr. GRAHAM. Mr. Speaker, I demand a separate vote.

The SPEAKER. On which amendment?

Mr. GRAHAM. On the proposition for an increase in the salary of the circuit court judges.

The SPEAKER. Is there demand for a separate vote on any of the other amendments?

Mr. WILLIAMS. The matter upon which the gentleman from Pennsylvania [Mr. GRAHAM] demands a separate vote has already been passed. He demanded a separate vote upon a raise of the salary of the circuit judges. The House passed a motion to insist upon its disagreement.

The SPEAKER. There is one amendment touching circuit judges that has not been disposed of. The Clerk will report the amendment.

The Clerk read as follows:

Page 160, line 13, strike out "three" and insert "sixty-one," so that it will read:
"Circuit courts: For 29 circuit judges at $10,000 each, $290,000."

Mr. LIVINGSTON. That has been passed on, Mr. Speaker.

The SPEAKER. The Chair is informed that this amendment has not been passed upon. The question is on the motion of the gentleman from Georgia [Mr. LIVINGSTON] that the House do insist upon its disagreement.

The question was taken, and the motion was agreed to.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the vote on the remaining amendments will be taken in gross.

No other separate vote was demanded.

The question was taken on the motion to further insist on disagreement to the other amendments in gross.

The motion was agreed to.

Mr. BINGHAM. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. BINGHAM, Mr. GILLETT, and Mr. LIVINGSTON.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and the Clerk will read.

The Clerk read as follows:

Transportation of fractional silver coin: For transportation of fractional silver coin, by registered mail or otherwise, $60,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, fractional silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out of lines 13 and 14 the words "or otherwise."

The Clerk read as follows:

Page 57, lines 13 and 14, strike out the words "or otherwise."

Mr. TAWNEY. Mr. Chairman, I hope that we will have order, so that the committee may know the reason why the gentleman would strike out this language.

Mr. JOHNSON of South Carolina. Mr. Chairman, for the present fiscal year we appropriated $60,000 for the transportation of fractional silver. The law provided that one-half of this sum should be expended in transporting silver by registered mail. In the beginning of the fiscal year the Secretary of the Treasury, in carrying out that instruction of Congress, sent this money by registered mail. The only cost to the Treasury Department was the registration stamp of 8 cents. Subsequently the Postmaster-General notified the Secretary of the Treasury that this silver coin could not be sent under the penalty frank, whereupon the Secretary of the Treasury was required to pay the postage on silver coin sent from the Treasury Department to the banks of the country. He was not only required to pay the postage, but he was required to pay postage at first-class or letter rates, which made it cost $20 a thousand to transport this money by registered mail.

In the first place, I doubt the correctness of the ruling of the Postmaster-General, that this money can not be sent under the official penalty frank. What was it, gentlemen of the committee, if it was not official business?

In the second place, I doubt the correctness of holding that it was first-class mail matter and should be required to pay letter postage. But be that as it may, a subordinate of the Secretary of the Treasury came before the Committee on Appropriations, and the Committee on Appropriations, acting upon information received, struck out the mandatory provision that this money should be transported by registered mail, and this bill leaves it in his discretion. He always exercises his discretion to send the money by express. I think that the Congress should command him by law to send this money by registered mail, all of it. It is true the statement is made that it costs the Government $20 a thousand.

It does not cost the Government anything. It is just like taking money out of one bank and depositing it to your credit in another bank across the street. The Postmaster-General says that the Treasury must pay $20 worth of stamps on a thousand dollars' worth of silver. Stamps do not cost the Government anything. We are simply transferring by this method $20 from the Treasury Department to the Post-Office Department, which does not cost the Government anything excepting the actual cost of preparing the stamps and the payment of the weight as that much mail matter over the railroads.

Now, Mr. Chairman, having brought this matter to the attention of the committee, I have discharged my duty, and the committee can do as it pleases.

Mr. SMITH of Iowa. Mr. Chairman, it is true that under a provision in the last sundry civil appropriation bill the Post-Office Department charged first-class rates upon money transmitted by mail. That was done because of the fact that the packages were sealed as a matter of security, and it was held that therefore the packages became first-class mail matter.

The Treasury Department saw fit to register this mail, so that a pound——

Mr. FINLEY. Will the gentleman yield?

Mr. SMITH of Iowa. I prefer to finish one statement first.

Mr. FINLEY. I wanted to answer the statement of the gentleman which he has just made.

Mr. SMITH of Iowa. Yes.

Mr. FINLEY. The gentleman said the reason for the ruling was that the package was sealed. Now, I ask, is not the penalty mail sent from the department—their letter mail—sealed up also?

Mr. SMITH of Iowa. Yes; ordinarily penalty letters are sealed, of course.

Mr. FINLEY. Now, does the gentleman see any reason for the rule, in view of that?

Mr. SMITH of Iowa. If the gentleman will let me finish, he will see how idle his question is. As a matter of fact, that made the postage itself 32 cents a pound, 2 cents an ounce for 16 ounces. Then, when the expense of registration was added, it made the total 40 cents a pound. It was found by the Treasury Department that it cost ten times as much under those circumstances to ship by mail as it did by express. If, as a matter of fact, nine-tenths of this money that was paid to the Post-Office Department was profit to the Post-Office Department, then there was neither gain nor loss to the Government. But the fact is known of all men that it costs about 7 to 8 cents a pound to handle the mails of the United States, so that only four-fifths of the amount charged by the Post-Office Department was profit above the actual cost of handling. So that, charging for this mail only at what it actually cost the Government, and not at what the Post-Office Department charged the Treasury Department, it cost us about twice as much to handle it as it would to handle it by express; and the committee, not believing it wise absolutely to compel the Treasury Department thus to waste the public money, have restored the language so as to leave it discretionary to handle it in the cheapest possible way. It seems to me that disposes of the suggestions made by the gentleman.

Mr. JOHNSON of South Carolina. Does the gentleman think that the cost to the Government of transporting mail per pound is more than the express companies charge?

Mr. SMITH of Iowa. I say that every particle of evidence that has been gathered in these innumerable investigations to find what it is costing the Government to handle the mail shows that it costs about 7 to 8 cents a pound.

Mr. HARDY. As I understand it, the payments for carrying mails are fixed by the weighing of the mails at a certain period of the year, the presumption being that the weight so ascertained holds throughout the year. If that be the case, would not the payment to the railways be just the same whether you send this money by mail or whether you do not send it by mail?

Mr. SMITH of Iowa. Well, the gentleman is in error in several respects.

Mr. HARDY. Unless you were sending it by mail at the time when you were making the weighings and did not send it by mail when you were not making the weighings.

Mr. SMITH of Iowa. As a matter of fact, the gentleman has fallen into a number of errors. First, there is only a quadrennial weighing of the mails in each district. In the second place, the expense of the Railway Mail Service is only about one-fourth or one-fifth of the cost of the postal service.

Mr. HARDY. The gentleman does not get my question.

Mr. SMITH of Iowa. I think I do.

Mr. HARDY. If there be a quadrennial weighing of the mail, that makes it all the more pertinent, it seems to me. You have your weight, and you ascertain what it costs per pound by dividing the actual weight——

Mr. SMITH of Iowa. The gentleman is in error. The Railway Mail Service, as I tried to explain to him, is only one-fourth or one-fifth of the total cost of the Post-Office Department. It runs along somewhere about $50,000,000 a year, whereas the total cost of the Post-Office Department is about $230,000,000 a year.

Mr. HARDY. Then in that proportion my question is pertinent.

Mr. SMITH of Iowa. Oh, it is true that if you get the mails weighed at just the right time to miss this kind of mail, and then ship it afterwards, you might make some apparent saving on the Railway Mail Service, so far as this was concerned.

Mr. HARDY. Are there not other costs or fixed charges that they have to carry?

Mr. SMITH of Iowa. Not at all; they are dependent upon the volume of business transacted, the most of them.

Mr. HARDY. You do not increase the number of officers and postmasters?

Mr. SMITH of Iowa. You increase the employees of the post-office according to the business.

Mr. HARDY. Does the gentleman mean to say that sending silver by mail would produce an increase in the number of employees?

Mr. SMITH of Iowa. It would produce its relative percentage of increase.

Mr. BEALL of Texas. Will the gentleman yield for a question?

Mr. SMITH of Iowa. Certainly.

Mr. BEALL of Texas. I understand that for a portion of the year the silver was carried by registered mail.

Mr. SMITH of Iowa. Yes.

Mr. BEALL of Texas. Can the gentleman point to a single item of increased cost imposed upon the Government by the carrying of this silver in addition to the cost of the registered packages?

Mr. SMITH of Iowa. It would depend upon what the gentleman means by costs. The Treasury Department paid 2 cents an ounce postage and registered the shipments.

Mr. BEALL of Texas. I mean during the time they carried it without having to pay postage.

Mr. SMITH of Iowa. They paid postage all the time when they sent it by mail.

Mr. BEALL of Texas. Could not this House make a provision for its being carried without the payment of postage?

Mr. SMITH of Iowa. It would cost the Government to handle it 7 or 8 cents a pound, and it is hauled by express for one-half of that.

Mr. BEALL of Texas. Would it make a single additional employee necessary in the Post-Office Department to carry every dollar of fractional silver by mail?

Mr. SMITH of Iowa. I can not say that any given portion of the mail causes a new employee, but the average cost is 7 or 8 cents a pound to the Post-Office Department, and it is to be presumed that this requires its ordinary share of labor, effort, and expense.

Mr. BEALL of Texas. The gentleman says it costs 8 cents a pound to carry it by mail.

Mr. SMITH of Iowa. It costs the Post-Office Department that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I ask for five minutes more to answer the question of the gentleman.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BEALL of Texas. What would it cost the Government to carry it by express?

Mr. SMITH of Iowa. About one-half of that.

Mr. BEALL of Texas. Only 3 or 4 cents a pound?

Mr. SMITH of Iowa. That is all. It appears conclusively that it costs ten times as much to haul it by mail as by express. The rate paid the Post-Office Department is about five times the actual cost of the Government handling the mail, and therefore if they pay the Post-Office Department ten times as much as the express company charges the Government, and the Post-Office Department is paid five times the actual expense, of course the actual expense is double what they pay the express companies.

Mr. COX of Indiana. Will the gentleman yield?

Mr. SMITH of Iowa. Certainly.

Mr. COX of Indiana. How many express companies of the United States are now employed by the Government in transporting silver coin?

Mr. SMITH of Iowa. I presume all of them, more or less.

Mr. COX of Indiana. Does the gentleman say that they are all employed?

Mr. SMITH of Iowa. Shipments are made to all parts of the United States, and I presume they are all employed.

Mr. COX of Indiana. When the Government seeks to have its fractional coin transported by express companies, does it advertise for bids or submit it to competition?

Mr. SMITH of Iowa. I am not able to say as to that, but I do know that last year I was in favor of this provision for compulsory trial of shipment by mail, and was astounded and disgusted when I found out that it cost twice as much and required an appropriation ten times as great.

Mr. COX of Indiana. Can the gentleman tell us whether the Government enters into a new contract each year or whether it continues the old contract?

Mr. SMITH of Iowa. I can not tell the gentleman anything about that.

Mr. GAINES of Tennessee. Mr. Chairman, I have given some special attention to this matter and I propose to throw some light on the subject if I can in a few minutes. Last session of Congress Members will remember that a bill similar to this bill came in here appropriating "for transportation of fractional coin, $60,000." I offered an amendment to it, "that not less than $30,000 shall be used in transporting said coin by registered mail." In another place I offered an amendment as follows: That "minor coin," that the small coin, should be carried by "registered mail or otherwise;" and, third, that the Secretary of the Treasury should report to this session of Congress the cost for the necessary facilities to carry these silver coins by registered mail, insured or uninsured.

All three of these amendments were adopted and became law, and are law now and have been since June 30, 1908.

Mr. SMITH of Iowa. O Mr. Chairman, the gentleman is in error in one respect. "By registered mail or otherwise" has always been carried practically in this law.

Mr. GAINES of Tennessee. The gentleman will see that the paragraph did not have that language, but I caused it to be adopted. I have here the RECORD of May 1, 1908. "The amendment of the gentleman from Tennessee" was "transportation of minor coin by registered mail or otherwise." I had that put in the bill. I had three purposes in it——

Mr. TAWNEY. If the gentleman will permit me, that language "by registered mail or otherwise" has been carried in this sundry civil bill and has been the law for twenty years or more.

Mr. GAINES of Tennessee. I insist, with all due respect to the gentleman's word, that he is mistaken. My amendment was as I have stated it—transportation of minor coin "by registered mail or otherwise."

Mr. TAWNEY. The gentleman was simply reoffering as part of his amendment the then existing law.

Mr. GAINES of Tennessee. I was trying to get some competition with the express trust and trying to lessen the expense to the Treasury, and, above all, trying to get ahead of the express trust; but in the course of the year it seems that the express trust has got ahead of all of us. What did we provide last session in this bill, and what did the committee and Congress require of the Secretary of the Treasury? Here was one of my amendments which became law:

> That the Secretary of the Treasury shall report at the next session of Congress the necessary facilities and cost thereof for transporting such coin by registered mail and by registered mail insured.

That is, report to this session of Congress, and yet the Secretary has not said a word in his last report on this subject, and there is no more intelligence here on the subject than we had last session, save a short statement, a page and a half, by an employee of the Treasury Department, Mr. Daskam. I challenge the gentleman to show a line in the testimony elucidating this subject, except the testimony of Mr. Daskam, of the Treasury Department, a gentleman whom I have called on several times for information on this subject. The testimony before the distinguished gentleman's committee two years ago showed that there was only one express concern here to carry the money, and the contract was 40 years old. Here is what Mr. Daskam said two years ago to the committee:

> It is a long contract and is considered a very good one.
> It has been in existence for forty years.
> It commenced with the Adams, and the United States Express Company got in here through the Baltimore and Ohio Railroad.
> Then we advertised and there were only two bids—from the Adams and the United States Express Company—and they were practically the same, so we did not change the contract.

Then the chairman of the committee, Mr. TAWNEY, proceeded to argue the question with Mr. Daskam that there should be some provision made to carry this coin through the mail, whereupon Mr. Daskam went on to state that it was impractical, or something like that, though the plan had not been truly tested, and he so admitted.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. GAINES of Tennessee. Yes; all I want is to get at the facts.

Mr. TAWNEY. If the gentleman will recall the fact, as other Members of the House do, I have no doubt he will remember that the Committee on Appropriations three or four years ago reported a provision in the sundry civil bill——

Mr. GAINES of Tennessee. I know you did, and I have it right here. Why did you do it?

Mr. TAWNEY. And it went out on a point of order.

Mr. GAINES of Tennessee. Why did you offer that provision?

Mr. TAWNEY. Now, without legislation on the subject——

Mr. GAINES of Tennessee. I understand that; it went out on a point of order.

Mr. TAWNEY. Without legislation on the subject the effect will be, just as Mr. Daskam says in the testimony before the committee, to increase the cost to the Government.

Mr. GAINES of Tennessee. Why did not Secretary Cortelyou report on this subject, as Congress required him to do?

Mr. SMITH of Iowa. Oh, the gentleman does not want to make an erroneous statement——

Mr. GAINES of Tennessee. I have read the amendment that was put in the law, and it is in the law now.

Mr. SMITH of Iowa. But if the gentleman will be kind enough to examine the law——

Mr. GAINES of Tennessee. Here is the amendment and law.

Mr. SMITH of Iowa. Just a moment. He will find that it requires that the report be made at the next session of Congress, which has not yet expired, and there is no requirement that he shall make it before a certain time.

Mr. GAINES of Tennessee. Why, this was on the 1st of May, 1908, when that was put in—last session.

Mr. SMITH of Iowa. But it is at the next session of Congress that he was to report.

Mr. GAINES of Tennessee. I read the law, and it reads "and report at the next session of Congress," which is this session of Congress. That is the law of the land now, and yet the report of the Secretary of the Treasury to this, the next session of Congress, is as silent as the grave on the subject.

Mr. TAWNEY. I will state for the information of the gentleman from Tennessee that the Secretary of the Treasury first reported to Congress——

Mr. GAINES of Tennessee. Not on this.

Mr. TAWNEY. In this respect. He has reported a deficit of $62,000 in this appropriation in consequence of the provision that the gentleman put in the last session.

Mr. GAINES of Tennessee. The gentleman knows there has been a deficit in this matter for years and years, and there is a deficit now. There was a deficit of $25,000 or $30,000 last year before and when I took up this matter, and the reason why the gentleman offered in his amendment three or four years ago——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. The reason why——

Mr. NORRIS. May I ask the gentleman a question?

Mr. GAINES of Tennessee. I decline to be interrupted until I get this matter straight. I have no idea but that the gentleman is with us on this reform and I do not want to do anybody an injustice. I venture to say the gentleman is on the right side.

Now, Mr. Chairman, here is an amendment that the gentleman from Minnesota [Mr. TAWNEY] offered, the very thing that I succeeded in part in getting done last session, except he put in some legislation in his amendment which I have here, and it, to my regret, went out on a point of order. That was several years ago. Later I came along and had this amendment put in this bill in the last session of Congress to cut down the expenses to the Government and create competition between the express companies and the Government, the one (the Government) carrying it by registered mail and the other (the express trust) carrying it by express. And, lo and behold, Mr. Daskam construed the language that I had put in the bill as meaning that he should "first" spend $30,000 by registered mail and then use the other $30,000 by sending by express!

The word "first" is not in the amendment. He was in error. If the gentleman will look at the debate, which I have here, he will see that I said I wanted to create competition between the express companies and the United States Government, and yet under the construction put upon it by Mr. Daskam, or the Secretary of the Treasury, he first spent $30,000 in sending by mail and then turned us over to our friends, the express trust. What first caught my eye was, I found we were in 1888, when we expressed about $26,000,000, paying the express company $1.88. In 1908 we expressed $62,905,740, and on that they charged us $2.45.

The express trust, in other words, the more work the Government gave it the higher it charged the American people, and hence it is we have this deficit and have had for years in hauling our coin. It was $1.88 when they hauled $26,000,000; when we hauled nearly $63,000,000 this trust charged us $2.45. Now, then, gentlemen, the chairman of the committee [Mr. TAWNEY] several years ago, to cure this evil, offered an amendment, which is as follows:

> This sum and the appropriation for contingent expenses, Independent Treasury, and for transportation of fractional silver coin shall be available only for transportation of notes, bonds, and other securities of the United States, and of minor coin, except when impracticable, by registered mail and not otherwise, and in such sums as the Secretary of the Treasury may determine and under such rules and conditions as may be agreed upon jointly by him and the Postmaster-General.

He started to bring about this reform, and because his amendment went out on a point of order it seems that he absolutely surrendered, Mr. Chairman, to the evil and stands here ready to pay its demands in the regular appropriation bill and the deficiency appropriation bill. Now, what has happened since June 30 last? Just before the law that Congress passed went into operation July 1 last General Meyer, the Postmaster-General, wrote to the Secretary of the Treasury—and for the first time, I want to say, has such an order been made—saying, in effect, "For every one of the bags of silver coin that you send through the mail you have got to pay letter postage" because, Mr. Chairman, the little bag of coin—4 pounds and upward—is sealed—sealed, if you please—with a little piece of lead, which I hold in my hand, and tagged "$50," and so on up. Before we put this reform limitation in the bill and made it law we were sending coin at 8 cents registration fee, but as soon as we undertook to get ahead of the express trust, why, General Meyer's order came in effect to the rescue of the express trust; and, unless some reform is made here to-day it turns us back again into the arms of the express trust, against which I protest in the name of law and justice.

We have carried a good deal of this coin for years by registered mail at 8 cents. Now they charge us $1.08. But what goes with this $1.08? The Secretary of the Treasury turns it into the Post-Office Department, instead of turning it into the lap of the express trust. Now, where does he put it? Will you turn a dollar and eight cents, the people's money, into the hands of the express trust, or will you turn it into the hands of the Post-Office Department, where you have a deficit of millions of dollars every year? That is the question, even admitting the truth of the proposition as it is now stated by the opposition—take a dollar and eight cents out of the Treasury's pocket and put the same dollar back into the Post-Office pocket, both pockets being the people's. That is it. Shall we take a dollar and eight cents out of the Treasury Department and put it into the mouth and the expanding stomach of the American express trust, or in the Post-Office Department? That is the whole proposition.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GAINES of Tennessee. Now, Mr. Chairman, just a minute more. I say, Mr. Chairman, that this amendment ought to be adopted; that this reform should be continued and perfected. It should be continued, because it is in the right direction, and improve on it as we go along. Whether General Meyer's order was good law or not, it should be nullified by Congress in a prompt and proper way, and this reform had. The express package and mail bag go on the same train. Why can we not send coin in our mail bag rather than be robbed by any trust or person carrying it in his pouch or box? Congress can if it only would.

Mr. FINLEY. Mr. Chairman, I have listened to the argument of the gentleman from Iowa [Mr. SMITH]. I think the gentleman is in error when he states that it costs the United States Government 7 to 8 cents per pound to carry fractional silver coin. As a matter of fact, Mr. Chairman, the only cost to the Government is whenever in a shipment of fractional coin a quadrennial weighing period is passed through. That is practically the only cost. Everyone who knows anything about the postal service of the United States is well aware of the fact that the most profitable part of the postal system, comparatively speaking, is the registered mail.

Now, it is contended here that the Postmaster-General insists that because packages of silver are sealed, therefore such packages must be treated as first-class mail. Is there any reason for that proposition? Is there any logic in the contention that because a package—a government publication, a government shipment of mail—is sealed, that therefore it is first-class mail? I am informed that the average shipment of fractional coin is in comparatively small quantities. It is sealed, of course, as all first-class mail is sealed.

Is there any more reason for contending that fractional coins shipped through the mails cost 7 to 8 cents a pound than there is that the letters received by the gentleman from Iowa [Mr. SMITH] this morning, or some other morning, from the Postmaster-General, is first-class mail and costs from 7 to 8 cents a pound? Anyone who is informed as to the postal system of the United States knows, and knows well, that it is not the first-class mail, it is not the registered mail, that costs the people of the United States the vast and enormous sums that we pay out annually for the support of the postal system. Not at all. It is the second class and other classes of mail, and so on. I have not time here to go into it, but I insist that the Postmaster-General is wrong when he holds that because fractional silver coin is sealed it is first-class mail.

Mr. COX of Indiana. Will the gentleman yield for a question, in order that I may secure information on this point?

Mr. FINLEY. Certainly.

Mr. COX of Indiana. Does the gentleman contend or admit that under present postal laws the Postmaster-General would have the power to send fractional coin through the mail as third or fourth class matter if he so desired?

Mr. FINLEY. Now, Mr. Chairman, to answer that question fully would involve a discussion that is not open here for want of time. The man who can define the powers of the Postmaster-General of the United States I have not met. I have no doubt that he could do so if he wished.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. FINLEY. Yes.

Mr. GAINES of Tennessee. I will state that not until we began this experiment last session, and not until last June, was this exaction ever made by the Postmaster-General. It all went at 8 cents.

Mr. FINLEY. So, Mr. Chairman, when you take into calculation the cost of the post-office service of the United States it means the whole cost, the post-office buildings, rented or owned by the Government, and so on.

Mr. SMITH of Iowa. Oh, no. Not the post-office buildings at all.

Mr. FINLEY. I think, Mr. Chairman, I am tolerably well informed of what I am talking.

Mr. SMITH of Iowa. The gentleman is in error about that.

Mr. FINLEY. I think I am not in error. In fact, I know I am not. It takes into consideration the whole cost of the service.

Mr. COX of Indiana. I take it that the gentleman is informed on the postal laws, and I frankly admit I am not. I would like to know whether or not, under the postal laws as they exist now, the Postmaster-General would have the power to send fractional current coin through the mail as third or fourth class mail matter.

Mr. FINLEY. I have no doubt about that; he could, Mr. Chairman. In fact, the order of the Postmaster-General is arbitrary and not governed by any law that I am aware of. It is arbitrary in requiring first-class rates on fractional silver coin shipped through the mails.

Mr. SMITH of Iowa. Will the gentleman permit me to ask him a question?

Mr. FINLEY. Certainly.

Mr. SMITH of Iowa. What possible difference would the rate make? The real question is, What does it cost the Government to handle this per pound through the mail, and what does it cost by express?

Mr. FINLEY. I stated that in the outset.

Mr. SABATH. I desire to ask the gentleman from Iowa a question on that score.

Mr. FINLEY. I yield to the gentleman.

Mr. SABATH. Why should it cost the Government as much to ship it by mail as through the express, inasmuch as we know that the express companies are charging exorbitant prices for hauling packages, when we have our own ways of hauling matter? Why should the Government pay double the amount to carry it by express that it costs to carry it by mail?

Mr. SMITH of Iowa. It only costs half as much to carry it by express as it does by mail; that is what I am trying to make plain.

Mr. SABATH. Why should it cost the Government as much by mail as it does by express?

Mr. FINLEY. Now, Mr. Chairman, with the permission of the committee I will proceed. The gentleman insists that it costs from 7 to 8 cents per pound to carry silver coin through the mail. The gentleman can not prove that contention. It is impossible to prove it. The whole postal service, maintenance and everything else, costs something like that. The gentleman knows as well as anybody knows that when the Government places something in the mail, to be carried through the mail, in the conduct of its own business, it does not cost an additional 7 or 8 cents a pound for every pound put in. Not at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FINLEY. I ask that I may have further time.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. If this silver coin were sent through the mail, would it make it necessary for the Government to employ a single other man to do it?

Mr. FINLEY. No. Now, in further answer to that question, Mr. Chairman, I will say that in my opinion it would not cost the Government of the United States one-half of 1 cent a pound to send fractional silver coin through the mail. It can not. The only possible cost, as I have said, is this: Suppose it is registered; the Government will use a registered stamp. It can be sent under the penalty provision; and the only cost that could possibly arise that would add to the expense of the Government of the United States would be whenever the fractional silver coin passed through a section of country where the quadrennial weighing was in progress.

Mr. STAFFORD. Will the gentleman allow me to ask him a question?

Mr. FINLEY. Certainly.

Mr. STAFFORD. If the gentleman states it would not cost a half a cent a pound to carry fractional silver, may I ask him what was the motive that governed the Post-Office Committee in recommending to this House and having enacted into law the provision to withdraw freightable articles from the mail, and directing that they should be sent by freight?

Mr. FINLEY. I will answer the gentleman. I had something to do with that, and it was this: That theretofore they had been shipped as first-class mail, and first-class mail is higher than the average freight rates.

Mr. STAFFORD. But equipment, such as empty mail bags, had not been sent by first-class mail.

Mr. FINLEY. The gentleman knows that in the weighing season every pound of mail sent through the mail is weighed, and it is to save the Government expense in the weighing.

Mr. STAFFORD. But it did not only cost half a cent a pound, or we would not have made the order for the withdrawal of empty mail sacks and the like and compelled them to be sent by freight.

Mr. FINLEY. Oh, the gentleman is going off, and he knows the reason for that——

Mr. STAFFORD. The gentleman is strictly adhering to the position and is not going off.

Mr. FINLEY. The gentleman is off in giving the reason for that provision of law, with which I had something to do; and I do not know that the gentleman had to do with it. The reason for it was——

Mr. STAFFORD. The gentleman framed it himself.

Mr. FINLEY. The gentleman is wrong about that.

Mr. STAFFORD. I will leave that to the other members of the Post-Office Committee.

Mr. FINLEY. The gentleman is wrong about that. The reason was to save the Government the expense of paying in the weighing season for mail bags the same rate that it paid for first-class mail, as far as the railroads are concerned. That is the only reason.

Now, I repeat my statement that, so far as the cost to the Government of transporting silver coin is concerned, it would not exceed one-half of 1 cent per pound. The only case that could possibly arise would be when mail of that character passed through a section of the country where the quadrennial weighing was in progress. The gentleman from Wisconsin knows that.

Mr. STAFFORD. "The gentleman from Wisconsin" knows that any class of mail, whether third-class matter or second-class matter or first-class matter, costs more than one-half of 1 cent a pound to carry through the mail.

Mr. FINLEY. The gentleman knows that these shipments are from subtreasuries. The carriage is comparatively short, whereas general shipments of mail are from any point to any point within the jurisdiction of the United States. There is that difference. The gentleman knows that shipments of fractional silver would not go the distance that ordinary mail is carried. So, Mr. Chairman, there is no reason in the world why the amendment offered by the gentleman from South Carolina [Mr. JOHNSON] should not prevail. I repeat that the order of the Postmaster-General is arbitrary.

Mr. HARDY. Mr. Chairman, with all modesty, and largely because of the remark of the chairman of the subcommittee [Mr. SMITH of Iowa] as to my being in error in at least three out of four statements, I wish to make a little explanation and some further additions. The gentleman asks what difference did it make whether the Government charged in postage stamps 1 cent or 32 cents per pound for sending this fractional coin from one place to another; suggesting that if 32 cents per pound were paid in stamps, it was taking that money from the Treasury Department and giving it to the Post-Office Department, and only swapping pockets with the money, which is true; but it did make a difference, under the amendment offered by the gentleman from Tennessee [Mr. GAINES] last year, which required that half of the money appropriated for carrying this fractional coin should be used for carrying it by mail.

If it were charged for at 32 cents a pound, the mail carried very little of that silver, or carried very much less than it would at 1 cent. If it were carried at 1 cent per pound second-class rate, the mail would carry a great deal of the fractional coin, whereas if it were charged at 32 cents a pound, or first-class rate, the portion carried by mail would be much less than it would the other way, and there would be that much more to be carried by the express companies.

Now, to carry out the argument suggested by the gentleman from South Carolina [Mr. JOHNSON] and to show its truth, let

me say we make, as the gentleman from Iowa [Mr. SMITH] said, these weighings quadrennially. We weigh every year, but the country is divided into quarters, and in one section the weighing is this year and in another section the next year, in another section the next year, and so on, getting around in four years. When we weigh the mail at the beginning of a period, the weight fixed for that section of the country remains definitely determined, so far as our mail contracts with the railroads are concerned, for four years.

Then, if we add a little more weight by carrying this silver through the mail, it does not increase the expense to the Government one cent so far as the Railway Mail Service is concerned. If a few pounds of silver are carried, is that likely to add one employee? The postmaster at my town would handle a little more mail, as would the postmasters at other towns. If all this silver were carried in the mails, I do not believe there would be one additional rural carrier or one additional mail clerk or one additional postmaster in all the United States, or that there would be any necessity of raising wages. There would be no necessity of establishing additional post-offices, and the total addition to the postal expenses for carrying all this silver by mail would not exceed $10. If it is carried by the express companies, there is that much more money going into the coffers of the express companies. The very fact that we only weigh the mail once in four years for each section of the country, is an additional reason why, so far as the total cost is concerned, there would be no addition to the postal expenses by carrying this silver by mail. Whether it should be franked or should be paid for in stamps as second or first class matter, makes no difference in the real cost to the Government.

The only difference whether it goes first class or second class is that by sending it first class the amount required to be sent by mail under the Gaines amendment is much less than it would be if it was sent as second-class matter.

Now, it seems to me my propositions, instead of being all in error, were all correct, and the gentleman from South Carolina [Mr. JOHNSON] was about correct when he said that the added cost to this Government to carry this silver in the mail would not have been one-eighth or one-eighteenth of a cent per pound. Under the law as it is now here framed the express companies can be given the transportation of all this fractional coin at their top rates, you may be sure. If the amendment of the gentleman from South Carolina [Mr. JOHNSON] is adopted, all of it will have to be carried by mail, and to the very considerable saving of the Government, in my opinion. I therefore favor the amendment of the gentleman from South Carolina.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina.

The question being taken, on a division (demanded by Mr. JOHNSON of South Carolina) there were—ayes 20, noes 31.

Mr. GAINES of Tennessee. No quorum, Mr. Chairman. [Cries of "Oh, No!" "No!"] I think for a handful of Members to pass upon this item is not fair.

Mr. MANN. Let me suggest to the gentleman that this side of the House voted one way and that side voted the other. That will be the result if we all come in.

Mr. GAINES of Tennessee. How did the gentleman from Illinois vote?

Mr. MANN. I voted with this side of the House.

Mr. GAINES of Tennessee. Well, I withdraw the point of no quorum, Mr. Chairman.

Mr. MANN. The gentleman from Tennessee is always a gentleman.

Mr. GAINES of Tennessee. All the same, I want to say that I am right and the other side is wrong. [Laughter.]

The CHAIRMAN. The ayes are 20 and the noes are 31, so the amendment is not agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after the word "applicants," line 20, page 57, the following: "*Provided*, That no part of this appropriation shall be used in paying any express company, corporation, or concern, engaged in transportation contrary to an act entitled 'An act to protect trade and commerce against unlawful restraint and monopolies,' approved July 2, 1890."

Mr. GAINES of Tennessee. That is a proposition to check this express octopus, which has its hand on the throat of the Government. Everyone knows it. The railroad commission of Indiana, the State where lives the chairman [Mr. WATSON], has just reported against the unjust rates of this octopus, and it has gone into the federal courts and enjoined the commission. I know Judge Wood, of the commissioners, who wrote the opinion. He is a good man. If these companies are not violating the Sherman law, this will not apply or hurt. If it is, it will apply, and it is our duty to see that the law is faithfully executed. It is our duty to stand by the law. We have given money here to have it done, we have officers to have it done, and I say, Mr. Chairman, that we ought to have this octopus indicted and enjoined.

Now, if these companies are clean, it will not hurt them. If they are breaking the law, we ought to stop it. If it is breaking the law—and we know it is, for, according to the statement of Mr. Daskam, there is no competition. All of these companies are in combination in defiance of this law. I think they are called the "American Express Company," that runs about every express concern in the United States, and they not only hold up the Government, but every child, every widow, and every citizen in the land, whether he is exalted or humble; they hold them up for dimes, for quarters, for half dollars, for $2, and $5—in this case, at the rate of hundreds of thousands of dollars every year. I say that it is time that we make this law and clear our skirts. Let us do the best we can; angels can do no more.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were 17 ayes and 37 noes.

Mr. GAINES of Tennessee. Tellers, Mr. Chairman.

The CHAIRMAN. Tellers are demanded. All those in favor of tellers will rise. [After counting.] Thirteen gentlemen have risen—not a sufficient number.

Mr. GAINES of Tennessee. I demand the other side.

The CHAIRMAN. There is no other side, because it requires 20 votes.

Mr. GAINES of Tennessee. Did the Chair count 20?

The CHAIRMAN. The Chair counted 13.

Mr. GAINES of Tennessee. I think, Mr. Chairman, there was some confusion in the vote on this amendment, and I ask unanimous consent to have it retaken.

The CHAIRMAN. Which vote does the gentleman refer to, the demand for tellers?

Mr. GAINES of Tennessee. No; I ask unanimous consent that the vote on the amendment may be again taken.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the vote on his amendment be again taken. Is there objection? [After a pause.] The Chair hears none.

The Clerk again reported the amendment.

The CHAIRMAN. The Chair will state the parliamentary situation. A vote was taken viva voce, and in the opinion of the Chair the noes had it. The gentleman demanded a division; and on a division there were 17 ayes and 37 noes. Thereupon the gentleman from Tennessee demanded tellers, and 13 gentlemen arose. The gentleman from Tennessee asked unanimous consent that the demand for tellers be taken over again.

Mr. GAINES of Tennessee. No; a vote on the amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the vote on the amendment be retaken. Is there objection? [After a pause.] The Chair hears none.

The question was again taken; and on a division (demanded by Mr. GAINES of Tennessee) there were 26 ayes and 31 noes.

So the amendment was lost.

Mr. SMITH of California. Mr. Chairman, I ask unanimous consent to return to page 30 of the bill that I may offer an amendment.

Mr. YOUNG. I shall object to that.

The CHAIRMAN. The gentleman asks unanimous consent to return to page 30 for the purpose of offering an amendment. Is there objection?

Mr. FITZGERALD. What is the amendment?

Mr. SMITH of California. I will explain. Page 30 refers to the appropriations for continuing the work upon public buildings. There was no item in that list for Riverside, Cal., and when the matter was brought to the attention of the House the chairman of the committee, the gentleman from Minnesota [Mr. TAWNEY], said that it was because the site had not been obtained up to January 15.

I now have a letter from the Supervising Architect, which I will send to the desk and have inserted into the RECORD, showing that through a mistake in his office that information was given to the committee, but that as a matter of fact the site was obtained on the 23d day of December, and his letter states that it is necessary to have some further appropriation to carry on the work. It seems to me that it is only proper that that city should be placed upon the same footing as other cities where the site was obtained prior to January 15.

Mr. TAWNEY. Mr. Chairman, I shall have to object. If I granted this request, I would have to do it in a dozen or 15 other cases. I intend to treat everybody alike.

Mr. SMITH of California. I assume the gentleman does, and I assume that what the gentleman has just stated is not correct; that is, that there are a dozen or 15 others whose sites were obtained before January 15.

Mr. TAWNEY. If the gentleman had been here on Monday when the appropriations for public buildings were under consideration, and could have noticed the interruptions and interrogations regarding this matter, he would agree with me that there are ten or a dozen or more, and the facts presented to the Committee on Appropriations by the Secretary of the Treasury and the Supervising Architect in regard to this item are that the site has not been selected.

Mr. SMITH of California. That is correct. He did make that statement to the committee; but he now gives me a letter, which I desire to have read, stating that he was in error, and that as a matter of truth this site was obtained on the 23d of December. Now, I submit to the chairman of the committee that I know that he wants to be fair to me, and therefore he can not consistently object to this, for it would merely put this city on the footing of all others whose sites were obtained before the 15th of January.

Mr. SMITH of Iowa. Mr. Chairman, I want to suggest to the gentleman that while it is true that this statement under which the committee acted was transmitted under date of January 15, the statement signed by Mr. Taylor was dated January 8, and referred to the state of these buildings on the 1st of December. While it is true that the gentleman's city may have acquired a site late in December, this committee acted upon this report. It rejected all where the site was not selected as shown by this report. There were numerous others selected between the 1st and the 23d of December, and certainly between the 1st of December and this time; and to reopen this would mean to reopen the whole thing and change the whole rule upon which the bill has been prepared and to allow one and not allow others.

Mr. SMITH of California. Suppose we consider the great importance of the rule of the gentleman's committee. Here is a letter from the architect saying that it is essential to have this appropriation to carry on that work. It seems to me that some passing rule of the Committee on Appropriations ought not to stand in the way of this matter.

Mr. TAWNEY. I submit that debate is not in order, Mr. Chairman. We have passed these items. If we go back in one case, we will have to go back in other cases, and we will never complete the consideration of the bill. I shall therefore have to object.

Mr. BARTLETT of Georgia. Mr. Chairman, I want to say to the gentleman from California and to the gentleman from Minnesota that if consent is given in this case, I shall insist that it be given upon the condition that my case be taken up. The gentleman knows that it is as meritorious as that of the gentleman from California.

Mr. SMITH of California. This rule is not so sacred, surely, that we need to close the door against transacting the public business in a proper way in order to not violate the rule.

Mr. TAWNEY. This part of the bill has been disposed of, Mr. Chairman.

Mr. BARTLETT of Georgia. Whenever that proposition is insisted upon, I am going to insist upon mine coming in.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to page 30 for the purpose of offering an amendment. Is there objection?

Mr. TAWNEY. Mr. Chairman, I object.

Mr. SMITH of California. Mr. Chairman, I ask unanimous consent to place in the RECORD a letter which I have received from the Supervising Architect of the Treasury.

The CHAIRMAN. The gentleman from California asks unanimous consent to print the letter to which he refers. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

TREASURY DEPARTMENT,
Washington, February 24, 1909.

Hon. SYLVESTER C. SMITH,
House of Representatives, Washington, D. C.

SIR: Referring to statements in the hearings before the subcommittee of the House Committee on Appropriations and to the statements on page 89 in connection with the post-office at Riverside, Cal., that "the site has not yet been selected but one will probably be in the very near future and in order to carry on the work it will be necessary to appropriate of the balance $50,000," I have the honor to advise you that the data for these hearings was obtained on or about December 20, 1908, three days before the selection of the site at Riverside, and as the site has been selected it will be absolutely necessary that the $50,000 be appropriated in order not to delay the construction of the building.

Respectfully,

J. K. TAYLOR,
Supervising Architect.

The Clerk read as follows:

Transportation of minor coin: For transportation of minor coin, by registered mail or otherwise, $25,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, minor coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. SMITH of California. Mr. Chairman, I move to strike out the last word. I desire to get my mind clear on this matter and also the record of the House. Was it not the statement of the chairman of the Committee on Appropriations on Monday when this subject was brought to the attention of the House that all buildings were to be provided for if sites had been obtained or acquired before the 15th of January?

Mr. TAWNEY. I said, Mr. Chairman, when the question arose on Monday, that in the preparation of the appropriation for public buildings the committee adopted the rule of recommending the amount estimated in each individual case where the site had been selected at the time of the submission of that report.

Mr. SMITH of California. Did not the gentleman say the 15th of January?

Mr. TAWNEY. At the time of the submission of this report, which was January 15, we adopted the rule. And in justification of the action of the committee, the Supervising Architect has since informed the committee that the appropriations now made for the construction of buildings on sites other than those selected prior to the submission of his estimates could not be expended during the fiscal year 1910, and that there was, therefore, no necessity for carrying any further appropriations.

Mr. SMITH of California. But in this letter which I have just presented, and which will appear in the RECORD, he states that it is absolutely necessary to have this appropriation in order to continue work on that project.

Mr. FITZGERALD. Will the gentleman yield?

Mr. SMITH of California. Certainly.

Mr. FITZGERALD. Was that letter addressed to the gentleman from California or to the chairman of the Committee on Appropriations?

Mr. SMITH of California. It is addressed to the "gentleman from California."

Mr. FITZGERALD. If it is so imperative that this appropriation should be made, does not the gentleman think the Supervising Architect would have called the matter personally to the attention of the committee charged with the duty of making these appropriations?

Mr. SMITH of California. Possibly he might not be worried if the work stood still. Now, the circumstances were these——

Mr. FITZGERALD. Is not this a fact, that it was the activity of the gentleman from California which secured the writing of this letter and the insisting on the appropriation at this time?

Mr. SMITH of California. You are half right and half wrong. Now, I will put you altogether right. This office, of course, of the Supervising Architect was closed on Monday, when this subject was raised, and we could not communicate with him. I do not mind saying, parenthetically, that I was down receiving the fleet on that day [laughter], but my colleague [Mr. ENGLEBRIGHT] is always on deck, and he brought the matter to the attention of the House, and afterwards I read it in the RECORD.

This morning I went to the Treasury Department and asked Mr. Taylor to give me the date at which that site was acquired, and when he said December 23, why, there is no reason why this project should not be in the bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. SMITH of California. In one minute, please. I asked him if he would give me, in writing, a statement, and he gave me the letter which I brought with me. I will now yield to the gentleman from Illinois.

Mr. MANN. Is not the entire difficulty caused by the misunderstanding of what the gentleman from Minnesota intended to say? Did not he say sites selected prior to January 15——

Mr. SMITH of California. That is what I read.

Mr. MANN. And evidently he now intended to say sites selected prior to the preparation of the report which the committee received January 15, which related to December 1. If that be correct, and there are many others in the same fix, does not the gentleman think his case should go like the rest?

Mr. SMITH of California. I think my case has this further merit, that at the time the Architect of the Treasury prepared his report and submitted it the site in this case had been selected, and he overlooked the matter.

Mr. MANN. But they state the report was prepared on December 1.

Mr. SMITH of California. Oh, no; it does not. The architect in his letter to me to-day, which I have placed in the RECORD, says that the data on which he made this report were obtained from the law department on the 20th of December, which was three days before the Riverside site had been secured. But he makes his showing to the committee, if I am not mistaken, on the 8th of January, and he either had not been advised that the Riverside matter had not been closed between the 20th of December and the 8th of January or else he over looked the matter.

Mr. MANN. Does the gentleman think his site was omitted because of an error in the architect's office——

Mr. SMITH of California. Yes, sir.

Mr. MANN (continuing). Or because the site had not been selected up to the time that the report dated back to?

Mr. SMITH of California. This matter, as was made clear to me by Mr. Taylor, was an oversight. In some way this matter had not been brought to his attention when he received information from the law department on December 23.

Mr. TAWNEY. Mr. Chairman, I desire to say just one word in reply to the gentleman from California [Mr. SMITH]. The authorization for the site and, in this case, the building, was carried in the last public-building bill. The amount heretofore appropriated is $30,000—that is, for the acquisition of the site and to begin the work of construction.

Under this authority not only the site can be selected, but the department can go on and prepare plans and specifications for the building, the appropriation for which is carried in this bill under the head of "General expenses," and enter into a contract for the construction of the building. There is now available $30,000 for that purpose. I am satisfied that, notwithstanding the exceeding anxiety of the gentleman from California, there is now appropriated more money for his building than will be expended in the fiscal year 1910.

I therefore insist upon my objection, and ask for the regular order.

Mr. SMITH of California. Mr. Chairman, I am debating the motion before the House.

The CHAIRMAN (Mr. BENNET of New York in the chair). For what purpose does the gentleman rise?

Mr. SMITH of California. To further debate the question before the House.

The CHAIRMAN. Debate on this particular amendment has been exhausted.

Mr. SMITH of California. I think I have a right to reply, have I not? I made the motion. I wish to reply to the gentleman from Minnesota [Mr. TAWNEY].

The CHAIRMAN. The gentleman from Minnesota exhausted debate in opposition to the amendment.

Mr. SMITH of California. Mr. Chairman, I move to strike out the last two words.

Mr. SHERLEY. Mr. Chairman, I demand the regular order, and ask that the gentleman shall speak to the amendment before the House. This matter has been fully considered, and it is late enough to proceed with the consideration of the bill.

Mr. SMITH of California. I will talk to the question before the House. The question before the House is the Riverside appropriation [laughter] under a fictitious motion.

The CHAIRMAN. The gentleman from California [Mr. SMITH] moves to amend the motion previously made by him by striking out the last two words.

Mr. SHERLEY. Now, Mr. Chairman, I make the point——

Mr. SMITH of California. I am coming to the main question——

The CHAIRMAN. The gentleman from California will suspend. The gentleman from Kentucky [Mr. SHERLEY] raises the point of order that the gentleman from California is not speaking to the amendment. The Chair sustains the point of order.

Mr. SMITH of California. I do not know how the gentleman can tell that when I had not finished one sentence. I would like to have the permission of the gentleman from Kentucky [Mr. SHERLEY] to state only two sentences in reply to the chairman as to the availability of this fund.

The CHAIRMAN. The gentleman from California [Mr. SMITH] asks unanimous consent to proceed for two minutes.

Mr. SHERLEY. Two sentences.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. I prefer to take the two sentences.

Mr. SMITH of California. Of course, whenever one comes to the end of a sentence he lets his voice fall.

A MEMBER. One sentence.

Mr. SMITH of California. Mr. Chairman, the site at Riverside is to cost about thirty to thirty-five thousand dollars, of which the citizens contribute fifteen thousand and the Government twenty thousand, and therefore there will only be $12,000 left to continue the work during the fiscal year; and I respectfully submit that that is not enough. Now, that is one sentence. I will take credit for the other sentence.

The CHAIRMAN. The gentleman from California [Mr. SMITH] withdraws the pro forma amendment, and the Clerk will read.

Mr. GAINES of Tennessee. Just a moment. I wish to make a statement. I was out of the Chamber on some important work, and when I came in I believed the committee had these words under consideration, "by registered mail or otherwise." I labored under that impression for some time, and during that time I stated that these words "by registered mail or otherwise" were inserted last session as a result of my amendment. That is true as to "minor" coin, but not as to "silver" coin, which we were considering when I entered the Chamber and made that statement. The sundry civil bill of last session contained these words:

Transportation of minor coin, $25,000.

That was reported in the bill, and I had the words "by registered mail or otherwise" added.

The item as to the transportation of "silver" coin was in these words:

For transportation of silver coin, $60,000, by registered mail or otherwise.

And I had that amended by these words:

Provided, That not less than one-half of this appropriation shall be used in transporting said coin by registered mail.

Now, then, in the RECORD of May 1, 1908, Sixtieth Congress, first session, I offered another amendment, and it was adopted. It reads:

Insert, on page 23, line 21, after the word "appropriations," "and report"—

That is, the Secretary of Treasury—

"at the next session of Congress the necessary facilities and cost thereof for transporting such coin by registered mail and by registered mail insured.

"The question was taken. The amendment was adopted"—

says the RECORD.

I will insert in the RECORD the law as we made it and as it reads to-day, as follows:

[Sixtieth Congress, first session, Cg. 200, 1908.]

CHAP. 200. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1909, and for other purposes. (May 27, 1908. H. R. 21260. Public, No. 141.)

Transportation of fractional silver coin: For transportation of fractional silver coin, by registered mail or otherwise, $60,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, fractional silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants: *Provided*, That not less than one-half of this appropriation shall be used in transporting said coin by registered mail. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation, and report at the next session of Congress the necessary facilities and the cost thereof for transporting said coin by registered mail, and by registered mail insured.

Transportation of minor coin: For transportation of minor coin, by registered mail or otherwise, $25,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, minor coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Now, then, the gentleman from Iowa stated a few minutes ago that the amendment requiring the Secretary of the Treasury to make report to this Congress as to the cost of facilities, and so forth, for sending this money through the mails did not require the Secretary of the Treasury to report to this session of Congress. I say to him that he is mistaken about it.

Mr. Chairman, the Secretary of the Treasury was required to make a report as to this matter at this session of Congress, "the next session" of this, the Sixtieth Congress; and the Secretary of the Treasury has not made any report to this, the "next session," of Congress.

The Clerk read as follows:

Contingent expenses, independent treasury: For contingent expenses under the requirements of section 3653 of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, $260,000.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask the gentleman from Minnesota [Mr. TAWNEY] why, several years ago, he offered an amendment requiring this money to be sent by registered mail?

Mr. TAWNEY. What money is the gentleman talking about?

Mr. GAINES of Tennessee. Money and bonds, and so forth, and so on, provided for under this head of "Contingent expenses, independent treasury."

Mr. TAWNEY. I will say to the gentleman from Tennessee that when that was proposed it was coupled with a proposition requiring the Secretary of the Treasury and the Postmaster-General to make rules and regulations under which this money could be transported through the mails by registered mail, so that they would not be required to limit the packages of money to the size of the packages the regulations now require.

Mr. GAINES of Tennessee. Now, why did you want it sent through the mail?

Mr. TAWNEY. For the purpose, and believing it could be sent cheaper than it could be by express.

Mr. GAINES of Tennessee. What information did the gentleman have that it could be sent cheaper?

Mr. TAWNEY. I had information to the effect and believed it could be sent cheaper through the mails, provided that suitable regulations could be effected between the Treasury Department and the Postmaster-General.

Mr. GAINES of Tennessee. In other words, gentlemen, the gentleman at that time believed the express companies were charging us oppressive rates.

Mr. TAWNEY. I do not know that I did.

Mr. GAINES of Tennessee. Then why did you want to change from the express companies to the registered mail?

Mr. TAWNEY. I wanted that alternative, and I submit these alternative propositions should always be carried in the law as a check upon the express companies.

Mr. GAINES of Tennessee. There was no alternative.

Mr. TAWNEY. Yes, there was; and there has been for the last ten years.

Mr. GAINES of Tennessee. "By registered mail and not otherwise," your amendment read. The gentleman started in with that reform trying to get a revision of the law, and because the amendment went out on a mere chinquapin point he stopped there. It went out on a point of order, and he has made no further steps. I think it should be made the law. I am sorry it went out, and I hope it will be made the law yet, or something like it. I dislike exceedingly that the chairman of the committee, when he saw three or four years ago that these express companies were holding up the Government and charging an excessive rate, should not have sought to take it absolutely away from the express trust and turn it absolutely over to the registered-mail system of the Government of the United States.

Yet under an amendment in the law we put in this bill the Secretary of the Treasury thought it was so little—that there was nothing in it—that he refused to obey the mandate of Congress that he report to Congress so that we might have these things before us and act intelligently.

The gentleman himself said it should be done. The gentleman from Iowa [Mr. SMITH] agreed to the amendment in the last session, thinking it should be done, and putting in this request for the Secretary to do this; and yet the Secretary turned an unwilling hand and a deaf ear to it, although he is sworn to enforce and uphold the laws of the country.

The Clerk read as follows:

Special witness of destruction of United States securities: For pay of the representative of the public on the committee to witness the destruction by maceration of government securities, at $5 per day while actually employed, $1,565.

Mr. PERKINS. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. MANN. I was trying to get the floor to ask a question about the previous item, this distinctive paper for United States securities. Having become somewhat interested in the subject of paper, I should like to enlarge my knowledge. Can the gentleman tell us how this paper is secured, how many bids are received for it, and what is paid for it, and who furnishes it?

Mr. TAWNEY. There is only one concern engaged in the manufacture of distinctive paper for the government securities, and the manufacture of the paper is carried on under the supervision of the officials of the Treasury Department. The concern which manufactures the paper is located somewhere in the State of Massachusetts.

Mr. MANN. I suppose there could be only one concern making distinctive paper for United States securities, unless the Government should let the contract to more than one concern; but how does this concern get the business?

Mr. TAWNEY. I am not able to state. I do not know that there was any testimony presented to the committee in regard to whether the contract is let by competition; but it is understood that this distinctive paper is manufactured under a patented or secret process, and it is only those who own the patent or secret process for the manufacture of the paper who can make it and do make it. Whether the concern in Massachusetts is a subsidiary concern of another concern I do not know.

Mr. MANN. If it be true that this $310,000 goes for the purchase of paper made under a patented process, there is all the more reason for information upon the subject. The making of distinctive paper does not require any patented process.

Whether the making of this particular paper requires a patented process depends wholly on whether the Government requires paper made by that process. Distinctive paper for government securities has been made for many years, and any fairly well-equipped paper mill can make distinctive paper with no difficulty at all. If there is any information upon this subject, it seems to me it would be highly interesting to have it.

Mr. PARSONS. In the absence of the gentleman from Massachusetts [Mr. LAWRENCE] in whose district this paper mill is located, I will say that I think some years ago the buildings were constructed there in accordance with the request of the Government.

Mr. MANN. I think, so far as information has been imparted, I know more than any of the gentlemen who have spoken. I think I could tell them who is making the paper.

Mr. DOUGLAS. How many United States soldiers march up and down in front of the mill?

Mr. GAINES of Tennessee. I should like to know who makes the paper.

Mr. MANN. Oh, my time has expired.

Mr. GAINES of Tennessee. I move to strike out the last word, Mr. Chairman.

Mr. HEPBURN. I should like to inquire of the gentleman from Illinois if this was not a subject of inquiry on the part of the wood-pulp committee that has recently been investigating the world with regard to pulp and paper; and if not, I want to know why the gentleman did not extend his inquiries to this very important subject? He evidently regards it as of great importance.

Mr. MANN. We did extend our inquiries to the subject, but we received no information from the manufacturers.

Mr. GAINES of Tennessee. Who is furnishing this paper to the Government?

Mr. MANN. Mr. Chairman, I decline to be put on the witness stand by the gentleman from Tennessee. I leave questions of that sort, relating to the sundry civil bill, to the distinguished gentlemen of the Committee on Appropriations, and I refer my friend from Tennessee to the gentleman from Minnesota [Mr. TAWNEY], or the gentleman from New York [Mr. FITZGERALD], or the gentleman from Kentucky [Mr. SHERLEY], who undoubtedly can give him the information required.

Mr. MURDOCK. I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] has the floor.

Mr. GAINES of Tennessee. If the gentleman can obtain the information, I yield my time to him.

The CHAIRMAN. The Chair will call the attention of the committee to the fact that this is proceeding by unanimous consent, as the paragraph in question has been passed, and the gentleman from New York [Mr. PERKINS] has reserved a point of order to the paragraph which is really before the committee.

Mr. MURDOCK. I thought the Chairman recognized the gentleman from Illinois [Mr. MANN] on the preceding paragraph.

Mr. TAWNEY. I demand the regular order, Mr. Chairman.

Mr. MURDOCK. I want to ask a question that is pertinent. I ask unanimous consent that I may ask it on this paragraph.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to be recognized for an inquiry. Is there objection?

There was no objection.

Mr. MURDOCK. I would like to ask the gentleman in charge of the bill if this is the only distinctive paper the United States buys?

Mr. TAWNEY. We buy some for internal-revenue stamps.

Mr. BONYNGE. And for naturalization certificates.

Mr. MURDOCK. Is there any necessity for distinctive paper for revenue and postage stamps?

Mr. TAWNEY. I do not know whether there is or not. They are not using any for postage stamps, but they are using it for revenue stamps. It is purely a matter of administration, and I do not know why they make the distinction.

Mr. MURDOCK. Does one factory furnish all varieties of distinctive paper to the Government?

Mr. TAWNEY. I do not think it does, although I am not certain whether it does or not.

Mr. PERKINS. Now, Mr. Chairman, in reference to the point of order I made against the section. It is not perhaps a matter of vast importance, but still in these days when the

appropriation committees are so earnest, seeking to reduce expenses to the Government as far as can be, I desire to call attention to this entirely useless gentleman, not authorized by law, who is paid $1,500 for superintending certain work of government employees. Last year the same point of order was made, and the point of order was sustained, because there is no authority in law for his position. I suppose it went back by action of the Senate, as pretty near all offices not authorized by law do get back.

Apparently the chairman of the committee in charge of the bill was not, perhaps, strong in his resistance to the restoration of the office that has no legal authority, and, as it seems to me from the debate we had about the same time last year, was entirely without utility. I do not care to make captious points.

Mr. TAWNEY. I ask that the Clerk may read the following statement in regard to the work of the committee.

The Clerk read as follows:

The "committee for destruction of United States currency" consists of clerks detailed from the offices of the Secretary, Treasurer, and Register of the Treasury, and a witness on behalf of the people, who is not otherwise connected with the Treasury Department.

The destruction committee receives daily from the offices of the Secretary and Register such United States notes, Treasury notes, and silver and gold certificates as have been prepared for destruction by being counted several times and canceled and assorted according to denominations in various offices. The notes are first counted in the office of the Treasurer, where they are punched, cut lengthwise into halves, and tied up into bundles of 400 notes. When properly labeled and recorded, the upper halves are sent to the Register's office and the lower halves to the Secretary for verification of the Treasurer's count. If the Treasurer's count be found correct, and the separate count of the upper and lower halves agree, the notes are again tied up in properly labeled bundles, which are turned over to the destruction committee, with descriptive schedules, to be destroyed by maceration.

The destruction committee meets every day and checks the bundles of money by the schedules which show the denominations and amounts. When found correct the bundles are packed in boxes, each having a capacity of 30 bundles. The boxes are locked and taken to the Bureau of Engraving and Printing under the supervision of the committee, where the money is weighed and deposited in one or more macerators containing certain proportions of soda ash, lime, and water. The four macerators are cylinders 10 feet by 5, having a capacity of 1,800 pounds each. At least two cylinders are charged daily, and often three. The nominal value of the paper currency taken to the bureau macerators each day varies from one to four million dollars, often many millions more. The weight, from 12 to 4,000 pounds of paper.

The committee also destroys, one day each week, a large amount of unused paper currency in uncut sheets; sheets of money spoiled in printing or condemned for defects of any kind, and thousands of sheets of defective postage stamps and condemned internal-revenue stamps. When internal-revenue stamps are to be destroyed a regularly designated representative of the commissioner assists the destruction committee in comparing and checking the bundles and charging the macerator.

The notes of failed and liquidating banks are counted and canceled in a division of the Office of the Comptroller of the Currency and destroyed in a macerator in the sub-basement of the Treasury in the presence of the regular destruction committee and a representative of the Comptroller of the Currency.

The destruction committee makes a trip to the bureau every day for the special purpose of opening the macerators charged two days previous and examining the pulp. The special witness takes active part in all of the operations of the destruction committee.

From 1864 to 1874 condemned currency was burned in the presence of the destruction committee on the White Lot, or other convenient place. To avoid loss and other objections to that method of destruction it was provided by law in 1874 that maceration only should be resorted to. Now the pulp is put up in bales of 250 pounds and the Government derives revenue therefrom. For years the contractor took the whole output at $40.50 per ton. Last month about 150,000 pounds were turned out.

By authority of Congress, about twenty-five years ago a special witness, not otherwise connected with the Treasury Department, was added to the destruction committee as an additional precaution against mistakes or loss from any cause.

Mr. PERKINS. Mr. Chairman, the reading of that statement only confirms me in my statement that I made last year. This work is done with the greatest of care by a large number of competent and trusted government officials, and to have a representative of the people watch these operations, at an expense of $1,500 a year, is no more needed than to have a representative of the people watch any other work done by the government officials, and therefore I must insist on the point of order, in order that this entirely useless official may cease, to the extent of $1,500 a year, to be a burden on the Treasury.

Mr. TAWNEY. Mr. Chairman, I have nothing to say in opposition to the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services for the care of all public buildings under control of the Treasury Department outside of the District of Columbia, and washing towels, sprinkling streets, and removing rubbish, in connection with said buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, $1,902,000; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I want to make an inquiry. The increasing expense of the Government is of great interest to all, and most of all to the Appropriations Committee. I have no doubt every effort is made to keep it down as far as may be. I have looked up this item, because it seemed to me that here was an entirely typical case where no special increase would take place. Of course there would be an increase in growth of business every year, but more than that there should not be. Here is an item which seems to me an entirely typical, an ordinary, item for washing towels, sprinkling streets, and removing rubbish in connection with buildings; and it would seem that there would be no large increase in twelve months in such a class of items as that. This item carries $1,902,000, and the last bill carried $1,600,000. Where there would seem to be no special reason for such an increase, there was an increase in the appropriation of 13 per cent, which seems to me so large that I want to ask the gentleman in charge of the bill what reason there is for the growth in one year of that very large percentage on what apparently is an entirely normal item?

Mr. TAWNEY. I will say that there are 68 new buildings that will come into commission during the next fiscal year, for which all of this service must be provided. There is no increase in salary. Under this provision the service in all of the existing public buildings is provided for—that is, for janitors, assistant custodians, and so forth.

Mr. PERKINS. But 68 additional buildings could not warrant an increase of 13 per cent on all the buildings now cared for by the Government.

Mr. TAWNEY. That is the reason for the increase in the appropriation.

Mr. PERKINS. It would seem that there must be an increase in the amount allowed in the number of custodians and janitors.

Mr. TAWNEY. If the gentleman will turn to the hearings, on page 103, I think he will find the matter fully explained.

Mr. PERKINS. The expense of custodians, washing towels, and such things for the 68 additional buildings would not, I should think, be $250,000.

Mr. TAWNEY. Well, the buildings that this appropriation provides service for have cost the Government in the neighborhood of $200,000,000.

Mr. PERKINS. That is, all the buildings.

Mr. TAWNEY. Yes; and this appropriation provides all the service for all the buildings.

Mr. PERKINS. The only question that struck me was the large ratio of increase in one year. I am not familiar enough with the subject to criticise the total.

Mr. TAWNEY. I will say, Mr. Chairman, that, in my judgment, after having investigated this item a number of times, there is no class of public service so poorly paid in connection with public buildings or service in public buildings as the assistant custodians and janitors and laborers employed in these buildings.

Mr. DRISCOLL. That is right.

Mr. TAWNEY. And the proposed increase in this appropriation is merely to take care of the new buildings that come into commission during this fiscal year. I can not say anything more, and that service will be provided. The gentleman knows, if he knows anything about public buildings, and he does, that the number of employees that are paid out of this appropriation for the several public buildings are not excessive at all, and when the head of the department, the person who is charged with the responsibility of administering this appropriation, says to the committee that he intends to continue the service in the new buildings on the same basis of pay and also as to the number of employees, and that this increase is merely to meet the necessary increase on account of the increase in the number of buildings, there is nothing further that I can see that the committee can do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, before the gentleman proceeds I will state that my colleague, Mr. SMITH, suggests that this is only an average of $3,000 for all public buildings that are coming into commission in the next fiscal year.

Mr. PERKINS. I am not at all in a position to criticise. I was, however, impressed by the very large ratio of increase of 13 per cent. That is a large ratio of increase in one year. Of course every year new buildings will be coming in.

Mr. TAWNEY. Yes; there are some 300 new buildings now authorized that will be coming in. This appropriation will increase rapidly every year for a number of years, until the pub-

lic buildings now authorized are constructed and the service is fully installed.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Furniture and repairs of furniture: For furniture and repairs of same, carpets, and gas and electric-light fixtures for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric-light fixtures for new buildings, exclusive of personal services, except for work done by contract, $900,000, of which sum not more than $300,000 may be expended in other than new buildings. And all furniture now owned by the United States in other public buildings and in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word, and I do so for the purpose of calling the attention of the committee to the practice in the department, as I understand it, of estimating for the cost of furniture in new public buildings. To my mind it is not only absurd, but ridiculous and impractical. It seems that when this Government has a new building to furnish, the cubic contents of the building are taken, expressed in feet, and that the furniture is then given on that basis. Now, if there is anyone here who can tell me what relation the cubic contents of the basement of this building bears to the cost of the seat that I am occupying, I will be much obliged to him. I suppose it is an old practice, based on red tape.

Mr. FITZGERALD. Mr. Chairman, I will state that that inquiry has been made of the officer who originated the scheme, and the committee elicited no more information than the gentleman has been able to elicit by his question in this House.

Mr. MURDOCK. Can the gentleman give me any information?

Mr. FITZGERALD. Absolutely none. I agree with him that the plan is without any reason. It is simply the plan followed, and the best they seem to be able to do in that office.

Mr. MURDOCK. Does the gentleman think it is the best plan that could be followed?

Mr. FITZGERALD. No; I think some one should be able to investigate and ascertain what furniture would be required and how much it would cost, but that is not done.

Mr. MURDOCK. Does not the gentleman believe that the superficial area, the floor plan, would have something to do with the furnishing of a building, and can the gentleman say in any way how the height of a ceiling would enter into the cost of furniture?

Mr. FITZGERALD. I can not. I will say, however, that if we take two buildings that are identically alike, except that in one the ceilings are higher than in the other, the cost of furnishing the one with the high ceilings is greater than the cost of furnishing the one with the ceilings that are a foot lower.

Mr. MURDOCK. I simply rose for the purpose of calling the attention of the House to the fact that this sort of practice obtains, and I would recommend to this distinguished committee that they figure out some practical and sensible way of arriving at the cost of furniture for this building.

Mr. FITZGERALD. Let me suggest to the gentleman that this committee is not able to figure out some plan of estimating the cost. This committee is charged with the duty of appropriating the money required for certain public services.

Mr. MURDOCK. Oh, I understand that perfectly, but his committee has it in its power to take an antiquated method and change it.

Mr. FITZGERALD. The committee did attempt, my recollection is, to standardize the furniture. I have a case in mind. Within a recent time a new custom-house has been built in New York and some part furnished with furniture not only regal in character, but wholly out of place in that building.

Mr. MURDOCK. I will ask the gentleman also, while he is on his feet, does your committee consider typewriters part of the furniture of a public building?

Mr. FITZGERALD. Well, it depends——

Mr. MURDOCK. I did not catch the gentleman's remark.

Mr. FITZGERALD. The gentleman's question was whether the committee considered typewriters as part of the furniture?

Mr. MURDOCK. As part of the furniture of a public building?

Mr. FITZGERALD. I am unable to say what the opinion of the committee is——

Mr. MURDOCK. I am speaking of the machine.

Mr. FITZGERALD. I am unable to say what the opinion of the committee is in that respect. My judgment is that the typewriting machines are not considered as part of the furniture.

Mr. TAWNEY. They are not considered as part of the furniture.

Mr. MURDOCK. And are not carried in this bill under such appropriation?

Mr. TAWNEY. No; they are paid out of miscellaneous appropriations.

Mr. MURDOCK. Mr. Chairman, I withdraw the pro forma amendment.

Mr. SHERLEY. Mr. Chairman, the suggestions of the gentleman from Kansas are well in order and I am glad that he has read the hearings on this bill with care. Unfortunately there is no value in such a suggestion unless it results in some action by Congress. Now, the labor of the Committee on Appropriations has long since grown to such proportions as to make absolutely impossible consideration by the committee of detailed plans for curing abuses such as this. All the members of the subcommittee recognized that the present plan is without justification, but we have dead committees in this Congress which do no labor, committees on expenditures in various departments, and until those committees are vitalized and put to work it can not be expected that the Committee on Appropriations in considering the sundry civil bill can determine matters of this kind.

The labors that we go through now in getting merely the general information that is contained in the hearings constitute more than a month's steady labor, and while I agree heartily with the gentleman, not only in regard to this particular case, but in many others contained in this bill, I, as a member of that committee, am unable to give the time necessary to arrive at a proper solution of the problem, and, unless we can put some of the labor that is now voluntarily assumed by the Committee on Appropriations on other committees that do no work you will have worse instances than this of public expenditure of money.

I would be glad to aid in any way in the inauguration of a system in this House that will utilize some of the now neglected committees, and until that is done it is useless for us to attempt the reform.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. MANN. Does the gentleman consider it a great reform when one of his expenditure committees brings in a bill here to create a new bureau in one of the departments, which has been done recently?

Mr. SHERLEY. Oh, the gentleman will understand——

Mr. MANN. Is it not the case that each committee on expenditures that has done anything does something of that kind?

Mr. SHERLEY. It shows we need not only to vitalize them, but reorganize them. I am not responsible for their action, but I do know this fact, which is known to every man having knowledge of any of the great supply bills, that the burden now resting upon the Committee on Appropriations is a burden that can not be taken care of by the members of that committee, no matter how much industry and how much learning they may bring to their task; and unless the Congress undertakes to relieve them of a lot of work now imposed upon them by the neglect of other committees, you will find worse instances in the action of Congress.

The Clerk read as follows:

Fuel, lights, and water for public buildings: For the purchase of fuel, steam, light, water, water meters, ice, lighting supplies, electric current for light and power purposes, and miscellaneous items for the use of the custordians' forces in the care of the buildings, furniture, and heating, hoisting, and ventilating apparatus, and electric-light plants, exclusive of personal service, and for expenses of installing electric-light plants, electric-light wiring, and repairs thereto, in such buildings completed and occupied as may be designated by the Secretary of the Treasury, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, inclusive of new buildings, $1,450,000. And the appropriation herein made for gas shall include the rental and use of gas governors, when ordered by the Secretary of the Treasury in writing: *Provided*, That no sum shall be paid as rental for such gas governors greater than 35 per cent of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct. No portion of the amount herein appropriated shall be used for operating a system of pneumatic tubes for the transmission of postal matter.

Mr. SABATH. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. You are appropriating $1,400,000 for fuel, light, and water, and very likely the largest portion of this is for electric light and for gaslight. Can the gentleman who has this bill in charge inform me the price we are paying for gas or for electric light?

Mr. TAWNEY. The price of gas I can not state exactly, but it varies according to the locality and the price in the locality in which the gas is furnished. We are paying nothing more, and I do not think the Government is paying anything less, than the commercial rate, whatever that rate may be.

Mr. SABATH. I am satisfied that we are not paying less. Then the gentleman does not know and can not give me the exact price?

Mr. TAWNEY. I do not.

Mr. SABATH. Can he inform me who can?

Mr. SHERLEY. If the gentleman will permit a suggestion, this is but another illustration of what I have just said. In order to investigate the items that go to make up that aggregate would require the labor of weeks, and it is impossible for a committee to do other than to make general inquiries from the officials that make the expenditures. You can not tell whether the expenditure in the city of Chicago, for instance, for light, is a proper expenditure unless you strike something that is so glaring that on its face it shows something wrong. And it is impossible for our committee to be a nosing committee into expenditures in detail; and that is the reason that these other committees that were created for that purpose ought to get busy.

Mr. SABATH. I fully agree with the gentleman from Kentucky. I know, however, that they do so, at times, with small appropriations and with small items, amounting to two or three hundred dollars.

But here is an item of over $1,000,000, and no one seems to know anything about it or about the price we are paying for gas or electric light, or for water, even. I think we ought to have some information pertaining to these matters before we are asked to vote on them.

Mr. SULZER. I agree with my friend. In other words, this is a very good place, it seems to me, to begin to economize. Let us lop off the big things involving millions, and not split hairs in reducing small salaries.

Mr. SABATH. Indeed, those are my views.

Mr. SULZER. Yes, indeed; I am opposed to reducing a poor man's salary, but I believe these general and generous appropriations for the gas companies and the electric-light companies and the trusts should be carefully scrutinized. That is one way to economize.

Mr. SABATH. I am glad that the gentleman from New York agrees with me that we should investigate the large appropriations as well as the small ones.

Mr. McLACHLAN of California. Mr. Chairman, I have introduced in this House the following bill, on which I desire briefly to address the House:

A bill (H. R. 28324) directing the Panama Railroad Company to establish and operate a line of steamers along the Pacific coast, and making provision therefor.

Be it enacted, etc., That the Panama Railroad Company be, and it is hereby, directed to establish and operate a line of steamers for the transportation of passengers and freight along the Pacific coast of the United States in connection with the line of steamers along the Atlantic coast and the Panama Railroad, now operated by said company, and to make regular calls at all the principal Pacific coast ports of the United States, including Seattle, Tacoma, San Francisco, San Pedro, and San Diego, from and to the western terminus of said railroad.

That the said railroad company be, and it is hereby, directed to charter, purchase, or cause to be constructed 10 steamers suitable for the purposes of said line, with a capacity of at least 5,000 tons each and an actual speed of at least 12 knots.

That the sum of $10,000,000, or as much thereof as may be necessary, be, and the same is hereby, authorized to be expended, out of the Treasury of the United States, for the purposes of this act. That the sum so expended, or so much thereof as possible, be returned to the Treasury of the United States from the net earnings of said Panama Railroad Company.

The bill which I have introduced directs the Panama Railroad Company, a corporation now owned by the United States Government, to establish and operate a line of steamers on the Pacific coast in conjunction with the line of steamers on the Atlantic coast and the Panama Railroad now operated by said railroad company.

The property of the Panama Railroad Company consists of a double-track railroad across the Isthmus of Panama, with ample docks and well-equipped terminal facilities on the Atlantic and Pacific oceans, and a line of steamers operating between the cities of New York and Colon in conjunction with said railroad.

The stock of said railroad company is owned by the United States Government, which it now operates through officers appointed for that purpose.

The steamers of this line are, as a rule, now taxed to their full capacity to carry the westbound freight from New York to Colon, but the same steamers, under existing conditions, return with a one-fourth cargo of eastbound freight from Colon to New York. Yet, even under these conditions, it has been a profitable enterprise, and the indebtedness of the company has been practically canceled, extensive improvements have been made, and valuable acquisitions have been added to its equipment.

Provision has been made in this bill for 10 first-class steamers of 5,000 tons each, with an actual speed of at least 12 knots.

This will give a regular service between Puget Sound and Panama every five days, with stops at Portland, San Francisco, San Pedro, and the principal ports of Mexico and Central America.

The class of steamers that is proposed for this line can make the trip, including all stops, to Panama from Puget Sound in twenty days; from San Francisco in fourteen days; and from Los Angeles in eleven days.

Such a line of steamers on the Pacific I believe to be a natural and necessary complement and adjunct to the line of the Atlantic and the Isthmian Railroad now operated by the Government.

When in operation it will supply the eastbound passengers and freight for its Atlantic steamers that now return from Colon to New York nearly empty. It will carry thousands of tons of commissaries and building material produced on the Pacific coast direct to Panama, to be used in the construction of the Isthmian Canal, which are now transported across the continent and down the Atlantic to Colon.

It will stimulate commercial activity too long stifled on the Pacific coast as nothing else can do. It will cost less to install this line than the price of a single battle ship, which requires the expenditure of more than half a million annually to maintain, and that will become obsolete in ten years.

It will complete a great commercial highway from and to all the great commercial centers of the Pacific and Atlantic coasts, assuring reasonable and fixed rates at all times to all alike.

It will be free from all great corporate combinations and domination. It will automatically regulate and give stability to all transcontinental rates and accomplish that desideratum more effectually than all the laws that have been or can be enacted for that purpose.

At some future and more opportune time I shall address the House more fully upon this subject.

The Clerk read as follows:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including $1,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, the act of March 2, 1895, and for no other purpose whatever, except in the protection of the person of the President of the United States, $125,000: *Provided*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year 1910 have been employed by or under said Secret Service Division.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the consideration of this paragraph be passed until to-morrow, without prejudice.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Customs service: To defray the expenses of collecting the revenue from customs, $5,000,000, being additional to the permanent appropriation for this purpose for the fiscal year ending June 30, 1910. And the provisions of the act of March 3, 1879 (20 Stats., p. 386), as amended by the act of April 27, 1904 (33 Stats., p. 396), authorizing the Secretary of the Treasury to expend out of the appropriation for defraying the expenses of collecting the revenue from customs such amount as he may deem necessary, not exceeding $150,000 per annum, for the detection and prevention of frauds upon the customs revenue, are hereby further amended so as to increase the amount to be so expended for the fiscal year 1910 to $200,000.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word, in order to ask the chairman of the committee if this sum of $5,000,000 in addition to the permanent appropriation is the sum that is asked for this year by the department?

Mr. TAWNEY. That is the amount that is estimated for by the department.

The Clerk read as follows:

In all, $1,266,750.

Mr. TAWNEY. Mr. Chairman, I ask that the last paragraph, giving the total, be passed without prejudice.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the paragraph just read be passed without prejudice until a future day. Is there objection?

There was no objection.

The Clerk read as follows:

Southwest Ledge light station, Connecticut: For completing Southwest Ledge light-house near New Haven, Long Island Sound, Connecticut, $60,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 69, in line 16, strike out the words "New Haven" and insert in lieu thereof the words "New London."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. MANN. I suggest to the gentleman that he put in there the words "at or near New London." That would follow the law. It is just as well to follow the authorization we fixed upon that language. However, I do not care.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

North Point light station, Wisconsin: For raising the tower of North Point light station 30 feet, $10,000.

Mr. MANN. Mr. Chairman, I offer an amendment, to come in after the word "feet," line 1, page 70, "which station is hereby reestablished," so that it will read:

North Point light station, Wisconsin: For raising the tower of North Point light station 30 feet, which station is hereby reestablished.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 70, line 1, after the word "feet," insert the words "which station is hereby reestablished."

Mr. FITZGERALD. What is the object of that amendment?

Mr. MANN. This station is the North Point light at Milwaukee, which was ordered disestablished. It is now proposed to raise the light, and there is not, but there might be, a question as to whether that would reestablish the station or not.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Ambrose Channel, New York: For the purchase of buoys and equipment, $40,000.

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph. I do not know what testimony the committee may have had in reference to this. Last year we carried an item of $43,000 for 24 buoys for Ambrose and Gedney channels, New York, which item was stated to our committee by the Light-House Board was sufficient for the purposes of lighting these channels. Now they have not been before the committee having jurisdiction of the subject-matter asking for any additional lights.

Mr. SMITH of Iowa. For additional buoys.

Mr. MANN. For additional buoys.

Mr. FITZGERALD. Mr. Chairman, I think I can explain the purpose of this. At the time the recommendation was made by the gentleman's committee, the intention was to put Pintsch lights along that channel; but the Light-House Board has since recommended acetylene gaslights be used instead. The intention is to use that channel day and night, and it was believed that the use of acetylene lights, for which there seems to be a universal demand by the shipping people there, would be very much more desirable.

Mr. MANN. Well, the Light-House Board comes before our committee and has had a full hearing upon the subject, covering all the information that they could give. We had the item relating to Ambrose Channel before the Committee on Interstate and Foreign Commerce for several years. Hearings were given, and of everybody who could possibly be interested in the subject; and finally two different bills carried items relating to Ambrose Channel, which were passed by the House.

Mr. TAWNEY. Will the gentleman yield to me for a question?

Mr. MANN. Certainly.

Mr. TAWNEY. Is it not a fact that the Ambrose Channel and the buoys along that channel are now authorized by law?

Mr. MANN. The only authorization now for buoys along the Ambrose Channel is carried in the omnibus light-house bill of last year, providing for 24 buoys in Ambrose and Gedney channels at a cost not to exceed $43,000; and that appropriation made last year, was the only authority so far as an appropriation is concerned.

Mr. TAWNEY. Now, I do not know whether the gentleman intends to insist on his point of order or not.

Mr. MANN. I do, unless there is some reason given than has been given yet. I submit to the gentleman, here is a committee having jurisdiction in reference to light-houses which attempts to fulfill its duty. It brings in light-house bills.

Then, without there having been any exorbitant demand for new aids to navigation, in view of the condition of the Treasury, the committee has reported in no general bill on the subject. They have had every particular question considered with reference to light-house bills.

Mr. TAWNEY. Mr. Chairman, this channel was opened for use upon the 1st of February. The Light-House Board claimed, and they justly claimed, that they have authority to provide buoys wherever buoys are necessary in navigable waters over which they have jurisdiction. The buoys for that channel were authorized. The necessary aids to the navigation of that channel are incidents connected with the authority under which the channel was made. Now, in addition to having authority for the construction of buoys, specific authority heretofore given them, they have general authority incident to the navigation of the channel which has been authorized and made by authority of Congress, and it is under the jurisdiction of the Light-House Board.

Now, it is only a question of the buoys that they are to use as aids to the navigation of this channel. Acetylene-gas buoys are, by all people interested in navigation, conceded to be far superior to the Pintsch gas or any other style of buoy in use at the present time; and it is for the purpose of providing this channel—the most important channel in the country—with the best and most improved aids to navigation that the item has been submitted and the committee has recommended the appropriation.

Mr. MANN. Now, the gentleman is mistaken, in my opinion, in reference to any general authority. So far from the Light-House Board having any general authority to maintain these buoys, there is no such authorization of law at all. The Light-House Board can not even maintain a post light upon a river without authority of Congress, and the gentleman's own committee is only authorized to appropriate where there has been authority to maintain post lights.

Mr. TAWNEY. I would ask the gentleman if it is not a fact that we can and do appropriate for buoys in lump-sum appropriations?

Mr. SULZER. Of course we do.

Mr. TAWNEY. And no question can be raised of our authority or the authority of Congress to do so.

Mr. MANN. I do not propose to raise any point of order upon it.

Mr. TAWNEY. This is merely appropriating specifically for that which could be appropriated in the general lump-sum appropriation.

Mr. SULZER. Mr. Chairman, let me say to the gentleman from Illinois that of course he knows Ambrose Channel in New York Bay is one of the most important channels of commerce in the country, and it is very important in the interest of navigation that it should be properly buoyed and lighted. There is just as much navigation through this channel at night as there is during the day, and in the interest of the business of all the country it is essential that the buoys in this channel should be properly illuminated at night. I believe it is now generally conceded by people who are familiar with the matter that these acetylene lights are the best and most effective lights that can be procured. I trust the gentleman from Illinois will not insist on a point of order.

Mr. MANN. I will say to my friend from New York that I am fairly well posted about the Ambrose Channel and the lighting of it——

Mr. SULZER. I assumed that the gentleman was well posted——

Mr. MANN. Having given consideration to that specific question for three or four years, with different hearings to the Light-House Board; having reported into Congress and secured the passage of two bills providing for the lighting of Ambrose Channel.

Mr. SULZER. And for that reason I am surprised that the gentleman is trying to impede the matter now.

Mr. TAWNEY. Will the gentleman permit me to make one statement in regard to this?

Mr. MANN. Certainly.

Mr. TAWNEY. The lump-sum appropriation for buoys is $926,000. That is a general appropriation for buoys—new buoys, and the repair of old buoys—and all of the expense incident to the maintenance of this service. Now, we simply make a specific appropriation of $40,000 for this particular channel, which precludes them from foraging upon this general appropriation for that purpose. I fail to see on what ground the point of order can be sustained.

Mr. FITZGERALD. My recollection is that, in pursuance of the authority carried in the bill reported by the gentleman's committee, a certain appropriation was made for 24 Pintsch gaslights; also $15,000 for a tank steamer to carry the gas to these lights in the channel. The Light-House Board now proposes to install 18 acetylene gaslights instead, and it asks $40,000 and the transfer of the $15,000 appropriated for the tank ship for this same purpose, so that it will have available $55,000 for the acetylene gaslights.

Whether the change should be made or not is a matter for the House to determine. They have been using up to this time these acetylene gaslights in the channel, which has been partially opened, and the universal demand from the shipping interests is that these acetylene gaslights shall be installed.

There is a bill, either pending or reported, to permit the use of this channel at night; and as it seems that the most superior lights that are made should be used, I suggest the advisability of permitting the appropriation to be made for that purpose. The channel was either to have been opened up on the first of this month or will be on the first of next month.

Mr. MANN. What would the gentleman do? We spent nearly a month working over a light-house bill here a year or so ago, including this very identical matter. The committee went over this in every shape with the Light-House Board, hearing a report of the engineer from Washington, and we put in an item of $43,000 for 12 lights on the Ambrose Channel, as I remember it.

Mr. FITZGERALD. Twenty-four.

Mr. MANN. A total of 24 lights on Ambrose and Gedney channels. I just sent for the law.

Now that the Light-House Board, which is always backing and filling, that never maintains a position for a month at a time, concludes overnight before your committee to put in some other kind of light. The gentleman's committee has never considered the subject of lights in Ambrose Channel, except to make an appropriation. Does not the gentleman from New York think, in all fairness to the committee that does have jurisdiction of such matters, that if the Light-House Board wants to make a change they ought to bring it to the attention of that committee?

Mr. FITZGERALD. That would have been the proper method. If I recollect accurately, at the time the gentleman's committee reported the item for the lights of Ambrose Channel acetylene lights had not been used in this country, or else the price asked by the manufacturers was so large the Light-House Board would not recommend their adoption. At all events, since that time these lights have been used in some places and they are of such superior character that it makes them desirable.

Mr. MANN. These acetylene lights have been used for a long time.

Mr. FITZGERALD. In Canada.

Mr. MANN. No; in the United States. I am not at all convinced that there is any occasion for acetylene buoys in Ambrose Channel. Ambrose Channel is not difficult of navigation, where lights are stretched along the channel. It is not like picking up a light in some dark and dangerous place.

There is a demand for the use of acetylene-gas buoys, which are exceedingly expensive, difficult to take care of, and costly in every way. It may be that we will undertake to provide them, but I should guess—not endeavoring to pass upon the question without a hearing—I should guess that there are a hundred other places or more in the United States where acetylene-gas buoys will be of more value in proportion to the Pintsch gas buoys than in Ambrose Channel.

Mr. FITZGERALD. I am unable to express any opinion about that.

Mr. TAWNEY. I would like to ask the gentleman from Illinois if the $40,000 was carried in the $926,000 appropriation, it would not be competent for the Light-House Board to purchase and install out of the general appropriation the acetylene-gas buoys in Ambrose Channel?

Mr. MANN. Not without a distinct violation of the law. Congress has legislated upon this question. In the Fifty-ninth Congress it passed an act providing for additional aids to navigation in the Light-House Establishment in the Department of Commerce and Labor. In the third light-house district it provided for 13 gas buoys in Ambrose Channel, and 11 gas buoys in the Gedney and Main ship channels, at a total cost not to exceed $43,200.

Mr. TAWNEY. All in an appropriation bill?

Mr. MANN. In an authorization bill. That is the law on that subject that provided what the Light-House Board can do, If there were 40 general acts, this is the specific authority that would limit any other general authority, although there is no general authority on the subject.

The CHAIRMAN. The Chair would like to ask the gentleman from Illinois whether he knows if they have exceeded the limit of cost.

Mr. MANN. That amount has been appropriated—$43,200—the whole of it. Now they ask for $55,000 more. That is, they ask for $40,000 and a transfer of $15,000. I think the proper committee ought to have a chance to consider the matter.

The CHAIRMAN. What does the chairman of the committee say?

Mr. TAWNEY. Mr. Chairman, there was no limit of cost; it was simply an authorization for a certain number of buoys. It did not say that there should be no more buoys than the number stated in that law.

Mr. MANN. Before the gentleman falls into an error, will the gentleman permit me to read?

Mr. TAWNEY. If there is anything more that the gentleman has not read, he may read it.

Mr. MANN. Oh, there are four or five pages that I have not read:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide the following aids to navigation in the Light-House Establishment, under the Light-House Board, in the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter set forth, which shall in no case be exceeded.

Now, if the gentleman can find clearer language than that, I would like to see it.

Mr. TAWNEY. That is a limit of cost on that number of buoys, but it is not a limit on the number of buoys that may be established.

The CHAIRMAN. It requires a special authorization for that number.

Mr. TAWNEY. It does not even for that number. Under the general authority for the Light-House Service an appropriation for buoys carried in an appropriation bill would enable the Light-House Board to purchase them. If the $40,000 specifically appropriated for was carried in a general or lump-sum appropriation, they could buy the buoys and install them in accordance with law.

The CHAIRMAN. Why was the act read by the gentleman from Illinois necessary?

Mr. TAWNEY. The authority for the establishment and maintenance of the necessary aids to navigation is clearly implied in the authorization for the work of constructing the channel.

When the Light-House Board is given jurisdiction over the maintenance of these aids to navigation, it necessarily has authority to establish buoys along channels that are under their jurisdiction. No specific authority is necessary.

The CHAIRMAN. If that be true, the Chair would like to ask the chairman of the committee what is the necessity for this specific item here—if they can, under the general authorization, establish these buoys in Ambrose Channel.

Mr. TAWNEY. The necessity is to prevent the board from foraging upon the lump-sum appropriation. There is no necessity for any special authorization for the lighting of Ambrose Channel. As a matter of fact, everybody knows it could not be navigated without lights, and therefore the authority for the establishment or making of this channel necessarily carries with it the authority to establish and maintain aids essential to the navigation of the channel.

Mr. MANN. Mr. Chairman, the gentleman's argument in its logic goes too far. If it be true that when we provide in the river and harbor bill for a channel that that authorizes the establishment of all the aids to navigation necessary for the navigation of the channel, then we have been at great loss of time in our committee, because that would authorize the establishment of light-houses, it would authorize the establishment, through the Committee on Appropriations or through the Light-House Board, without specific authority, of all of the things that are authorized for Ambrose Channel. What are they, for instance? In this same bill I find items for lighting Ambrose Channel, New York Bay; a light-vessel for the sea entrance of the channel, at a cost not to exceed $115,000; also a light-house on Staten Island, New York, and for the raising of West Bank light, at a cost not to exceed $100,000; for two lens lanterns and structures for ranges, and so forth, at a cost not to exceed $12,000; for moving North Hook beacon light, at a cost not to exceed $6,000, and so forth; and a number of other items of that sort that relate to the lighting of Ambrose Channel.

The gentleman's argument would be that there is no reason for specific authorization of aids to navigation, because the moment you provide the channel thereupon the Light-House Board becomes empowered at once, without limit of cost, to establish all the aids to navigation it desires. The argument is too strong.

Mr. TAWNEY. I will ask the gentleman if he does not think there is a clear distinction between a portable aid to navigation and a stationary aid to navigation, such as a light-house, which involves a structure——

Mr. MANN. I do not see any distinction——

Mr. TAWNEY. If the gentleman does not see any distinction——

Mr. MANN. Wait a moment. I do not see any distinction in principle between a portable aid to navigation in the way of a gas buoy and a portable aid to navigation in the way of a light-ship. Does the gentleman? One is a good deal more portable than the other. A light-ship is more portable than a gas buoy. It can port itself.

Mr. FITZGERALD. The gentleman does not draw this distinction: One is an aid to navigation and the other is simply to light the channel. [Laughter.]

Mr. TAWNEY. I would call the attention of the Chair to the language under the head of "Expense of buoys," on page 72 of the bill.

Mr. MANN. But the gentleman does not contend that because there is an item in the bill that that makes law?

Mr. TAWNEY. Hold on. For the expense of establishing, replacing, and maintaining new buoys, or any and all kinds of spindles for all incidental expenses, and so forth, $926,000 is appropriated. Now, that is a part of the Light-House Establishment. It is a part of the Light-House Service, just as much as any other part of that service now authorized and existing under the law creating the Light-House Establishment. If they can expend $926,000 a year in the establishing of new buoys under the existing authorization for that service, then it seems to me folly to say that they can not expend $40,000 in the purchase and establishment of new buoys or replacing old buoys in this particular channel.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. The Chair thinks that the item is subject to a point of order. The present occupant of the chair is not free from doubt at all, but it seems to be a peculiar case. The gentleman from Minnesota [Mr. TAWNEY] himself and the gentleman from Iowa [Mr. SMITH] made points of order in the last Congress in cases on all fours with this case, in the consideration of the fortification appropriation bill. For instance, Mr. MAYNARD of Virginia proposed an amendment in this language in the fortification appropriation bill:

To make all necessary surveys, borings, and other investigations necessary for and the preparation of an accurate detailed estimate of what it would cost to construct proposed artificial islands for fortifications between Capes Charles and Henry, Chesapeake Bay, and to ascertain whether the title to the site of said proposed artificial island can be obtained without expense to the United States, $3,000.

Mr. SMITH of Iowa made the point of order, and the point was decided by Mr. MANN of Illinois, the then occupant of the chair. [Laughter.] The Chair thinks it would be in order to quote the decision of the gentleman from Illinois, because it shows that the gentleman from Illinois was not free from doubt and expressed the opinion at the time that his decision might be somewhat arbitrary. [Laughter and applause.]

The Chair does not understand that the act of Congress authorizing the appointment of the Endicott Board by law provided that that report should be adopted or that any act of Congress has been enacted since that time specifically adopting the report of the Endicott Board. On the other hand, Congress has provided in annual appropriation bills for the expenditure of money for fortification purposes, usually in general language naming appropriations for purposes general in their nature, to be expended by the War Department.

In the opinion of the Chair, expressed with some doubt, under the practice of the House, at least, the items in the appropriation bill in general language are probably in order, although the Chair does not undertake to rule upon the question at this time; but the Chair thinks that the introduction of a new item for a work not in progress is not in order, and the Chair therefore sustains the point of order.

It seems as though, under the decisions of this House or in Committee of the Whole in times gone by, general authorizations have been held in order; but specific items—Mr. Hinds says sometimes they have been held in order. [Laughter.] The Chair believes probably that is a fair statement of the ruling; but after all, it seems that general appropriations have been held in order, but that specific appropriations for specific purposes, even though coming under the general authorization and following the same line, have been held not in order, and the present occupant of the chair really fails to draw the distinction; but following the precedent, he sustains the point of order.

The Clerk read as follows:

The sum of $15,000 appropriated by the sundry civil appropriation act approved June 30, 1906, for a tank light-vessel for Ambrose Channel, New York Bay, may be used, together with the foregoing sum, for the purchase of buoys.

Mr. MANN. Mr. Chairman, I make the point of order on that paragraph.

Mr. TAWNEY. I concede the point of order, Mr. Chairman. I want to say, however, in this connection, it will take the paragraph out; that the vessel authorized by authority originating with the Committee on Interstate and Foreign Commerce is absolutely worthless and is of no use whatever. It has not yet been built; and, if the amount appropriated for this purpose to carry out the authorization is not diverted, it will be built.

Mr. MANN. Mr. Chairman, I do not know whether the vessel will be worthless or not. I only know that the members of the Light-House Board, the light-house engineer at New York in charge of this work, demanded by every possible method they could that this appropriation be authorized, and they brought more pressure to bear upon me in reference to this item than any other item relating to Ambrose Channel or any item in the bill, insisting that it would not be possible to light Ambrose Channel without this light-vessel; and if it be true that it is not needed, I want to bring a measure in a future Congress to repeal the provision instead of letting them get the money through this means and use it for some other purpose. I hope the gentleman will be present when I interview the Light-House Board on the subject.

Mr. TAWNEY. Mr. Chairman, I want to quote from Admiral Marix, a member of the Light-House Board:

There was a tank vessel appropriated for, I believe at the request of the board. I do not know what use would be made of it now. It would not be of any use at all, and we would like to use that money to buy these new buoys.

Mr. MANN. Oh, well, the trouble with the gentleman is he is not familiar with the situation. The tank light-vessel will only be used in case of the gas buoys already authorized, and it is used for filling those gas buoys, but the tank vessel would be of no value to the buoys which the gentleman has proposed.

Mr. TAWNEY. But he says it will be of no use at all under any circumstances.

Mr. MANN. Well, that remains to be developed. I think with all due deference to the chairman of the Light-House Board, I know more about the subject, or any member of our committee, than he does. They change the chairman of the Light-House Board and officers and members of the Light-House Board so often that it sometimes makes my eyes tired to watch the procession go by. [Laughter.]

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

LIGHT-HOUSE ESTABLISHMENT.

Supplies of light-houses: For supplying fog signals, light-houses, and other lights with illuminating, cleaning, preservative, and such other materials as may be required for annual consumption; for books, boats, and furniture for stations, traveling expenses of civilian members of the Light-House Board in attending meetings of board at Washington, actual hire of special conveyance when necessary to inspect light stations, and not exceeding $300 for the purchase of technical and professional books and periodicals for the use of the Light-House Board, and for all other necessary incidental expenses, including the pay of officers and crews of light-house tenders and of clerks and other employees in the offices of the light-house inspectors and light-house engineers and at light-house depots, $726,000.

Mr. SULZER. Mr. Chairman, I move to make the amount $776,000.

The CHAIRMAN. Does the gentleman from New York propose an amendment?

Mr. SULZER. Yes, sir; to add $40,000 to the appropriation in order to take care of Ambrose Channel in New York Bay.

The CHAIRMAN. The Cerk will report the amendment.

The Clerk read as follows:

Page 71, line 3, strike out "twenty-six" and insert "sixty-six," so that it will read "$766,000."

Mr. TAWNEY. Mr. Chairman, I hope the amendment will not prevail, for the reason that I do not think that the expense of lighting Ambrose Channel, or the buoys, should be paid out of this general appropriation. There ought to be a limit on the amount that they can expend for that purpose, and if an appropriation is made for that purpose before the close of the session there probably will be. Whereas if this amendment prevails, then the entire sum is available.

Mr. MANN. If that is the position the gentleman is taking, it will take a lot of other items out of the bill.

Mr. TAWNEY. If the amendment prevails, then the entire sum of $900,000 is available for this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SULZER].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Lighting of rivers: For the pay of officers and crews of light-house tenders and of clerks and other employees in the offices of the light-house inspectors; and for establishing, supplying, and maintaining post lights on the Hudson and East rivers, New York; the Raritan River,

New Jersey; Connecticut River, Thames River between Norwich and New London, Conn.; the Delaware River between Philadelphia, Pa., and Bordentown, N. J.; the Elk River, Maryland; Monongahela River, York River, James River, Virginia; Cape Fear River, North Carolina; Savannah River, Georgia; St. Johns and Indian rivers, Florida; at Chicott Pass, and to mark navigable channel along Grand Lake, Louisiana; at the mouth of Red River, Louisiana; on the Mississippi, Missouri, Ohio, Tennessee, Illinois, and Great Kanawha rivers; Sacramento and San Joaquin rivers, California; on the Columbia and Willamette rivers, Oregon; on Puget Sound, Washington Sound, and adjacent waters, Washington; and the channels in St. Louis and Superior bays, at the head of Lake Superior; Fox River; Lake Winnebago and connecting lakes and channels; in Alaskan waters and Hawaiian waters; the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent, $375,000.

Mr. EDWARDS of Georgia. Mr. Chairman, I offer the following amendment: On line 9, page 73, after the word "Georgia," insert "Darien Harbor, Georgia."

Mr. TAWNEY. I make a point of order against that, Mr. Chairman. Before the gentleman's amendment can be in order he must get a bill passed authorizing it.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "Georgia," line 9, page 73, insert "Darien Harbor, Georgia."

Mr. TAWNEY. Mr. Chairman, I make a point of order against the amendment on the ground that it is not authorized by law.

The CHAIRMAN. Does the gentleman from Georgia [Mr. EDWARDS] care to be heard on the point of order?

Mr. EDWARDS of Georgia. I do not care to be heard on it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Repairs to light-house tender Pansy: For repairs of the light-house tender Pansy for general service, $12,000: *Provided*, That hereafter any and all proposals for bids for any new machinery or other new equipment necessary in the repair of any vessel in the Light-House Service shall be on specifications prepared and submitted that will secure competition in the bids for furnishing such machinery or equipment.

The CHAIRMAN. The Clerk calls the attention of the Chair to the fact that at the end of line 25 there is an incompleted word.

Mr. TAWNEY. It should read "equipment."

The CHAIRMAN. Without objection, the Clerk will insert the word "equipment" at the end of line 25, page 74.

There was no objection.

The Clerk read as follows:

Hereafter there shall be submitted, following each estimate under the foregoing appropriations for support of the Light-House Establishment, statements showing the amount required for each object of expenditure mentioned in each of said estimates.

Mr. MANN. Mr. Chairman, I offer an amendment to follow line 9, page 75.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

To follow line 9, page 75, insert:

"Authority is hereby given the accounting officers of the Treasury Department to allow and credit in the accounts of Commander L. C. Hellner, U. S. Navy, inspector of the thirteenth light-house district for the fiscal year ended June 30, 1906, the sum of $625 paid by him from the appropriation 'Supplies of lighthouses, 1906,' for raising the light-house tender Manzanita."

Mr. TAWNEY. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. The item is subject to a point of order. This officer paid out $600 for the raising of the tender *Manzanita*, which had been sunk on the Pacific coast, and it was a proper expenditure of money, although the accounting officer disallowed it. I propose it here because I notice that on page 96 there is an item in the bill asking the accounting officer to allow to Mr. Soleau, disbursing clerk in the same department, money paid out by him for subsistence of employees at the United States fish hatcheries in Alaska. There ought to be no discrimination between two officers in the same department. There is no question about the propriety of giving credit for the money. The only question would be as to whether it should be in this bill or not.

Mr. TAWNEY. I would say, Mr. Chairman, that the propositions are entirely dissimilar. But I will not insist on the point of order to-night, but will allow the point to be pending. I move that the committee do now rise.

The CHAIRMAN. The Chair desires to ask what disposition is asked to be made of the point of order?

Mr. MANN. The gentleman from Minnesota asked to have it passed over without prejudice,

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and Mr. MANN having taken the chair as Speaker pro tempore, Mr. WATSON, the Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28245, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont.

RECESS.

Mr. TAWNEY. Mr. Chairman, I move that the House do now take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and accordingly (at 8 o'clock p. m.) the House took a recess until 10 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, calling attention to the necessity for an immediate appropriation for a target range at Vancouver Barracks, Wash. (H. Doc. No. 1476)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for the militia (H. Doc. No. 1477)—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Postmaster-General, transmitting a schedule of papers and documents not used in the transaction of the public business (H. Doc. No. 1478)—to the Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

A letter from the Secretary of the Interior, transmitting recommendations as to drainage and sale of Omaha tribal lands (H. Doc. No. 1479)—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Assistant Secretary of the Interior, transmitting a reply to the inquiry of the House relating to the work of the pension agencies (H. Doc. No. 1480)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of survey of Cumberland River, Tennessee and Kentucky, below Nashville (H. Doc. No. 1481)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 22895) to establish a biological and fish-cultural station in the Twenty-third Congressional District of Illinois, reported the same with amendments, accompanied by a report (No. 2236), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 27926) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana, reported the same with amendment, accompanied by a report (No. 2237), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 28104) to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908, reported the same without amendment, accompanied by a report (No. 2238), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House

(H. R. 28193) to authorize the city of Shreveport to construct a bridge across Red River, reported the same without amendment, accompanied by a report (No. 2239), which said bill and report were referred to the House Calendar.

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 11342) providing for the disposition of the balance of the funds derived from the sale of town lots in the county seats of Caddo, Kiowa, and Comanche counties, Okla., reported the same with amendment, accompanied by a report (No. 2243), which said bill and report were referred to the House Calendar.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 28305) to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court, reported the same without amendment, accompanied by a report (No. 2244), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3164) to correct the military record of Paul Sinock, reported the same without amendment, accompanied by a report (No. 2235), which said bill and report were referred to the Private Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 25980) for the relief of Sarah J. Fowler, reported the same without amendment, accompanied by a report (No. 2242), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 28317) granting a pension to Frederick Wagner, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GOULDEN: A bill (H. R. 28321) providing for a suitable memorial to the memory of Brig. Gen. Henry W. Lawton—to the Committee on the Library.

By Mr. GARNER: A bill (H. R. 28322) granting to the St. Louis, Brownsville and Mexico Railway a right of way across the Fort Brown Military Reservation in Texas—to the Committee on Military Affairs.

By Mr. DAVIS: A bill (H. R. 28323) to increase the limit of cost for erection of a public building at Faribault, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. McLACHLAN of California: A bill (H. R. 28324) directing the Panama Railroad Company to establish and operate a line of steamers along the Pacific coast, and making provision therefor—to the Committee on Interstate and Foreign Commerce.

By Mr. COUDREY: A bill (H. R. 28325) concerning baggage and excess baggage carried by common carriers in the District of Columbia and Territories, and common carriers while engaged in commerce between the States and between the States and foreign nations, and prescribing the duties of such common carriers in reference thereto while so engaged, defining certain offenses and fixing the punishment therefor, and repealing all conflicting laws—to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: A bill (H. R. 28326) to provide for the construction of a bridge across the Kentucky River at Irvine, Estill County, Ky.—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: A bill (H. R. 28327) concerning locks on the lower Cumberland River in Tennessee—to the Committee on Rivers and Harbors.

By Mr. COUDREY: A bill (H. R. 28328) to provide for the purchase of the Grant farm, in St. Louis County, in the State of Missouri, and to establish a national park thereat, etc.—to the Committee on the Library.

By Mr. SPERRY: Resolution (H. Res. 589) providing for services of a clerk to Committee on Alcoholic Liquor Traffic—to the Committee on Accounts.

By Mr. KEIFER: Resolution (H. Res. 590) to provide a rule making it in order to move to suspend the rules and to consider and pass Senate bill 5729, etc.—to the Committee on Rules.

By Mr. HARRISON: Joint resolution (H. J. Res. 261) authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America in the year 1912—to the Committee on Foreign Affairs.

By Mr. FORNES: Memorial of the legislature of Wyoming, favoring homestead laws—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming, favoring forest reserves—to the Committee on the Public Lands.

By Mr. COOK of Colorado: Memorial of the legislature of Colorado, in relation to the admission of New Mexico as a State—to the Committee on the Territories.

By Mr. RYAN: Memorial of the legislature of Wyoming, concerning the natural resources of the country—to the Committee on the Public Lands.

Also, memorial of the legislature of the State of Wyoming, indorsing and approving the Mondell 320-acre homestead bill—to the Committee on the Public Lands.

By Mr. MONDELL: Memorial of the legislature of Wyoming, relative to forest reserves—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming, relative to homestead laws—to the Committee on the Public Lands.

By the SPEAKER: Memorial of the legislature of Utah, praying for an appropriation of public lands for building a state capitol and for the building of public roads in the State of Utah—to the Committee on the Public Lands.

Also, memorial of the legislature of Idaho, praying for legislation relative to the settlement on the Minidoka tract, Idaho—to the Committee on the Public Lands.

Also, memorial of the legislature of New Mexico, praying for the immediate admission of that Territory into the Union—to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 28329) granting an increase of pension to George R. Murray—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 28330) granting a pension to Wolcott T. Hyde—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 28331) for the relief of the heirs or legal representatives of Jean B. Pollingue, deceased—to the Committee on War Claims.

By Mr. EDWARDS of Georgia: A bill (H. R. 28332) for the relief of Z. T. De Loach, of Bulloch County, Ga.—to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 28333) granting a pension to Asa B. Greenland—to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 28334) for the relief of J. K. P. Davis, of Clay County, Tenn.—to the Committee on Claims.

By Mr. LAMAR of Florida: A bill (H. R. 28335) for the relief of C. M. Cox—to the Committee on Claims.

By Mr. WANGER: A bill (H. R. 28336) granting an increase of pension to William Guest—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany bill for the relief of Rev. George R. Murray—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petition of Lafayette Presbyterian Church, of Buffalo, N. Y., favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of retail merchants' board of the Chamber of Commerce of Buffalo, N. Y., against the tariff schedule proposed by the Glove Manufacturers' Association of Gloversville and Johnstown, N. Y.—to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Newark (Ohio) Lodge, No. 391, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. BURLEIGH: Petition of C. F. Donnell and others, of Windsor (Me.) Grange, asking for parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLESON: Petition of Austin (Tex.) Lodge, Benevolent and Protective Order of Elks, for an appropriation to create a reserve in the State of Wyoming for the protection of the American elk—to the Committee on the Public Lands.

By Mr. CALDER: Petition of General George A. Custer Garrison, of Brooklyn, N. Y., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

Also, petition of John A. Stewart, favoring clause in agricultural appropriation bill (p. 43, line 12) authorizing lease of a farm at Morrisville, Madison County, N. Y.—to the Committee on Agriculture.

Also, petition of B. M. Robinson and W. R. Caulkins, mine operators, asking for duty of 1½ cents per pound on zinc ore—to the Committee on Ways and Means.

By Mr. COOK of Pennsylvania: Petition of board of directors of the Philadelphia Bourse, favoring enactment of Senate bill 28—to the Committee on the Merchant Marine and Fisheries.

Also, petition of board of directors of the Philadelphia Bourse, favoring S. 40—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS: Petition of Nelson & Johnson and other merchants of Goodhue, Minn., against parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Friedrich & Kemp Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of citizens of Greenwich, Conn., and Hermon, N. Y., for enactment of the Davis bill (H. R. 24841), appropriating money to encourage the States to provide secondary instruction in agriculture and home economics in district secondary agricultural schools with branch experiment stations; secondary instruction in mechanic arts and home economics in village and city public schools; and in providing for the training of teachers in vocational subjects, and regulating the expenditure thereof—to the Committee on Agriculture.

Also, petitions of Red Wing (Minn.) Lodge, No. 845, and Mankato (Minn.) Lodge, Benevolent and Protective Order of Elks, for creation of American elk reservation in the State of Wyoming (H. R. 21980)—to the Committee on the Public Lands.

Also, petition of Minnesota Retail Grocers' Association, favoring Sherley amendment to the bankruptcy law—to the Committee on the Judiciary.

Also, petition of F. A. Bart and others, of Watertown, Minn., against duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Northfield (Minn.) Commercial Club, favoring H. R. 15837, for the creation of a national highways commission—to the Committee on Agriculture.

Also, joint resolution of the senate and house of the Minnesota legislature, favoring appropriation for improvement of the Minnesota River—to the Committee on Rivers and Harbors.

By Mr. FULLER: Petition of the Union Furniture Company, of Rockford, Ill., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the John Crerar Library, of Chicago, Ill., in favor of placing books on the free list—to the Committee on Ways and Means.

By Mr. GARNER: Petition of the Angora goat men of Uvalde County, Tex., favoring increase of duty on mohair—to the Committee on Ways and Means.

Also, petition of Albert Nutt and others, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of Veteran Association of Fifth New York Volunteers, favoring S. 1045—to the Committee on Military Affairs.

By Mr. HAMILTON of Iowa: Petition of citizens of Grinnell, Iowa, against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. HAMMOND: Petitions of Carlson Brothers and 13 others, of Fulda, and the Western Implement Company and 12 others, of Dayton, both in the State of Minnesota, against parcels-post and postal savings bank laws (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. Jaeger and 20 others ,of Darfur, Minn., against duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HARDWICK: Petition of W. B. Brigham & Co., of Augusta, Ga., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of Torrington (Conn.) Lodge, No. 372, Benevolent and Protective Order of Elks, favoring a reservation for the American elk and appropriation of $30,000 therefor (H. R. 21980)—to the Committee on the Public Lands.

By Mr. ADDISON D. JAMES: Paper to accompany bill for relief of James Lucas, heir of F. F. Lucas—to the Committee on War Claims.

By Mr. LANGLEY: Paper to accompany bill for relief of Joseph E. Lindsey (H. R. 28273)—to the Committee on War Claims.

By Mr. LINDBERGH: Petition of citizens of Elmdale, Minn., against any duty on tea and coffee—to the Committee on Ways and Means.

By Mr. LOUD: Petition of business men of West Branch, Mich., favoring parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

By Mr. LOWDEN: Petition of N. H. Long and others, of Dixon, Ill., against imposition of a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. McHENRY: Petition of John H. Kreitzer, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petitions of Danville (Pa.) Lodge, No. 754, and Shamokin (Pa.) Lodge, No. 355, Benevolent and Protective Order of Elks, favoring the preservation of the American elk—to the Committee on the Public Lands.

By Mr. MADISON: Petition of citizens of Greeley County, Kans., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. MANN: Petition of commercial and industrial organizations of Indiana, favoring the ocean-mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Chamber of Commerce of Pittsburg, favoring an appropriation of not less than $50,000,000 annually for inland waterways—to the Committee on Rivers and Harbors.

Also, petition of the Trade League of Philadelphia, Pa., to increase the power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Business League of America, against establishment of a national consular school—to the Committee on Foreign Affairs.

By Mr. MARSHALL: Petition of citizens of North Dakota, against an imposition of duty on tea and coffee—to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia (Pa.) Lodge, No. 2, Benevolent and Protective Order of Elks, asking for the creation of a reserve in the State of Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. NORRIS: Petition of residents of Saronville, Nebr., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of the trustees of the Grosvenor Library, of Buffalo, N. Y., against duty on scientific and technical books—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the committee of 100 of the American Association for Advancement of Science, favoring S. 6102, to improve efficiency of the Public Health and Marine-Hospital Service—to the Committee on Appropriations.

Also, petition of the Veteran Association of the Fifth New York Volunteer Infantry, favoring S. 1045, to protect monuments already erected on the battlefields of Bull Run, Virginia—to the Committee on Military Affairs.

By Mr. WHEELER: Petition of E. E. Fleming and 30 others, of Forest County, Pa., against removal of duty from crude petroleum—to the Committee on Ways and Means.

By Mr. WILSON of Pennsylvania: Petition of Renovo (Pa.) Lodge, No. 334, Benevolent and Protective Order of Elks, for creation of American elk reservation in the State of Wyoming (H. R. 21980)—to the Committee on Agriculture.

Also, petition of C. A. Mayer & Co. and 62 others, of Williamsport, Pa., against increase of tariff on foreign fruits—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of citizens of the Twelfth Congressional District of Michigan, against removal of duty on lumber—to the Committee on Ways and Means.

SENATE.

THURSDAY, *February 25, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. WARREN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12499) for the relief of Clarence Frederick Chapman, United States Navy.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Foss, Mr. LOUDENSLAGER, and Mr. PADGETT managers at the conference on the part of the House.

The message also announced that the House insists upon its amendment to the bill (S. 8899) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON managers at the conference on the part of the House.

The message further announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes; recedes from its disagreement to the amendment of the Senate No. 43, and agrees to the amendments of the Senate Nos. 60 and 61 with an amendment, in which it requested the concurrence of the Senate; further insists upon its disagreement to the amendments of the Senate to the bill upon which the second committee of conference have been unable to agree, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. GILLETT, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 15939. An act authorizing the Secretary of Commerce and Labor to exchange property;

H. J. Res. 203. Joint resolution to authorize the Secretary of State to invite the Permanent International Association of Navigation Congresses to hold in the United States in the year 1911 the Twelfth International Congress of Navigation; and

H. J. Res. 249. Joint resolution to enable the States of Wisconsin, Illinois, Indiana, and Michigan to determine the jurisdiction of crimes committed on Lake Michigan.

The message further returned to the Senate in compliance with its request the bill (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont.

The message also announced that the House passed a bill (H. R. 28104) to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 26072. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 257. Joint resolution to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 15939. An act authorizing the Secretary of Commerce and Labor to exchange property; and

H. R. 28104. An act to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908.

H. J. Res. 203. Joint resolution to authorize the Secretary of State to invite the Permanent International Association of Navigation Congresses to hold in the United States in the year 1911 the Twelfth International Congress of Navigation was read twice by its title and referred to the Committee on Foreign Relations.

H. J. Res. 249. Joint resolution to enable the States of Wisconsin, Illinois, Indiana, and Michigan, to determine the jurisdiction of crimes committed on Lake Michigan was read twice by its title and referred to the Committee on the Judiciary.

CREDENTIALS.

Mr. HEMENWAY presented the credentials of Benjamin Franklin Shively, chosen by the legislature of the State of Indiana a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the National Negro-American Political League of the United States, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Memorial relative to a Liberian commission.

To the Senate and House of Representatives
of the United States in Congress assembled:

Your memorialists, colored citizens from various parts of the United States, respectfully represent that a meeting composed of colored citizens from several States of the Union was held at Shiloh Baptist Church, this city, on Tuesday evening, February 23, A. D. 1909, to give expression to the sentiment among colored Americans in favor of the recommendation by the President "that Congress will grant the appropriation of $20,000 to pay the expenses of a commission, who shall go to Liberia to examine into the situation, confer with the officers of the Liberian Government, and with the representatives of other governments actually present in Monrovia, and report recommendations as to the specific action on the part of the Government of the United States most apt to render effective relief to the Republic of Liberia under the present critical circumstances;"

That it was the unanimous conclusion of this meeting that Congress should be urged to act favorably upon the measure proposed, and the undersigned committee was appointed to draft the following memorial to your honorable body, which memorial we most respectfully submit herewith:

That Liberia, west coast of Africa, was founded by a society of American philanthropists, assisted by the Government of the United States, as far back as 1821. The original settlers of this colony were ex-slaves from the United States, few of whom had even a rudimentary education, and none knew aught of civil government. These colonists were assisted to a limited extent in their undertakings by our own Government and by private citizens of this country for about twenty-six years. At the expiration of this period the Liberians found it necessary to shift for themselves, and in 1847 declared Liberia to be an independent state;

That from that day to the present Liberia has maintained its sovereignty through many hardships and disadvantages. It seems almost miraculous that a few ignorant ex-slaves should have, without any direct aid, maintained a republican form of government for so long a time; but in the growth of nations and the advancement of civilization the demands upon and the responsibilities of Liberia increased until she has come where she needs the sympathy and guiding hand of a powerful nation, and in her hour of necessity she naturally turns to her mother country for help. The Liberian Government has asked the aid of the United States Government through special representatives sent recently to this country and through our State Department;

That the question now is, Shall our Government send to Liberia a commission to study the needs and conditions of that country and recommend the kind of help, if any, the United States shall render Liberia?

Your petitioners, in behalf of the negro citizenry of the United States, request that favorable action shall obtain upon this question because of our apparent duty to Liberia, and for the further reasons, to wit:

First. The President of the United States and the Secretary of State, after due consideration of the whole subject, viewing it from all of its various aspects, have recommended to Congress the authorization of the commission contemplated by this memorial.

Second. It is a custom, long established, in dealing with such questions to appoint commissions to investigate and report.

Third. The Liberian Government is an American institution, and the Liberian people are essentially Americans, and their civilization is not African or eastern, but western, civilization, and is in keeping with American thought and customs.

Fourth. As far as ascertained the entire colored population of the United States, constituting, as they do, one-eighth of the population of our country, approve of the appointment of the proposed commission.

"The relations of the United States to Liberia are such as to make it imperative duty for us to do all in our power to help the little Republic which is struggling against such adverse conditions;"

That we believe there is, and always has been, a deep sense of humanity in the bosom of the American people which makes them nobly compassionate to weaker nations who are struggling to maintain a government of, for, and by the people, and, relying upon this deep sense of humanity, we have come to urge you, the representatives of the American people, to give early and favorable consideration to the authorization of the appointment of a commission to visit Liberia.

Respectfully submitted by,

J. MILTON WALDRON, J. H. WELCH,
W. C. PAYNE, GEO. W. CABANISS,
JESSE LAWSON, WALTER H. BROOKS,
S. L. CORROTHERS, L. M. HERSHAW,
A. C. GARNER, *Committee.*

The VICE-PRESIDENT presented petitions of sundry citizens of Hartford, Conn., Brooklyn, N. Y., and Boston and Waltham, in the State of Massachusetts, praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the enactment of legislation to establish a bureau of mines in the Department of the Interior, which was ordered to lie on the table.

Mr. BURKETT presented a petition of the North Platte Valley Water Users' Association, of Scotts Bluff, Nebr., praying that an appropriation be made in aid of the improvement and maintenance of irrigation works in the western country, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of sundry business firms of Westpoint, Nebr., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

Mr. GUGGENHEIM presented petitions of sundry woman's Christian temperance unions and church organizations of Denver, Greeley, Georgetown, Fruita, and Pueblo, all in the State of Colorado, and of Washington, D. C., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Lodges Nos. 1055, 90, 507, 566, 309, 804, 701, 492, and 181, of Longmont, Pueblo, Durango, Boulder, Colorado Springs, Fort Collins, La Junta, Ouray, and Trinidad, all of the Benevolent and Protective Order of Elks, in the State of Colorado, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GUGGENHEIM presented a joint memorial of the legislature of Colorado, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1. By Senator Barela.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the general assembly of the State of Colorado, respectfully represent that,

Whereas there is under consideration by the Congress of these United States the matter of the admission to the sisterhood of States the Territory of New Mexico; and

Whereas from various sources have come many suggestions of names for the contemplated new State; and

Whereas the Territory under consideration has borne the name it now enjoys, and in which its inhabitants maintain a sincere and devoted pride, for more than three centuries, which name was given to the said Territory and surrounding region by the early explorers thereof: Now, therefore,

Your memorialists respectfully recommend to your honorable bodies that the said Territory, when admitted as a State to this Union, be given and permitted to retain the name of the "State of New Mexico."

And your memorialists, by reason of geographical proximity and intimate commercial and social acquaintance, knowing the qualifications, attainments, and patriotism of the inhabitants of said Territory, further recommend the favorable consideration of its application for admission.

Directed, That this memorial be enrolled, and one copy sent to the President of the United States and one to each of the Members representing the State of Colorado in the Senate and House of Representatives in Congress assembled.

STEPHEN R. FITZGARRALD,
President of the Senate.
H. L. LUBERS,
Speaker of the House of Representatives.

Approved February 19, 1909.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the foregoing senate joint memorial No. 1 of the seventeenth general assembly of the State of Colorado, passed and adopted at the regular session thereof, is a true and correct copy of the original senate joint memorial No. 1 now on file in the office of the secretary of state.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 20th day of February, A. D. 1909.

[SEAL.] JAMES B. PEARCE,
Secretary of State.
By THOMAS F. DILLON, Jr.,
Deputy.

Mr. WARREN presented a joint memorial of the legislature of Wyoming, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1.

Memorial to the Senate and House of Representatives of the United States.

Be it resolved by the senate of the State of Wyoming (the house of representatives concurring), That Wyoming is vitally interested in the coal industry of the United States, and its commercial prosperity is dependent to a large extent upon the present and future ability to sell its coal in the markets of the United States. Our markets extend in every direction, and Montana, Idaho, Washington, and Oregon are some of the natural outlets for the great production of coal in our State. Inasmuch as some of these markets could be more easily reached from the coal mines in the Dominion of Canada, owing to the proximity of the latter to these markets; inasmuch as the wages paid in the Dominion of Canada to coal miners are lower and the hours of labor are longer than those of the State of Wyoming, we are certain that the removal of tariff upon coal would do the coal industry in the State of Wyoming an enormous amount of damage, hard to calculate at this time, and would result in materially retarding the development of a great portion of our State; and we protest against any legislation of Congress that would tend to bring about such a result.

We therefore do hereby memorialize Congress not to reduce the tariff on coal, and we demand that our interests be fully protected. We do hereby further earnestly request our Members in Congress to use their efforts so that the tariff upon coal will be left as it is at this time.

Resolved further, That the chief clerk of the senate is hereby instructed to forward a copy hereof to each of our Members in Congress.

Mr. TELLER presented a joint memorial of the legislature of Colorado, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Senate joint memorial 1. By Senator Barela.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the general assembly of the State of Colorado, respectfully represent that,

Whereas there is under consideration by the Congress of these United States the matter of the admission to the sisterhood of States the Territory of New Mexico; and

Whereas from various sources have come many suggestions of names for the contemplated new State; and

Whereas the Territory under consideration has borne the name it now enjoys, and in which its inhabitants maintain a sincere and devoted pride, for more than three centuries, which name was given to the said Territory and surrounding region by the early explorers thereof: Now, therefore,

Your memorialists respectfully recommend to your honorable bodies that the said Territory, when admitted as a State to this Union, be given and permitted to retain the name of the "State of New Mexico."

And your memorialists, by reason of geographical proximity and intimate commercial and social acquaintance, knowing the qualifications, attainments, and patriotism of the inhabitants of said Territory, further recommend the favorable consideration of its application for admission.

Directed, That this memorial be enrolled, and one copy sent to the President of the United States and one to each of the Members representing the State of Colorado in the Senate and House of Representatives in Congress assembled.

STEPHEN R. FITZGARRALD,
President of the Senate.
H. L. LUBERS,
Speaker of the House of Representatives.

Approved this 19th day of February, 1909.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the foregoing Senate joint memorial No. 1 of the seventeenth general assembly of the State of Colorado, passed and adopted at the regular session thereof, is a true and correct copy of the original senate joint memorial No. 1 now on file in the office of the secretary of state.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 20th day of February, A. D. 1909.

[SEAL.] JAMES B. PEARCE,
Secretary of State.
By THOMAS F. DILLON, Jr.,
Deputy.

Mr. LA FOLLETTE. I present the petition of Thad C. Pound, of Chippewa Falls, Wis., which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the petition was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives, Washington, D. C.

GENTLEMEN: I beg respectfully to present to your honorable body this my petition, earnestly urging the enactment of a law providing for a national income tax, to the end that property, in the form of individual and corporate wealth, may fairly share the great expense of maintaining and advancing the National Government.

Since the termination of the law providing an income tax to aid in the prosecution of the civil war, the money burden required for the support of the Government has been borne by the individual, regardless of relative wealth. Property, demanding most for protection, has contributed nothing. "Life, liberty, and the pursuit of happiness" are guaranteed by our Republic. "The pursuit of happiness" means the creation of homes and the acquirement and enjoyment of wealth. In degree as property, personal and real, are enjoyed beyond a sufficient amount for comfortable support, to such degree should the possessor share the expense incurred by the Government to protect and defend such possession. Every function of Government, civil and military, is employed to defend property rights, and yet, under our present economic system, the individual, regardless of relative wealth, bears the entire burden of taxation.

Our economic policy in this regard is unjust, inequitable, and indefensible. While employed in the work of tariff revision, the time is most opportune to enact a law providing for a graduated income tax to supply the deficit which must occur under a just revision of duties on imports.

Since the act passed during Cleveland's administration was adjudged unconstitutional by the Supreme Court, the opinion has generally obtained that an amendment of the Constitution will be required to enable Congress to enact a valid statute on this subject. The President-elect, Judge Taft, in his speech of acceptance, expressed the opinion that such amendment is not required. Accepting his opinion, the important work may be greatly expedited.

While this petition is subscribed by but one humble citizen, it is my opinion that it reflects the conviction and wish of all patriotic, impartial, intelligent, and justice-respecting people. The most fortunate and wealthy should be first to approve and thus signify a true spirit of patriotism.

It is not my province to elaborate by argument, addressed to a Congress composed of more capable men, and, I believe, inspired by equally pure and patriotic purposes.

Respectfully submitted.

THAD C. POUND.

CHIPPEWA FALLS, WIS., *January 29, 1909.*

Mr. KNOX presented a petition of sundry citizens of Springboro, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Swissvale, Pa., praying for the passage of the so-called "postal savings banks" bill, which was ordered to lie on the table.

He also presented petitions of Local Union No. 1994, of Madera; Local Union No. 935, of Cassandra; Local Union No. 1317, of Becarra; Local Union No. 1295, of Glen Campbell; Local Union No. 2292, of Penfield; Local Union No. 1043, of Oak Ridge; Local Union No. 1747, of New Bethlehem; Local Union No. 1837, of Mount Equity; Local Union No. 2092, of Blandburg, all of the United Mine Workers of America, in the State of Pennsylvania, praying for the enactment of legislation to create a bureau of mines and mining, which were ordered to lie on the table.

He also presented memorials of J. G. Krans, of Greensburg; Bard & Cheney, of Port Allegheny; Evans & Ginnane, of Bradford; George A. Bodine, of Bradford; John F. Ely, of Jeannette; Pittsburg Metal Bed Company, of Pittsburg; Greensburg Business Mens' Association, of Greensburg; Greensburg Hardware and Supply Company, of Greensburg; Merchants' Association of Pottsville; C. A. Tobias, of Philadelphia; H. L. Meerhoff, of Irwin; R. L. Sheppard, of Philadelphia; Erie Business Men's Exchange, of Erie; Business Men's Association of Jeanette; L. Stein & Son, of Butler, all in the State of Pennsylvania, remonstrating against the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the State Federation of Women, of Philadelphia; the Consumers' League of Philadelphia; of Hinds, Noble & Eldredge, Philadelphia; the Civic Club of Philadelphia; 12 citizens of Philadelphia; the Council of Jewish Women of Pittsburg; the Civic Club of Allegheny County, of Pittsburg; of 3 citizens of Pittsburg, all in the State of Pennsylvania; of the Keller Printing Company, the Consumers' League, Council of Jewish Women, Public Education Association, New York Child Labor Committee, the Metropolitan Auxiliary of the New York Child Labor Committee, 17 citizens, all of New York City, N. Y.; the Social Economics Club and the Milwaukee House of Mercy, of Milwaukee, Wis.; the Bureau of Associated Charities of Newark; the Woman's Club of Orange, East Orange; the Society for the Prevention of Cruelty to Children, of Morristown; and the New Jersey Child Labor Committee, of East Orange, all in the State of New Jersey; the Boston Provident Association, Boston, Mass.; Rev. Dr. L. F. John, of Wilkinsburg, Pa.; Edward Rowe, of Indiana, Pa.; 42 employees of the Westinghouse Electric and Manufacturing Company, of Pittsburg, Pa.; Charles B. Cooke, of Richmond, Va.; Rev. Leon Addison Harvey, of Flatbush, N. Y.; Rev. Robert Freeman, of Buffalo, N. Y.; E. A. Jones, of Columbus, Ohio; and Leaton Irwin, of Quincy, Ill., praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented petitions of Lodge No. 103, of Sharon; Lodge No. 301, of Punxsutawney; Lodge No. 773, of Monessen; Lodge No. 970, of Bristol; Lodge No. 1045, of Gettysburg; Lodge No. 754, of Danville; Lodge No. 358, of Shamokin; Lodge No. 67, of Erie; Lodge No. 763, of Hanover; Lodge No. 1061, of Bradford; Lodge No. 714, of Norristown; Lodge No. 831, of Carnegie; Lodge No. 814, of Pottstown; and of Lodge No. 578, of Carlisle, all of the Benevolent and Protective Order of Elks, in the State of Pennsylvania, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the Barrett Manufacturing Company, of Pittsburg; Felton Sibley & Co., of Philadelphia; Bowen-Dungan Company, of Philadelphia; H. J. Heinz Company, of Pittsburg; George H. Alexander & Co., of Pittsburg; Brown & Zortman Machinery Company, of Pittsburg; National Lead and Oil Company, of Pittsburg; Wolfe Brush Company, of Pittsburg; Powers & Henry Company, of Pittsburg; Pittsburg Gage and Supply Company, of Pittsburg; East End Savings and Trust Company, of Pittsburg; James A. McNally & Sons, of Pittsburg; The Alling & Cory Company, of Pittsburg; J. K. McKee Company, of Pittsburg; W. E. Osborn Company, of Pittsburg; Logan-Gregg Hardware Company, of Pittsburg, all in the State of Pennsylvania; of W. T. Smith & Son, Pooley Furniture Company, John Williams Manufacturing Company, John B. Ellison & Sons, Suplee-Reeve-Whiting Company, Thacher & Co., The Hirst-Roger Company, Thomas Potter, Sons & Co., all of Philadelphia, Pa.; of the Retail Merchants' Association of Pennsylvania, of Erie, Pa.; of Weber-Ayers Hardware Company, of Fort Smith, Ark.; of the Chelten Trust Company, J. B. Lippincott Company, General Reporting Company, Ph. Wunderle, N. W. Ayer & Son, all of Philadelphia, Pa.; of P. Duff & Sons, of Pittsburg, Pa.; and of Norman G. Collins, of Chicago, Ill., praying for the adoption of certain amendments to the present bankruptcy law, which were referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented a joint resolution of the legislature of Wisconsin, which was ordered to lie on the table and be printed in the RECORD, as follows:

Senate joint resolution 12.

Joint resolution asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies.

Whereas it has come to the notice of the legislature of the State of Wisconsin that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 951,687 June 30, 1908), and as this number is likely to further increase owing to legislation affecting widows, enacted April 19, 1908; and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interest and convenience: It is therefore

Resolved by the senate (the assembly concurring), That the legislature of the State of Wisconsin respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed will better subserve the interests of this vast body of pensioners, who owing to their services to the country, as well as to their advanced age are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

JOHN STRANGE,
President of the Senate.

Attest:
F. E. ANDREWS,
Chief Clerk of the Senate.

L. H. BANCROFT,
Speaker of the Assembly.

Attest:
C. E. SHAFFER,
Chief Clerk of the Assembly.

DEPARTMENT OF STATE.

Received February 9, 1909.

J. A. FREAR, *Secretary of State.*

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 136) authorizing the Secretary of War to donate two condemned cannon to the State of Nebraska, reported it without amendment and submitted a report (No. 1088) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 24995) for the relief of Nathaniel Huntley, reported it without amendment and submitted a report (No. 1089) thereon.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (S. 9356) granting certain land to the town of Yuma, in the Territory of Arizona, reported it without amendment and submitted a report (No. 1090) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 24th instant, proposing to appropriate $20,000 for additional amount for a light and fog-signal station at Battery Point, Washington, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (H. R. 8661) for the relief of the Richmond Light Infantry Blues, of Virginia, reported it without amendment.

INDIAN APPROPRIATION BILL.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 9, 21, 22, 34, 43, 51, 57, 62, 63, 74, 76, 77, 78, 83, 84, 92, 94.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 8, 10, 11, 12, 13, 14, 15, 16, 17, 20, 23, 24, 25, 26, 27, 29, 35, 36, 37, 38, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 73, 75, 80, 85, 86, 88, 89, 90, 93, 95, 96, 97, 98, 99, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "company," in line 9, and insert the following: "under such terms and conditions and such rules and regulations as may be prescribed by the said Secretary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In line 2 strike out the word "act" and insert "provision."

In line 4 strike out the words "the said Secretary shall negotiate with the Indians for," and in line 5 strike out the words "said land;" and after the word ".price," in the same line, strike out the word "so."

In line 9 strike out the words "the provisions of this act" and insert "the terms of this provision."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out all the proposed amendment and insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized, under the direction of the President, to allot any Indian on the public domain who has not heretofore received an allotment, in such areas as he may deem proper, not to exceed, however, eighty acres of agricultural or 160 acres of grazing land to any one Indian, such allotment to be made and patent therefor issued in accordance with the provisions of the act of February 8, 1887 (24 Stat. L., 388)."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 2 of the proposed amendment, after the word "tribes," insert "and Osage Indians in Oklahoma;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In line 10, after the word "reservation," insert "This provision shall not apply to the lands formerly comprising Indian Territory;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 3, after the word "Arizona," insert the words "and New Mexico;" at the end of said amendment add the words "the same to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Beginning with the word "Repairs," in line 20, strike out all down to and including the word "dollars," in line 26; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Beginning with the word "Repairs," in line 20, strike out all down to and including the word "dollars," in line 26; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "moneys," insert the words ", not exceeding one hundred and fifty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In line 25 of the proposed amendment, after the word "agreement," insert the words "and also any sum or sums paid by the United States to or for the benefit of said Indians, whether as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an adequate consideration;" in line 51, after the word "judgment," strike out the words "or out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated, to be reimbursed to the United States from the funds of the Confederated Bands of Ute Indians;" in line 62, after the word "appealed," strike out the balance of the proposed amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 2 of the proposed amendment, after the word "Heyl," insert the words "upon surrender of the certificates herein referred to;" in line 5, after the word "of," strike out the balance of the proposed amendment and insert "one thousand five hundred dollars, the same to be accepted in full payment and discharge of seven hundred and fifty dollars of Kaw scrip and the interest thereon;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In line 1 of the proposed amendment strike out "seven" and insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In line 1 of the proposed amendment strike out the words "sixty-six" and insert "fifty-eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert as follows:

"The Commissioner of Indian Affairs is hereby authorized to expend in behalf of said Indian school at Wahpeton, N. Dak., the unexpended balance of the item of five thousand dollars appropriated by the act of April 30, 1908, for the purchase of live stock, seed, equipment of farm, and machinery; and also to expend for said school the unappropriated balance of the appropriation of two thousand five hundred dollars made in said act of April 30, 1908, for the construction of concrete walk, driveways, and grading, and the unexpended balance of said two appropriations is hereby appropriated out of any money in the Treasury not otherwise appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: At the beginning of the proposed amendment strike out the words "Whatever of said work remains uncompleted on said date shall be turned over to the United States Indian agent at the Union Agency, Okla., to be by him completed: *Provided*,"

At the end of the amendment insert: "The Secretary of the Interior is directed, immediately after July 1, 1909, and prior to December 1, 1909, to pay allottees out of the funds of the Creek Nation the amounts severally due for the equalization of their allotments. In making such payment for the equalization of the Creek allotments eight hundred dollars shall be taken as the standard value of an allotment: *Provided*, That the payment of such funds for the equalization of allotment shall be a final and conclusive settlement of all claims for the equalization of allotments in the Creek Nation: *And provided further*, That as a condition precedent to any such payment the Creek national council shall pass an act, in form approved by the Secretary of the Interior, discharging the United States from all claim and demand on this account."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 3 of the proposed amendment strike out the word "July" and insert the word "December."

In line 6 strike out the word "nine" and insert the word "ten," and add: "The surface only of the segregated coal and asphalt lands of the Choctaw and Chickasaw nation shall be subject to condemnation under the laws of the State of Oklahoma for state penal institutions, county and municipal purposes, and for sewers and water systems: *Provided*, That the title to the surface of any lands so condemned shall revert to the Choctaw and Chickasaw nation upon its ceasing to be used for the purpose for which it was condemned and the tribal relation is hereby continued for such purpose and no title to any mineral rights in said lands so condemned shall be acquired hereunder;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: At the end of the proposed amendment add: "*Provided*, That in no event shall the amount thus paid exceed five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Strike out all of proposed amendment and insert:

"That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes, for their maintenance and support and improvement of their homesteads for the ensuing year, in such manner and under such regulations as he may prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Strike out all of the proposed amendment, and in line 22 on page 47 of the bill, after the word "education," strike out the word "at" and insert "of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In line 4 of the proposed amendment, after the word "organization," strike out the balance of the amendment and add: "engaged in mission or school work on any Indian reservation, for such lands thereon as have been heretofore set apart to and are now being used and occupied by such organization for mission or school purposes;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In line 12, after the word "dollars," insert the words "to be immediately available;" and the Senate agree to the same.

MOSES E. CLAPP,
CHARLES CURTIS,
ROBERT L. OWEN,
Managers on the part of the Senate.
J. S. SHERMAN,
THOMAS V. MARSHALL,
JOHN H. STEPHENS,
Managers on the part of the House.

The report was agreed to.

IMPROVEMENT OF SABINE AND NECHES RIVERS, TEXAS.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 27363) to provide for improving the navigable capacity of the Sabine and Neches rivers and the canal connecting the Sabine and Neches river with the mouth of Taylors Bayou, to report it favorably without amendment. The two Senators from Texas are very anxious that the bill should receive present consideration, and I ask that it be put upon its passage.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACKSON ADKINS.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 27419) to repeal the act of June 29, 1906, granting a pension to Jackson Adkins, to report it favorably without amendment, and I submit a report (No. 1085) thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. McCUMBER. I think it proper to state that the repeal of the act, which is a private pension claim, is proposed for the reason that the claim was procured by false and forged affidavits.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMPAÑÍA DE LOS FERROCARRILES.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 15681) for the relief of Compañía de los Ferrocarriles de Puerto Rico, to report it favorably with an amendment, and I submit a report (No. 1086) thereon. I call the attention of the senior Senator from Ohio [Mr. FORAKER] to the bill.

Mr. FORAKER. I ask for the present consideration of the bill. A similar bill has passed the Senate twice.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 1, line 8, after the words "United States," to strike out the words "upon any liability of the United States, if such liability be found for alleged" and to insert "for the reasonable value of the," so as to make the bill read:

Be it enacted, etc., That jurisdiction be, and is hereby, given to the Court of Claims (notwithstanding any statutory bar of limitation) over the claims, legal or equitable, of the Compañía de los Ferrocarriles de Puerto Rico, with power to hear and determine the same, finding the facts, and render judgment against the United States for the reasonable value of the services performed by said company in the island of Porto Rico in transporting the municipal police and guardia civile between the 12th day of August, 1898, and the 31st day of August, 1902, and in transporting the troops, munitions of war, supplies, and the like, and for alleged expense of repair and maintenance of telegraph lines of the Signal Corps, all of said services having been performed during the military occupation of said island.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NIELS P. LARSEN.

Mr. BANKHEAD. From the Committee on Post-Offices and Post-Roads I report back favorably without amendment the bill (H. R. 8734) for the relief of Niels P. Larsen. The bill involves a small amount, and I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to pay $148 to Niels P. Larsen, postmaster at Otto, Wyo., to reimburse him for money-order funds lost by fire while being transported to a government depository.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND IN IMPERIAL COUNTY, CAL.

Mr. FLINT. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 9373) to provide for the sale of isolated tracts of public land in San Diego County, Cal., to report it favorably with an amendment to the title, and I submit a report (No. 1087) thereon. I ask unanimous consent for its present consideration. It is a local bill and of great importance.

Mr. WARREN. I shall not object to the consideration of this bill, but I shall feel obliged to object to any further bills being called up this morning.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. TELLER. I should like to have some explanation of the bill. It is a departure from what has been the policy of the Government for some years.

Mr. FLINT. The bill was prepared by the Department of the Interior. It is to provide for a condition of affairs that exists in the Imperial Valley, in California, where the land has been resurveyed by authority of an act of Congress. The resurvey resulted in leaving tracts of land between claims so small as to preclude the probability of the land being entered under existing laws.

It is the purpose of the bill to permit those who filed to take the small tracts of land adjoining the claim. In many instances the houses and barns are on these small tracts of land and not on the tracts shown by the resurvey to be the land located by the applicant.

Mr. TELLER. Interference on our part with those things is somewhat dangerous. I am not going to object to this proposed legislation, because it is confined to one State and one valley, but I do not think it is very wise to legislate in this way.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the sale of isolated tracts of public land in Imperial County, Cal."

BILLS INTRODUCED.

Mr. CLAPP introduced a bill (S. 9466) granting an increase of pension to Joseph Robichaud, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. DILLINGHAM introduced a bill (S. 9467) for the relief of Charles Hector Larocque or his heirs or representatives, and others, which was read twice by its title and, with an accompanying paper, referred to the Committee on Claims.

Mr. MONEY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9468) for the relief of heirs or estate of Eliza E. Spencer, deceased, and others; and

A bill (S. 9469) for the relief of the heirs or estate of John Owings, deceased, and others.

Mr. BANKHEAD introduced a bill (S. 9470) for the relief of heirs of John Allison, deceased, which was read twice by its title and, with an accompanying paper, referred to the Committee on Claims.

Mr. GUGGENHEIM introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 9471) granting an increase of pension to George W. Hamilton;

A bill (S. 9472) granting an increase of pension to George W. Spray;

A bill (S. 9473) granting an increase of pension to Jacob Ross;

A bill (S. 9474) granting an increase of pension to Annie George; and

A bill (S. 9475) granting an increase of pension to William L. Switzer.

Mr. BAILEY (by request) introduced a bill (S. 9476) for the relief of heirs or estate of A. Underwood and others, which was read twice by its title and referred to the Committee on Claims.

Mr. McENERY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 9477) for the relief of Mrs. Mary E. Pillow and others; and

A bill (S. 9478) for the relief of the heirs or estate of George W. Hackett, deceased, and others.

Mr. OVERMAN introduced a bill (S. 9479) for the relief of Salem Methodist Episcopal Church South, of Wayne County, N. C., which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. TILLMAN introduced a bill (S. 9480) for the relief of the estate of Samuel P. Caughman, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 9481) for the relief of John O. Adams and others, which was read twice by its title and, with the accompany paper, referred to the Committee on Claims.

Mr. BAILEY (by request) introduced a bill (S. 9482) for the relief of the heirs of John W. Norwood, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 9483) for the relief of the heirs of Erdman Bodenschatz, deceased, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TELLER submitted an amendment providing for the widening of Sixteenth street NW. at Piney Branch, and for other purposes, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to deduct from the respective shares of intermarried white citizens, as provided in section 8 of the act authorizing the Secretary of the Interior to issue patents in fee to purchasers of Indian lands, an amount sufficient to compensate their attorneys, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. McCUMBER submitted an amendment proposing to appropriate $10,482.80 in settlement of the claim and allowances of the legal representative of the estate of Samuel Lee, deceased, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. LODGE submitted an amendment providing that so much of section 5 of the act of May 30, 1908, authorizing the Secretary of the Treasury to acquire a site for a new custom-house in Boston, Mass., be amended so as to authorize the Secretary of the Treasury to cause plans to be prepared for the enlargement, remodeling, and extension of the present custom-house building in that city, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment providing that jurisdiction be conferred upon the United States circuit court for the eastern district of Pennsylvania to adjudicate the suits at law commenced in the court of common pleas, Philadelphia, in the suits of Parsay O. Burrough and others for the recovery of alleged illegally collected taxes, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $250,000 from the immigrant fund for the purchase of a site and the construction of an immigrant station at Boston, Mass., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BULKELEY submitted an amendment proposing to appropriate $3,500 for one professor of English and history to be selected and appointed by the Secretary of War, and to be on the same basis as regards rank, pay, and allowances as the other professors of the Military Academy, etc., intended to be proposed by him to the Military Academy appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. GAMBLE submitted an amendment proposing to restore to the First National Bank of Bellefourche, S. Dak., the full rights and remedies afforded to persons supplying labor and materials in the prosecution of public works as set forth in the act of August 13, 1894, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate $1,000 to pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate $3,653.05 to pay Rittenhouse Moore for overwidth dredging in the Potomac River below Washington, D. C., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $12,092.56, being the amount of balance due the Alabama Great Southern Railroad Company from the United States for erroneous mail-pay deductions, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. HEYBURN submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station at some suitable place in the State of Idaho, intended to be proposed by him to the sundry civil appropriation bill, which was

referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to require all the payments for water rights under the reclamation act of June 17, 1902, to be made to the special fiscal agent or other bonded fiscal officers of the Reclamation Service, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the Secretary of the Interior to reappraise all unsold lots within town sites on projects under the reclamation act heretofore or hereafter appraised under the provisions of the act of April 16, 1906, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment authorizing the United States to relinquish to the county of Kootenai, Idaho, all its right, claim, or title to or the possession of that certain piece or parcel of land situated in Kootenai County, Idaho, being a portion of the Fort Sherman Military Reservation, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to amend section 3 of the act approved July 5, 1892, to provide the times and places for holding terms of the United States courts in the States of Idaho and Wyoming, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PUBLIC BUILDINGS ACTS.

Mr. BURROWS submitted an amendment intended to be proposed by him to the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public buildings acts, and for other purposes, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

COLORADO POSTMASTERS' ACCOUNTS.

Mr. TELLER. I submit a resolution which I ask to have printed and lie on the table.

The resolution (S. Res. 300) was read and ordered to lie on the table, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have audited in the office of the Auditor for the Post-Office Department the salary accounts of former postmasters named in the annexed memorandum schedule, who served at post-offices in Colorado in terms between July 1, 1864, and July 1, 1874; the same that were stated by the Secretary of the Treasury on April 23, 1906 (S. Doc. No. 401, 1st sess. 59th Cong.), in reply to Senate resolution No. 92, first session Fifty-ninth Congress, dated March 6, 1906; and the Secretary of the Treasury is hereby directed to report to the Senate such stated and audited salary accounts of former postmasters as soon as they can be made ready.

INDIAN DEPREDATION CLAIMS.

Mr. MONEY. I submit a resolution on behalf of my colleague [Mr. McLAURIN], who is detained at home on account of sickness, and I ask for its present consideration.

The resolution (S. Res. 296) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases not heretofore reported requiring an appropriation by Congress.

CROW RESERVATION, MONT.

Mr. CLAPP submitted the following resolution (S. Res. 298), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, by subcommittee or otherwise, be, and it is hereby, authorized to investigate the affairs of the Crow Reservation, in the State of Montana. Said committee is authorized to send for persons and papers, to administer oaths, and to sit during the session of Congress or during recess, at Washington or elsewhere, and to have the testimony taken printed, the expense of such investigation to be paid out of the contingent fund of the Senate.

DR. CHARLES A. L. REED.

Mr. DICK submitted the following resolution (S. Res. 299), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to furnish the Senate copies of all papers or communications in the War Department relative to Dr. Charles A. L. Reed, of Cincinnati, whose nomination as first lieutenant, Army Medical Reserve Corps, was sent to the Senate January 6, 1909, and subsequently withdrawn.

SENATOR FROM NORTH DAKOTA.

On motion of Mr. McCUMBER, it was

Ordered, That leave be granted to the Secretary to withdraw from the files of the Senate the transcript of the proceedings of the legislature of the State of North Dakota, presented February 6, 1909, certifying to the election of Mr. JOHNSON as Senator from that State for the term of six years commencing March 4, 1909, which were erroneously presented to the Senate.

WITHDRAWAL OF PAPERS—CONRAD HEENE.

On motion of Mr. LODGE, it was

Ordered, That upon the application of Conrad Heene, he is authorized to withdraw from the files of the Senate his certificate of discharge filed with the papers accompanying Senate bill 2486, Sixtieth Congress, first session, entitled "A bill to correct the military record of Conrad Heene," no adverse report having been made thereon.

PENSIONS TO ARMY NURSES.

Mr. SCOTT. I move that the bill (S. 185) increasing the pensions of nurses in certain cases be recommitted to the Committee on Pensions.

The motion was agreed to.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had on the 24th instant approved and signed the following act:

S. 5989. An act authorizing the Department of State to deliver to Maj. C. De W. Willcox decoration and diploma presented by Government of France.

COMMITTEES OF THE SENATE.

Mr. BURKETT. I submit a resolution which I ask to have read, and I ask for the indulgence of the Senate for a few minutes before the resolution is referred.

The resolution (S. Res. 297) was read, as follows:

Resolved, That the rules of the Senate be amended by adding a new rule as follows, to be known as Rule No. ——:

"In committee assignments, chairmen shall be appointed agreeably to their wishes, in accordance with their seniority of service on the committee.

"Seniority of service in the Senate and the personal wishes of Senators in committee assignments shall be recognized as far as practicable, but no Senator shall be appointed to membership on both the Finance and Appropriations Committees, nor shall any Senator be appointed to more than two committees carrying appropriation bills, nor to more than two of the following committees: Appropriations, Commerce, Finance, Foreign Relations, Interstate Commerce, Judiciary, Rules."

Mr. BURKETT. Before the resolution is referred, I wish to ask the indulgence of the Senate for just a few minutes.

Mr. WARREN. It does not seem to me that we ought to delay the appropriation bill for a matter that is of the future. I dislike to object to the further consideration of the resolution at this time, but I think I must do so.

Mr. BURKETT. Does the Senator object to my submitting a few remarks at this time on the subject?

The VICE-PRESIDENT. The Senator from Nebraska asks the indulgence of the Senate to submit some remarks. Is there objection?

Mr. WARREN. I will not object if I may reserve it for a few moments, but if it leads to a general discussion I shall be compelled to object.

The VICE-PRESIDENT. The Senator from Nebraska will proceed.

Mr. BURKETT. Mr. President, in introducing this resolution I have been trying to find a time when there would be some leisure, but I realize that the rest of the hours of the session are going to be very busy. I shall not speak very long upon this particular resolution.

In a very short time we are going to reorganize the Senate for the next two years. We are going to reorganize it for three sessions of work. We are going to reorganize it for an unusual amount of work. In two decades I suspect that there has not been as much work confronting Congress, especially the Senate, as is going to confront us in the next two years. It seems to me that perhaps we might well consider at this time something of the condition of the organization of the Senate.

We may think that we can eliminate the question, but we can not; because the country has not been well satisfied, I think we all agree, with all the work of the Senate, and it has had something to say in reference to this matter. In my opinion, the country is going to say a good deal more upon the question of what the Senate is doing in the future than it has in the past. So I suggest to those who occupy the most prominent positions in the Senate that they can well afford to consider some of the things that are suggested in this resolution. They may not care what the country thinks, and yet they must, and they are considerate of what the country thinks upon the legislation we enact and upon that which we fail to enact.

I want to say that we have recognized the fact that there is a good deal of work ahead of us. The facts developed in the past few days show how that work has increased. Our appropriation bills are increasing in size. They are covering a great many more subjects than they ever covered before. In addition to that, we are carrying upon those appropriation bills a good

many riders involving general legislation. In addition to that, we have a good deal of industrial legislation that is coming on in the next three sessions of Congress. There is currency legislation, for which there is a commission already organized and studying the subject. There is also confronting us at the special session of Congress a tariff bill.

This work, I say, is unusually large for the next three sessions of Congress, covering the next two years, that we are about to organize for, and we can well afford to give some attention and some concern to the organization of the Senate for that time.

I wish to call the attention of the Senate to the fact that the work of Congress has so grown and so multiplied in recent years that we have been compelled to resort to the very doubtful expedient, as I think all agree, of omnibus bills. A few years ago we started out with an omnibus river and harbor bill.

A little later on there were omnibus public-building bills. Then there was an omnibus claims bill, and now we have an omnibus pension bill, and are threatened with others, showing the great volume of work that comes upon the Senate, and the increasing volume of work that has come upon us. All this work must be intrusted to committees. That is the practical way of legislation. Hence it is important that we should organize the committees to secure the most work and the most effective work that is possible.

I have introduced this resolution, Mr. President, with a view of distributing somewhat the work of the committees, so as to relieve certain individuals and give all the Senate a share in the legislation. For example, we had here one Senator, three or four weeks ago, moving to discharge the great Committee on Interstate Commerce from the consideration of a certain bill. The reply was that the Senators on that committee were so busy that they could not get a meeting; that they had not been able to act upon that particular bill. Later on, another Senator rose and introduced a resolution to discharge the Committee on the Judiciary from the consideration of a certain bill, and the reply again came from the chairman of that great committee that that was a busy committee; that the Senators who make up that committee were very busily engaged in all sorts of legislation. This shows us that the legislation is congested, not only in committees, but it is congested in the hands, as I shall show here from this committee record, of individuals. We ought, in my opinion, to take cognizance of this fact and see if the committee arrangements can not be made so that it will relieve this condition.

For example, Mr. President, I take from the directory what I think the Senate will consider the seven most important committees of the Senate, and I ask Senators to listen to this to see the showing that is made, because there has grown up a condition, without the fault of anybody. I am not complaining of any Senator. Senators will recognize that in the resolution I recognize two things—the choice of Senators in selecting committees and seniority of service. Whether or not that is a good thing, seniority service has been recognized so long in this body that I thought it should be recognized in adopting this rule.

But I want to take the seven most important committees to show how conditions are congested not only in committees, but with men and with particular communities. The seven most important committees I think we will all agree are the committees on Appropriations, Commerce, Finance, Foreign Relations, Interstate Commerce, Judiciary, and Rules. On those committees there are 89 committee assignments or 89 places. Those 89 places belong to 46 States. They belong to 92 Senators. Now, notice. Thirty-seven States hold them all. Fifty-three Senators hold them all. Nine States have no representation on those committees. Thirty-nine Senators have no place on those committees. But that is not the most. Sixteen States hold 55 of those 89 places. Thirty States hold only 34 of those 89 places.

Now, notice. Twenty-eight Senators hold 63 of those 89 places. Sixty-eight Senators hold 26 of those 89 places. Fifty-five of those 89 places are held by Republicans. Thirty-five Republicans hold them all. Twenty-eight Republicans have no recognition on these seven important committees. Thirty-four places, I will say, are held by Democrats. Twenty-eight Democrats hold them all, and 11 Democrats have no representation and no recognition on those seven most important committees.

As to the geographical distribution of these important committees, 23 places are held in all the States west of the Mississippi River and 66 places are held in all the States east of the Mississippi River. Eighteen States are west of the Mississippi River and 28 States are east of the Mississippi River. Those 18 States have 23 places; the 28 States have 66 places.

Six Senators hold more than three places on these important committees. I am not speaking critically of this matter. It is a condition that has grown up gradually by recognizing the proposition which I recognize in the rule of seniority without any let or hindrance. During these years the appointments have been congested, as I said, not only in the hands of a few Senators but in the hands of a few States and a particular section.

Now, I want to call attention to the second class of committees. There are 13 of them that I think are legitimately in the second class of the committees of the Senate. They are Agriculture, Indian Affairs, Military Affairs, Naval Affairs, Pensions, Post-Offices and Post-Roads, Immigration, District of Columbia, Interoceanic Canals, Philippines, Privileges and Elections, Public Buildings and Grounds, and Public Lands.

Mr. WARREN. Will the Senator allow me to interrupt him for a moment?

Mr. BURKETT. Yes.

Mr. WARREN. The subject the Senator has up is a very interesting one, and I should like to participate to some extent in the debate concerning it. I ask the Senator if he would be satisfied to lay it over and let it come up to-morrow morning, so that we may be able to get up the agricultural appropriation bill and get it into conference. I will ask for him, if he will do that, unanimous consent that the resolution may lie on the table and come up to-morrow morning.

Mr. BURKETT. I have but very little more here. I should like to get in my remarks connectedly. I want to place in the RECORD data that I have compiled for the use of all the Senators.

Mr. WARREN. The Senator will understand that as he goes along Senators will want to ask questions and will want to follow him, and I fear I will be under the necessity of having to lay the appropriation bill over for another day if the Senator continues. I am due in a very important conference early to-day, one in which the Senator is interested, and I thought it might suit him as well to take the time to-morrow morning after we pass the appropriation bill, when he would have plenty of time. That was my suggestion.

Mr. BURKETT. This is the first time in four years that I have ever asked the indulgence of the Senate to make any remarks outside of the question regularly before the Senate.

Mr. WARREN. I have nothing further to say except that I am conducting the agricultural appropriation bill, in which the Senator and his State are as much interested as I am and my State. Of course if the Senator thinks that what he has to say now is important enough so that he can take the risk of perhaps defeating the appropriation bill, I will make no further comment. Of course the Senator has not taken much time heretofore, and I was arranging so that he might have full time on another day, after we pass this one point; that was all.

Mr. BURKETT. I would rather finish now, unless some Senator does object. I realize how busy the Senator is. He is one of the busiest Senators in this body, and it illustrates very well the point that I am making in this particular part of my remarks.

Mr. WARREN. Before the Senator proceeds further, as he is intent upon proceeding, I want to say to the Senator that it is not a matter just now of my being on many committees. It is a matter of my accommodating, as I ought to do, those who are not in good health that I am in charge of this particular appropriation bill at this time.

Mr. BURKETT. I have just read a list of 13 second-class committees. On those committees there are 166 places.

Now, I want to call the attention of the Senate to the distribution of those 166 places, so that it may be seen how they correspond to the seven most important committees.

Twenty-five Senators hold 84 of these 166 places; 67 Senators hold 82 of these 166 places; and 16 Senators hold none of them at all.

There are 101 Republican places on these committees. Fifty-five Republicans hold them all. There are 65 Democratic places and 21 Democrats hold them all.

I have just one other table that I want to put in at this time, and that is a table which includes the committees enumerated in the resolution, the 7 important committees, and the committees carrying appropriation bills, to wit: Appropriations, Commerce, Finance, Foreign Relations, Interstate Commerce, Judiciary, and Rules, together with the committees carrying appropriation bills, such as Agriculture and Forestry, Indian Affairs, Military Affairs, Naval Affairs, Pensions, and Post-Offices and Post-Roads. Those are the committees I have enumerated in the proposed rule upon which no Senator can serve upon more than two.

There are 92 Senators. Upon all these committees there are 165 places. Twenty-six Senators hold 83 of these 165 places, and the other 66 Senators hold 82 places. Twenty-eight per

cent of the Senators hold nearly 51 per cent of the places. Five Senators hold 20 of these 165 places, and 21 Senators hold 63 of these 165 places.

Now, the question naturally occurs, How are Senators distributed with reference to being on two or more of these committees? Twenty-six Senators are on more than 2 of the enumerated committees; 30 are on 2; 22 are on 1; and 14 are on none at all.

Those are the committees, Mr. President, that my rule is expected to reach.

I just want to call attention to the fact that we have perhaps committees enough to go around, almost one to a Senator; but, after all, there are only about 20 of these committees that ever have meetings, and the rest of the committees are graveyards to the great body of the Senators. I refer to such committees as Audit and Control Contingent Expenses of Senate, Civil Service and Retrenchment, Fisheries, Forest Reservations, Geological Survey, Irrigation, Library, Patents, Printing, Canadian Relations, Coast and Insular Survey, Coast Defense, Corporations in District of Columbia, Examine the Several Branches of the Civil Service, Expenditures in the Department of State, Indian Depredations, Manufactures, Mines and Mining, Mississippi River and its Tributaries, Pacific Railways, Private Land Claims, Public Health and Quarantine, Railroads, Revolutionary War Claims, Transportation Routes to the Seaboard, University of the United States, Additional Accommodations for the Library of Congress, Disposition of Useless Papers in Executive Departments, Expenditures in Department of Agriculture, Expenditures in Department of Interior, Expenditures in Department of Justice, Expenditures in Department of Navy, Expenditures in the Department of Treasury, Expenditures in Department of War, Five Civilized Tribes, Investigation of the Potomac River Front, and Standards, Weights, and Measures.

I wish to point out how Senators are placed on these committees while the few—as I said, 28—control the great committees that do the business of the Senate and that really have meetings. For example, I find in looking through the Directory that one Senator has as committee assignments this magnificent list of committees: Expenditures in the War Department, Coast Defenses, Investigate Trespassers on Indian Lands, Manufactures, Military Affairs, Public Health and National Quarantine, Transportation and Sale of Meat Products. He has only one committee that ever has a meeting.

Another Senator has this magnificent array of committees: Expenditures in the Treasury Department, Canadian Relations, Fisheries, Immigration, Library, Transportation Routes to the Seaboard.

Another Senator has this list: Geological Survey, Coast and Insular Survey, Education and Labor, Interoceanic Canals, Irrigation, Pacific Islands and Porto Rico, Public Lands.

Another Senator has District of Columbia, Fisheries, Pacific Islands and Porto Rico, Patents, Printing, Public Health and National Quarantine, and Revision of the Laws of the United States.

In this list of committees, as Senators will observe, never more than one on the list ever holds any meeting.

This resolution, if it should go to the Committee on Rules, may not be reported back, and yet I submit it to the Senate, and I have taken pains to compile this record for the use of Senators, especially of those Senators who may be charged specifically with the reorganization of the committees of the Senate, calling their attention to the fact that during these years, by no particular attention being called to it, recognizing, as I say, the one question of seniority, without recognizing the whole country and the whole body of Senators, we have gradually—and, I want to insist, not, perhaps, improperly by any Senator's action—we have gradually concentrated all of these committees into the hands of a very few Senators. For example, when the chairman of the great Interstate Commerce Committee [Mr. ELKINS] rose one day to reply to the Senator from Oregon [Mr. FULTON] as to why he had not brought in a particular bill, I took occasion at that moment to open the Congressional Directory to find out whether it was true that the members of that committee were the very busy men the chairman said they were, and I found this condition prevailed: The chairman of the committee, the Senator from West Virginia, in addition to being chairman of that great committee, is on the Committees on Appropriations, Commerce, and Rules. To be sure, he is a busy man. That is too much work to impose upon a man, together with the chairmanship of that great committee.

The next in order on that committee is the Senator from Illinois [Mr. CULLOM], who, I found, was, in addition to being on the Committee on Interstate Commerce, the chairman of the Committee on Foreign Relations, a member of the Committee on Appropriations, and of two other small committees. The next Senator on the committee, the Senator from Rhode Island [Mr. ALDRICH], is chairman of the Finance Committee, a member of the Committee on Rules, and a member of three other smaller committees. The Senator from New Jersey [Mr. KEAN] is on the Committee on Interstate Commerce and——

Mr. KEAN. Mr. President——

Mr. BURKETT. And is chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr KEAN. Mr. President, is this debate proceeding by unanimous consent?

The VICE-PRESIDENT. The Senator from Nebraska asked the indulgence of the Senate, and there was no objection to his proceeding.

Mr. KEAN. I think, if the Senator from Nebraska wishes to indulge in personalities, he had better suspend and we had better have the regular order.

Mr. BURKETT. Mr. President, I certainly do not want to indulge in personalities. I am merely reading from the Congressional Directory, and I have been very careful not to indulge in personalities.

Mr. PENROSE. Mr. President, I object to further consideration of the resolution, and I call for the regular order.

The VICE-PRESIDENT. Is there further morning business?

Mr. LODGE. What became of the resolution of the Senator from Nebraska proposing an amendment to the rules?

The VICE-PRESIDENT. It will go over under the rule.

Mr. LODGE. It will go over, Mr. President?

Mr. KEAN. Let it be referred to the Committee on Rules.

Mr. LODGE. It ought to go to the Committee on Rules.

The VICE-PRESIDENT. What disposition does the Senator from Nebraska ask for the resolution?

Mr. BURKETT. Let the resolution lie on the table, and I will finish my remarks upon it at some other time.

Mr. LODGE. Then, I move that the resolution be referred to the Committee on Rules; and let that motion go over with it.

The VICE-PRESIDENT. The Senator from Massachusetts moves that the resolution be referred to the Committee on Rules. The resolution will lie over, with the motion of the Senator from Massachusetts pending.

Mr. BURKETT. Mr. President, is that motion subject to remarks?

The VICE-PRESIDENT. It is not.

MISSOURI RIVER BRIDGE AT COUNCIL BLUFFS, IOWA.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 28104) to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908, to report it without amendment.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill.

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. The Senator from New Jersey demands the regular order.

Mr. DOLLIVER subsequently said: I desire now to ask unanimous consent for the present consideration of House bill 28104, reported a short time ago from the Committee on Commerce by the Senator from Virginia [Mr. MARTIN].

The VICE-PRESIDENT. The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill (H. R. 28104) to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURFACE RIGHTS OF ENTRYMEN.

Mr. CLARK of Wyoming. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 24834) for the protection of the surface rights of entrymen, to report it with amendments, and I submit a report (S. Rept. No. 1091) thereon. It is not a long bill, and, as it involves a matter of pressing importance, I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Lands with amendments. The first amendment was, on page 1, line 3, after the word "faith," to strike out the word "hereto-

fore;" on page 2, line 13, after the word "reservation," to strike out the word "if" and insert the word "unless;" in line 14, after the word "determined," to strike out the word "not," so as to read:

That any person who has in good faith located, selected, or entered under the nonmineral land laws of the United States any lands which subsequently are classified, claimed, or reported as being valuable for coal, may, if he shall so elect, and upon making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which shall contain a reservation to the United States of all coal in said lands, and the right to prospect for, mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal, but no person shall enter upon said lands to prospect for, or mine and remove coal therefrom, without previous consent of the owner under such patent, except upon such conditions as to security for and payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction: *Provided*, That the owner under such patent shall have the right to mine coal for use on the land for domestic purposes prior to the disposal by the United States of the coal deposit: *Provided further*, That nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing for the purpose of determining the character of the land located, selected, or entered by him, and to a patent without reservation unless the land shall be determined to be chiefly valuable for coal, or to abridge or deny the right of any entryman who has earned a title to the land covered by his entry to a patent without reservation.

The amendment was agreed to.

The next amendment was, to insert at the end of the bill the following:

Provided further, That where public lands not withdrawn from settlement, but subject to homestead entry as agricultural lands, have been entered in good faith as such and proof of settlement and cultivation as required by law has been made at the local land office, which proof shows the land to be agricultural land, patents therefor shall be executed and delivered to the entrymen, notwithstanding there shall be lignite coal under such lands: *And provided further*, That where lands not withdrawn from settlement and entry as agricultural lands have been or hereafter shall be entered upon in good faith under the homestead laws of the United States and final proof is offered at the local land office, such proof shall be accepted and certificate therefor issued by the local land office to the entrymen and patents delivered, as now provided by law, notwithstanding the fact that such lands, or any portion thereof, shall be underlaid with lignite coal, unless it shall appear that the lands have a higher commercial value for mining than for agricultural purposes, and the burden of proof shall be upon the Government to show that such lands have a higher commercial value for mining than for agricultural purposes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask the Senate now to proceed with the consideration of House bill 27053, the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Soils," on page 30, line 14, before the word "dollars," to insert "two hundred;" and in line 19, before the word "hundred," to strike out "three" and insert "five," so as to make the clause read:

Salaries, Bureau of Soils: One soil physicist, who shall be chief of bureau, $3,500; 1 chief clerk, $2,000; 2 clerks, class 4; 1 clerk, class 3; 3 clerks, class 2; 6 clerks, class 1; 1 draftsman, $1,200; 1 draftsman, $1,000; 4 clerks, at $1,000 each; 3 clerks, at $840 each; 1 carpenter, $840; 1 photographer, $1,200; 1 messenger, $720; 1 messenger or laborer, $480; 1 laborer, $600; 1 charwoman or laborer, $480; 1 messenger boy, $360; in all, $35,500.

The amendment was agreed to.

The next amendment was, on page 31, line 18, before the word "hundred," to strike out "six" and insert "eight," so as to make the clause read:

Total for Bureau of Soils, $232,860.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Biological Survey," on page 35, line 2, after the word "range," to strike out "$3,000" and insert "and other reservations for mammals and birds, $7,000; and so much of the $40,000 heretofore appropriated for the Montana National Bison Range as remains unexpended is hereby reappropriated to be expended in fencing said lands and enlarging the limits heretofore established so as to make the total acreage not to exceed 20,000 acres, and the President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, a sufficient area to enlarge said range as herein provided."

Mr. WARREN. Mr. President, before action is had on that amendment perhaps it would be better for the committee to perfect it. On behalf of the committee, I move to amend the amendment in line 6, after the word "reappropriated," by inserting the words "the same to be immediately available;" and in line 7, before the word "and," to insert "the erection thereon of the necessary sheds and buildings."

Mr. KEAN. Now, let the amendment be read as proposed to be amended.

The VICE-PRESIDENT. The Secretary will read the amendment as proposed to be amended.

The SECRETARY. On page 35, line 2, after the word "Range," it is proposed to strike out "$3,000" and to insert:

And other reservations for mammals and birds, $7,000; and so much of the $40,000 heretofore appropriated for the Montana National Bison Range as remains unexpended is hereby reappropriated, the same to be immediately available, to be expended in fencing said lands, the erection thereon of the necessary sheds and buildings, and enlarging the limits heretofore established so as to make the total acreage not to exceed 20,000 acres, and the President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, a sufficient area to enlarge said range as herein provided.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 36, line 1, before the word "thousand," to strike out "seventy" and insert "seventy-four," so as to make the clause read:

In all, for general expenses, $74,420.

The amendment was agreed to.

The next amendment was, on page 36, line 4, before the word "thousand," to strike out "eighty-three" and insert "eighty-seven," so as to make the clause read:

Total for Bureau of Biological Survey, $87,420.

The amendment was agreed to.

The next amendment was, under the head of "Division of Publications," in the item for salaries, Division of Publications, on page 37, line 17, before the word "hundred," to strike out "four" and insert "five;" line 19, after the word "dollars," to strike out "2 forewomen, at $1,200 each" and insert "1 forewoman, $1,400; 1 forewoman, $1,200;" in line 22, before the word "class," to strike out "1 clerk" and insert "2 clerks;" and in line 25, before the word "clerks," to strike out "thirty-two" and insert "thirty-one," so as to read:

One foreman, miscellaneous distribution, $1,500; 1 foreman, farmers' bulletin distribution, $1,200; 1 forewoman, $1,400; 1 forewoman, $1,200; 2 clerks, class 2; 5 clerks, class 1; 10 clerks, at $1,000 each; 10 clerks, at $900 each; 25 clerks, at $840 each; 31 clerks, at $720 each.

The amendment was agreed to.

The next amendment was, on page 38, line 3, after the word "each," to strike out "1 skilled laborer, $900," and insert "2 skilled laborers, at $900 each;" and in line 7, before the word "skilled," to strike out "twenty" and insert "nineteen," so as to read:

Three folders, at $840 each; 2 skilled laborers, at $900 each; 15 skilled laborers, at $840 each; 15 skilled laborers, at $780 each; 19 skilled laborers, at $720 each.

The amendment was agreed to.

The next amendment was, in the item for salaries, Division of Publications, on page 38, line 20, before the word "dollars," to strike out "seventy-two thousand nine hundred and seventy" and insert "seventy-four thousand one hundred and thirty," so as to read:

In all, $174,130.

The amendment was agreed to.

The next amendment was, on page 39, line 22, before the word "dollars," to strike out "five thousand nine hundred and seventy" and insert "seven thousand one hundred and thirty," so as to make the clause read:

Total for Division of Publications, $207,130.

The amendment was agreed to.

The next amendment was, under the head of "Office of Experiment Stations," on page 43, line 23, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" and on page 44, line 12, before the word "hundred," to strike out "thirty-eight thousand seven" and insert "thirty-nine thousand two," so as to make the clause read:

Salaries, Office of Experiment Stations: One director, $4,000; 1 chief clerk, $1,800; 1 clerk and proof reader, $1,600; 5 clerks, class 2; 5 clerks, class 1; 5 clerks, at $1,000 each; 3 clerks, at $900 each; 5 clerks, at $840 each; 1 clerk or messenger, $840; 1 messenger or caretaker, $720; 3 clerks or messengers, at $600 each; 1 messenger or laborer, $480; 1 copyist or laborer, $720; 4 laborers or charwomen, at $480 each; 2 laborers or charwomen, at $240 each; in all, $39,260.

The amendment was agreed to.

The next amendment was, on page 47, line 1, after the word "expenses," to strike out "$10,000" and insert "$15,000: *Provided*, That $5,000 of this sum shall be expended for investigations and reports upon best methods and appliances for the preparation of human food, with a view to securing useful information for distribution in the homes of the people," so as to make the clause read:

Nutrition investigations: To enable the Secretary of Agriculture to investigate the nutritive value of agricultural products used for human food, with special suggestions of plans and methods for the more effective utilization of such products for this purpose, with the cooperation of other bureaus of the department, and to disseminate useful information on this subject, including rent and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, $15,000: *Provided*, That $5,000 of this sum shall be expended for investigations and reports upon best methods and appliances for the preparation of human food, with a view to securing useful information for distribution in the homes of the people.

Mr. KEAN. I should like to ask the Senator from Wyoming under what law that amendment is authorized?

Mr. WARREN. This is like a good many other matters in the bill. The only law respecting it is the carrying of the appropriation in the bill.

Mr. KEAN. What is the object of the amendment—to publish "receipt books" and distribute them around the country?

Mr. WARREN. The object is to investigate articles of human food, and I assume that the printing of the result of such investigations will, of course, follow, as it does in other matters.

Mr. KEAN. We are not going to publish under the provision Delmonico's receipt books or anything of that kind, are we?

Mr. WARREN. Oh, no.

Mr. KEAN. I think a point of order will lie against the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. KEAN. That it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and sustains the point of order.

Mr. KEAN. Now, let the amendment striking out $10,000 be disagreed to at the top of page 47.

The VICE-PRESIDENT. The ruling of the Chair in sustaining the point of order on the amendment has the effect of striking out the portion in italics and restoring the text of the House bill proposed to be stricken out.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 48, line 2, before the word "hundred," to strike out "sixty-eight thousand and seven," and insert "seventy-four thousand and two," so as to make the clause read:

Total for Office of Experiment Stations, $1,074,220.

Mr. WARREN. Mr. President, in view of the ruling of the Chair sustaining the point of order, which virtually took out $5,000, the total will have to be reduced that much.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Office of Public Roads," on page 48, line 8, before the word "dollars," to strike out "two thousand seven hundred and fifty" and insert "three thousand;" and in line 14, before the word "dollars," to strike out "two hundred and ten" and insert "four hundred and sixty," so as to make the clause read:

Salaries, Office of Public Roads: One director, who shall be a scientist and have charge of all scientific and technical work, $3,000; one chief clerk, $1,600; four clerks, class 1; four clerks, at $1,000 each; one clerk, $900; two laborers, at $600 each; one messenger, $600; one messenger boy, $360; in all, $16,460.

The amendment was agreed to.

The next amendment was, on page 48, line 24, after the word "subject," to strike out "$18,000" and insert "for ascertaining the relative effectiveness of township, county, and state systems of road administration, and for suggesting and devising ways and means of coordination and cooperation in road legislation and administration between the several States for investigating the feasibility, cost, extent, and probable effect of national aid in the improvement and maintenance of rural delivery roads in the several States; and for the preparation of detailed and comprehensive reports of such investigations, to be submitted to the Congress of the United States as early as practicable, $38,000."

Mr. WARREN. Mr. President, before action is had on that amendment, I should like to perfect it on behalf of the committee. In line 4, on page 49, after the word "cost," I move to insert the word "and;" and in line 4, after the word "extent," to strike out "and probable effect of national aid in the" and insert in lieu thereof the words "of the."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the amendment of the committee, on page 49, line 4, after the word "cost," it is proposed to insert the word "and;" and in the same line, after the word "extent," to strike out "and probable effect of national aid in the" and insert "of the," so as to read:

For ascertaining the relative effectiveness of township, county, and state systems of road administration, and for suggesting and devising ways and means of coordination and cooperation in road legislation and administration between the several States, for investigating the feasibility, cost, and extent of the improvement and maintenance of rural delivery roads in the several States, and for the preparation of detailed and comprehensive reports of such investigations, to be submitted to the Congress of the United States as early as practicable, $38,000.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment as amended.

Mr. PENROSE. I make the point of order that this is general legislation.

Mr. BANKHEAD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania withhold the point of order?

Mr. PENROSE. I will withhold the point of order to enable the Senator from Alabama to make a statement, and then will renew it.

Mr. BANKHEAD. Mr. President, the proposed amendment recommended by the committee to this paragraph of the bill is simply a limitation upon an appropriation. It is upon the same subject and has the same object in view that the paragraph which it proposes to amend has. It is simply a limitation upon an appropriation inserted in the bill and an attempt to direct the Secretary of Agriculture how the amount appropriated shall be expended. The language is:

For inquiries in regard to systems of road management throughout the United States and for giving expert advice on this subject.

That is an original provision of the bill. The committee offers the amendment on which the point of order is raised, the point being that the amendment is new legislation. While it is true, perhaps, that it is new in the sense that it has never before appeared in an appropriation bill, as I understand it, and as I understand the rule, this is simply, as I have already said, a limitation upon the appropriation and a direction to the Secretary how money shall be expended upon the same subject already provided for in the bill, and which has been in the appropriation acts for a number of years.

This is a very important question. If we are to appropriate money at all to authorize the Secretary of Agriculture, through and by his agents, to collect information upon this question, we ought to enable him to get accurate information and we ought to enable him, when the information has been obtained, to put it in such form that the Senate and the House and the country can have the benefit of it.

Mr. President, there is no more important question before this country than that of the transportation and distribution of products, and when we understand the vast amount of products, especially agricultural products, that must necessarily go over the dirt roads of the country to find a market, we at once appreciate how important this question is. The country wants information on it. The States and the counties and every section of the country are interested in it. They are all moving in an effort to improve the condition of the dirt roads, in order that the products of the farm may go over them at less cost and in order that the rural free-delivery system of the country may be conducted at a less expense, and that it may be extended to every section of the country.

I do not understand that this is new legislation in the sense that it is obnoxious to the rule. I hope the Senator from Pennsylvania will not insist upon his point of order. It is a very small appropriation, and it is a very important matter. I am exceedingly anxious to have it remain in the bill.

Mr. PENROSE. I now renew the point of order.

The VICE-PRESIDENT. The Senator from Pennsylvania raises the point of order that the amendment proposes general legislation upon a general appropriation bill. The language of the proposed amendment is quite clear. The Chair is of the opinion that it contravenes the rule, and therefore sustains the point of order.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 49, line 21, before the word "thousand," to insert "and twenty," so as to make the clause read:

In all, for general expenses, $120,000.

Mr. WARREN. I make the request now that the Clerk may correct all totals as we go along, according to the changes that may be made in considering the bill.

The VICE-PRESIDENT. Without objection, it is so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 49, line 24, before the word "dollars," to strike out "sixteen thousand two hundred and ten" and insert "thirty-six thousand four hundred and sixty," so as to make the clause read:

Total for Office of Public Roads, $136,460.

Mr. WARREN. That will have to be changed.

The VICE-PRESIDENT. Without objection, it is so ordered.

The next amendment was, at the top of page 50, to strike out:

MISCELLANEOUS.

Paper tests: To enable the Secretary of Agriculture to test such plants as may require tests to ascertain if they be suitable for making paper, $10,000, or so much thereof as may be necessary, including rent and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses.

Total carried by this bill for the Department of Agriculture, $12,880,926.

The amendment was agreed to.

The next amendment was, on page 50, after line 19, to insert:

Total, Department of Agriculture, for routine and ordinary work, $13,633,276.

Mr. WARREN. That will have to be changed.

The VICE-PRESIDENT. The Secretary will change the total.

The next amendment was, on page 50, after line 22, to insert:

MISCELLANEOUS.

Paper tests: To enable the Secretary of Agriculture to test such plants and woods as may require tests to ascertain if they be suitable for making paper, $10,000, or so much thereof as may be necessary, including rent and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses.

Mr. PENROSE. I should like to ask the chairman of the committee whether there is any particular reason why this paragraph should remain in the bill?

Mr. WARREN. The paragraph, if the Senator will notice, is to take the place of the one at the top of page 50. It is worded differently. The work is being done now under last year's appropriation.

Mr. PENROSE. I did not notice that.

The amendment was agreed to.

The next amendment was, on page 51, after line 4, to insert:

Importation of biological products, Bureau of Animal Industry: For all expenses necessary to enable the Secretary of Agriculture to control the importation, interstate transportation, and sale in the District of Columbia and the Territories of virus, therapeutic serum, toxin, antitoxin, analogous products applicable to the prevention and cure of diseases of animals, and products which are pathogenic to animals, including the employment of labor in the District of Columbia and elsewhere, $25,000, of which sum $10,000 shall be immediately available; and hereafter the Secretary of the Treasury shall require as a condition precedent to the entry into the United States from any foreign country of any virus, therapeutic serum, toxin, antitoxin, analogous products applicable to the prevention and cure of diseases of animals, and products which are pathogenic to animals, a report from the Secretary of Agriculture that such virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention and cure of diseases of animals, or product which is pathogenic to animals, is true to name, is not contaminated in any way, and is not dangerous to the animal industry of the United States. To enable the Secretary of Agriculture to make the report hereinbefore provided for, the Secretary of the Treasury shall cause to be delivered to the Secretary of Agriculture, or to his duly accredited representatives, a sample of each shipment of virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention and cure of diseases of animals, or product which is pathogenic to animals, offered for entry into the United States from any foreign country, and no such shipment shall be admitted into the United States on any pretext whatsoever unless the Secretary of Agriculture shall report to the Secretary of the Treasury that the virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention and cure of diseases of animals, or product which is pathogenic to animals, included in the shipment, is true to name, is not contaminated in any way, and is not dangerous to the animal industry of the United States. If the Secretary of Agriculture shall report that any shipment of virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention and cure of diseases of animals, or product which is pathogenic to animals, is not true to name, is contaminated in any way, or is dangerous to the animal industry of the United States, the Secretary of the Treasury shall refuse entry, and unless reexported within three months the said shipment shall be destroyed: *Provided*, That the owner or importer of any shipment of virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention and cure of diseases of animals, or product which is pathogenic to animals, shall have the right to appear before the Secretary of Agriculture and introduce testimony to show that the virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention and cure of diseases of animals, or product which is pathogenic to animals, is true to name, is not contaminated in any way, and is not dangerous to the animal industry of the United States. Hereafter no person shall barter, or exchange, or offer for sale, barter, or exchange, in the District of Columbia or the Territories, or shall send, carry, or bring for sale, barter, or exchange, or transport, or offer to transport, or cause to be transported, from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, any virus, therapeutic serum, toxin, antitoxin, or analogous products applicable to the prevention and cure of diseases of animals, or products which are pathogenic to animals, unless (*a*) the said virus, therapeutic serum, toxin, antitoxin, or analogous products applicable to the prevention and cure of diseases of animals, or products which are pathogenic to animals, shall be of foreign origin and shall have been admitted into the United States by the Secretary of the Treasury upon the report of the Secretary of Agriculture, as hereinbefore provided, or unless (*b*) such product has been propagated and prepared at an establishment holding an unsuspected and unrevoked license issued by the Secretary of Agriculture as hereinafter provided, to propagate and prepare such products for sale in the District of Columbia or the Territories, or for transportation from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia: *Provided*, That the suspension or revocation of any license shall not prevent the sale, barter, or transportation of any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention and cure of diseases of animals, or product which is pathogenic to animals, which has been sold or delivered by the licentiate prior to such suspension or revocation, unless the owner or custodian of such product aforesaid has been notified by the Secretary of Agriculture not to sell, barter, or transport the same. The Secretary of Agriculture is authorized and directed to enforce this provision, and he is authorized to make and to promulgate such rules and regulations as in his judgment may be necessary to govern the issue, suspension, and revocation of licenses for the propagation and preparation of virus, therapeutic serum, toxin, antitoxin, or analogous products applicable to the prevention and cure of diseases of animals, and products which are pathogenic to animals, for sale or transportation as hereinbefore described. The said rules and regulations shall also provide for the proper marking of any package or container of any virus, therapeutic serum, toxin, antitoxin, or products aforesaid, and no virus, therapeutic serum, toxin, antitoxin, or analogous products applicable to the prevention and cure of diseases of animals, or products which are pathogenic to animals, shall be sold in the District of Columbia or the Territories, or transported or offered for transportation from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, in any package or container which is marked in a false, misleading, or deceptive manner.

Any person who shall sell or offer for sale in the District of Columbia or in the Territories, or who shall offer for transportation, cause to be transported, or transport from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, any virus, therapeutic serum, toxin, antitoxin, or analogous products applicable to the prevention and cure of diseases of animals, or products which are pathogenic to animals, in violation of law, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

Mr. ALDRICH. Mr. President, this amendment is clearly subject to the point of order, and is only another illustration of the manner in which this department seeks to absorb the functions of the entire Government, so far as I can see. It gives to the control of the Secretary of Agriculture the importation of a large amount of valuable and important articles, without reference to the Treasury Department or the law. I make the point of order that the amendment proposes general legislation.

Mr. WARREN. Will the Senator withhold the point of order for just a minute, in order that I may make an observation?

Mr. ALDRICH. Yes.

Mr. WARREN. Mr. President, I hardly think the Secretary of the Department of Agriculture quite deserves the criticism the Senator from Rhode Island has made, and I hardly think the Senator from Rhode Island wants to put it in that way. The Secretary of Agriculture has passed through a very serious time in the last few months, brought about by the foot-and-mouth disease in cattle, and he traces it to impure virus imported into this country. So far as concerns the amount of money, the amendment, I think, calls for only $25,000; and the Secretary, of course, knows, as we all do, that it is legislation and is subject to the point of order. But the Secretary of Agriculture believes, and I believe, and the Senator from Rhode Island will believe, that if it were possible it would be a good thing to prevent the importation of contaminated virus, toxins, and so forth.

Mr. ALDRICH. Undoubtedly.

Mr. WARREN. So the intent of this paragraph, I will say to the Senator from Rhode Island, is commendable.

Mr. ALDRICH. Undoubtedly.

Mr. WARREN. I commend the Secretary for bringing it to our attention. He understands that the amendment is subject to the point of order and understands that the matter should be placed before the Senate in another way if there was time before March 4 to act upon it in a separate bill. If any amendment is necessary or if there is any way to dispose of it otherwise, I shall be glad. But, at least, the Senator will admit that in this way the Secretary brings to the attention of Congress the fact that we are suffering under a condition which ought to be speedily reached and remedied.

Mr. ALDRICH. It ought to be reached by law, by an enactment which will make it illegal to import a serum or antitoxin that is not pure or proper, and that should be enforced through the ordinary channels in the Treasury Department.

Mr. WARREN. The Senator will admit that the intent of the Secretary, as I described it, to bring it to our attention should be commended rather than condemned.

Mr. ALDRICH. Perhaps I was a little strong in the language used.

Mr. WARREN. I do not think the Senator wants to be in the position of criticising the Secretary. He may criticise his way of reaching it, but certainly not his intent in this matter.

Mr. ALDRICH. I have a sort of feeling that this bill, perhaps necessarily so, has always been a mass of legislation, and

practically nothing but legislation, about which the Members of the Senate at large could not know very much.

I should be very glad if the time would ever come when we would undertake to fix by law the duties of the people in the Department of Agriculture, and when some general legislation should take the place of what I may call, perhaps, special legislation upon appropriation bills.

I think the Senator from Wyoming must agree with me that that is not the best practice. There are a great many questions which ought to be taken up and considered, and considered deliberately, by Congress and acted upon; and I have no doubt this is one of them, and if it had been brought up three or four or five weeks ago probably some act could have been prepared.

Mr. WARREN. I agree with the Senator on the general proposition, but this case is a very peculiar one, in that the ravages of this disease came so late in the season, and there has been little time for the Secretary to trace it down and find the cause or inception of the outbreak; and he took the first opportunity to bring it forward in this way, submitted as the recommendation of the department, for us to consider.

Mr. DOLLIVER. Mr. President, I desire to say one word, because I regard the proposition contained in the amendment as of very great importance to our people. The Department of Agriculture in its effort to suppress the foot-and-mouth disease traced that disease to virus imported into the United States by our manufacturing chemists and sold to our people. The investigations revealed that this virus, used upon calves in the District of Columbia, communicated the foot-and-mouth disease to them. The investigations also showed that these diseases are almost universal in the countries of Europe, in Asia, Japan, the Philippine Islands, and in practically all the countries from which we import our medical viruses, including the vaccine for smallpox and kindred diseases.

There could be no more horrible situation than the compulsory vaccination laws of the United States administered in connection with the free and uninspected admission of infected virus, to be sold and distributed everywhere among our people.

While I do not dispute that this proposition is subject to the point of order, I trust the Senator from Rhode Island will take into consideration the vast interests that are involved in it and the importance of the subject which it presents.

Mr. WARREN. Just a moment, Mr. President.

Mr. MONEY. Will the Senator from Wyoming yield to me for a moment?

Mr. WARREN. I desire to complete my remarks, if the Senator will wait one moment.

Mr. MONEY. Certainly.

Mr. WARREN. In this relation the Secretary testified before the committee that the department spent $350,000 to stamp out the foot-and-mouth disease in New England six years ago; that it has spent now more than a quarter of a million dollars in stamping out the second attack, and as I understood the Secretary—and if I am wrong, somebody may correct me—he has been able only at a late date to trace the commencement of the disease in the second attack, and he found it came through the introduction of diseased or contaminated virus.

While I should like to see the amendment become a law, whatever may become of this amendment, I want Senators to know that it is not only an important matter to those who grow live stock, but an important matter to our country and to Congress, in that it takes a great deal of money to stamp out the disease when it is once inoculated; and to let it go without stamping it out would result in the annihilation of the live-stock industry, so far as cattle in this country are concerned, and, besides, it would be a misfortune to every meat-eating person because of the scarcity and high prices which would follow.

Mr. MONEY. Mr. President, I agree with what has been said in great part by the Senator from Rhode Island [Mr. ALDRICH], that the appropriation bills are not to be made vehicles for general legislation, or even special legislation. It is a vicious practice. The Senate ought to consider these matters as they are brought up on their merits, and not as forced upon appropriation bills; but in this particular case I want to appeal to the Senator from Rhode Island along this line: This is an important question with respect to cattle, but it is very much more important to the human beings of this country. These vaccine points are the things with which we vaccinate the children of this country against smallpox. It has been found that it sometimes makes them immune from smallpox, but gives them the foot-and-mouth disease, which is just about as bad.

The trouble about the matter is that we can not in the United States produce a vaccine for any length of time, for the reason that this is not a pox country. It is not the home of the disease. We have to import it from abroad, and consequently the vaccine points that are produced upon the spot which is the habitat of this particular disease are the only ones that will retain the virus in sufficient strength to enable it to render the human being vaccinated immune from smallpox. Consequently we can not, as has been expected by a great many people, raise our own vaccine points, because they lose their power for immunity against smallpox. We now run the constant danger that has been manifested very unpleasantly in several localities of vaccinating children and grown people with these imported vaccine points and communicating the foot-and-mouth disease which is just about as bad as the smallpox.

While I recognize that the point of order is well taken and ought generally to be enforced, yet I ask the Senator to withdraw it in consideration of humanity as well as in consideration for the property of the country.

Mr. TILLMAN. If the point made by the Senator from Mississippi is true—and no doubt he has investigated this matter, because he is always so well informed and so absolutely reliable in all of his statements here; at least I have always thought so—I should like to inquire why, if we are importing diseased or impure or bad vaccine points, we do not provide for the proper investigation through the medical bureau of the Government, the Marine-Hospital Service, which has to do with the keeping out of diseases in general, and not load everything and mix up everything from whisky to theology on the agricultural appropriation bill. If we have a need for inspection and protection against the importation of these articles, it looks to me like we could very readily and very quickly prepare some legal remedy and let the Marine-Hospital Service take the matter of inspection in hand and thus prevent the importation of this stuff. I do not see why the man who has to deal with cattle and hogs should undertake to protect people.

Mr. MONEY. If the Senator is asking the question for an answer, I shall be glad to answer it.

Mr. TILLMAN. I am just merely throwing it out in the air, and I should like to know why it is proposed to load everything on the agricultural bill.

Mr. MONEY. I have my wire up, and I got your communication through the air, and I am about to give you a message in reply.

Mr. TILLMAN. All right, sir.

Mr. MONEY. And that is, that the department is not undertaking to protect human beings. It leaves that to the general Marine-Hospital Service. But it is an attempt to protect the cattle, which is one of the duties of the Department of Agriculture, belonging to the Bureau of Animal Industry, and in protecting stock it is incidentally doing what I think is a very much greater work. It does not start out to protect human beings; that is not the object; but it is a very valuable incident of this inspection. The Senator would not have the Marine-Hospital Service go into the inspection of articles concerning cattle and hogs.

Mr. TILLMAN. Not at all.

Mr. MONEY. The Secretary of Agriculture is performing his duties, as defined by law, to protect the cattle, and incidentally, in connection with that, he protects human beings. The Senator can rely upon what I have said as being true, because I think I am informed on the subject.

Mr. TILLMAN. I have said that I always have confidence in what the Senator from Mississippi says.

Mr. MONEY. I am very much obliged to the Senator for the compliment.

Mr. TILLMAN. However, I fail to be convinced by the investigation of the cattle doctors, who have said they locate the foot-and-mouth disease as coming from these poisonous importations. I want to know how they get hold of the fact that these points have infected people or inoculated people with the foot-and-mouth disease. How does a cattle doctor know when a child has the foot-and-mouth disease?

Mr. MONEY. Does the Senator want an answer to the question?

Mr. TILLMAN. I should like anybody to answer it who can.

Mr. MONEY. Well, I can, without any trouble whatever. The cattle doctor has nothing to do with it. The chemists who are employed by the department are not cattle doctors or veterinary surgeons. They are chemists, and they analyze these points. It is a qualitative and quantitative analysis, both. It gives the constituents. It gives even a trace, if there is one apparent, in the point which has been examined. It is done for the use of the department, to save the cattle of the country from this disease. But, as I have said, these points are used to vaccinate people as against smallpox, and they have communicated the other disease, because the cases have been reported, and

they are so well known and so widely diffused everywhere that it has become an object of serious concern to the medical profession.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. MONEY. Certainly.

Mr. ALDRICH. There are thousands of men, physicians and chemists, engaged all over the world to-day in the most important work of physical research. Thousands and millions of dollars are being expended in undertaking to give the human race a better knowledge of disease and a better knowledge of the means for its prevention or cure. Great discoveries have been made within the last five or six years along these lines, and much greater discoveries unquestionably will be made in the near future. The best scientific men in the world are engaged upon the study of this great problem.

Now, to put into the hands of the Secretary of Agriculture the final decision as to whether any of these serums which have been discovered anywhere in the world are pure or proper or ought to be imported into the United States—a power which never ought to be delegated to any executive officer—is, it seems to me, a very strange proposition. If this question is an important one, let some Senator interested in it bring in a bill here and let us discuss it upon its merits.

Mr. TILLMAN. And have hearings.

Mr. ALDRICH. And have hearings, and understand just what is going to happen; and not at the last minute, within three or four days of the close of the session, bring in important legislation of this kind upon an appropriation bill. I submit it is not fair to the Senate, and I insist upon my point of order.

Mr. MONEY. Will the Senator permit me to ask him a question before he takes his seat?

Mr. ALDRICH. Certainly.

Mr. MONEY. I said I quite agreed with the Senator in that his point was well taken and that these matters ought to come before the Congress for full hearing. But suppose a bill was introduced for the purpose mentioned, a report was made, and it was thoroughly discussed, then what would you do with it? You would have to turn the matter over to an executive officer of some department. That executive officer would have nothing to do with it himself, but he would intrust the matter to skilled chemists, who are approved in their profession. It is well known that there are eight or ten magnificent laboratories under the charge of the Secretary of Agriculture. Of course he does not know anything about chemistry. He does not presume to interfere with the operations of a skilled chemist.

Mr. ALDRICH. Instead of there being eight or ten, there must be a much larger number of laboratories of various kinds.

Mr. MONEY. I think not.

Mr. ALDRICH. I think one of the Senators from North Dakota——

Mr. MONEY. I will say a hundred and fifty or two thousand; I do not care.

Mr. ALDRICH. When the amendment was up with relation to the inspection of cotton or grain—I have forgotten which—one of the Senators stated that if the amendment were defeated it would necessitate the abolition of six or seven laboratories.

Mr. MONEY. No laboratory that I know of is required to sample cotton.

Mr. ALDRICH. I am merely taking the statement of one of the Senators from North Dakota in protesting against the amendment being dropped from the bill.

Mr. MONEY. It does not make any difference how many there are. You have to lodge the power to execute in some officer.

Mr. ALDRICH. Yes; but it ought to be an office like the Marine-Hospital Service or some other bureau which has employees who have expert knowledge, and not an ordinary chemist. I can not understand how an ordinary chemist would know anything about a new serum sought to be introduced into the United States for the cure or prevention of a disease. There ought to be a board especially organized for the purpose, or it ought to go into some bureau or department already organized——

Mr. MONEY. That is what we propose.

Mr. ALDRICH (continuing). Where they have trained experts to consider it.

Mr. MONEY. There are no ordinary chemists in the service of the Government anywhere. They are all men of approved skill and standing, or they could not have obtained the appointment. They could not retain their places if they were not proficient and skillful. It does not take an extraordinary chemist to analyze a vaccine point. The greatest objection I have ever found to the operations of Doctor Wiley was that he did not make quantitative, but simply qualitative analyses. He did not give the proportion of virus or poison or the toxicant or whatever it was to the other ingredients contained in the food product, for instance, or the drug he examined, but labeled them all "poison," without regard to the quantity.

I have no objection on earth to this matter going under the Marine-Hospital Service. I would as soon have it go there as anywhere else. But the proposition is here now, and of course it can go out on the point of order, and will go out if the point of order is insisted upon.

Mr. TILLMAN. Will the Senator from Mississippi answer a question?

Mr. MONEY. Certainly, if I can.

Mr. TILLMAN. The Senator has given a great deal of attention to these matters, and I wish to get some light if I can. We have had a good deal in the papers in the last month or so about a board of revision in the Agricultural Department which has overridden Doctor Wiley in the matter of the adulteration of canned goods by benzoate of soda. We have Doctor Wiley, I believe, in charge of the administration of the pure-food law which we passed, and he decided that certain things were injurious to health.

I know enough about canning, having seen my wife and mother can peaches and tomatoes and such things, to know that they do not put anything in the jar. It is a question of skill and knowledge of what you are doing and of excluding the air. But if those chemists who have overridden Doctor Wiley are right and this adulterant, benzoate of soda, is harmless, here we have doctors disagreeing. If Doctor Wiley is not fit to protect our health in the matter of canned goods, why should we turn over the question of protecting our health in vaccine points and virus and serums and all of that kind of stuff to him? We ought to get this thing straight in some way or other by somebody somewhere upon whom we can rely and not have him overridden by an executive order by the methods that are followed nowadays of appointing some commission or board to go around and undo what the law officer, charged with the administration of the law, attempts to carry out.

Can the Senator give me any information on benzoate of soda, as to whether it is poisonous or not?

Mr. MONEY. If you give me an opportunity.

Mr. TILLMAN. I give the Senator the opportunity now. I just wanted to make my question clear so that the Senator could cover it.

Mr. MONEY. I recognize the inquiring turn of mind of the Senator. He wants to know about these things, and it is very proper, and I am glad he does. I am not a chemist, but I want to say incidentally that I do not approve exactly all the methods of Doctor Wiley. For instance, I said that Doctor Wiley has been in the habit of making analyses, and if he did discover a trace of boracic acid or salicylic acid in a can of salted meat or any brand of manufactured food he would brand it poison. I will cite one case, if the Senator will let me.

I do not mean to say that I am reprehending Doctor Wiley's method at all, but I am meeting the objection made by the Senator from South Carolina. This is an instance that was brought to my attention some two or three years ago. A carload of salted meat was sent to a town in Pennsylvania from Chicago. It was tested by Doctor Wiley or some of his chemists after his plan of qualitative analysis. It had about one-quarter or a half of 1 per cent of boracic or salicylic acid; I forget which. When it got there it was branded "poison" and had to be returned, and commercially the thing was lost. That was an injury to the manufacturer. One of the competitors of this manufacturer concluded that he would send a carload down there with nothing in it, and when it got there it was branded "poison" as being filled with ptomaine and germ poison of all sorts. It has been held by a great many very competent chemists, and I believe it is the only thing we can do, that the qualitative and the quantitative analyses should be combined, and we should put upon any drug or any food the brand one or one-half or so much per cent of a certain acid.

Then it can be ascertained whether a man could eat 20 pounds without its hurting him or not. I have been informed that of the meat products put up in Chicago a man could not eat enough to do him any injury, although cases frequently occur where we hear that a small quantity of that sort passed inspection and has resulted fatally because of the introduction of germs after the opening of the can, or something of that sort.

This matter is not wholly with Doctor Wiley, I understand. There are chemists who do not belong to Doctor Wiley's department especially, but to the Animal Industry Bureau, who have this matter in charge. As far as I am concerned, I do

not care whether it is with the Department of Agriculture or with the Marine-Hospital Service or the Department of Commerce and Labor; it must all go to chemists, and we must assume that the chemists of one department are as good as those of another, as that the executive officer in one department will do his duty as well as the executive officer in another.

My experience here for a great many years—and I have been here about thirty-three or thirty-four years—has been that there never has been any head of a department of this Government that has been so industrious, so diligent, and so efficient as Secretary Wilson has been. Those who knew him a long time ago—and my old friend here was in Congress thirty-odd years ago, at the same time I was in the House with him—will recollect what a careful, painstaking, and thoroughgoing man he is. Under his care I do not believe that anything will suffer or go wrong, as far as he can control it. Of course there are certain things, as I explained to the Senator from Rhode Island, that he can not control. He is not a chemist, neither is he a lawyer. He must bring before the Assistant Attorney-General points of law. He is a farmer, and he has proved in his place to be of untold benefit to the farmers of this country. To-day throughout my State there is no man in this Government who has more respect and is more beloved than Mr. Wilson, the Secretary of the Department of Agriculture, and all hope down there that he will be his successor in office in the incoming administration, and I hope he will.

I do not want to take up time, Mr. President. I am sorry that I have said so much.

Mr. McCUMBER. Mr. President, we are met here with a condition that is far more important to the country than a mere legislative policy or a rule of the Senate. We are expending hundreds of thousands of dollars annually to stamp out certain diseases of cattle, horses, sheep, and so forth. We are attempting to prevent the spread of those diseases and also attempting to prevent diseases in the future of the same kind by inoculation with a certain character of virus.

It so happens that much of the virus that we are using for the purpose of the prevention of disease is bringing about the very diseases that we are trying to stamp out. This is going on. It is financially to our advantage to see that no virus is received and scattered broadcast over the land which will produce the very diseases we are attempting to get rid of.

It does not make very much difference who has the authority to make the investigation to determine whether a certain imported virus is proper and pure and should be used in the United States. The thing that is important to us is that we keep out the disease.

Mr. President, every man in the Senate, I believe, knows that it will be impossible to get a bill through both Houses of Congress dealing with this subject during the present session. The probabilities are that we will take up no other legislation than that of the tariff during the next special session. So a year would probably elapse, at least, before we could secure the proper legislation that would prevent the contemplated injury.

That being the case, it seems to me that we may properly suggest to the Presiding Officer that it might be for the interest of the country to submit this question to the Senate, and let them determine whether or not the exigencies of the case are more important at this particular moment than the particular rule the amendment may possibly contravene. We need the legislation, and we can get it through at this session only upon this character of a bill.

Mr. ALDRICH. Mr. President, there was one other point which I neglected to submit, but which was in my mind. These serums are all of them, so far as I know, brought here in air-tight packages. The fact is that they must be in air-tight packages to preserve their character. If some man connected with the Agricultural Department is to open all the packages and examine each one to find out whether it is pure or in accordance with his ideas, the whole thing is destroyed.

It seems to me that this proposition on its face is one of a character that none of us ought to think of adopting for a moment. If any legislation of this kind is to be had, it should be very carefully guarded, and we certainly should submit the decision of the question to some better authority than anyone who, I think, is now connected with the chemical laboratories in the Agricultural Department.

The VICE-PRESIDENT. Does the Senator from Rhode Island renew his point of order?

Mr. ALDRICH. Yes.

The VICE-PRESIDENT. That it is general legislation?

Mr. ALDRICH. Yes.

The VICE-PRESIDENT. The Chair is of opinion that the amendment is clearly in contravention of paragraph 3 of Rule XVI, and the point of order is well taken. Therefore the Chair sustains the point of order. The Secretary will resume the reading of the bill.

The next amendment was, on page 55, after line 23, to insert the following:

Commission on Country Life: For all necessary expenses to enable the Commission on Country Life, under the direction of the Secretary of Agriculture, to digest, compile, and publish the material already gathered by the commission, and to complete its work, including the employment of the necessary clerical assistance in the city of Washington and elsewhere, $25,000.

Mr. WARREN. I should like to perfect the amendment.

Mr. PENROSE. It is hardly worth while to take up the time.

Mr. TILLMAN. I shall make a point of order against it.

Mr. WARREN. Perhaps the Senator from South Carolina will be good enough to wait until I perfect it, so that he can see what he is making a point of order against.

Mr. TILLMAN. Certainly.

Mr. WARREN. In line 25, after the first word "the," I move to strike out the words "Commission on Country Life under the direction of the;" and on page 56, in line 2, to begin the word "commission" with a capital letter; and in line 3, after the word "commission," to strike out the words "and to complete its work," and insert the words "on Country Life." I ask the Secretary to read it as proposed to be amended.

The VICE-PRESIDENT. The Secretary will read it as it will stand if amended.

The Secretary read as follows:

Commission on Country Life: For all necessary expenses to enable the Secretary of Agriculture to digest, compile, and publish the material already gathered by the Commission on Country Life, including the employment of the necessary clerical assistance in the city of Washington and elsewhere, $25,000.

Mr. TILLMAN. Now, Mr. President——

Mr. KEAN. I was going to make a point of order against the Commission on Country Life amendment. I have been looking over the report of the commission, and I find some interesting matter. I find, for instance, a description of a well in Missouri which had seven snakes in it and they were using the water daily from the well, and the man's wife is "dead now, and he is looking for another." I think those things——

Mr. WARREN. If the Senator from New Jersey will permit me just a word, it is too late in the day and too late in the session to question the matter of order which we leave to the Chair. It is the intention here to take the result of the work, which consists of the replies of some six or seven hundred thousand letters and the hearings that were had in various cities and towns——

Mr. KEAN. I was just quoting from it.

Mr. WARREN. To take that which is valuable and publish it, so that we shall have the use of it. That is all there is in it.

Mr. TILLMAN. Mr. President, as I understand it, this is not a commission provided for by law; it has no legal function, and whatever has been done or whatever is proposed to be done would be, if we authorize it here, in the nature of general legislation. So I think the point of order made by the Senator from New Jersey is well taken, and if he withdraws it, I shall renew it.

Mr. WARREN. I will only say that there is no pretense that this is a commission we have provided for.

Mr. TILLMAN. If the Secretary of Agriculture wants to use this mass of material which I have read about, and which, as far as the South is concerned, is not worth the paper on which it is written, let him employ some of the numerous clerks that he has already to help fill up his annual report or anything else he chooses to get out in the way of bulletins, but do not let us, by giving him any more money for the purpose, recognize this creation of an illegal commission.

Mr. WARREN. If the Senator will allow me to finish the sentence which I had begun——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. TILLMAN. Mr. President——

Mr. WARREN. I wish to complete the statement I began. This is on the same level with lots of other printing that we do. There is no claim that it is to carry out some particular law, but it is a matter of having this very capable department select that which is valuable and present it to us in a printed form.

Mr. DOLLIVER. Mr. President, I regret very much that the point of order is made against this provision of the bill. In the form in which the provision now stands after the Senator in charge of the bill has amended it, in my judgment it is not open to the point of order that it is general legislation. On the contrary, I undertake to say that it is a mere provision to carry out existing law.

Mr. KEAN. Mr. President, may I ask the Senator what the existing law is?

Mr. DOLLIVER. I refer to the law creating the Department of Agriculture.

Mr. KEAN. This is in regard to the Commission on Country Life.

Mr. WARREN. No; that has been amended.

Mr. DOLLIVER. That has been amended and stricken out. I may be pardoned, but much has been said during the course of the debate incident to this appropriation bill to the effect that the Department of Agriculture seems to be privileged in the matter of these appropriations, and that every one of them carries more or less general legislation. That arises from the fact that little or no attention has been given by Congress from the time that the Department of Agriculture was created to general provisions for its guidance and for the determination of its functions and jurisdiction, but fortunately the charter of the Department of Agriculture is a broad one. It will surprise some Senators to know that the Department of Agriculture was established by law for two purposes expressed in the statute—one of them to disseminate information about agriculture and the other to disseminate garden and other vegetable seeds.

I propose now, Mr. President, to read the section of the original act establishing this department, section 520 of the Revised Statutes:

SEC. 520. That there shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Section 526 goes on to say:

That the Commissioner of Agriculture—

I will say that when that department was made an executive department no change whatever was made in these laws, and no additions were made to them. The commissioner was simply made a secretary of an executive department.

Mr. TELLER. I should like to have the Senator state who appointed this commission. I do not understand that the Secretary of Agriculture appointed it.

Mr. DOLLIVER. I will come to that in one moment. I simply now desire, for the benefit of the Chair, to point out that this is not an appropriation in the nature of general legislation, but a mere appropriation of money to enable the Department of Agriculture to execute the statute which created it.

Section 526 provides that—

The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test by cultivation the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists.

So much, then, for the general power confered upon the Secretary of Agriculture by the law creating the office.

Now, what is this information about which this discussion arose? It is information in the hands of the Secretary of Agriculture in response to letters and questions sent out, not by hundreds, but by hundreds of thousands, by the Secretary himself, through his department, to the farming people of the United States. The letters which we desire to have published are letters in response to these communications by the department. They are in the department now, and the question before us is whether we shall appropriate a little money to enable the Secretary of Agriculture to print and to disseminate them.

Mr. WARREN. There is no legislation in it.

Mr. DOLLIVER. There is no legislation of any sort in it.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. DOLLIVER. Certainly.

Mr. KEAN. Let the amendment be read as modified.

Mr. TELLER. The Senator has not exactly answered my question. I do not understand that the Secretary of Agriculture appointed the commission or that he has any control over it. They may have lodged with him their papers; I do not know about that.

Mr. DOLLIVER. I will say to the Senator——

Mr. TELLER. If these are inquiries of the department, they have a right to publish them under the law without asking us.

Mr. DOLLIVER. They have not money to do it, and this is a mere appropriation to enable them to do it.

Mr. TELLER. They have not asked us to do it yet.

Mr. DOLLIVER. If the Senator will permit me, an estimate of the department, confirmed by the Treasury Department, is here for this appropriation.

Now, I want to say another word——

Mr. KEAN. May I ask the Senator if that is not an estimate of an appropriation to publish the report of the Commission on Country Life?

Mr. DOLLIVER. No; it is this material.

Mr. KEAN. Will the Senator kindly give me the estimate?

Mr. DOLLIVER. Now, I want to say a word about the Commission on County Life.

Mr. KEAN. Will the Senator let the amendment be read as proposed to be amended?

Mr. DOLLIVER. Certainly.

The VICE-PRESIDENT. The Secretary will read the amendment as proposed to be amended.

The Secretary read as follows:

Commission on Country Life: For all necessary expenses to enable the Secretary of Agriculture to digest, compile, and publish the material already gathered by the Commission on Country Life, including the employment of the necessary clerical assistance in the city of Washington and elsewhere, $25,000.

Mr. KEAN. That recognizes the commission.

Mr. WARREN. Where is the material?

Mr. DOLLIVER. The material is in the custody of the Secretary of Agriculture, as the reference to the commission is put in there simply to identify it.

Mr. KEAN. But it recognizes the commission.

Mr. DOLLIVER. I do not care whether it recognizes it or not. It is admitted, Mr. President, that the Commission on Country Life was appointed by the President without the authority of Congress. I have heard, both in debate and in private conversation here, a good many sneers and a good many questions about that method of appointing commissions. I confess I have not been able to see the force of these criticisms.

The President of the United States has his duties under the Constitution, as we have ours. The President of the United States is charged by the Constitution with at least two duties that bring him into contact with questions pending in Congress. One of them is the duty of recommending to Congress what, in his judgment, the public welfare requires, and the other is to exercise the executive veto against acts of Congress that do not meet his approval.

I have never seen any reason why a sensible man, in the Senate or out of it, should offer objection to the acts of the President of the United States in taking whatever means he sees fit to secure for himself the exact knowledge that is necessary to enable him to recommend to Congress measures needful to the public service.

I will not discuss the question of the payment of such commissions; but I will say for the Commission on Country Life that, although composed of seven men, every one of them engrossed in important personal affairs, it has cost the Government of the United States not one dime for all the months of labor which they have put into this investigation. Some of these men are highly esteemed in great universities of learning. Some are among the greatest agricultural editors of the United States. Others are connected with great agricultural societies entitled to exercise a just influence in the Government of the United States. They laid aside their private business. They reluctantly undertook a work the size of which they did not understand in advance, and for months, under the direction of the Secretary of Agriculture, for the information of the President, they carried on an elaborate research of vast importance and value to the people of the United States.

Now, then, the President of the United States has appointed a good many commissions. I undertake to say that not one of them has failed to render an important public service. I remember very well the first commission that the President appointed, the commission for the settlement of the anthracite-coal strike, and so fine was the service rendered by that commission that in those days no voice of criticism was heard in either House of Congress as to the payment of the expenses of that commission, and the feeling everywhere was one of approbation and gratitude. From that time to this I do not hesitate to say that no commission has been appointed that has not been worth to the American people everything that it has cost the Government of the United States.

But this commission has cost nothing except the labor of self-sacrificing men devoted to American agriculture. They gave

their time and poured out the treasures of their learning and their experience for the benefit of the farming population of the United States, and I say to you that if the Senate of the United States treats with disparagement and disrespect these labors thus freely performed at the request of the President of the United States under the direction of the Department of Agriculture, they offer an affront to more than half the population of the United States. And when my good friend from South Carolina [Mr. TILLMAN] suggests that the work of this commission, so far as the Southern States are concerned, was valueless, I call his attention to a name signed to the report of the Country Life Commission that is honored in his own State and everywhere throughout the South for the vigilant attention he has given to the practical needs of the farmers of the South in the efforts they have been making to build up their agricultural industries.

Mr. TILLMAN. Will the Senator please give the name?

Mr. DOLLIVER. I will say to the Senator from South Carolina it is Mr. Barrett, president of a society of actual farmers, representing, I understand, millions of people from every State of the South, whose representatives are now assembled in this city at the annual meeting of their organization.

Mr. TILLMAN. I know him.

Mr. DOLLIVER. I believe that the evidence taken by this commission in relation to the condition of agriculture in the South is of more value than most of the agricultural literature that we have been printing for years.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. DOLLIVER. Certainly.

Mr. TILLMAN. I want to demur to that statement, because I join my friend the Senator from Mississippi [Mr. MONEY] in my appreciation of the work of James Wilson. For the Senator from Iowa to undertake to say that the little examination and survey made by the Commission on Country Life in our part of the country is superior in value to the reports issued by Mr. Wilson is, I think, a reflection on his friend from Iowa, to which I must demur.

Mr. DOLLIVER. Of course, I mean no reflection upon anybody; but one of the reasons I feel an anxiety about this matter is that the Secretary of Agriculture, under whose immediate direction these inquiries were prosecuted and who is now the custodian of this unpublished literature, came before our committee, and in most earnest terms asked Congress to enable him to scatter broadcast throughout the United States these suggestions and advices from the farmers of the country, on account of their unquestionable interest to the people of the United States.

Mr. TILLMAN. I call the Senator's attention to the fact that this bill carries some $13,000,000, and when this department was first organized I think it carried about $4,000,000. It has risen by leaps and bounds, doubling and doubling and doubling——

Mr. DOLLIVER. Yes.

Mr. TILLMAN. And we do not know where it will go. If there is anything of essential value in these papers, I have enough confidence in James Wilson to believe that, with the force already at his hand, he will fish it out and put it in print in the form of a bulletin or in some other form.

Mr. DOLLIVER. Mr. President, it is true that the expenses of the Department of Agriculture have grown, but they have not grown more largely than our population; they have not grown more rapidly than the duties Congress has from year to year imposed upon that department.

I wish they would grow more. I would be glad to see a great deal of money that is now cheerfully and enthusiastically voted into enterprises that are of very doubtful value—I would be glad to see some of these funds diverted so that the Government of the United States might be able, unhampered by the question of money, to render real and vital service to our people on even a larger scale than it has so far been able to do.

I do not complain of the size of the appropriation reported by the committee for the Department of Agriculture. I shall certainly not begin to complain about it until it goes a little beyond the cost of one of the ships which we are annually adding to the wear and tear of the sea under various motives of enthusiasm and patriotism. I believe that money spent to forward the practical industries in which our people are engaged, and by which nearly one-half of them make their living, can be defended in this forum and everywhere else about as well as the ordinary appropriations which are made by the Government of the United States.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. DOLLIVER. Certainly.

Mr. TILLMAN. The Senator having called to mind the name of Mr. Barrett, I will state that Mr. Barrett is now in this city, along with other actual farmers, endeavoring to get some relief from Congress in legislation to protect us against the thieves and robbers on the cotton and grain exchanges of New York and Chicago, and I hope the Senator's zeal for agriculture and for genuine farmers will not "peter out" when the vote comes on those propositions.

Mr. DOLLIVER. I will say that I have already had the honor to report from the committee the bill introduced by our friend from North Dakota [Mr. MCCUMBER], which undertakes to deal in a practical way with some of the dark and mysterious schemes that are practiced on boards of trade in the terminal markets of the United States.

Mr. TILLMAN. I hope we shall not let it die between now and the 4th of March.

Mr. DOLLIVER. I am afraid it will die.

Mr. TILLMAN. Such bills always die.

Mr. DOLLIVER. But I will say to my friend that it will come to early in the session of the next Congress.

Mr. TILLMAN. I will remember that promise.

Mr. DOLLIVER. But, Mr. President, this is a question of order. This amendment is objected to because it is general legislation.

Mr. KEAN. And the appropriation not estimated for.

Mr. DOLLIVER. And not estimated for. I hold that it is in order because it is a substantial compliance with the estimate of the department, and instead of being general legislation it is a mere appropriation to execute the general law, by virtue of which the Agricultural Department exists and transacts its business.

Mr. WARREN. Mr. President, I have only a word to say on the point of order. I agree absolutely with my colleague on the committee [Mr. DOLLIVER] that there is law enough for inserting this provision under the original law creating the Agricultural Department. Furthermore, there is an estimate for this amount, and, still further, it is recommended by a committee. So I know of no point of order that can be successfully made against the amendment. It can not be general legislation when it provides for one year an appropriation precisely and exactly along the lines that the "organic act," if I may term it such, of this department so clearly lays out.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from New Jersey?

Mr. WARREN. I do.

Mr. KEAN. I only want to call the attention of the Senator from Wyoming to the language of the Department of Agriculture in sending in the estimate. They make the estimate in the following language:

> For all necessary expenses to enable the Commission on Country Life, under the direction of the Secretary of Agriculture, to digest, compile, and publish the material already gathered by the commission and to complete its work, including the employment of the necessary clerical assistance in the city of Washington and elsewhere, $25,000.

That is the estimate sent to Congress.

Mr. WARREN. Certainly.

Mr. KEAN. There is no estimate whatever for what the amendment now proposes.

Mr. WARREN. The Senator from New Jersey certainly would not do himself or other Senators the injustice—he would not do his own intelligence the injustice—to say that the exact language which comes in here in official estimates is always incorporated in a bill.

Mr. KEAN. I think in nearly every bill which the Senator from Wyoming brings in here the language of the department is usually incorporated.

Mr. WARREN. Furthermore, let me read the amendment again:

> To enable the Commission on Country Life, under the direction of the Secretary of Agriculture—

Now, we simply put it directly under the Secretary of Agriculture.

Mr. KEAN. That is what the Agricultural Department asks.

Mr. WARREN. It is practically the same; but the right of the committee to use the estimate and change the language of course must be admitted in every case. The estimates are not intended to be in the words of the law. They simply suggest the amount and the purpose for which it is to be used.

Mr. KEAN. Mr. President, I still insist that the amendment is general legislation and not estimated for.

Mr. WARREN. If the Vice-President would like to see the language of the estimate, which comes here in the usual form that estimates come in, I will send it to the Chair.

The VICE-PRESIDENT. The Chair will submit the question to the Senate: Is the amendment in order? [Putting the question.] The Chair is unable to decide and will again put the question.

Mr. KEAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FORAKER. Let the question be stated.

The VICE-PRESIDENT. The question is whether the amendment reported by the committee is in order.

Mr. FORAKER. Let the amendment be stated.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. After line 23, on page 55, it is proposed to insert:

Commission on Country Life: For all necessary expenses to enable the Secretary of Agriculture to digest, compile, and publish the material already gathered by the Commission on Country Life, including the employment of the necessary clerical assistance in the city of Washington and elsewhere, $25,000.

Mr. CUMMINS. Mr. President, is the question whether the point of order shall be sustained?

The VICE-PRESIDENT. The question is whether the amendment is in order.

The Secretary proceeded to call the roll.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. As he is absent, I withhold my vote.

Mr. KITTREDGE (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. FRAZIER]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. SIMMONS. I desire to inquire if the junior Senator from Minnesota [Mr. CLAPP] has voted?

The VICE-PRESIDENT. The Chair is informed that he has not voted.

Mr. SIMMONS. I have a general pair with that Senator, and as he is absent I withhold my vote.

The result was announced—yeas 48, nays 19, as follows:

YEAS—48.

Bacon	Depew	Hansbrough	Piles
Bankhead	Dick	La Follette	Rayner
Borah	Dixon	Lodge	Richardson
Bourne	Dolliver	Long	Scott
Brown	du Pont	McCreary	Smith, Md.
Burkett	Elkins	McCumber	Smith, Mich.
Burnham	Flint	Newlands	Stephenson
Burrows	Foster	Overman	Stone
Clay	Frazier	Owen	Sutherland
Cullom	Frye	Page	Taylor
Cummins	Gamble	Paynter	Warner
Curtis	Guggenheim	Perkins	Warren

NAYS—19.

Aldrich	Carter	Johnston	Penrose
Bailey	Clarke, Ark.	Kean	Taliaferro
Brandegee	Foraker	Martin	Teller
Briggs	Gallinger	Money	Tillman
Bulkeley	Heyburn	Nelson	

NOT VOTING—25.

Ankeny	Davis	Hopkins	Platt
Beveridge	Dillingham	Kittredge	Simmons
Clapp	Fulton	Knox	Smoot
Clark, Wyo.	Gary	McEnery	Wetmore
Crane	Gore	McLaurin	
Culberson	Hale	Milton	
Daniel	Hemenway	Nixon	

So the amendment was decided to be in order.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 56, after line 5, to insert:

Commission on alcoholic liquor traffic: That a commission is hereby created, to be called "The commission on the alcoholic liquor traffic," to be composed as follows: Five Members of the Senate, to be appointed by the President of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker. It shall be the duty of this commission to make an exhaustive and impartial investigation with respect to the character and effect of excise and liquor legislation upon the products of agriculture and the use of said products in the manufacture of alcoholic liquors; to investigate the alcoholic liquor traffic in its relation to revenue and taxation, to immigration, and its general economic and moral influence and bearing in connection with public health and the general welfare of the people; the relation of the General Government thereto in its various departments, and to the different States in the exercise of their police powers for the regulation, control, or prohibition thereof.

Mr. PENROSE. I make the point of order that the amendment is general legislation.

Mr. GALLINGER. Let the entire amendment be read.

The VICE-PRESIDENT. The Chair will recognize the Senator from Pennsylvania when the reading of the amendment shall have been completed.

Mr. PENROSE. I make the point of order on the first paragraph, but will withhold it until the whole amendment is read, when I shall renew the point of order on the whole amendment.

The VICE-PRESIDENT. The Secretary will resume the reading of the amendment.

The Secretary resumed and concluded the reading of the amendment, as follows:

Said commission shall give reasonable time for hearings if deemed necessary, and, if desirable, it may appoint a subcommission or subcommissions of its own members to make investigations in any part of the United States or its possessions, and it shall be allowed actual necessary expenses for the same. Said hearings and investigations shall be public, and all papers and documents filed with and all statements made by witnesses or other parties before said commission or subcommission shall be reported and printed for the use of Congress. It shall have authority to send for persons and papers and to administer oaths and affirmations. All necessary expenses, including secretary and other clerical assistants, rent, printing, and transportation, shall be paid from any money in the Treasury not otherwise appropriated, upon vouchers approved by the chairman of said commission: *Provided, however,* That not to exceed $30,000 per annum shall be expended under this paragraph. It may report from time to time to the Congress of the United States, and shall, at the conclusion of its labors, submit a final report containing the results of its investigations and its recommendations in relation thereto.

Each member of the commission shall be allowed actual expenses when engaged in the work of the commission. Any vacancies occurring in the commission shall be filled by appointment by the officer and in the same manner as was the member whose retirement from the commission creates the vacancy. In case the term of a Senator or Representative expires while a member of this commission, such Senator or Representative shall not thereby cease to be a member of this commission, drawing pay from the time his term as Senator or Representative expires, at the same salary as though still holding such office.

A sum sufficient to carry out the provisions of this act is hereby annually appropriated, out of any money in the Treasury of the United States not otherwise appropriated, not to exceed $20,000 for the remainder of the fiscal year 1909, which amount shall be immediately available, and not to exceed $60,000 in any fiscal year thereafter.

Mr. PENROSE. Now, Mr. President, I renew my point of order that the amendment proposes general legislation.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from New Hampshire?

Mr. PENROSE. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Having offered the amendment, Mr. President, I ask the Senator to withhold his point until I very briefly discuss the proposition.

Mr. PENROSE. Certainly.

The VICE-PRESIDENT. The Senator from Pennsylvania withholds his point of order.

Mr. GALLINGER. Mr. President, a few days ago I received a letter from a valued constituent asking for some data on the question of alcoholic liquors, their use and effect on the human system. I had to write him that no such data were available. I could send him data on almost any other subject he could suggest, but on this most important subject there is nothing that I could find that would be of service to him.

Mr. President, this is, to my mind, a very important matter, and I feel that it will be good legislation to put this provision for the appointment of this commission in this bill. It is a question in which the American people have a very deep concern; a question that involves the health, happiness, and prosperity of the Nation. I want furthermore to say that it is not by any means a new question, almost precisely similar legislation having many times passed the Senate during my service in the two Houses of Congress. In former years Congress was petitioned very largely for legislation of this nature, and, so far as I know, no change has occurred in the public mind concerning this matter.

A few of us in this body have been somewhat insistent in endeavoring to secure temperance legislation, and the Senate has been very responsive to the demands that have been made upon it in that regard. Not only have men who believe in temperance and some of us who believe in prohibition voted for such measures, but Senators who have not fully agreed with us have felt that we might well ask the Congress to place itself on the side of temperance as against the destructive effects of intoxicating liquors. The public also have responded and have given us to understand that the efforts we have been making here have been in behalf of healthful and beneficent legislation.

Mr. President, it has been said, and will be said, that the Anti-Saloon League has put itself in opposition to the proposed amendment on this bill. It is true that two officers of the Anti-Saloon League have sent a letter to some of us, and probably to all Senators, saying that they were opposed to this legislation, but it is a fact that the churches, which make up the membership of that great league and which make it an earnest and effi-

cient temperance organization, are in favor of this legislation, and I confess to the belief that the two or three officers of the Anti-Saloon League who have taken a stand in opposition to this proposed legislation have been misinformed, to say the least.

That the liquor interests are opposed to this legislation goes without saying; that we all understand; and there is no reason why they should not be opposed to it, because, I take it, the liquor interests of this country do not want the full facts presented to the American people so far as the influence and result of intoxicating drinks is concerned.

This legislation has a history. I hold in my hand a petition that was sent to the two Houses of Congress several years ago. I am not going to read the petition. It discusses both sides of this question and contains very valuable information. I will content myself by reading the concluding paragraph of the petition. It is as follows:

Thus the interest and the honor of all parties unite in asking, and in expecting, that the commission, which has been petitioned for by tens of thousands of citizens, be speedily appointed, and that its investigations be prompt, thorough, and impartial.

I ask, Mr. President, that the entire petition be made a part of my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The petition referred to is as follows:

To the honorable Senate and House of Representatives in Congress assembled.

The undersigned respectfully begs leave to submit the following memorial:

Many thousands of men are engaged and many millions of dollars are invested in producing and importing alcoholic liquors for consumption in this country.

Men and money in much larger number and amount are engaged in the traffic in such liquors.

The income derived by our Government in 1883 from taxes and imposts on these liquors amounted to more than $100,000,000.

Besides this, the people of this country are paid by these producers nearly $100,000,000 each year for wages and materials used in their business.

These thousands of producers and tens of thousands of dealers have millions of customers, whose patronage enables them to pay these enormous amounts from their more enormous profits.

All these producers, dealers, and patrons are entitled to the protection and advantage which citizenship or residence in the United States should afford.

They are entitled to full credit for all the money they pay and for all the advantage and happiness their business yields to the people of this Nation.

These producers and dealers claim to believe their business conducive to the welfare of society. Thousands of their patrons conscientiously believe their wares indispensable to happiness and health.

But it has been openly charged, not only in the press and pulpit, but before honorable committees of Congress, that these men are utterly mistaken or willfully misrepresent; that the manufacture, sale, and use of intoxicants is injurious to society; that pauperism, crime, disease, and misery are created and increased thereby; that tenfold as much financial loss as financial gain results to the people of the country from the traffic; that the labor and material used in the manufacture of intoxicants are worse than wasted; hence, that the people of the country would be richer and happier should the manufacture cease, even though the laborers should be idle and the material wasted or worthless.

These are grave charges, but they have been persistently reiterated by men who claim to be honest and intelligent lovers of their country and their kind, and whose claims in some quarters at least have not been disputed.

Now, is it just, is it fair to the men and the capital engaged in this important traffic to allow it to remain under such imputations without full opportunity for reply and vindication?

Has Congress the right to listen to such charges, to even appoint committees to hear them, and still deny to the men and the traffic thus charged their day in court for full, fair trial and full vindication if the charges are false?

Is it just or fair to these accused men and their traffic to allow anybody, even their professed friends, to make them, by necessary implication, play the part of criminals, shunning the light because their deeds are evil?

It were a dangerous advocate who would thus plead guilty and confess judgment in advance for his clients.

Thousands of wealthy and intelligent men engaged in the business and millions of their honest customers have the right, and should have the desire, to utterly repudiate the efforts of any advocate who would so place them before the world, even though he may have been employed and paid by a few timid or bad men of their craft.

They have the right to protest against having their business placed unheard in the category of the cattle disease, the trichinæ, the grasshoppers, and cotton worms, for which intelligent investigation means intelligent efforts for extermination.

Doubtless the trichinæ and the cotton worms would protest against investigation if they could, but the silk worms can well afford to invite it.

If those engaged in the liquor business indorse the efforts to prevent investigation and thus thwart the efforts of those who demand it, the verdict in the great court of public opinion must inevitably be, Guilty as charged.

All the people of the nation should demand thorough and impartial investigation before such verdict shall be rendered, for until these charges against the traffic are refuted each citizen of the Nation stands charged with participation in and responsibility for the wrong, for each shares in the revenue derived from this business charged with producing misery, crime, and death.

The customers of the importers and producers, who consume the intoxicants, have especial right to expect full and fair investigation of the whole subject, for it is their money which pays the enormous revenue to the Government, which pays for the labor and material used in the manufacture, which makes the manufacturers and importers rich, and supports the liquor dealers and saloon keepers.

The Nation and the trade stand charged with taking this money from these citizens and returning, instead of value, misery, disease, and death. They have a right to expect prompt investigation of the charge.

All intelligent men, even those who most emphatically denounce the use of alcoholics as a beverage, agree that alcohol in some form and for some purposes is useful if not indispensable.

To what extent its manufacture and sale can be fully vindicated is a question which demands intelligent answer.

Again, it is charged and believed that alcoholics, domestic and imported, are very often so adulterated or counterfeited as to defraud or injure those who consume them. Thorough investigation should be made to vindicate the honest and genuine and protect against the spurious, if spurious there be.

Thus the interest and the honor of all parties unite in asking and in expecting that the commission, which has been petitioned for by tens of thousands of citizens, be speedily appointed, and that its investigations be prompt, thorough, and impartial.

Mr. GALLINGER. In the Forty-eighth Congress, Mr. President, my predecessor, Mr. Blair, from the Committee on Education and Labor, reported in favor of a bill almost identical with the amendment that is proposed to this bill. In their report the Committee on Education and Labor said:

This bill has been presented in many Congresses and repeatedly passed in the Senate, but has thus far failed to become a law. Its passage has been strongly urged hitherto and is still demanded by a great multitude of the wisest and most patriotic citizens of the country. Its leading purpose is to secure a thorough and authoritative investigation that the truth may become known and authentically, accurately, and reliably stated in regard to the existence, the nature, and the extent of the evils of the traffic in alcoholic liquors. In the great controversy now pending, and which seems to grow more and more serious, and to press more and more for solution between the advocates of diverse policies and measures in regard to this traffic, it is a matter of the first importance for all parties to ascertain the facts.

Upon that report, Mr. President, the bill passed the Senate without very serious opposition. Again, in the Fifty-second Congress, Mr. Carey, from the Committee on Education and Labor—and Mr. Carey was a distinguished Senator from the State of Wyoming—made a favorable report from the same committee, in which he said:

This measure is not a new one, as a bill substantially the same has been before Congress many years. It has been repeatedly reported favorably to each House of Congress and has passed the Senate seven or eight times. Its enactment has been strongly urged, and there appears to be no good reason why the bill should not become a law.

The questions growing out of the alcoholic liquor traffic have perhaps caused more agitation and discussion than any other subject, save one, in this country. Every civilized people have given it consideration, and every State in the Union has made laws to control or regulate the traffic. Men honestly differ as to what should be the line of legislation, which has resulted in widely diverse laws in the several States, and in some of the States different laws are applicable to different sections of the same State. There are those who believe in the passage of laws with a view of absolutely prohibiting the manufacture, transportation, sale, and use of alcoholic liquors; there are others who think that the manufacture, sale, and use should be restricted or controlled by taxation and license, while others believe its manufacture, transportation, sale, and use should be as free from restrictions and taxation as that of other manufactured products. There are those who believe that the laws of the United States should prohibit the sale and use of any alcoholic liquors that are not of a certain standard purity.

The result of that interesting report, made by the late Senator from Wyoming, was that a bill very similar to the provision in the appropriation bill of this year was passed by the Senate.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. I do.

Mr. CUMMINS. It is for a question. Is it not true that the amendment creates an office? Will not the commissioners who will be appointed under this amendment, if it shall become the law, hold an office; and, if so, how can you avoid the constitutional provision which says that no Member of the Senate or of the House shall be appointed to an office created during the term for which he shall have been elected?

Mr. GALLINGER. That, I think, can be avoided by changing the word "commission" to "committee," and that I will do, in response to the suggestion of the Senator from Iowa.

Mr. President, the attitude of the church on this question is one of very great consequence; at least it appeals to me. I have here a letter reading as follows:

THE GENERAL CONVENTION OF BAPTISTS OF NORTH AMERICA,
New York, February 22, 1909.

Hon. JACOB H. GALLINGER.

DEAR SIR: The standing committee on temperance of the Baptist denomination pray your honorable body to pass Senator GALLINGER'S bill creating a commission of inquiry concerning the liquor traffic. Our committee represents some 5,500,000 members of our denomination, North and South, East and West. We believe your honorable body in passing the above-named bill will serve the best interests of our citizens.

On behalf of the committee.

Respectfully, yours,

THOMAS O. CONANT,
Chairman.
HERVEY WOOD,
Superintendent and Secretary.

Honorable SENATE OF THE UNITED STATES.

I have also a letter from Mrs. Margaret Dye Ellis, of the National Woman's Christian Temperance Union, as follows:

NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION,
DEPARTMENT OF LEGISLATION,
Washington, D. C., February 20, 1909.

SIR: The National Woman's Christian Temperance Union, an organization representing upward of 300,000 women in the United States, at their last annual convention, held in the city of Denver, Colo., October, 1908, passed unanimously the following resolution:

"We recommend cooperation with the National Temperance Society and other organizations in asking Congress for the appointment of a national liquor commission to investigate the effects of the traffic upon the moral and industrial affairs of the Nation."

As the official representative of the Woman's Christian Temperance Union in Washington, I desire at this time to urge favorable action on the part of the Senate for the appointment of such a commission, believing that such action would meet with the hearty approval of a majority of the citizens of our country, many of whom for years have been petitioning Congress for such a commission, knowing full well that a letting in of light and honest report of facts connected with this great and important question would give abundant proof of the wisdom and necessity of the enactment of laws to curtail and prohibit the manufacture and sale of intoxicating liquor.

As representatives of the homes of our land, as those desiring first of all the protection of our children and youth from the ravages of intemperance, we pray the appointment of an unbiased commission to investigate the liquor traffic in the United States.

With great respect, I am,
Very sincerely, yours,
MARGARET DYE ELLIS.

The National Temperance Society also puts itself on record in favor of this legislation. Here is what that great society says:

THE NATIONAL TEMPERANCE SOCIETY
AND PUBLICATION HOUSE,
New York, February 20, 1909.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SENATOR: In behalf of our National Temperance Society and Publication House, I wish to urge your support to the bill in the United States Senate (H. R. 27053), referred to the Committee on Agriculture and Forestry, calling for a commission on the alcoholic liquor traffic.

Our society has asked for this many times in previous sessions of Congress, and we believe it will be a wise measure.

We hope it will have your support.
Yours, very truly,
J. W. CUMMINGS, *Treasurer.*

The permanent committee on temperance of the General Synod of the Evangelical Lutheran Church in the United States likewise favors it, as will appear from the following:

PERMANENT COMMITTEE ON TEMPERANCE OF THE
GENERAL SYNOD OF THE EVANGELICAL LUTHERAN
CHURCH IN THE UNITED STATES,
Washington, D. C., February 20, 1909.

MY DEAR SENATOR: On behalf of the permanent committee on temperance of the Evangelical Lutheran Church in the United States of America (general synod), I desire to urge your favorable consideration and support of the proposition by Senator GALLINGER and recommended by the Committee on Agriculture and Forestry for a congressional commission of inquiry on the alcoholic liquor traffic. Such an investigation into the whole subject as is contemplated by this proposal has been earnestly favored by the leading temperance people for years. It can not reasonably be opposed by either the friends or foes of the liquor traffic. It is confidently believed that the public wants the facts on both sides and on all phases of the question, and that your action in helping to retain this provision in the agricultural appropriation bill will receive the commendation of the best people of your own State and throughout the country.

Again soliciting your aid in securing this legislation, I remain,
Very respectfully, yours,
J. M. GUSS, *Secretary*
(For the Committee).

The nonpartisan National Woman's Christian Temperance Union, by Mrs. J. Ellen Foster, legislative secretary, says:

NONPARTISAN NATIONAL W. C. T. U.,
Washington, D. C., February 22, 1909.

SENATOR JACOB H. GALLINGER.

MY DEAR SIR: It affords me real pleasure on behalf of the Non-partisan W. C. T. U. to write in behalf of an amendment to the pending agricultural appropriations bill, which amendment provides for the appointment by Congress of a commission of inquiry into the effects of the use of grain and other agricultural products in the manufacture of alcoholic beverages.

The interest of women in the results of the traffic in intoxicating beverages needs no argument or defense. Those who stagger in shame or go down to death in disgrace through strong drink are from our hearths and homes.

It seems to us that there is no wisdom or justification in the use of fruits and grain for the manufacture of alcoholic beverages. That which God gave for food for man and beast should not be robbed of its health-giving quality and made into the poison which steals away the brain, weakens the muscle, unsteadies the nerve, and lays the moral nature in ruin.

Also, we are not only mothers, sisters, and wives, we are Christian citizens, who protest against the waste of the nation's resources in this way. We are taxpayers; we are law-abiding citizens; we have a stake in the nation. We ask this impartial, scientific, and economic study of the whole question.

We are sometimes told that women are supersensitive on the temperance question. Possibly it is so. It would be strange if it were otherwise. In reply, we beg to suggest that some good men in responsible positions seem to us to be obtuse in thinking and slow in acting on this question.

The proposed commission would be of men—hard-headed, if you please—representing differing opinions on the main and related subjects. If they shall study the whole question from the standpoint of physical science, economic principles, social welfare, and moral progress, we will accept their conclusions as the best obtainable truth.

Every temperance woman in the country who knows the situation asks the appointment of this commission.

Yours, sincerely,
J. ELLEN FOSTER,
Legislative Secretary.

The Inter-Church Temperance Council also favors the legislation:

WASHINGTON, D. C., *February 20, 1909.*

MY DEAR SENATOR: The Inter-Church Temperance Council is a federation of the official temperance agencies of seven of the larger denominations, including the Baptist, Presbyterian, Methodist Episcopal, Evangelical Lutheran, Disciples of Christ, and the United Presbyterian and Reformed Presbyterian churches, and representing, in the aggregate, 12,000,000 communicant members. The governing bodies of these churches have appointed official temperance boards or committees, and the Inter-Church Temperance Council is the medium through which they make their united appeal to Congress for the passage of needful legislation.

At its meeting in December, 1908, in the city of Philadelphia, the Inter-Church Temperance Council unanimously passed the following resolution:

"We favor the appointment by Congress of a nonpartisan and unbiased commission of inquiry to make an exhaustive investigation as to the relation of intemperance and the liquor traffic to the health, wealth, happiness, and morals of the people."

I am authorized by the chairman and secretary of the council, and of whose executive committee I am a member, to appeal in their name for the passage of legislation providing for this commission. Speaking from an intimate knowledge of the situation throughout the country, I feel confident that provision for such an investigation by Congress at this time will meet with the hearty approval of a vast majority of the best element in every State. It is fair to both sides.

Trusting you may see your way clear to support this legislation and retain the amendment recommended by the Committee on Agriculture and Forestry in the pending bill, and in the earnest belief that it will receive the merited approbation of the people, I am,

For the Inter-Church Temperance Council, by the authority of Samuel Dickie, chairman, and Charles Scanlon, secretary,
Very respectfully, yours,
EDWIN C. DINWIDDIE.

The International Order of Good Templars has also put itself officially on record in favor of this amendment:

INTERNATIONAL ORDER OF GOOD TEMPLARS,
NATIONAL GRAND LODGE OF THE UNITED STATES,
Washington, D. C., February 20, 1909.

Hon. J. H. GALLINGER,
United States Senate.

MY DEAR SENATOR: The National Grand Lodge of Good Templars is earnestly in favor of the proposed commission of inquiry on the alcoholic liquor traffic. Temperance people throughout the Union have been urging an exhaustive and impartial investigation of the traffic in all its bearings for years past. The present seems to be an opportune time to provide for it, and the Committee on Agriculture and Forestry have favorably recommended it in the pending agricultural appropriations bill.

The Senate of the United States has indorsed this proposition upon seven different occasions, and several times the legislation has had the indorsement of the committees of the House, but without becoming law. Now both bodies are properly reflecting the rising sentiment of the people, and it is earnestly hoped this commission may be finally provided for. The people want an unbiased statement of the facts of experience on this question throughout the country, and they will appreciate and applaud the work of this Congress in providing the facilities therefor. The proposition is eminently fair to both sides, and I trust it may commend itself to your judgment.

Hoping, on behalf of the National Grand Lodge of the International Order of Good Templars, that you may see your way clear to vote to retain this provision in the bill, and assuring you of my sincere belief in its indorsement by the masses of the people throughout the country, I remain,

Yours, very respectfully,
EDWIN C. DINWIDDIE,
National Electoral Superintendent.

Yesterday I received a dispatch in these words:

PITTSBURG, PA., *February 23, 1909.*

Presbyterian temperance committee, representing 1,300,000 members, favors commission on alcoholic liquor traffic.

JOHN F. HILL, *Secretary.*

In the mail of that day I received a letter from the same organization as follows:

PITTSBURG, PA., *February 22, 1909.*

ESTEEMED SIR: On behalf of the temperance committee of the United Presbyterian Church of North America, we respectfully petition your support for the bill now before the Senate creating the Commission on the Alcoholic Liquor Traffic. The National Antisaloon League is not authorized to speak for our denomination in opposition to this measure.

Yours, respectfully,
J. T. MCCRORY,
Chairman Committee.

Mr. President, I have not taken any time in discussing the agricultural appropriation bill. I have been engaged in other duties. Had it been otherwise I would have discussed two or three other matters that are in the bill. But in this matter I feel justified at this late day of the session in occupying the few minutes I have in calling attention to the great importance of the proposed legislation. I had hoped that no Member of this body, in view of the fact that similar legislation has passed the Senate seven or eight different times, would have made a point of order against it or would have cast a vote against it. To my mind it is as important a matter as has ever engaged the attention of this great body. It is very essential that in some

way we should be put in possession of the facts on this great question which are not now available.

Mr. President, I indulge the hope that notwithstanding the point of order has been made against this most beneficent amendment, the Senate in its discretion and its wisdom will see to it that the amendment is not stricken from the bill.

I desire to modify the amendment by striking out wherever it occurs the word "commission" and inserting the word "committee," and by striking out wherever it occurs the word "subcommission" and inserting the word "subcommittee."

The VICE-PRESIDENT. Without objection the amendment to the amendment is agreed to.

Mr McCUMBER. Mr. President, a very considerable portion of the people of this country believe that the evils of the traffic in intoxicating liquors, the evils of its use, are so great as to more than counterbalance or offset any benefit derived from the mere revenue standpoint. They believe that the revenue side of the liquor question is the great obstacle to any effort to destroy the trade itself.

In the pending amendment they are trying to secure some report that will have as its foundation an unprejudiced investigation, which shall clearly present to the country the great curse of the liquor habit, side by side with such benefits as may be found, and with a view to bringing to a final decision the question whether it is not best for the Government of the United States to take hold of the situation and assist in wiping out the liquor habit by governmental action; and if it is found that the revenues received from the manufacture and sale of intoxicants is not a sound political one, then to suggest some other plan of raising revenue.

On the other hand, the great liquor interests of the country declare that if used in moderation their product is a blessing, and should be allowed under such restrictions as shall remove the evils of its overuse. They claim that the people need it for their own use and the Government needs it as an income producer.

The strange feature about this question is the difference of views between the several temperance organizations. We have letters from some of those organizations declaring that it is a saloon measure, and asking us to vote against it. We have letters from others commending its soundness and requesting us to vote for it.

I have not heard from the saloon side of this question. I do not need for my own guidance the report of an investigating committee. I think I understand all of the benefits and all of the evils of the use of intoxicating liquors, and I think I can balance the evils and the benefits and decide for myself whether the Government should at all times assist in attempting to stamp out not only the liquor habit, but the liquor production. But there are a great many people who have views upon this question that are not probably as set as my own—those who want further investigation, those who want information—and I should be glad to join with other Senators in voting this provision into the bill, that they may have all the information that is proper and necessary, and that we can present something to the public from an unprejudiced and an unbiased commission upon the great liquor question.

I hope the suggestion made by the Senator from New Hampshire, that we be given an opportunity to express our approval or disapproval of the merits of this amendment, may prevail.

Mr. BANKHEAD. Mr. President, a few moments ago the distinguished Senator from New Hampshire [Mr. GALLINGER] stated that recently a constituent of his had called upon him for information upon the question of the alcoholic liquor traffic, and that he was compelled to reply that no investigation had been had, and no publication had been made on the subject. Therefore he seeks to establish this commission in order that information may be gathered and promulgated.

Mr. President, a very short time ago I had a letter from the president of the National Grange, and also one from the president of the Farmers' Alliance, the two bodies having in their membership perhaps two-thirds of all the people of this country engaged in agriculture, and who are interested more than all other classes in the question of good roads. I was compelled to reply that no investigation had been made upon this highly important question, no publication had been put in shape for distribution, and therefore I was unable to furnish information. Along that line of inquiry and desiring to furnish the farmers of this country all the available information to be had upon this important question—upon a question that goes to the homes and doors of all the farmers in this country—I sought to put upon the agricultural bill an amendment directing the Secretary of Agriculture to make an investigation into this subject, thorough and complete, and to report the results of the investigation to Congress in order that we might disseminate this information and give the people of the country the benefit of it.

No commission was proposed. It was suggested that this important work should be done by an organized bureau of the Government already in existence, with the facilities necessary to make the inquiries, and it proposed only a very small appropriation to enable the Secretary of Agriculture to make this important investigation—the small sum of $20,000. The point of order was made that it was obnoxious to the rule, that it was new legislation, and therefore ought not to have a place in the appropriation bill. I undertook to persuade the Chair that this was not new legislation in the sense that the rule contemplated; that it was simply an effort upon the part of Congress to direct the Secretary of Agriculture as to how an appropriation already in the bill, and but slightly increased by the amendment, should be expended. The amendment went out on the ruling of the Chair, of course, as being obnoxious to the rule.

Here is a proposition to create a commission to be composed of ten members, to continue indefinitely; and I may add, Mr. President, that the appropriation is indefinite and continues without limit. I am not discussing the question whether the amendment is obnoxious to the rule, but I am anxious to see what will become of it in the end. If the amendment I offered to the appropriation bill was obnoxious to the rule, then how can it be said that this amendment is not also obnoxious to the rule? If this amendment, comprehensive as it is, going to the extent it does, to create a commission to take into consideration the whole question of the alcoholic-liquor traffic, is to be submitted to the Senate for a vote, I am anxious to know why it is that the amendment I offered could not also have been submitted to the Senate for a vote.

Mr. MONEY obtained the floor.

Mr. BAILEY. Will the Senator permit me before he begins?

Mr. MONEY. Certainly.

Mr. BAILEY. Mr. President, I simply desire to call the attention of the Senator from Mississippi and other Senators to the fact that we have already been investigating the alcoholic liquor traffic, as I believe, without any authority of Congress. I have in my hand the report of the President's homes commission. I find no reference to any law authorizing the appointment of the commission, although the report has already been printed. The truth of it is, if it had been printed by private parties it would be excluded from the mails on account of certain matters in it; and there are other matters that I could not read unless I asked that the galleries be cleared. They would have to be read in executive session.

I find in this unauthorized publication—I say "unauthorized," because, so far as I know, no law authorized the taking of this testimony or the making of this report—a number of pages devoted to this very question, and I hope the Senator from Mississippi and other Senators will take occasion to warn the executive department of the Government, if we refuse the appointment of this commission, and they appoint one notwithstanding our refusal, that we will at least require it to print an expurgated edition the next time.

Mr. MONEY. The point is well taken.

Mr. President, I do not suppose the Chair or one single Member of the Senate will deliberately say that this matter is in order. How they may vote upon the merits of it, which have been discussed by the distinguished Senator from New Hampshire [Mr. GALLINGER], I do not know. But if the Chair does not choose to rule as he thinks, and leaves it to the Senate, I can not tell from the vote just taken what the Senate will do. But I venture to say there is not a single gentleman, including the distinguished Senator from New Hampshire, who believes that it is in order.

I sympathize with my friend, the Senator from New Hampshire, in his desire to secure the spread of temperance throughout our country, but he has had a grand opportunity to show his zeal in behalf of temperance if he had taken this same bill, which has been before his committee since May 29, and had made a report and had something done that he says he is so anxious to do now that he must load down this appropriation bill with it. Here is the bill introduced by the Senator from Ohio [Mr. DICK] on the 29th day of last May, and referred to the Committee on the District of Columbia, of which the Senator from New Hampshire is chairman. What became of the calls from these emotional people? and they are nothing else. The best people of God's earth, I want to say, are behind all of these temperance movements, but they are the creatures of emotion, and they do not consider what authority we have to do things. They only want the things done which they think are good things in themselves. Their motives are perfectly laudable, and I join with them.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. MONEY. Certainly.

Mr. HANSBROUGH. I ask the Senator to what bill he refers; or will he read the title of the bill?

Mr. MONEY. It is the bill introduced by the Senator from Ohio [Mr. DICK] on the 29th of May, 1908, providing for this very commission. It is the bill (S. 7269) authorizing the appointment of a commission to collate information concerning the alcoholic liquor traffic and to consider and recommend any needful legislation in relation thereto.

Mr. HANSBROUGH. I thought the Senator referred to another bill that is now before the Committee on the District of Columbia.

Mr. MONEY. No; I refer to this bill, which has been permitted to lie in the dust, I presume, as the Senator's zeal did not consume him until we had up another bill, which he thought would be a sufficient float to carry this thing through.

Mr. HANSBROUGH. I desire to say that I happen to be chairman of the subcommittee on excises of the District of Columbia Committee, and that bill, the one to which the Senator now refers, after being introduced by the Senator from Ohio, was referred to my subcommittee, and my enforced absence from Washington and the Senate, I have no doubt, is the cause of the delay in acting upon it.

Mr. MONEY. It is very kind indeed for the Senator from North Dakota to attempt to take care of his friend the Senator from New Hampshire, whom I have always found quite competent to take care of himself; but, nevertheless, here is the fact that our distinguished friend is so consumed in his zeal for the cause of temperance that it seems he must load down this appropriation bill, at the risk of defeating it, and it will defeat the bill for this session, I want to say that.

The bill I hold in my hand has been lying in his committee. The only difference is the interpolation of a line, to inquire into the effect upon agricultural products, in order to give a supposed jurisdiction or color of jurisdiction to the Committee on Agriculture, to which it should never have gone.

This same bill was introduced in the House over a year ago and went to the only committee to which it ought ever to go—the Committee on Alcoholic Liquor Traffic. It was beaten in that committee. It has not been heard from since. That was when legislation was pure and simple, proposed as it should be in an affair of this importance.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. MONEY. Certainly.

Mr. ALDRICH. I suggest to the Senator from Mississippi that this matter can probably be promptly disposed of.

Mr. MONEY. I do not know whether it can be or not.

Mr. ALDRICH. Because if this proposition is not out of order, then I can not imagine how one could be.

Mr. MONEY. How is that?

Mr. ALDRICH. I think this matter can be disposed of promptly. The point of order has been raised. I think it is not possible to decide it except in one way, and I think we can dispose of it.

Mr. MONEY. The suggestion of the Senator is valuable, but I do not take it. I have not the faith the Senator from Rhode Island has in the Chair ruling on it at all.

The VICE-PRESIDENT. The Chair will suggest for the information of the Senator from Mississippi that the Chair is prepared to rule as soon as the point of order is insisted upon. The Senator from Pennsylvania withdrew the point of order for the time being that Senators might address themselves to the amendment.

Mr. MONEY. Mr. President, I crave the pardon of the Chair and of the Senate, but as the discussion of this question upon its merits has been permitted on this floor, and numerous letters and telegrams and reports have been read in support of the amendment, on its merits, and as the bill itself has not been noticed—only the object of it—I wish to give the Senate something of the character of this proposition, which is the most monstrous one that has ever been proposed in this body as a rider on an appropriation bill. I want the Senate to understand what it is doing; and that is what the churches and the ladies of the Christian Temperance Union do not understand.

I have here any number of telegrams from the States of Mississippi, Alabama, Georgia, and some from elsewhere, from the Antisaloon League, all against this proposition. I have right here a letter from the head of the National American Antisaloon League of Washington against it, saying they want nothing of this sort any more.

Here is a measure that provides for a commission of five Senators and five Representatives whose terms as commissioners shall not expire with their terms in Congress and who shall thereafter draw $7,500 a year salary and all their expenses. They can have all the clerical aid they think necessary. They can go to any part of the United States or any of its possessions, which means a trip to Hawaii, taking in Guam, and then to the Philippine Islands, Porto Rico, and all around. They are called upon to publish the results of their investigation from year to year. I have never known a commission that drew such pay—by the way, they are to be paid on their own vouchers, nobody is to audit them, and all the money in the Treasury not otherwise appropriated is made immediately available for them—I have never known a commission with such extensive powers, authorized to expend so much money for themselves, to commit suicide by a final report. Instead of this saying year by year it should say year by year, lustrum by lustrum, decade by decade, and century by century, for it will never die. No man here will ever go to the funeral of this commission.

Mr. OVERMAN. May I ask the Senator a question?

Mr. MONEY. Certainly.

Mr. OVERMAN. I notice the last clause provides that—

In case the term of a Senator or Representative expires while a member of this commission, such Senator or Representative shall not thereby cease to be a member of this commission——

Mr. MONEY. I have just alluded to that.

Mr. OVERMAN (reading)—

drawing pay from the time his term as Senator or Representative expires, at the same salary as though still holding such office.

It calls it an "office." If this amendment should pass, we are creating an office. Then can any Member of the Senate or of the House of Representatives hold this position under the Constitution?

Mr. MONEY. That point has been made by the Senator from Iowa.

Mr. OVERMAN. I was not present.

Mr. MONEY. It was made at the beginning.

Now, Mr. President, if the Chair is going to rule the amendment out of order, of course I am wasting time here; but I want to say that I am loaded on this question, and this bill will never become a law if this rider is put on it.

Mr. PENROSE. I ask unanimous consent to have two short letters addressed to me inserted in the RECORD. I will not detain the Senate by having them read. One is from Rev. S. E. Nicholson, state superintendent of the Pennsylvania Anti-Saloon League, and the other from William H. Anderson, legislative superintendent, to the effect that this amendment is opposed by the national headquarters committee and by the antisaloon leagues all over the country.

The letters referred to are as follows:

PENNSYLVANIA ANTISALOON LEAGUE,
Harrisburg, Pa., February 20, 1909.

Senator BOIES PENROSE,
United States Senate, Washington, D. C.

MY DEAR SIR: Following up my telegram to you with reference to a proposed amendment to the agricultural bill suggested by Senator GALLINGER, providing for a commission of inquiry on the liquor question, I write to say that it is so evidently intended to hinder and delay the progress of temperance legislation in other lines than it is the judgment of the Antisaloon League that this amendment can not be supported in any sense as a temperance proposition. There was a time years ago, perhaps, when such a commission as is proposed would have been of some value, both to the temperance people and to the liquor people, in furnishing expert information on the question. Developments, however, during recent years have led both sides to so study the question that we feel there is no longer any need of such commission at public expense. The people, by their own investigations, have largely done away with the necessity of such commission. I sincerely hope, therefore, that you may see your way clear to vote against this proposed amendment.

I may add that another reason why the Antisaloon League, not only of Pennsylvania but throughout the country, is opposing this proposition is that we have had very good reason to believe that if such a bill is passed there will be a job in it for somebody, although in saying that I am very sure that the Senator and Representative who introduced the original bill and the Senator who has introduced this amendment are not aware of this fact.

Very cordially, yours, S. E. NICHOLSON,
State Superintendent.

Per F.

LEGISLATIVE OFFICES THE ANTISALOON LEAGUE OF AMERICA,
Washington, D. C., Thursday, February 18, 1909.

UNITED STATES SENATE.

DEAR SIR: The Antisaloon League of America desires most respectfully to protest against the adoption of an amendment to the agricultural appropriation bill, introduced on February 16, and duly printed, which provides for the creation of "the commission on the alcoholic liquor traffic," and which, we are told, may come up to-day, for the following among other reasons:

1. It is not needed by the temperance people, because half of the country has already voted out the saloon.
2. It will be used as an excuse by the liquor men for attempting to delay further temperance legislation.
3. Substantially the same measure has been voted down in the House Committee on the Alcoholic Liquor Traffic.

4. It does not properly belong in an agricultural bill.

Finally, any such proposition should be considered on its merits, and not tacked on to an important bill, without time for discussion or consideration.

Notwithstanding the fact that this purports to be a temperance measure and is supported in good faith by some excellent temperance people, we consider it exceedingly dangerous in its possibilities of harm to the cause of temperance. Our national headquarters committee has taken formal action in opposition to it, and for them I most respectfully request that you oppose this amendment and use your influence to insure its defeat. I also make the same request in the name of the Methodist Episcopal Church, of whose general temperance legislative committee I am chairman.

Yours, respectfully, WILLIAM H. ANDERSON,
Acting Legislative Superintendent.

Mr. PENROSE. I now renew my point of order that the amendment proposes general legislation.

Mr. WARREN. Will the Senator allow me to say just a word?

Mr. PENROSE. Certainly.

Mr. WARREN. I have here a great many letters on both sides of this question, and many of them from temperance people. I merely wish to say that the temperance reformers are divided, and a very large number of them send letters here recommending it, while others are opposing it. I will not send up the letters to have them put in the RECORD, because they are too numerous and too long.

Mr. PENROSE. I concede that there are a large number of well-meaning persons who have communicated in behalf of this amendment, but I think it will be generally conceded that the Antisaloon League comes more nearly representing the organized forces than any other body in the country. I now renew my point of order.

The VICE-PRESIDENT. The amendment proposes to create a commission and invest it with large and comprehensive powers. The Chair is clearly of opinion that the amendment proposes general legislation and that it is obnoxious to the third paragraph of Rule XVI. If the Chair is supposed to be in error as to his view upon this subject, the Senator so believing can test the sense of the Senate by an appeal from the decision of the Chair. The Chair sustains the point of order.

The next amendment of the Committee on Agriculture and Forestry was, on page 58, after line 12, to strike out:

All discoveries in making paper by the Department of Agriculture shall be patented in the name of the Secretary of Agriculture for the use and benefit of the United States and the people thereof.

And insert:

And hereafter when any officer or employee of the Department of Agriculture makes any new and useful discovery or invention of any machine, device, or process connected with the work of the Department of Agriculture, through the expenditure of government time and government money, the Secretary of Agriculture shall cause a patent to be applied for on the said discovery or invention through the Solicitor of the Department of Agriculture. Such patent, if issued, shall be taken out in the name of the inventor, and, as provided by existing law, shall be without any expense to the inventor, and will allow to any person in the United States the use of the patented article or process without payments of fees or royalty. And hereafter it shall be unlawful for any officer or employee of the Department of Agriculture to patent any device, or process, or discovery connected with the work of the Department of Agriculture, except in the manner hereinbefore described.

Mr. HEYBURN. Mr. President, I should like to inquire of the Senator in charge of the bill whether consideration has been given to the question of the power of Congress to discriminate against employees in one department of the Government in the exercise of a constitutional right to patent their inventions? I inquire if consideration has been given to that question?

Mr. WARREN. I so understand. I know that the matter has been in the courts heretofore. The courts have ruled, if I remember aright, that they are entitled to their invention even as against the department, provided the work is done, we will say, nights and mornings or at times when they are not at government work. But the matter is somewhat obscure as to inventive work in hours in which they are required to be working for the Government. I will not say with certainty that other departments are so protected. Nevertheless, what led to this was the proposition or provision in the House bill as to the discoveries in paper making. The provision was put on in the House, and it was thought better, upon the suggestion of the Secretary, to cover the whole matter by striking out the House paragraph and inserting the one now under discussion.

Mr. HEYBURN. I think we ought not to cover so important a question as is involved in this in an amendment to an appropriation bill. The provision of the Constitution in regard to patent reads:

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

That is the power which Congress has. It has never been held that the holding of a position by appointment or otherwise in any way detracted from the right of an inventor to patent his invention. It might be that during the hours when an employee was actually engaged in the performance of the duty for which he was paid he should not divert his energy or his intellect to purposes purely personal to himself; but to say that because a citizen is employed in a given department he shall thereby, by reason of the fact of his employment, be prevented from taking advantage of the constitutional right to patent his invention is going a long ways for an appropriation bill.

There are legal phases of the question which ought to be thoroughly understood and thoroughly kept in mind in legislating upon so great a question. A single invention of one employee in a department of the United States in the past has yielded a very handsome income to the inventor for a lifetime. The penalty proposed for entering the public service is that you must yield up the right to take advantage or have advantage of the ingenuity, intelligence, or skill that you are naturally endowed with. The Government does not furnish these people with the element from which the invention results. The Government does not furnish a man with intelligence, and it has no right to say because a man is working for the Government he shall not have the benefit of his inventive genius.

Mr. WARREN. Mr. President, right there will the Senator state whether he thinks that every man who works for the Government should be permitted to use, first, the time, second, the property of the Government in bringing out inventions, and then to use the inventions as against the Government and charge the Government royalty therefor?

Mr. HEYBURN. No; and if this amendment were confined to those limits I should have had no word to say about it. But unfortunately it is not.

Mr. WARREN. Probably the Senator has not read it very carefully.

Mr. HEYBURN. Yes; I have read it at least a half a dozen times. I have been reading it here with astonishment. The amendment provides as follows:

And hereafter when any officer or employee of the Department of Agriculture makes any new and useful discovery or invention of any machine, device, or process connected with the work of the Department of Agriculture, through the expenditure of government time and government money——

Mr. WARREN. That is the point. I want to know whether the Senator believes that as a matter of justice—we will leave out the legal side of it for the moment—every employee of the Government should be permitted to use all or any part of his time while under government pay, or all or any part of the tools, and so forth, connected with his particular work, in bringing out and perfecting a patent and then charge the Government a royalty for the use of the same?

Mr. HEYBURN. Mr. President, the difficulty is the language is not restricted to the principles discussed by the Senator.

Mr. WARREN. Has the Senator an amendment?

Mr. HEYBURN. I will point out wherein I think it should be amended.

Mr. WARREN. I wish to say to the Senator that this is nothing the committee is wedded to, except the main subject; it is not sensitive as to language. If the Senator has an amendment that will better it, I will cheerfully accept it.

Mr. HEYBURN. I have great sympathy with the main subject, but the difficulty——

Mr. WARREN. Then I understand the Senator to mean that he has no sympathy with the Government in respect to the relations which exist between the Government and an employee, and that the employee should be allowed to do as he pleases with his time and with the property of the Government and then charge the Government for the device that he works out.

Mr. HEYBURN. I did not think the Senator from Wyoming could be so mistaken. Of course I have suggested nothing of the kind as having no sympathy with the Government.

Mr. GALLINGER. Mr. President——

Mr. HEYBURN. In a moment. I want to finish the sentence. I have a very pronounced and warm sympathy with the Government, and I am here, among other things, to represent its interests. Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I wanted to ask the Senator in charge of the bill how it happens that men do these things through the expenditure of government time and government money. It seems to me if a man is in the employ of the Government, his superiors would see that he gives his time to the Government. Is it possible——

Mr. WARREN. Nevertheless the Senator knows, or ought to know, that there are bills of this character on the files of the committees here without number, I might say, embodying claims of men for royalties and payment for patents where they have taken the time of the United States and have patented the devices and now charge a royalty thereon.

Mr. GALLINGER. If they have taken the time of the United States, then the fault is in the head of the department. I have heretofore assumed that these men made the discoveries in their own time. I can not imagine how a man in the Department of Agriculture could sit at his desk and work on an invention.

Mr. WARREN. The court has ruled that in cases where he makes the device during the working hours of the Government he is entitled to the benefit.

Mr. HEYBURN. And he should be.

Mr. WARREN. And he should be, I agree.

Mr. GALLINGER. Then all you have to do is to devise some means whereby men in the department will see that the men in their employ will attend to their duties.

Mr. WARREN. The Senator knows that when a man is working at his desk one can not undertake to watch that man every moment. You can not require a chief to overlook so closely all those who work under him.

Mr. GALLINGER. I think not.

Mr. WARREN. This matter came to the committee with the language in lines 13, 14, 15, and 16, as follows:

All discoveries in making paper by the Department of Agriculture shall be patented in the name of the Secretary of Agriculture for the use and benefit of the United States and the people thereof.

The committee thought it was better to strike that out and put in the language that is put in here for the consideration of the Senate. If the Senator from Idaho or the Senator from New Hampshire has an amendment that will better this provision, I shall be glad to have it inserted, but to strike it out the Senator will note leaves in the House provision, unless we shall proceed to strike that out also.

Mr. GALLINGER. I assume, Mr. President, that an invention is a mental process largely. The man may be attending to his duties in serving the Government, and yet he may invent something while performing those duties. I am not quite sure how far-reaching this is. I have had a great deal of sympathy for the men who have made inventions and have been robbed of those inventions by the Government of the United States on the ground——

Mr. WARREN. So have we all. We have paid a great many of those claims.

Mr. GALLINGER. On the ground that they were made in the time of the Government and at the expense of the Government. I think we are trenching upon rather dangerous grounds in putting in the law a provision of this kind. We want to encourage all our young men and young women to make inventions, whether in the Department of Agriculture or elsewhere, and we do not want to say to them after they have made those inventions that the Government can trump up the charge that they were made at government expense and in government time and the Government will take possession of the fruits of their intellectual work or their genius.

I do not know that I want to offer an amendment. My inclination is to make a point of order against the amendment.

Mr. HEYBURN. Mr. President, I will conclude what I was saying in a brief statement. My attention was attracted to this amendment by the recollection of an instance where a man who is engaged in the Agricultural Department in putting seeds into the little paper bags that carry them out, that did not require any particular mental activity, conceived an invention which he patented and which has furnished him a livelihood since. He was engaged in the service of the Government. His mental faculties were not very much absorbed by the peculiar work that he was engaged in. Why should he be deprived of the benefit of his patent? If legislation is to be had upon this subject, I think it ought to go in the ordinary course to a committee and be considered as other measures of the kind are considered.

Mr. GALLINGER. Mr. President, I make the point of order against the amendment that it is general legislation on an appropriation bill.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and therefore sustains the point of order.

Mr. WARREN. I will ask the Senator from New Hampshire if he is satisfied to leave in lines 13, 14, 15, and 16, which are very much more inconsistent, if there is any inconsistency in either one?

Mr. GALLINGER. I propose to make a point of order against both.

Mr. WARREN. The Senator can not make a point of order against a House provision.

Mr. GALLINGER. We can reject it.

Mr. WARREN. If Senators are not willing to make the motion, I will move that lines 13 to 16, inclusive, on page 58, be stricken out.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 58, after line 12, strike out:

All discoveries in making paper by the Department of Agriculture shall be patented in the name of the Secretary of Agriculture for the use and benefit of the United States and the people thereof.

The amendment was agreed to.

The next amendment was, on page 59, after line 7, to insert:

And hereafter the Secretary of Agriculture is authorized to permit employees of the Department of Agriculture to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the said department.

The amendment was agreed to.

The next amendment was, on page 59, after line 12, to insert:

And hereafter all duly and lawfully constituted and appointed watchmen of the Department of Agriculture stationed in and upon the buildings and premises of said department in the city of Washington, D. C., shall have and perform the same powers and duties, while on duty in and about said premises, as the Metropolitan police of the District of Columbia.

Mr. GALLINGER. I wish to inquire the exact meaning and purpose of that proposed amendment.

Mr. WARREN. The Secretary of Agriculture was before the committee, and his suggestion was that the agricultural grounds, surrounding the building and quite a territory, are outside and not under the management of the regular force of the city. It is a reservation of the United States. He states that there are at times marauders found within the grounds, and it is a difficult matter to hold them until they can reach the regular city police. I believe the same order exists as to those watchmen who have charge of the smaller parks throughout the city that are under the War Department. I understand this puts those grounds on the same level.

Mr. GALLINGER. The Metropolitan police surely patrol the public places, do they not?

Mr. WARREN. They do not go inside of the United States reservation of the Agricultural Department.

Mr. GALLINGER. They patrol Rock Creek Park. We assign policemen to that great reservation.

Mr. WARREN. I will permit the Secretary of Agriculture and the Senator from New Hampshire to settle that matter. I am only telling him what the Secretary said. I will turn to it if I can.

Mr. GALLINGER. It is not necessary. I will not make a point against it.

Mr. WARREN. By the way, I can say there was no complaint on the part of the Secretary of Agriculture. He said that in the matter of economy and the matter of good government he felt that they ought to have authority, if somebody were caught here despoiling the fruits or trees or flowers, to make an arrest and to turn the parties over to the regular city police.

Mr. GALLINGER. It is creating a new force of policemen. That is what attracted my attention. I will not make any point of order against the amendment.

The amendment was agreed to.

The next amendment was, on page 59, after line 19, to insert:

Total carried by this bill for the Department of Agriculture, $13,773,276.

Mr. WARREN. Of course, that will be changed to correspond with the action of the Senate upon the bill.

The VICE-PRESIDENT. It is so ordered.

Mr. WARREN. I should like now to turn to page 29. There is an amendment there with relation to denatured alcohol that the Senator from Pennsylvania [Mr. PENROSE] lodged a point of order against, and we passed it over with the understanding that we would take it up later.

Mr. PENROSE. Does the Senator in charge of the bill desire me to withhold the point of order temporarily? If not, I shall make it again.

Mr. WARREN. I have no wish to discuss the matter myself. I want to appeal to the Senator from Nebraska [Mr. BURKETT] and ask him if he has anything to say upon this particular amendment found on page 29 in the bill with respect to denatured alcohol? The point of order is made, and of course it can only be debated with the permission of the Senate.

Mr. BURKETT. I will say that in my opinion this amendment is not subject to a point of order. The Secretary of Agriculture is now, under law, experimenting with the manufacture of denatured alcohol; in fact, they have quite a considerable still over here on the grounds of the Agricultural Department, and they are engaged in experimenting with it. The idea of the amendment is to enable the Secretary to experiment further

throughout the country where there are special kinds of fruits or farm products for the making of alcohol.

The state agricultural colleges, it was thought, would furnish ground and some of the equipment for this experiment. Therefore it was put in to enable them to demonstrate the matter in connection with the agricultural colleges. It is not to do anything that they are not already doing. As I said, they are doing it and they are experimenting here. This is to enable them to continue to experiment in various sections of the country and to save some expense by doing it in cooperation with agricultural schools here and there where they could.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. BURKETT. Certainly.

Mr. GALLINGER. I was greatly interested, Mr. President, when this matter was up, I think, about two years ago, and legislation was had on this subject. From the fact that we presented to the Senate as to what other countries were doing in this connection I was led to believe that this would be a great success in the United States. But I have recently made inquiries, not from the Department of Agriculture, but from Senators who were warm champions of that measure, and I have been told that up to the present time very little, if anything, has been accomplished in the matter. Can the Senator give me any specific information on that point? In other words, has it progressed sufficiently to warrant us in making an additional appropriation to carry on the work?

Mr. BURKETT. Mr. President, in reply there can not be any question but what the Senator is right with reference to the matter up to date. I think they have not succeeded yet in finding the material with which they can make alcohol and compete with other things for the production of heat and power, but I may say the law is somewhat defective in this particular. In drawing the law they limited the amount of alcohol that could be made in any still to 100 gallons a day, if I remember correctly. That is right on the border line between where it is profitable and where it is not profitable. They can not run any still and make so few gallons and make it profitable under any circumstances. However, fuel is yet so cheap in this country that it is very questionable whether they have found anything.

The idea was simply to experiment with different products in connection with state schools to find out whether there was anything.

It was suggested, I remember, by some one in the Department of Agriculture that on the Pacific coast they thought they could experiment with the fruit there. They decided that it was very prolific with alcohol and produced it a good deal cheaper than anything else that they found.

They also suggested another place in connection with beet-sugar factories where they thought our people could make use of the beets. There are also certain peculiar conditions in the State which I have the honor in part to represent. There is no coal in that State, no oil, no gas, no water power, and no competition with a thing of this sort. There is a good deal of fruit raised in the eastern part of the State, but it goes to waste. A good many potatoes are raised in certain sections of the State. Potatoes, as has been demonstrated in certain sections of Russia, furnish heat, light, and power, and it is thought the department could experiment somewhat on that line. Therefore it was thought wise, so far as potatoes are concerned, to put in the bill this little extra allowance, making it $15,000, so as to give the privilege of experimenting here and there with these various products.

Mr. GALLINGER. That I may not be misunderstood as to my attitude, I will say to the Senator from Nebraska that when this matter was previously before the Senate I was warmly in favor of it, as I now am, if there is any encouragement to be held out to us that it can be made successful. I believed then that it would be a great boon to the people of the United States, and I believe now it will be if we can make it a success. I do not want to be understood as opposing the matter at all.

Mr. BURKETT. I understand the position of the Senator from New Hampshire. There was a question at that time about it. We have gone into it so far, it seems to me, that we can well afford to now put this little appropriation in this bill for the purpose of experimenting and satisfying the people as to the matter. There are still a good many people who do not understand why it is that denatured alcohol is not used more than it is, and they maintain that there is something wrong with our legislation. If this opportunity is given to the Agricultural Department to experiment on the proposition before the people here and there under the most favorable circumstances, the people will soon come to understand that the trouble is not altogether with legislation, but owing to the fact that fuel is at present too cheap for denatured alcohol to compete with it.

As I have said, I think the point of order is not well taken, because the amendment only segregates the appropriation for experiments of this particular kind.

Mr. PENROSE. I now renew my point of order, Mr. President.

The VICE-PRESIDENT. The Senator from Pennsylvania makes the point of order that the amendment proposes general legislation on an appropriation bill.

Mr. SIMMONS. Mr. President, before the question is put I want to say to the Senator from New Hampshire [Mr. GALLINGER] that when this matter was before the committee some inquiry was made of an official of the Agricultural Department as to why the manufacture of denatured alcohol had not been successful. I understood the official to say that, in his judgment, there was a provision in the general act which made it practically impossible to manufacture this product at a profit under the present law. That is the provision which limits the output of a still per day. As I recall it the statement was made that the law provides that only 100 gallons shall be permitted to be made in a plant during one day, and the opinion was expressed that it was impossible within that limitation to manufacture this product with profit.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and therefore sustains the point of order.

Mr. KEAN. Mr. President, I want to ask the Senator from Wyoming [Mr. WARREN] if he will turn, in the bill, to the bottom of page 15.

The VICE-PRESIDENT. The Secretary will state the first amendment which was passed over, on page 15, line 22.

Mr. WARREN. That amendment was passed over, Mr. President; but I think the Senator from New Jersey wants to know how it now stands.

Mr. KEAN. I desire to know how the amendment stands.

Mr. WARREN. I presume it is in the copy at the desk, but I will read it, commencing with line 22.

Mr. KEAN. I want it read as the Senator understands it to be now.

The VICE-PRESIDENT. The Secretary will read the amendment as it now stands.

The Secretary read as follows:

For investigating the handling, grading, and baling of cotton, and the establishment of standards for the different grades thereof, $42,250.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Jersey yield to the Senator from North Carolina?

Mr. KEAN. I was only going to make a motion to strike out "$42,250" and restore "$12,250," because the proviso under which the $30,000 was appropriated went out on a point of order.

The VICE-PRESIDENT. The amendment will be regarded as still before the Senate. Without objection, the committee amendment will be disagreed to. That restores the House text.

Mr. SIMMONS. Mr. President, if it is in order, I desire to offer an amendment to that.

Mr. WARREN. Is it an amendment to a committee amendment?

Mr. SIMMONS. No; not to the committee amendment, but to the House print.

Mr. WARREN. That is not yet in order.

The VICE-PRESIDENT. On page 25, line 14, there is an amendment which was passed over.

Mr. NELSON. Mr. President——

Mr. WARREN. There is another amendment——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. WARREN. Yes.

Mr. NELSON. I desire to ask the chairman of the committee a question. What has become of the amendment on page 16, from line 11 to line 22, inclusive? My recollection is that it was stricken out on a point of order.

Mr. WARREN. It was.

Mr. NELSON. Has anything been substituted for it?

Mr. WARREN. Nothing has been substituted for that, except the language on lines 8, 9, and 10. We restored a portion of that and changed the other, so that there is a paragraph about the same length in place of that.

Mr. NELSON. Will the chairman be good enough to read to me the paragraph as amended?

Mr. WARREN. Yes. The Senator from Minnesota will understand that it comes in after the matter in italics, near the top of the page, commencing on line 8. It reads:

For investigating the handling, grading, and transportation of grain and for a study of the factors entering into the usual operations connected therewith, $52,440.

That was accepted. There is another matter on page 26, I believe, that has not been settled.

The VICE-PRESIDENT. The committee amendment referred to by the Senator from Wyoming, which was passed over, will be stated.

The SECRETARY. The committee amendment passed over on page 26 was, after line 11, to insert:

That hereafter, for the purpose of unifying national forests, the Secretary of the Interior may, upon the request of the Secretary of Agriculture, accept relinquishments to private lands lying within the exterior limits of any one of such forests in exchange for stumpage of substantially equal value from the national forests. And such private lands, upon the acceptance of relinquishments thereto by the Secretary of the Interior, shall become a part of the national forests within the exterior limits of which, respectively, they lie, and be subject to the laws then and thereafter affecting the same.

Mr. WARREN. The point of order was reserved on that amendment. I have only to say, as I said early in the day, that I can not spend much time on points of order at this late date.

Mr. TILLMAN. Mr. President——

Mr. WARREN. Just a word. I may say that was an amendment which I myself offered. It was not asked for by the Forestry Service; it was not asked for by the department, but upon being submitted to the officials there it was said to be satisfactory. I offered it in the interest of the settlers who have their 160 acres of land or less in forest reserves, who find conditions not pleasing to them, and who wish to exchange their land and take its value in stumpage; that is, that they be allowed to cut timber somewhere else under the regulations of the Bureau of Forestry.

That is all there is to it. If Senators believe that settlers so situated should be chained to their position, they, of course, will make the point of order. I am willing to admit that a point of order will lie against the amendment, but I sincerely hope the point of order will not be insisted upon.

Mr. TILLMAN. I make the point of order, without taking time to explain why, but there is a lot of viciousness in this provision.

Mr. WARREN. The Senator, I presume, does not mean to imply that the committee has anything——

Mr. TILLMAN. Oh, no; I say that the language is of such a character that to permit it to go into law would allow all sorts of rascality to be perpetrated.

Mr. TELLER. Mr. President, the remark of the Senator from South Carolina [Mr. TILLMAN] reminds me that some years ago, finding that there were a large number of settlers inside of forest reserves, Congress passed a law to enable the settlers to exchange the lands they had within the reserve for other lands. It was not expected by anybody, I think, when the law was passed, that there would be any more than an exchange; that the settler would find another piece of land outside of the reservation, if possible, on which to make his selection; but the department held that the railroad companies could make selections as well as the settlers, and thousands and thousands of acres of land have been denuded of timber by exchange, not for other land, but for scrip. The railroad companies, as well as individuals, were given scrip, which would enable them to locate land somewhere else. That scrip went up to eight and ten dollars an acre.

I am inclined to object to this provision, because it is a trade between the Government and some settlers. When you come to trade with the agents of the Government the trade will be what would be deemed to be satisfactory to them, in the interest of the forest reserves.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. TELLER. I do.

Mr. FULTON. I ask the Senator from Colorado, when he speaks of a trade between the Government and the settler, if he refers to this provision or is the Senator referring to the previous law of Congress?

Mr. TELLER. I refer now to this proposition, which is simply a trade of the settler's holding for stumpage.

Mr. FULTON. The Senator from Wyoming [Mr. WARREN] a few moments ago stated that this provision was inserted in the interest of the settler; but I confess I am unable to see how it can possibly be in the interest of the settler, because the amendment provides for the exchange of lands within a forest reserve for stumpage within a forest reserve; that is, the exchange of the settler's land for the right to cut timber. I can not see how that would be of any benefit to the settler.

Mr. TELLER. That is, the settler would abandon his holding in exchange for timber.

Mr. FULTON. Yes. He would not receive the land on which the timber stood and for which he made the exchange. He would simply have the timber or the right to cut the timber. He could hardly settle on that.

Mr. WARREN. That is not the intention. The settler could take timber from a point——

Mr. FULTON. Mr. President——

Mr. WARREN. If the Senator will allow me to finish my statement—the settler could take timber somewhere on the edge of the forest reserve, near where he might settle on other land, or he might dispose of the timber; in other words, he could turn his land in the forest reserve, if he wished to exchange it, into cash or its equivalent with the timber.

While I am on my feet, I will ask the Senator from Colorado [Mr. TELLER] if he thinks there is any danger of any scrip being issued under this amendment? That was not the intention.

Mr. TELLER. Mr. President, there was not any intention, nor was there any authority, in my opinion, for issuing scrip under the other act.

Mr. FULTON. If the Senator will allow me, I will tell him how the scrip will be issued.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. TELLER. I yield to the Senator from Oregon.

Mr. FULTON. Within the forest reserves are large areas, owned by railroads or other land-grant companies, consisting of thousands—I believe, probably, it would not be an exaggeration to say millions—of acres that are burned or have been logged up. This provision would authorize such companies to exchange burned, useless, and rocky lands for timber. That is, in my judgment, what somebody who started this little scheme of legislation had in mind. Of course the Senator from Wyoming had no such thought.

Mr. WARREN. I do not like the Senator to say that. In the first place, I said that it was to relieve the settler who may be in this position. Does the Senator think that I am undertaking to relieve settlers who have settled upon barren, rocky places?

Mr. FULTON. The Senator knows I did not mean that; and I expressly stated that the Senator from Wyoming had no such thought.

Mr. WARREN. Furthermore——

Mr. FULTON. I will venture this assertion—and if I am wrong I will apologize for it—that the Senator did not initiate this proposition.

Mr. WARREN. The Senator has no right to say that.

Mr. FULTON. If the Senator says he did, then I really have no right to say he did not.

Mr. WARREN. I confess I may not have any originality; but I am entirely capable of being responsible to the Senate and to the Senator from Oregon for any amendment or measure I may offer.

Mr. FULTON. But the Senator has——

Mr. WARREN. And it is going a little bit too far when I said it happened to be an amendment of mine to charge me with being the instrument of some great corporation or afraid of something—I do not know what—that is behind me, urging me to offer an amendment.

Mr. FULTON. Mr. President, the Senator knows that I had no purpose to impugn his motives or question his purpose in this matter.

Mr. WARREN. Then, why do it?

Mr. FULTON. I have made every statement in regard to that that I am going to make. I repeat that, if this provision is allowed to stand, it will operate in the interest of the great land-grant companies and in no other interest; and when it is asserted here that it will operate in the interest of the settler, I say it takes the wildest possible flight of the imagination to picture a case where it could possibly so operate.

Mr. TELLER. Mr. President, the act to which I referred was apparently a very harmless and useful act. It was to aid the settler who had taken a piece of land inside of what was afterwards organized as a reservation. These reservations have been made without reference to settlement. In one reservation in the State of Colorado there were over 130 settlers. They were deprived of the opportunity of having additional neighbors, and they were anxious to dispose of their land in exchange for other land. Nobody suggested that they would get for it a paper which they could sell to their neighbor. It was supposed by the committee when they reported the bill that there would be an exchange; that the settler would look for another place,

and when he had found it would say, "I have a piece of ground within a reservation, and I want to take this in place of it." But, Mr. President, thousands and tens of thousands of acres of absolutely worthless land were exchanged for scrip that sold for from $6 to $10 an acre.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TELLER. I yield.

Mr. TILLMAN. Has the act which the Senator mentions been repealed?

Mr. TELLER. I believe it has.

Mr. TILLMAN. I think so, too. I ask the Senator, then, has the action of the Secretary of the Interior in issuing scrip for desert lands owned by railroads or by private individuals been tested by the courts?

Mr. TELLER. I do not know that it has.

Mr. TILLMAN. Well, the Secretary of the Interior has been——

Mr. TELLER. The department accepted scrip for land, and large amounts of land were taken with the scrip.

Mr. TILLMAN. I have understood in my travels out that way that many hundreds of thousands of acres of the very best timber land in that region have been exchanged under this scrip arrangement by land-grant railroads, who had received desert lands in their original grants. They swapped their desert land for scrip and then went and located the scrip on the best timber land in that country. If that be true, I have always wondered why somebody at the other end of the Avenue, or Mr. Garfield, or somebody else did not feel enough interest in protecting the public rights to try to recover this land. We hear so much about forestation and the conservation of natural resources that it is a surprise that the man who is so loud-mouthed in the matter does not do something through the officers of the law to recover this land. The Department of Commerce and Labor has notified us that they have discovered that a million acres of land, or something like that, have been obtained by fraud in transactions in the West, and they want a million dollars to prosecute the cases. It is just an inquiry that comes into my mind inevitably, because of my peregrinations out that way looking into land and trying to get a little in Oregon, why it is that something is not done by those people who are always proclaiming their patriotism and honesty and desire to protect the country to see that the law is enforced and efforts made to recover these lands.

Mr. TELLER. I am not in the confidence of these officials, and I might add that I have not any particular influence with them. I can not answer the Senator's question. I merely want to make a brief statement, and then I shall yield the floor for the present.

I want to say that under this exchange we offered a great inducement for people to commit fraud for the purpose of getting valuable scrip. I know it to be a fact that in some cases purchasers desirous of getting scrip first made a claim to land and then they persuaded the department—which was a very easy thing to do; and I want to say that, while there are 16,000,000 acres of Colorado lands in forest reserves, I never was consulted by any officer as to the propriety of making a reserve in that State, while against several of them I entered very vigorous protests—having secured, then, a claim on the land, usually fictitious or trifling, they then persuaded the Government to establish a forest reserve, and then they were ready to trade.

I think I can say with propriety that one of the frauds that was charged as having occurred in Oregon, in the Blue Mountains, occurred in just that way. Before the forest reserve was made certain parties went there and made paper claims. Then they persuaded the Government officials who went out there to examine them to commit perjury and declare that the claimants had done what they had not done. Ultimately considerable scandal grew out of such transactions. I want to say, though, that before this scandal became public the Government had sent two special agents there, who reported just what had been previously reported by the other officers. No blame should be attached to them, however, for they could not know that the people appearing before them had committed perjury and that the first men who were sent out to make the examination had reported to the Land Office as true all the false statements made by the claimants. Out of that attempt to help the settler there grew a great crop of frauds against the Government. In many respects the act was very unfortunate.

I wish to say a word as to the reason why we can not make an attack upon these things. This scrip was handed out to everybody who would pay for it. The department held that it was right to use it to enter land, and a large number of land entries were made with scrip by parties who had paid for it in the market, who were perfectly honest, and who supposed they had a right to use it because it had the imprint of the Government of the United States upon it. If the question had been raised then, it would, perhaps, have saved a good deal of trouble, although some people might have been injured.

Mr. TILLMAN. I can understand that an innocent purchaser of scrip, who had located his land in good faith and had bought his scrip in good faith, ought to be protected; but how about the Weyerhaeuser syndicate and other great lumber barons who have got hundreds of thousands of acres of land in this way? Are they innocent purchasers, or were they in collusion with somebody? Who has become rich in this way?

Mr. TELLER. I do not know, Mr. President, whether or not any of the great corporations knew that this scrip had been issued without authority of law. I do not believe there was any authority to issue it; but you can not disturb titles now by going back of that action.

Mr. President, I propose later on to submit some remarks on the question of forest reserves; but I understand the Senator from Montana [Mr. CARTER] desires to go on now, and so I yield the floor. Later in the day, however, or to-morrow, or at some other time, I desire to speak on the question.

Mr. FULTON. Mr. President, I simply wish to say that if this provision were, in truth, in the interest of the settler, if it permitted a settler within the limits of a forest reserve to exchange his land for land on the outside of the forest reserve, I would heartily support it. I believe some such provision as that ought to be enacted into law, because there are so many disadvantages to a man living in a reserve with a family that very few of them care to suffer the inconveniences that confront them, and consequently they are abandoning their lands, as they can get no benefit from them. Therefore I insist that some provision should be made whereby they can exchange land owned by them within a reserve for land on the outside. But this provision is not in the interest of the settler.

No settler cares to buy stumpage; no settler cares to buy standing timber, with the privilege of cutting it off and removing it. It takes capital to do that; it takes a large amount of capital to engage in that business, and the poor settler of whom they talk is not the man who is provided with that capital. Therefore, if the Senator from South Carolina does not insist on the point of order, I must do so.

Mr. TILLMAN. I insist on the point of order that the amendment is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and sustains the point of order.

There is a committee amendment which was passed over on page 25, line 14, to which the attention of the Senator from Iowa [Mr. DOLLIVER] is called.

Mr. DOLLIVER. I hope the Senate is ready for a vote on that amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The amendment passed over on page 25 was, in line 14, before the word "hundred," to strike out "three million nine" and insert "four million four," so as to make the proviso read:

Provided, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forests are practically checked, but in no case after July 1, 1910; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding $500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses; and for rent in the city of Washington and elsewhere, $4,486,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CARTER. Mr. President, it was not my purpose to engage in the discussion of the forestry question during the consideration of this bill, but, owing to some statements made in the course of the debate by the Senator from Idaho [Mr. HEYBURN], I feel constrained to offer some suggestions.

During the day I have heard it noised about that a "conspiracy" had been formed to reduce the amount of the appropriation on this forestry item. The employment of that term, as applied to the action of the Senate or a Senator in seeking to correct an appropriation which seems too large, is characteristic of the manner in which all persons are treated in and out of this Chamber when they exhibit such temerity as to oppose any action of the forestry people.

Mr. President, it has been a subject of common remark, not only in the respective Halls of Congress, but likewise throughout the country, that the revenues of the Government in the passing day are proving and the prospective revenues of the coming year will prove inadequate to meet the appropriations for the current year and the appropriations now being made for the next fiscal year. We are approaching an extra session of Congress, which will be convened in due order to revise the customs laws of the country, and it is currently believed that the revision will result in a reduction of tariff duties. According to the estimate of the Secretary of the Treasury the receipts from customs next year, under the present law, will amount to $290,000,000; and with that amount coming in from customs dues the Secretary estimates that the deficiency will amount to about $140,000,000.

So the tariff revision must contemplate not the raising of the amount provided by existing law, to wit, $290,000,0000, but $290,000,000 plus $140,000,000, in order to forestall the threatened deficiency. We must either diminish appropriations or increase taxation; and in the presence of this grave situation confronting the Government, I think it is a piece of supreme impertinence for any employee of the Government of the United States to suggest that a Senator bent upon reducing appropriations in any direction is engaged in a conspiracy.

My attention has been challenged to the appropriations for the Forestry Service, and I intend to comment somewhat on the details; and I will do it well knowing that 500 facile pens will be set in motion and men will be sticking type all over the United States to-night representing ordinary criticism as an exhibition of hostility to the Forestry Service. I make that prediction as to the coming issues from the press because that has been the current experience in the past. This is one service which no man dare criticise without having his motives impugned. This is one place where estimates made by the department can not become the subject of criticism on the merits.

I aided in preparing the first section of the law upon which the whole forestry policy is based. In conjunction with the former Senator from South Dakota, Mr. Pettigrew, it was my privilege and pleasure to aid in drawing the law of 1897. I believed we had too long deferred a proper safeguarding of the Nation's forests. I had been a witness through many years of sweeping conflagrations running over the mountains and through the valleys, consuming millions and millions of feet of timber, without anyone being commissioned to stop the ravage. It seemed to me important that the Government should withdraw the forest areas and at government expense furnish a fire patrol, so as to save this mighty and lamentable waste going on through the years. I hailed with delight the establishment of the Forestry Bureau and cordially supported the appropriations intended to give it vital force.

It was my understanding that the preservation of the forests was the prime purpose of the legislation. It is true that in the beginning the forest reservations were improvidently created. The first large reservations were laid out by a number of gentlemen who passed through the country in a Pullman palace car. Having maps at hand, they drew lines at random over the country and call all within the lines "forest reserves," and in so doing they impounded whole communities and made reservation people of them. The people were put in a more helpless condition than the Indians, because no arrangement was made to give them rations and clothes. But it was then supposed that the people put inside the reservation by the stroke of the pen could appeal to the laws of their States for protection against ruthless interference with the enjoyment of their property and the security of their persons. It was never suspected that the Federal Government, through its agents, on authority of the forestry law, could go into a State and, without trial or judgment of any kind, character, or description, drive a man from his home and his shelter and leave him without recourse of any kind or character. And yet, unhappily, such things have come to pass.

The forests in the arid region are confined in the main to the mountains. The forest growth is largely of pine, and the pine forests, as the Senator from Minnesota well knows, can not readily be reproduced. The great mission of this bureau was the preservation of the tree life from the ravages of fire and the plunder of the pirates who were cutting government timber for profit. The law gave ample opportunity to protect against the sawmill men, and the foresters were expected to protect against the fire. But these simple purposes have been transcended in practice; these lines have been departed from, and I would that Senators might refer to Document No. 1157 of the House, Sixtieth Congress, second session, and there look upon the list of officers and experts and clerks and stenographers and typewriters, recapitulated from page 244 to page 418 of this closely printed volume.

In these pages they will find the names of the vast army of officers employed not to extinguish fires, nor to prevent the sawmill men from plundering the forests, save to a limited degree. There are more bosses than there are workmen connected with this service. For every man at work in the forests there stands in Washington, or somewhere on the road, a clerk, a stenographer, an expert, an engineer, a construction engineer—every conceivable kind of officer that the ingenuity of the people engaged in the business could possibly suggest.

Mr. CLAY. Will the Senator from Montana yield to me for a moment?

Mr. CARTER. I yield with pleasure.

Mr. CLAY. I see that the last agricultural appropriation act carried for salaries and general expenses for the Forestry Service $3,292,200. The present bill carries, putting the items together, $5,746,200. I am surprised at one thing on looking at the report, that we should appropriate a lump sum of nearly $6,000,000 to any public officer—and I make no criticism upon any of those who are in charge of the Agricultural Department—and allow the head of that department to say how many men shall be employed in the office and what salaries shall be paid.

Take, for instance, the recapitulation here of the expenditures of last year. The statutory salaries were $141,879.08. Of course those were the salaries provided for by Congress. From a lump sum appropriated by Congress there were paid in salaries in Washington, $455,208.84; outside of Washington, from a lump sum, $1,576,398.92.

In my judgment it is bad legislation, which can not be defended, for Congress—and I make no criticism upon the Secretary of Agriculture; so far as I know he is an honorable man—to appropriate $6,000,000 and say that out of that sum the Secretary of Agriculture or the Forestry Service shall select such employees as they need and pay them such salaries as the department think they ought to have. In my judgment, in appropriating to sustain a department, Congress ought to fix the number of clerks and the salaries to be paid.

Take one item here—$242,000 for traveling expenses. It seems that two-thirds of the appropriation in this bill are simply in lump sums, allowing the department to employ such employees as it needs and to pay them such salaries as it thinks they ought to have. The work may have been done honestly, and no more employees may have been selected than were needed, but I contend that in all appropriations there ought to be particulars. We ought to set forth how many clerks are needed and what salaries shall be paid them. It is the business and duty of Congress to do that. When we appropriate in large lump sums, leaving it to the department to select the employees and fix the salaries, Congress is not, in my judgment, discharging its duty faithfully.

Mr. CARTER. Mr. President, the lax methods employed by Congress in its appropriations for this service have been the source of the vice of the entire matter from the beginning. There is no provision in the Federal Constitution of more importance to the Government and the people than that which gives to Congress the purse strings of the Nation.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. With pleasure.

Mr. SMOOT. I desire to call the attention of the Senator from Georgia to the fact that the figures he has given are the estimates asked for, and not the amount carried in the bill. The total amount carried in the bill for this purpose is $5,146,200.

Mr. CLAY. There is another item of $600,000.

Mr. SMOOT. No; that is for improvements.

Mr. CLAY. For improvements, cabins, telephones, and so forth.

Mr. TELLER. But it is all for the Forestry Service.

Mr. SMOOT. I was speaking of the forest reserves, as I understood the Senator was.

Mr. CLAY. I will say to the Senator I took the amount set forth on page 26, which is $5,146,200, and above it is another item:

> There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $600,000, to be expended as the Secretary of Agriculture may direct, for the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other permanent improvements necessary for the proper and economical administration, protection, and development of the national forests.

That, added to the item which I have read, makes $5,746,200. What I was contending was simply that the Committee on Agriculture ought to say so many million dollars and specify how it is to be used—how many clerks, how many stenographers,

how many rangers—and let the country know how many persons are being employed in this service.

Mr. SMOOT. In answer to the Senator, I will state that the Book of Estimates and the report the Senator from Montana has in his hand now not only state how much is asked for every department, but it gives the names of all the employees of the department, where they were employed, and the salary fixed for each.

Mr. CLAY. Who fixes the salaries of the employees, I will ask the Senator?

Mr. SMOOT. The salary is fixed by the department itself.

Mr. CLAY. By the Secretary of Agriculture?

Mr. SMOOT. Yes.

Mr. CLAY. My recollection is that two years ago Congress placed a provision in an appropriation act that the Secretary of Agriculture should report to Congress annually the number of persons employed and the salaries paid.

Mr. SMOOT. And, Mr. President, that is what they have already done in this report.

In relation to the lump-sum appropriations, I wish to say that lump appropriations are no new thing. The Post-Offices and Post-Roads Committee report the post-office appropriation bill with an immensely larger amount in lump sums than this bill appropriates, and the Senator is a member of that committee, and so also is the Senator from Montana.

Mr. CLAY. The Senator is mistaken in that proposition. He will find that the Committee on Post-Offices and Post-Roads sets forth in many instances, in most of the instances, the number of clerks to be employed, the messengers, and so forth, and the salaries are fixed.

Mr. SMOOT. I have noticed the appropriation bill coming from that committee, and if I am not mistaken it carries a larger amount than this by a great deal in a lump-sum appropriation; and also the naval bill carries large lump-sum appropriations, and every other appropriation bill in this Government has large lump-sum appropriations.

Mr. CARTER. Mr. President, in imposing upon the Congress the responsibility for the appropriations the framers of the Constitution did not intend to impose an idle task, to be performed in a perfunctory way. There has been little attention given to the details of these appropriations, as the Senator from Georgia well suggests.

In order to observe the manner and purpose of disposing of the public money under the general phraseology used, I refer to page 76 of House Document No. 1149, second session of the present Congress, from which recapitulation it will be seen that out of this lump sum of money we are paying lecturers to go all over the United States on a salary, besides paying their expenses, and those expenses are not trifling. One gentleman was sent during the chilly months of the spring to New Mexico from the city of Washington to investigate wood fuel in New Mexico, and his expenses were $411.35. Another gentleman put in $130 of expenses returning West, after having served three months on a detail in Washington. Lectures, instruction to societies, lectures before colleges, and the general diffusion of ideas through this means are, of course, commendable; but, I inquire, what Senator understood when we were making the appropriation that we were hiring a band of lecturers to go over the country to lecture before institutions and meetings, with their railroad fare and good salaries and traveling expenses paid by the Government?

According to my simple view, originally entertained, but greatly modified by observation, the purpose was to conserve the forests, to protect them from fire and the rapacity and greed of the men who were stealing the timber for gain. If it is the intention of Congress to employ lecturers to supplement the general educational forces of the country, well and good; but we should have been consulted as to the number of lecturers we would employ, and the range within which they should give instruction; and we ought to place some limitation upon their expenses, as we do upon the expenses of other officers who travel. We take an ordinary agent of the Government en route from one point tc another and allow him three or four dollars a day in lieu of substistence. The regular appropriation bills, having regard for the Treasury, take the precaution of fixing a maximum limit; but not so in this service. A "lump-sum appropriation" is what they call it; and from the lump-sum appropriation one man gets a thousand dollars for the expenses of a trip, another four hundred and eleven dollars and some cents. I doubt not they have disbursed the money. Mark you, I am not raising any question upon that point.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. Certainly.

Mr. GALLINGER. I notice that one gentleman received $91.90 for an address before the Tight Barrel Stave Manufacturers' Association.

Mr. CARTER. The Government paid $91.90 for his expenses in giving that lecture.

Mr. GALLINGER. What did the Tight Barrel Stave Association have to do with forests?

Mr. CARTER. The Tight Barrel Stave Association desired some observations made, I suppose, and it cost the Government of the United States ninety-odd dollars, besides the salary of the man who made the address.

Mr. GALLINGER. I understand the gentlemen have made various addresses before woolgrowers' associations in the various States. What is the exact relation between forestry and woolgrowing, if the Senator knows?

Mr. CARTER. I suppose they consider the sheep herder in need of information as to the kind of forest management which would best suit. Yet, in that regard——

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. I should be glad to yield, but I have already yielded to the Senator from New Hampshire.

Mr. GALLINGER. I should like to get that information from any Senator. I am seeking light.

Mr. CARTER. I yield to any Senator.

Mr. SMOOT. Montana has more sheep than any other State in this Nation; she produces more pounds of wool; she grazes more sheep upon forest reserves than any other State, and it does seem to me that there is a connection between the Forestry Service and the woolgrowers' associations, which comprise all of the woolgrowers in the western section.

Mr. GALLINGER. Exactly what information can this gentleman give to these men who have flocks of sheep on the forest reserves? Is it to tell them where the best pasturage is, or——

Mr. FORAKER. All of these forestry men have presumably passed a civil-service examination——

Mr. GALLINGER. Unquestionably.

Mr. FORAKER. And the sheep have not. [Laughter.]

Mr. SMOOT. In answer to the statement of the Senator, I will say there are a great many things they can tell the sheepmen. They can tell them about overfeeding of the range, as to their bedding——

Mr. GALLINGER. Overfeeding sheep when they are at large?

Mr. SMOOT. Overfeeding of the range.

Mr. GALLINGER. I am still curious; I am not very well informed on this subject. These gentlemen lecture before women's clubs all over the country. What do they tell the women about forestry? In my State, for instance——

Mr. SMOOT. In that particular case I do not know.

Mr. GALLINGER. They are all over the country.

Mr. SMOOT. In fact, I do not know.

Mr. GALLINGER. Before teachers' associations.

Mr. SMOOT. But I suppose they have information which the organizations desire for the benefit, perhaps, of certain interests in the Senator's State. I do not know what they are, but, no doubt, I can find out.

Mr. GALLINGER. Well, I have not any information, so I will thank the Senator from Montana for permitting me the privilege of asking him the question. I am satisfied from a casual examination of this list that we are wasting a vast amount of money in sending a horde of men up and down the country delivering lectures on forestry to all kinds of organizations. I really think there ought to be some way to put a stop to it.

Mr. CARTER. Mr. President, with the consent of the Senate, I desire to insert in the RECORD this recapitulation of traveling expenses. I presume it includes the total sum of $299,000 spent for this form of education. I ask to include it in the RECORD so that Senators may not be put to the inconvenience of sending to the document room, and that the general public, interested as they are in the pages of the RECORD, may be able to get the data which I will not take the time of the Senate to refer to in detail.

Mr. HEYBURN. I ask the Senator to yield to me for a moment.

Mr. CARTER. Certainly.

Mr. HEYBURN. I am curious about such items as I find in this publication furnished by the department in response to the resolution of the Senate. Here, on page 9 of Senate Document No. 485, we find this kind of an item: Enos A. Mills. He travels from Denver, Colo., to Denver, Colo., and delivers an

address before the Woman's Club, and the Government pays him $10.25 in addition to his salary. Then, on the same page, Enos A. Mills, who seems to appear very frequently, travels from Denver, Colo., to Denver, Colo., and delivers another address before the Woman's Club, for which he gets $10.20. The former address seems to have been worth 5 cents more than the latter address. Enos A. Mills again, within a short time, travels from Denver, Colo., to Denver, Colo., and gets $10.05 for a lecture to the Woman's Club. I merely mention this item. The book is full of very large items of traveling expenses of that kind.

Mr. CARTER. Mr. President, if it is the desire of Congress to hire Mr. Mills to address women's clubs at Denver or elsewhere, Congress may do so; but I deny the right of any officer of the Government, under any language employed in any appropriation act, to make any such expenditure as that or any such expenditure as any one of the hundreds of expenditures named in this document. It amounts to a misappropriation of public funds. There can be no mistaking the terms employed.

Mr. President, let the friends of forestry and forest preservation take note of what must inevitably follow the abuse of power conveyed through loosely drawn laws. It will, as sure as the practice continues, break this whole forestry system down. The American people will stand a certain amount of extravagance and nonsense, but they will not stand idly by and see the plain purposes of the law ruthlessly and constantly perverted.

As I stated in the beginning, and the Senator from Utah will not take issue with the statement, the purpose of this law was the conservation of the forests and not the establishment of a universal system of education through lecturers sent for to address women's clubs and cooperage associations and stave-barrel concerns or other organizations over the Union, extending from Maine to California, and from the Canadian border clear down to Mexico.

Mr. NELSON. Mr. President, I have listened to the Senator from Montana and the Senator from Idaho. I want to say to the Senator from Montana that I have no desire to take the floor from him, but I think the only mistake made in sending out the lecturers the Senator from Idaho referred to was that they ought to have been sent to Idaho and to Montana to lecture those Senators.

Mr. CARTER. Mr. President——

Mr. HEYBURN. I should like to interrupt the Senator long enough to call attention to the result of these lectures to women's clubs and the value of them. I would not undertake to say how many hundred of them there were, but they generally had a stereotyped form of resolution indorsing the Forest Service and everything that it did or contemplated. I was in receipt of innumerable petitions from women's clubs and resolutions adopted at those gatherings which were addressed by these various representatives, and that was the real purpose—to bring pressure to bear upon Congress. They were all in a stereotyped form and I presume printed here in Washington.

Mr. NELSON. Mr. President——

Mr. CARTER. Before the Senator from Minnesota asks another question, I wish to reply to him by saying that it would be well to have lectures delivered to instruct the Senator from Idaho and the Senator from Montana, because we certainly have but a loose conception of the public duty which would justify this class of expenditures under a general appropriation of money for the preservation of our forests from fire and plunder.

Mr. NELSON. It is evident that the Senator from Idaho was totally incorrigible when approached by these ladies with their petition. The ladies, who have been lectured and schooled in this matter, approached him and have apparently had no effect upon him.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I wish to give just one more instance, and then I think I am done. I notice that there was a gentleman who started at Norfolk, Va., and went to Norfolk, Va., and he made an address before the guests of the Inside Inn at the request of the hotel manager, and they paid him $15.95.

Mr. CARTER. The Inside Inn was, I suppose, a place where hospitality was extended to the wayfarer, and when the people travel they ought to be instructed by lecturers as well as when they are at home. I can not understand why the Government, in paying for lectures, should not pay a lecturer to stay here constantly at the New Willard Hotel and the Arlington to lecture the crowd as they pass and keep them constantly under instruction. The Inside Inn, I take it, was an inn in the inside of something. [Laughter.]

Mr. GALLINGER. If the Senator will permit me, the hotel manager wanted his guests to be entertained at the expense of the Government, and this gentleman kindly consented to give them $15.95 worth of information.

Mr. CARTER. I suppose it was a very high order of entertainment at a very low price.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. I yield to the Senator.

Mr. SMOOT. If the Senator is through on that point——

Mr. CARTER. I can conclude my observations in a very short time. Still, if there is anything to which I have been referring in regard to which the Senator desires to put a question I would be glad to answer it.

Mr. SMOOT. I merely wanted to put in some figures in relation to the different departments of the Government as to the appropriation of lump sums and the statutory rolls, so that the Senate will be informed that what I said was true.

In the legislative department the statutory roll was 7 per cent and the lump sum 93 per cent of the whole appropriation. In the executive department the statutory roll is 100 per cent. Take the Treasury Department, 46.95 per cent statutory and 53.05 per cent lump sum.

The War Department is 88.05 statutory roll and 11.95 per cent lump sum. The Interior Department is 58.53 per cent statutory roll and 41.47 lump sum. The Post-Office Department, the one that I referred to, is 94.91 statutory roll and 5.9 per cent lump sum. The Agricultural Department is 22.41 per cent statutory roll, and the whole appropriation is 77.59 for the lump sum. The Department of Commerce and Labor is 44.75 per cent statutory and 55.25 lump sum. The Department of Justice is 46.25 per cent statutory and 53.75 per cent lump sum.

Mr. CARTER. And this appropriation is 100 per cent lump sum.

Mr. SMOOT. The appropriations that the bill carries amount to thirteen million and some odd thousand dollars.

Mr. CARTER. I am speaking of this item of over $5,000,000, without specifying a single salary, using language so general that it appears from the expenditures that have been washed through the accountants heretofore that anything from a $10 lecture to a steam engine can be bought out of the appropriation.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. Certainly.

Mr. HEYBURN. Mr. President, they have purchased—I speak from the statement and description in the newspapers—a steam launch—I think two of them—to ply on Lake Ponderay for the amusement and accommodation of these uniformed civilians.

Mr. SMOOT. Mr. President, I wish to say just one word in relation to the steam launch. It is true that the Government has two steam launches on the lake mentioned by the Senator from Idaho, but I wish to call the attention of the Senate to the fact that there is no other way on earth to make the examination of the mountain there from one side to the other, except by crossing the lake on a steam launch.

Mr. HEYBURN. Along the margin of that lake on the western side for 80 miles there are three parallel railroads—the Northern Pacific, the Great Northern, and the new Corbin road, and up to the very lower end of it or within a close distance there are trolley lines. Clear across the upper end of it the Northern Pacific road is within an average of 100 yards from the shore, and there is a system of boats for hire just as there is on all great lakes.

Mr. SMOOT. I said nothing in relation to one side of the lake. I am speaking of the other side of the lake, where they go to examine the forest. They go from the side of the lake that has the railroad to the other side where they have the trees and the forest, and there is no road on the opposite side of the lake.

Mr. HEYBURN. We have some of our best citizens living on the other side of the lake, with their homes and their mines, and the means of access to them, and boats every day carrying the mails to the other side of the lake. That is where Lake View is, on the other side of the lake.

Mr. SMOOT. The hill is very steep on the opposite side of the lake, so that it would be impossible for anyone to live upon the side of the mountain.

Mr. FULTON. I should like to make an inquiry of the Senator from Utah.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. CARTER. Certainly.

Mr. FULTON. I wish to inquire how they get up those hills with steam.

Mr. SMOOT. The forester or ranger goes to the foot of the hill and walks up. It is some of the land the Senator from Idaho tried to make us believe yesterday was agricultural land, because he said that every acre of land in his State is agricultural land.

Mr. HEYBURN. Probably the best truck garden, if not one of the best in the State, is right at the place the Senator is referring to. On the ranch there at Lake View probably the finest vegetables are grown and as good fruit as was ever raised in Utah. I speak by the book.

Mr. SMOOT. I will submit it to anybody who has been on the side of the lake and has seen the hillside there on the lake that it would be impossible to have a vegetable garden there.

Mr. CARTER. Probably it is a hanging garden. [Laughter.]

Mr. HEYBURN. I only regret that that description of the country is to be perpetuated and sent out for men like Mr. Donnelly and those who have beautiful homes there, with all modern improvements, to read, to show what the outside world thinks of them.

Mr. CARTER. We are all agreed that the scenery must be of a high order in that neighborhood of woodland, mountain, and garden.

But, Mr. President, returning to the original proposition—and I challenge any Senator or anyone of the Forest Service to gainsay that—the purposes of Congress, manifest from the first line of the law on this subject to the present day, was to protect the forests against the ravages of fire and plunder by men bent on stealing the timber for profit. It never was intended that these forest reserves should become a barrier to settlement where land was agricultural and not forest in character. It never was intended that under this law any citizen of a State should be driven from his home, a wanderer on the earth, for the alleged reason that he was a bad character, or did not suit the forest ranger in the neighborhood, or went to the county seat and got drunk betimes, and therefore was a proper victim for robbery. But men are driven from their homes, their property taken without adequate or any compensation, treated as trespassers where they had lived a long, long time before forest reserves had been created, and the answer generally is that the man's character is subject to criticism, and therefore he has no legal right that anybody is bound to respect.

I charge that this service has departed from the primary purpose of protecting the forests from fire and of protecting the forests from plunder. I bring this book with this list forward as my witness. There are apparently more clerks, experts, construction engineers, and the like than there are forest rangers or men engaged in the work that Congress intended to accomplish. Two hundred and ninety-nine thousand dollars are spent in a year traveling over the railroads of the country. Who ever contemplated that there should be an open door to the Treasury Department through which any gentleman desiring to take a junketing tour could make a trip across the continent and back at the expense of the Government, and come back and merely make a little item such as we have here, a trip to California to instruct forest reserve supervisors, $419? It was $411 in one case, and the items run as high as a thousand dollars for going about the country and looking over the forests and to consult with agents.

Mr. HALE. Who appoints these traveling agents?

Mr. CARTER. I understand they are generally detailed from the offices and sent out on expeditions of one kind and another over the country. They are apparently clerks in the Forestry Bureau. There is a long list of them here.

Mr. HALE. I was going to ask the Senator, does he find simply isolated cases or a long list of cases where money which is appropriated by Congress has been used up by these traveling agents and lecturers? Are they exceptional cases or are there many cases?

Mr. CARTER. There is page after page setting forth items such as these:

Advising with supervisors in regard to permanent improvement work, and, when necessary, taking direct charge of the work in the field, $142.59.

This was accomplished in the fiscal year. It was commenced May 29, 1908, and ended June 30, 1908. The amount of expense, in addition to the salary, was $142.59.

Here is another gentleman delegated to go down to New Mexico to investigate wood fuel. He was gone quite a while, from some time in January to along in March. Expenses, $411.35. The details of that expenditure are not here given.

Study of forest conditions in Kentucky in July, $293.54 expenses.

Mr. HALE. Let me say here, Mr. President, it is no wonder, with such a showing, that not only hundreds of thousands of dollars, but millions of dollars, have been spent in this way, in a way never contemplated by Congress, never supposed to be a part of the business of the forest reservations. I notify the Senator and the Senator in charge of the bill that some day, and some near day, when the Treasury will be swept as clean as a country contribution box and there will be no money, we will be confronted with the question of borrowing money and paying the bills of the Government, or issuing bonds as a debt, or imposing taxes. The first way to meet that is to cut down these appropriations. We are not doing it this year; we are going on in a blind way, and no appropriations are being cut down; but some day, and some near day, we will have to do that or borrow money or put on taxes.

These exhibits of the remarkable encroachment of the executive power that has authorized this crowd of traveling lecturers and agents traversing the country, bringing in enormous bills without any responsibility or without any accountability, some day, Mr. President, have got to cease. They can not be maintained upon the general benevolent idea that we are conserving the public interests and saving the forests. It is an abuse, Mr. President, and pretty soon it will have to be corrected.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. I am glad to be reminded that I am entitled to the floor.

The VICE-PRESIDENT. The Senator from Montana is entitled to the floor. Does he yield to the Senator from Iowa?

Mr. HALE. My attention was attracted, and I was surprised at the exhibits made by the Senator.

Mr. CARTER. I would have been glad to have had the Senator notice the item on page 80:

Expenses connected with the delivery of an address before the Cooperage Association of St. Louis, $279.50.

Mr. HALE. Will not the Senator read that again?

Mr. CARTER. I will, and I think I should read it slowly and distinctly, so that all Senators may clearly understand it.

Mr. HALE. I hope so.

Mr. CARTER (reading)—

To deliver address before the Cooperage Association of St. Louis. To confer with engineer in charge of service laboratory. To investigate market conditions at Butte—

I suppose that is in Montana. They sell copper there very extensively—

With special reference to the sale of mine timbers from the national forests, $279.50.

The lecture, investigation, and all being thrown in together, so that we can not tell just what the lecture actually cost.

Mr. HALE. The lecture was delivered in St. Louis?

Mr. CARTER. It was delivered in St. Louis.

Mr. HALE. Which is several miles away from a forest reservation.

Mr. CARTER. Quite a distance.

Mr. WARREN. Will the Senator permit me a moment?

Mr. CARTER. Certainly.

Mr. WARREN. It is perfectly evident that considerable time will be necessary to finish the measure now before us. I want, if possible, to avoid evening meetings. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning. I want to say further, I hope we may proceed to quite a late hour to-night, as late as the Senate will stay, so that we may be in a condition in the morning to finish the bill.

Mr. HALE. There are some executive documents that it is intended should be laid before the Senate, the reading of which will require some time. I am very glad the Senator has made the suggestion for a session at 11 o'clock to-morrow. We shall be in a great deal of trouble and find it difficult to carry through the appropriation bills unless we do that, and perhaps a little later have night sessions.

I am very glad the Senator has suggested that the Senate meet at 11 o'clock.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wyoming [Mr. WARREN] that when the Senate adjourns to-day, it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. GUGGENHEIM. Mr. President——

The VICE-PRESIDENT. The Senator from Montana [Mr. CARTER] is entitled to the floor. Does he yield to the Senator from Colorado?

Mr. CARTER. I yield to the Senator from Colorado for a question.

Mr. GUGGENHEIM. It is in regard to a matter that will take only a second. It is in relation to the Forestry Service.

Mr. CARTER. I yield to the Senator.

Mr. GUGGENHEIM. Mr. President, we in Colorado have appreciated very much such points as those which have been brought out by the Senator from Maine [Mr. HALE]; and it was with those points in view that I introduced on January 25, 1909, a joint resolution providing for a careful inquiry and report respecting the operation and administration of the national Forest Service. That was about thirty days since. Up to the present time I do not think the Senate has been informed that any report has been made on the resolution by the Committee on Agriculture and Forestry, to whom it was referred.

Mr. BURROWS. Mr. President——

The VICE-PRESIDENT. The Senator from Montana [Mr. CARTER] is entitled to the floor. Does he yield to the Senator from Michigan?

Mr. CARTER. I yield to the Senator from Michigan.

Mr. BURROWS. I understood the Senator from Montana to request to have printed in the RECORD some portion of this remarkable document. It is so interesting that I ask him to modify his request and to include the entire document, so that we shall know where this money has gone.

Mr. CARTER. The portion of it relating to forestry? Does it all relate to forestry?

Mr. BURROWS. It relates to forestry in a general way.

Mr. CARTER. I modify the request; and now I ask that the entire portion of the foresters' figures and facts be inserted in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.

FOREST SERVICE.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Adams, D. W...	Expert.....	Flagstaff, Ariz. (Mar. 21-31, 1908)....	Returning to headquarters in West after serving three months' detail in Washington office to assist in administrative work.	$119.20	General expenses, Forest Service, 1908.
Adams, James B.	Assistant forester and chief of operation.	Points in Utah, Montana, Colorado, California, and return. (June 15-Aug. 4, 1907.)	Consultation with and instruction of forest officers regarding the conduct of National Forest business. To look into efficiency of personnel of forests, to prescribe better and more effective methods of keeping National Forest records both at the supervisor's offices and by men engaged continuously in field work, and to look into conditions of roads and trails, telephone lines, etc., built by Forest Service.	501.53	Do.
Do.....	.....do.....	Los Angeles and other points in California and points in New Mexico and Arizona and return. (Oct. 21-Dec. 25, 1907.)	.....do.....	714.85	Do.
Akerman, A....	Forest assistant.....	Points throughout Virginia, Tennessee, Georgia, North Carolina, and return. (June 20-Sept. 17, 1907.)	Survey of South Appalachian watersheds.....	185.06	Survey and report on White Mountain and Appalachian watersheds, 1907-1908.
Allison, John H.	.....do.....	Flagstaff, Ariz. (Mar. 26-Apr. 1, 1908).	Returning to headquarters in West after serving three months' detail in Washington office to assist in administrative work.	83.70	General expenses, Forest Service, 1908.
Anderson, G. G.	Clerk.....	New York City and return. (Oct. 15-19, 1907.)	Examining office appliances and investigating use of commercial phonograph in business offices.	34.00	Do.
Arnold, G. S....	Expert.....	New York, N. Y.; Chicago, Ill.; Denver, Aspen, Colo.; Rawlins, Wyo.; Minneapolis, Minn. (July 1-Sept. 19, 1907.)	To consult with Mr. Woodruff, assistant attorney-general. Investigation of timber and grazing matters in Colorado. Conference with Minnesota State officers.	317.95	Do.
Do.....	.....do.....	Chicago, Ill.; Denver, Glenwood Springs, Redcliff, Colo.; Cheyenne, Wyo. (Mar. 16-June 12, 1908.)	Investigation of grazing trespass and other matters in Colorado and Wyoming.	551.75	Do.
Ashe, W. W....	Forest assistant.....	Salisbury, Asheville, Andrews, Murphy, Greensboro, and Raleigh, N. C. (Oct. 27-Nov. 4, 1907.)	Survey of Southern Appalachian watersheds..	143.56	Survey and report on White Mountain and Appalachian watersheds, 1907-1908.
Do.....	.....do.....	Points throughout Virginia, Tennessee, Georgia, North Carolina, and return. (Aug. 7-31, 1907.)	Study of Southern Appalachian watershed...	143.05	Do.
Balthis, R. F...	.....do.....	Flagstaff, Ariz.....	Returning to headquarters in West after serving three months' detail in Washington office to assist in administrative work.	83.00	General expenses, Forest Service, 1908.
Bard, G. P.....	.....do.....	El Paso, Tex. (Feb. 11-15, 1908).....	Assisting supervisors in preparation of timber sales.	77.25	Do.
Barton, J. E....	Deputy forest supervisor.	Sand Point, Idaho.....	Returning to headquarters in West after serving three months' detail in Washington office to assist in administrative work.	106.75	Do.
Bartmess, E. M.	Clerk.....	Boise, Idaho. (Apr. 17-May 1, 1908).	Change of official headquarters.....	90.30	Do.
Barnum, C. T...	Expert.....	Ruston, La.....	To carry on tests in treatment of railroad ties.	37.60	Cooperative work, forest investigations, 1908.
Barnes, W. C...	Inspector of grazing.....	Chicago, Denver, Gunnison, Salt Lake, and return. (Jan. 12-31, 1908.)	To Gunnison, Colo., to make general examination of grazing work and to address members of Gunnison Stock Growers' Association, then to Denver to assist in adjusting grazing questions arising at American National Live Stock Association Convention, and then to Salt Lake to attend supervisors' meeting, district 4, and to attend to general grazing matters.	240.15	General expenses, Forest Service, 1908.
Barrett, L. A...	Supervisor.....	Reno, Nev. (Feb. 18-25, 1908).....	Returning to headquarters in West after serving three months' detail in Washington office to assist in administrative work.	100.00	Do.
Bateman, E....	Expert.....	New York City and return. (Nov. 19-21, 1907.)	To confer with manufacturers of chemical glassware on special apparatus for creosote analyses.	17.40	Do.
Bates, C. G.....	Forest assistant.....	Algood, Tenn.; Decatur, Selma, Mobile, Myrtlewood, Evergreen, Montgomery, Selma, Ala.; Memphis, Tenn.; Ozark, Ark.; Poplar Bluff, St. Louis, Mo.; Nashville, Tenn.; Brinkley, Ark.; Louisville, Ky.; Mechanicsburg, Pa., and return. (July 6-Nov. 20, 1907.)	Study of distribution, uses, and silvical characteristics of the hickories.	556.15	Do.
Do.....	.....do.....	Lincoln, McCook, Lincoln, Greensburg, Nebr. (Trip not finished in the fiscal year.) (May 22-June 30, 1908.)	Study of the results of planted forest trees as windbreaks.	201.07	Do.
Benton, Wm. H.	Constructing engineer...	Bellefourche, Whitewood, Camp Crook, S. Dak. (May 29-June 30, 1908.) Trip not completed in fiscal year.	Advising with supervisors in regard to permanent improvement work, and when necessary, taking direct charge of the work in the field.	142.59	Do.
Betts, H. S.....	Engineer in timber tests.	New York City and return. (Oct. 5, 1907.)	To deliver address before Carriage Builders' National Association.	12.00	Do.

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Betts, H. S.....	Engineer in timber tests.	Points in Mississippi, Texas, New Mexico, Arizona, and return. (Jan. 1–Mar. 6, 1908.)	To investigate wood fuel in New Mexico and Arizona, and secure samples for test. To superintend preservative treatment of timber for test purposes at Illinois Central plant in Mississippi and Santa Fe plant in Texas.	$411.35	General expense, Forest Service, 1908.
Besley, F. W...	Collaborator.....	Oakland, Md. (Aug. 5-31, 1907)	Survey of Southern Appalachian watershed...	78.24	Survey and report on Appalachian and White Mountain watershed, 1907–8.
Bigelow, R. L. P.	Supervisor.....	Denver, Colo.; San Francisco, Montague, Cal. (Aug. 28–Sept. 8, 1907.)	Returning to headquarters in West after serving three months' detail in Washington office to assist in administrative work.	130.25	General expenses, Forest Service, 1908.
Boisen, A. T....	Forest assistant.....	(Trip commenced in fiscal year 1907.) Monterey, Chattanooga, Tenn., Huntsville, Ala.; Memphis, Tenn.; Louisville, Ky.; Nashville, Monterey, Tenn.; Delhi, La.; Memphis, Tenn.; Bowling Green, Ky.; Toledo, Ohio; Wellston, Defiance, Ohio, and return. (July 1–Dec. 1, 1907.)	Study of distribution, uses, and silvical characteristics of the hickories.	618.09	Do.
Do.....	.....do.....	Philadelphia, Pa.; Columbus, Ohio, and return. (Jan. 1–17, 1908.)	Study of distribution, uses, and silvical characteristics of the hickories. Educational addresses before societies and institutions.	44.82	Do.
Do.....	.....do.....	Holly Junction, W. Va., and return. (Feb. 29–Mar. 12, 1908.)	Study of distribution, uses, and silvical characteristics of the hickories.	36.95	Do.
Bradfield, Wesley.	.....do.....	Lexington, Ashland, Ky., and return. (July 1–Oct. 26, 1907.)	Study of forest conditions in Kentucky in cooperation with the State.	293.54	Cooperation work, forest investigations, 1908, $234.64. General expenses, Forest Service, 1908, $58.90.
Do.....	.....do.....	Dover, Del.; New York, N. Y.; Newport, Providence, R. I.; New York, N. Y.; Dover, Del.; Philadelphia, Pa., and return. (Jan. 8–Feb. 29, 1908.)	Study of forest conditions and advice as to methods to be followed, in cooperation with private owners and with the War Department.	111.88	Cooperation work, forest investigations, 1908, $10.12. General expenses, Forest Service, 1908, $101.76.
Do.....	.....do.....	Indianapolis, Ind.; Toledo, Ohio, and return. (Mar. 26–Apr. 18, 1908.)	Advising and assisting owners of woodlands in their care, and giving educational addresses before horticultural societies and other institutions in Ohio, Michigan, and Indiana.	70.07	General expenses, Forest Service, 1908.
Do.....	.....do.....	Urbana, Champaign, Carbondale, Ill. (Trip not completed in fiscal year 1908.) (May 18–June 30, 1908.)	Study of forest conditions in Illinois in cooperation with State.	28.49	Do.
Braniff, E. A....	.....do.....	Shawano, Green Bay, Ashland, Odanah, Wis. (Mar. 5–23, 1908.)	Supervision of timber work on Indian reservations in cooperation with Department of Interior.	152.15	Do.
Bristol, H. S....	Expert.....	New York City and return. (Oct. 28–31, 1907.)	To confer with manufacturers of apparatus for the paper-pulp laboratory.	31.10	Do.
Do.....	.....do.....	Akron, Ohio, and return. (Nov. 1–6, 1907.)	To confer with W. C. Geer, collaborator, on the preparation of a circular on the analysis of turpentines.	47.95	Do.
Do.....	.....do.....	Boston, Mass., and return. (Nov. 7–8, 1907.)	To confer with manufacturers of pulp and paper machinery on apparatus for the Forest Service wood-pulp laboratory.	21.35	Do.
Do.....	.....do.....	New York City and return. (Feb. 5–8, 1908.)	To attend annual meeting of the American Pulp and Paper Association and deliver address on wood-pulp experiments of the Forest Service.	23.80	Do.
Do.....	.....do.....	Boston, Mass.; and points in New York and return. (Mar. 17–25, 1908.)	To confer with heads of chemistry departments of several universities in regard to recent employment of graduates at the Forest Service laboratory.	34.69	Do.
Do.....	.....do.....	Philadelphia, Pa., and return. (April 9, 1908.)	To address chemical society on wood-pulp investigations of the Forest Service.	11.00	Do.
Do.....	.....do.....	New York City and return. (May 28–31, 1908.)	To address Oil, Paint and Drug Club of New York on the turpentine investigations of the Forest Service.	16.20	Do.
Bruce, E. S.....	Expert lumberman.....	Fitchburg, Mass.; Forham, N. H.; St. Johnsbury, Vt.; Fabyan, N. H.; Rock Island, Canada; Sawyers River, Canada; Boston, Mass., and return. (July 8–Aug. 7, 1907.)	To obtain prices at which land might be purchased for the proposed White Mountain National Forest in accordance with provision of agricultural appropriation bill for 1907–8.	166.90	Survey and report on Appalachian and White Mountain watershed, 1907–8.
Do.....	.....do.....	Lenoir, N. C.; Blue Ridge, Va.; Knoxville, Newport, Tenn.; Asheville, N. C., and return. (Sept. 2–Oct. 11, 1907.)	To obtain prices at which land might be purchased for proposed Appalachian National Forest in accordance with provision of agricultural appropriation bill, 1907–8.	66.58	Do.
Do.....	.....do.....	Elkins, W. Va.; Cumberland, Md.; Woodstock, Va. (Oct. 21–29, 1907.)	.....do.....	62.74	Do.
Do.....	.....do.....	Woodstock, Va., and return. (Dec. 14–19, 1907.)	.....do.....	29.80	Do.
Do.....	.....do.....	Los Angeles, Cal., and return. (Mar. 14–Apr. 15, 1908.)	To investigate the proposed sale of timber to Brookings Lumber Co., San Bernardino National Forest.	325.00	General expenses, Forest Service, 1908.
Do.....	.....do.....	Green Bay, Shawnee, Wis.; Chicago, Ill., and return. (May 18–June 2, 1908.)	To examine logging operations administered by the Forest Service on the Menominee Indian Reservation.	69.77	Do.
Do.....	.....do.....	Twin Lake Junction, N. Y., and return. (June 15–30, 1908.)	Investigation of logging on timber tract of Cornell University.	52.42	Do.
Brothers, C. S...	Law clerk.....	Points in Colorado and return. (July 4–Aug. 11, 1907.)	Examining supervisor's records relating to special uses and instructing supervisors regarding special-use matters.	201.15	Do.
Bruins, J. F.....	Forest assistant.....	St. Anthony, Idaho, via Chicago, and Salt Lake, Utah. (Aug. 4–24, 1908.)	Returning to headquarters in West, after serving three months detail in Washington office to assist in administrative work and become acquainted with office routine.	77.65	Do.
Burns, Findley..	Expert and chief of publication.	Points in Illinois, Colorado, Utah, California and return. (July 26–Sept. 2, 1907.)	To consult forest officers in regard to methods of silviculture, fire patrol, and range improvement, and to study and discuss means of improving them.	347.40	Do.
Do.....	.....do.....	Points in Illinois, Missouri, and return. (Jan. 6–13, 1908.)	To confer with officers of the General Federation of Women's Clubs on courses of study of forestry.	76.45	Do.
Do.....	.....do.....	New York City and return. (Apr. 2, 1908.)	To see about the preparation of pictures for educational work in schools on the general subject of forestry.	8.00	Do.

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Bunker, Page S.	Supervisor	Chicago, Ill.; Menominee, Wis.; Kalispell, Mont.	Returning to headquarters in West, after serving three months detail in Washington office to assist in administrative work.	$86.50	General expenses, Forest Service, 1908.
Busch, S. H.	Clerk	Ketchikan, Alaska. (Mar. 10–Apr. 3, 1908.)	Change of official headquarters	178.13	Do.
Bushnell, Dwight	Supervisor	Helena, Mont., via Ashland, Ky.; Chicago, Ill.; St. Paul, Minn. (Sept. 28–Oct. 2, 1907.)	Returning to headquarters in West, after serving three months detail in Washington office to assist in administrative work.	78.25	Do.
Carter, Edw. E.	Chief of management	Boston, Mass.; Walcott, Wyo.; Ogden, Utah; Reno, Nev.; Mohaw, Boca, Laws, San Francisco, Sisson, Montague, Sisson, San Francisco, Sacramento, Mereed, Yosemite, Merced, Los Angeles, Cal.; Flagstaff, Williams, Ariz.; Guam, Albuquerque, N. Mex.; El Paso, Tex.; Alamogordo, N. Mex., and return. (July 15–Sept. 30, 1907.)	Instruction of supervisors in handling timber-sale work in National Forests.	659.35	Do.
Do	do	Montgomery, Ala., and return. (Jan. 6–9, 1908.)	To attend organization of Alabama State forestry commission.	65.40	Do.
Do	Chief of management. Jan. 12, 1908, title changed to assistant forester.	Ann Harbor, Mich.; Leadville, Denver, Fort Collins, Colo.; and return Denver, Colo. (Jan. 6–Mar. 10, 1908.)	Educational addresses at University of Michigan. Instruction of supervisors and rangers in timber sale and planting work in National Forests.	285.48	Do.
Do	Assistant forester	Green Bay, Wis., Saginaw, Mich. (Apr. 1–16, 1908.)	Instruction of field officers in handling timber work on Indian reservations in cooperation with Department of Interior.	94.85	Cooperative work, forest investigations, 1908.
Cecil, George H.	Assistant chief of organization.	Points in Texas, New Mexico, Arizona, Colorado, Utah, Arkansas, Missouri, and return. (Apr. 1–June 1 1908.)	To consult with and instruct forest officers regarding the conduct of National Forest business. To look into efficiency of personnel of forests. To prescribe better and more effective methods of keeping National Forest records, both at the supervisor's offices and to men engaged continuously in field work. To look into conditions of roads, trails, telephone lines, etc., built by Forest Service.	515.33	General expenses, Forest Service, 1908.
Chapman, C. S.	Chief of organization	Denver and other points in Colorado, and points in Texas, New Mexico, Arizona, California, Oregon, Washington, Utah, and return. (Aug. 7–Nov. 6, 1907.)	do	789.21	Do.
Do	do	Deadwood, S. Dak.; Denver, Colo.; Salt Lake, Utah; Leadville, Colo.; and return. (Jan. 11–Feb. 12, 1908.)	do	307.80	Do.
Do	do	New York, N. Y.; San Juan, P. R.; and return. (May 22–June 9, 1908.)	To inspect and report upon the Luquillo National Forest.	239.30	Do.
Chittenden, A. K.	Forest inspector (special work).	Baltimore, Md.; Portland, Me.; and points in New Hampshire, Vermont. (Sept. 11–Dec. 31, 1907.)	Survey of White Mountain watersheds	161.77	Survey and report on Appalachian and White Mountain watershed, 1907–1908.
Clapp, E. H.	Chief of timber sales	Rochester, N. Y.; Denver, Durango, Telluride, Denver, Kremmling, Leadville, Colo.; Salt Lake, Ephraim, Utah, and return; Provo, Utah; Gunnison, Monte Vista, Wagon Wheel Gap, Colo.; Santa Fe, Las Vegas, Albuquerque, N. Mex.; El Paso, Tex.; Alamagordo, N. Mex. (July 11–Oct. 4, 1907.)	Instruction of supervisors in handling timber sales on National Forests.	576.66	General expenses, Forest Service, 1908.
Do	Chief of management	Auburn, Montgomery, Ala.; Silver City, Lordsburg, N. Mex.; Douglas, Ariz.; Safford, Phœnix, Williams, Flagstaff, Ariz.; Bakersfield, Visalia, San Francisco, Eureka, Cal.; Grants Pass, Portland, Oreg.; Sumas, Bellingham, Glaciers, Newport, Spokane, Wash.; Wallace, Idaho; Missoula, Mont.; Sandpoint, Idaho. (Trip not finished in fiscal year 1908.) (Apr. 2–June 30, 1908.)	Instruction of field officers on cooperative work and of supervisors in handling timber sales on National Forests.	586.99	
Clark, W. D.	Forest agent	Santa Fe, N. Mex.; Williams, Ariz.; Los Angeles, Cal.; Portland, Oreg.; Seattle, Wash.; Kalispell and Columbia Falls, Mont. (Aug. 3–Sept. 30, 1907.)	Study of growth and yield of western yellow pine and western larch.	273.60	Do.
Cline, McGarvey	Chief of wood uses	Chicago, points in Utah, Colorado, Wyoming, California, Washington, Arizona, and return. (July 19–Oct. 7, 1907.)	Investigating market price work in Chicago lumber markets in West. Investigation of mine timber props, stulls, etc. Examination of timber-testing laboratory on the coast.	601.99	Do.
Do	do	Lafayette, Ind.; Grenada, Miss., and return. (Dec. 14, 1907–Jan. 8, 1908.)	Examination of testing laboratory at Lafayette. Selection of timber for testing purposes in Mississippi.	111.81	Do.
Do	do	Chicago, Ill.; Lafayette, Ind.; Urbana, Ill.; Denver, Colo., and return. (Mar. 16–31, 1908.)	To investigate market price work in Chicago and testing laboratory at Lafayette. To confer with testing engineer at Urbana. To arrange for installation of laboratory at University of Colorado.	166.84	Do.
Do	do	Philadelphia and return. (Apr. 6–9, 1908.)	To attend meeting of committee of American Society for Testing Materials.	16.85	Do.
Do	do	St. Louis, Mo.; Lafayette, Ind.; Butte, Mont.; Pocatello, Idaho, and return. (May 18–June 16, 1908.)	To deliver address before Cooperage Association of St. Louis. To confer with engineer in charge of service laboratory. To investigate market conditions at Butte with special reference to the sale of mine timbers from the National Forests.	279.50	Do.
Do	do	Atlantic City and return. (June 24–26, 1908.)	To deliver an address before American Society for Testing Materials.	28.25	Do.
Cohoon, A. E.	Forest supervisor	Portland, Oreg. (Apr. 1–20, 1908)	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	105.95	Do.

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Coleman, Geo. B	Supervisor	To Sumas, Wash., via Pittsburg, Pa. (Nov. 1–12, 1907.)	Returning to headquarters in the West after serving three months' detail in Washington office to assist administrative work.	$97.50	General expenses, Forest Service, 1908.
Conner, R. E	Clerk	To Ogden, Utah. (May 18–22, 1908)	Change of office headquarters on account of the transfer of supply depot.	94.00	Do.
Coolidge, P. T	Forest assistant	Monte Vista, Colo. (July 5–9, 1907)	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	69.25	Do.
Cox, W. T	Assistant forester	New York City and return. (Sept. 29–30, 1907.)	Arranging for cooperation with private owners of timber land.	17.70	Do.
Do	do	Portland, Bemiss, and Bangor, Me. (Oct. 22–28, 1907.)	Instruction of field parties	50.55	Do.
Do	do	St. Paul, Glenwood, Minn.; Sandpoint, Idaho; Kalispell, Lethbridge, Mont.; Spokane, Wash.; Missoula, Anaconda, Helena, Mont.; Valley City, N. Dak.; St. Paul, Minn. (Oct. 22, 1907–Jan. 13, 1908.)	Instruction of supervisors in timber sale work on National Forests.	447.05	Do.
Do	do	St. Louis, Mo.; Washington, D. C. (April 25–30, 1908.)	To consult with lumbermen as to the practicability of cooperation in the application of forestry to private holdings.	73.50	Do.
Do	do	Green Bay, Shawano, Wis.; Chicago, Ill.; Rock Springs, Kemmerer, Wyo.; Salt Lake, Utah; Denver, Colo. (May 18–June 30, 1908.)	Instruction of officers stationed in field in handling timber and planting work.	309.65	Do.
Craft, C. N	Clerk	Kansas City, Mo., Manhattan, Mankato, Beloit, Lincoln, and return. (Aug. 3–Sept. 4, 1907.)	To give addresses before seven normal institutes and take pictures and measurements of typical planted groves of different trees.	98.50	Do.
Do	do	Ogden, Logan, Utah, Salt Lake City. (May 23–June 30, 1908.) (Trip not completed in fiscal year.)	To supervise the printing of blanks, file cards, and pasters required to stock the Forest Service Supply depot at Ogden, Utah.	155.80	Do.
Crawford, C. G	Chief of Wood Preservation.	San Francisco Fresno Jamestown, and Beckwith, Cal.; Edgemont and Deadwood, S. Dak.; and return. (June 26–Sept. 30, 1907.)	To secure information on the construction and operation of commercial treating plants.	572.26	Do.
Do	do	Pottsville, Pa.; Chicago, Ill.; and return. (Nov. 19–Dec. 2, 1907.)	To supervise Forest Service work in wood preservation.	107.27	Do.
Do	do	Kansas City, Mo., and return. (Jan. 18–26, 1908.)	To attend annual meeting of the Wood Preservers' Association.	97.45	Do.
Do	do	New York, N. Y., and return. (Feb. 3–7, 1908.)	To testify in a suit involving a patent on an appliance for the preservative treatment of timber.	32.70	Do.
Do	do	Chicago, Ill. (March 15–22, 1908)	To attend annual meeting of the American Railway Engineering and Maintenance of Way Association.	74.90	Do.
Do	do	Chicago, Ill.; Pittsburg, Pa.; and return. (May 4–21, 1908.)	To attend meeting of committee on wood preservation of the American Railway Engineering and Maintenance of Way Association.	104.15	Do.
Do	do	Seattle, Wash. (June 29, 1908.) (Trip not completed during fiscal year.)	To supervise and examine wood preservation experimental work of the Forest Service.	105.00	Do.
Crowell, Lincoln	Forest assistant	St. Louis, Mo.; Memphis, Tenn.; New Augusta, Ark.; Memphis, Paris, Bellbuckle, and Knoxville, Tenn.; Washington, D. C. (Feb. 12–Mar. 23, 1908.)	Study of results of forest planting by private owners, and preparation of plans for forest planting in cooperation with private owners.	248.29	Do.
Do	do	Washington, D. C.; New York, N. Y.; Dover, N. J.; Washington, D. C. (Mar. 28–Apr. 19, 1908.)	Supervision of forest planting on military reservation at Picatinny Arsenal, N. J., for War Department. Preparation of plans for forest planting in cooperation with private owners.	52.39	Cooperative work, forest investigations, 1908.
Do	do	Connellsville, Pa., and return. (Apr. 23–28, 1908.)	Study of results of cooperative forest planting and revision of plans for future work in cooperation with private owners.	34.20	Do.
Do	do	Denver, Colo., and points in Wyoming, S. Dak., and return to Washington, Sept. 3, 1908. (Expenses for June 8–30.)	Assisting supervisors in preparation of plans for forest planting on National Forests.	110.15	General expenses, Forest Service, 1908.
D'Allemond, B. R. H.	Forest planting assistant.	Halsey, Nebr.; Denver, Colo. (June 23–30, 1908.)	To take charge of forest at Garden City, Kans.	73.25	Do.
Dana, S. T	Forest assistant	Brunswick, Me.; Portland, Oreg.; Bar Harbor, Me.; Portland, Oreg.; Calais, Me.; Washington, D. C. (Sept. 5, 1907–Jan. 21, 1908.)	Study of extent and importance of the white-pine blight. Study of the uses and silvical characteristics of the paper birch.	377.47	Do.
Do	do	Flagstaff, Ariz.; Santa Fe, N. Mex.; Colorado Springs, Colo.; Holbrook, Prescott, Ariz. (Trip not completed in fiscal year 1908.) (Apr. 22–June 30, 1908.)	Study of methods of securing reproduction of western yellow pine.	332.12	Do.
Detwiler, S. B	do	North Vernon, Ind.; Odin, Ill.; Vincennes, Indianapolis, Liberty, Ind.; Washington, D. C. (July 1–31, 1907.)	Study of results of private forest planting and preparation of planting plans in cooperation with private owners.	115.19	Cooperative work, forest investigations, 1908.
Do	do	Dunbar, Wis. Then went on furlough. (Aug. 12–31, 1907.)	Preparation of plans for forest planting in cooperation with private owners.	51.50	Do.
Dorsey, E. J	Skilled laborer	To Ogden, Utah. (May 18–23, 1908)	Change of official headquarters on account of transfer of supply depot.	88.70	General expenses, Forest Service, 1908.
Eastman, H. B	Forest assistant	Pottsville, Pa., and return. (Dec. 21, 1907–Jan. 1, 1908.)	Examination of treating plant	21.99	Do.
Do	do	New Orleans, Baton Rouge, Shreveport, and Calhoun, La.; Grenada, Miss., and return. (Feb. 1–Mar. 30, 1908.)	To carry on experiments in treating fence posts and other farm timbers in cooperation with the State Agricultural School.	193.15	Do.
Eckbo, N. B	do	Spokane, Wash.; Portland Oreg. (July 11–19, 1907.)	Study of distribution and supply of western red cedar.	86.95	Do.
Eldredge, I. F	do	San Francisco, Cal. (Jan. 12–18, 1908)	To study timber supply and preparation of plans for forest management on Indian reservation in cooperation with Department of Interior.	89.45	Cooperative work, forest investigations, 1908.
Fegan, H. J	Law clerk	St. Louis, Mo. (Nov. 12–23, 1907, inclusive.	Attend trial of violations of twenty-eight-hour law, in connection with Bureau of Animal Industry.	5.96	General expenses, Bureau of Animal Industry.
Do	do	Minneapolis and St. Paul, Minn. (May 30–June 6, 1908, inclusive.)	Legal business of the Bureau of Animal Industry; violations of twenty-eight-hour law.	97.18	Do.

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Fenn, H. E.	Supervisor	St. Anthony, Idaho. (Jan. 3–7, 1908).	Returning to headquarters in the West after serving a three months' detail in Washington office to assist in administrative work.	$83.75	General expenses, Forest Service, 1908.
Flaner, John	Carpenter	Ogden, Utah. (Apr. 16–20, 1908)	Change of official headquarters on account of transfer of supply depot.	83.45	Do.
Fletcher, E. D.	Expert	Green Bay, Wis. (May 12–14, 1908)	Handling timber work on Indian reservations in cooperation with Department of Interior.	20.95	Cooperative work, forest investigations, 1908.
Flory, C. H.	Supervisor	Tacoma, Wash., via Detroit, Mich. (Aug. 16–28, 1907.)	Returning to headquarters in the West after serving a three months' detail in Washington office to assist in administrative work.	99.80	General expenses, Forest Service, 1908.
Foster, J. H.	Forest assistant	Delta, Gunnison, Crested Butte, and Leadville, Colo.; Provo, Salt Lake, Utah; Washington, D.C. (July 20–Sept. 28, 1907.)	Study of distribution, uses, and silvical characteristics of Engelmann spruce.	205.05	Do.
Do	do	Baldwyn and Magnolia, Miss.; East St. Louis, Ill.; St. Louis, Mo.; Jackson and Gloster, Miss.; New Orleans, La.; Washington, D.C. (Nov. 5, 1907, to Jan. 31, 1908.)	Study of forest conditions in Mississippi in cooperation with the State.	338.81	Cooperative work, forest investigations, 1908, $150.44. General expenses, Forest Service, 1908, $188.37.
Do	do	New Haven, Conn. (Mar. 6–June 30, 1908.) (Trip not completed in fiscal year 1908.)	Study of forest conditions and influence of tax laws on the application of forestry in New Hampshire in cooperation with the State.	251.54	Cooperative work, forest investigations, 1908.
French, H. H.	Supervisor	Glenwood Springs, Colo. (Oct. 31–Nov. 4, 1908.)	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	69.20	General expenses, Forest Service, 1908.
Frothingham, E. H.	Chief of compilation	Washington, D. C.; Chicago, Ill.; Delta, Colo.; Salt Lake and Provo, Utah; Delta, Durango, Antonito, and Monte Vista, Colo.; Chicago, Ill.; Washington, D. C. (July 19–Oct. 18, 1907.)	Study of the distribution, uses and silvical characteristics of Douglas fir on National Forests.	307.36	Do.
Gage, C. E.	Clerk (stenographer to Mr. Pinchot).	St. Louis, Mo.; New Orleans, La.; Lansing, Mich.; Denver and Pocatello, Colo.; Ogden, Utah; Boise and Weiser, Idaho; Spokane, Wash.; Helena and Great Falls, Mont.; Sacramento, Madera, Los Angeles, San Francisco, Cal., and return. (May 14–Aug. 7, 1907.)	Stenographer to Mr. Pinchot	404.04	Do.
Geer, W. C.	Expert	Ithaca and return. (July 1–31, 1907)	To do experimental work in the chemical laboratories of Cornell University on the analysis of turpentines.	89.47	Do.
Goddard, W. H.	Acting forest supervisor	Silver City, N. Mex. (June 16–21, 1908.)	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	70.50	Do.
Goshen, G. W.	Clerk	Ogden, Utah. (June 12–20, 1908)	Change of official headquarters on account of transfer of supply depot.	90.37	Do.
Grandjean, E.	Forest supervisor	Boise, Idaho. (June 19–27, 1908)	Returning to headquarters in the West after serving three months detail in Washington office to assist in administrative work	88.00	Do.
Greeley, W. B.	Supervisor	Los Angeles, Cal. (Mar. 3–6, 1908)	do	112.45	Do.
Hadley, W. B.	Forest assistant	El Paso, Tex. (Jan. 25–29, 1908)	do	72.25	Do.
Hafley, F. H.	Forest supervisor	Redding, Cal. (May 29–June 5, 1908)	do	115.85	Do.
Haines, F. N.	do	Kalispell, Mont. (May 28–June 9, 1908.)	do	102.20	Do.
Hall, Wm. L.	Assistant forester	Points in New Hampshire and Maine and return. (Apr. 1–July 30, 1907.)	Direction of work of survey of Appalachian and White Mountain watersheds in accordance with provision of agricultural appropriation bill for 1907.	226.74	Survey and report on Appalachian and White Mountain watershed, 1907–8.
Do	do	Points in Virginia, North Carolina, Kentucky, Tennessee, and return. (Aug. 5–21, 1907.)	do	143.87	Do.
Do	do	Johnson City, Tenn.; Atlanta, Ga.; Norfolk, Va.; Asheville, N. C., and return. (Sept. 2–Oct. 29, 1907.)	do	195.35	Do.
Do	do	Pittsburg, Pa.; New York, N. Y. (Jan. 3–10, 1908.)	do	43.56	Do.
Do	do	Boston, Mass. (Mar. 11–19, 1908)	do	66.04	Do.
Hall, W. N.	Constructing engineer	Denver, Colo.; Opal and Kemmerio, Wyo.; Thompson, Utah; Pueblo, Colo.; and Fort Worth, Tex.; on leave without pay from Nov. 23, 1907, to June 30, 1908. (Sept. 20–Nov. 20, 1907.)	Advising with supervisors in regard to permanent improvement work, and, when necessary, taking direct charge of the work in the field.	222.50	General expenses, Forest Service, 1908.
Hammatt, R. F.	Forest assistant	Safford, Ariz. (Sept. 17–27, 1907)	Returning to headquarters in the West after serving three months detail in Washington office to assist in administrative work.	88.35	Do.
Harris, P. T.	Forest examiner	Laramie, Wyo.; Walcott, Ariz.; Silver Bow, Anaconda, Helena, Butte, Mont. (Oct. 7–28, 1907.)	Assisting supervisors in handling timber sales on National Forests.	76.35	Do.
Hatt, W. K.	Expert	Lafayette, Ind. (May 16, 1908)	Return to official station after conference in Washington.	16.99	Do.
Hawley, L. F.	do	To points in Mississippi, Louisiana, Florida, Georgia, South Carolina, and North Carolina and return. (Jan. 15–Feb. 24, 1908.)	To address Yellow Pine Manufacturers' Association, and to study wood distillation plants and conditions.	174.63	Do.
Herring, W. E.	Chief of engineering	Denver, Colo.; Salt Lake City, Utah; Reno, Nev.; Sacramento, Nevada City, Oakland, Cal.; Portland, Oreg.; Seattle, Sumas, Spokane, Walla Walla, Wash.; Kalispell, Missoula, Mont.; Wallace, Idaho, and return. (July 10–Sept. 4, 1907.)	To examine permanent improvement work on various National Forests. To consult with and instruct engineer regarding permanent improvement work on National Forests.	563.15	Do.
Do	do	Niagara and New York City, N. Y., and return. (Sept. 15–17, 1907.)	To secure information relative to hydro and electric plants and conferences relative to materials to be used for improvement work on the National Forests.	40.55	Do.
Do	do	Denver, Colo., and points in Utah, Idaho, Oregon, Montana and return. (Sept. 19–Oct. 30, 1907.)	To examine permanent improvement work on various National Forests. To consult with and instruct engineers regarding permanent improvement work on the National Forests.	594.30	Do.
Do	do	Points in Utah, Montana, and Washington and return. (Jan. 18–Feb. 27, 1908.)	do	425.70	Do.

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Herring, W. E..	Chief of engineering	Denver, Colo.; Ogden and Salt Lake, Utah; Santa Fe, N. Mex.; Trinidad, Colo.; Fort Smith, Ark.; and St. Louis, Mo., and return. (Mar. 13–May 12, 1908.)	To examine permanent improvement work on various National Forests. To consult with and instruct engineers regarding permanent improvement work on the National Forests.	$416.40	General expenses, Forest Service, 1908.
Helphenstine, R. H., jr.	Clerk.....	New York City and return. (Mar. 16–21, 1908.)	Official business in connection with the installation of an addressing system in the Forest Service.	41.65	Do.
Henderson, W. C.	Law clerk.....	Fort Smith, Rich Mountain, Hot Springs, Little Rock, Waldron, Ark., and return. (Feb. 17–May 30, 1908.)	Investigation of claims work. Examination of claims, investigation of timber trespass cases, and instruction of forest officers in their work on claims and trespass cases on the Arkansas National Forest.	482.70	Do.
Hickey, J. A....	Messenger.....	Ogden, Utah. (Apr. 16–21, 1908)	Change of official headquarters on account of transfer of supply depot.	83.45	Do.
Hill, C. L.....	Forest assistant.....	Montgomery, Florence, Birmingham, Maplesville, Ala.; Artesia, Miss.; Columbia, S. C., and return. (July 13–Nov. 22, 1907.)	To lecture and carry on experiment in treating fence posts in cooperation with the State Agricultural College.	201.38	Cooperative work, forest investigations, 1908.
Do.....	.....do.....	Atlanta, Ga.; Auburn, Ala., and return. (Feb. 15–Mar. 29, 1908.)	.....do.....	66.30	Do.
Hinderer, C. H..	Supervisor.....	Alamogordo, N. Mex., via Pittsburg, Pa. (Mar. 16–24, 1908.)	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	71.85	General expenses, Forest Service, 1908.
Hodson, E. R...	Forest assistant.....	Washington, D. C., New York, N. Y., and return. (June 8–30, 1908.)	Study of the extent and importance of the chestnut bark disease.	103.10	Do.
Hogan, Thos....	Supervisor.....	Kremmling, Colo., via Cincinnati and Denver. (Aug. 10–16, 1907.)	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	73.15	Do.
Holmes, J. S....	Forest assistant.....	Trip commenced May 14, 1907, from Washington, D. C.; Pikesville, Ky.; Catlettsburg, Ky.; Washington, D. C. (July 1–27, 1907.)	Study of forest conditions in Kentucky in cooperation with the State.	99.93	Cooperative work, forest investigations, 1908.
Do.....	.....do.....	Washington, D. C.; Newnan, Ga., and return. (Aug. 20–31, 1907.)	Advising and assisting owners of woodlands in their care.	61.51	General expenses, Forest Service. 1908.
Do	.....do.....	Washington, D. C.; Paintsville, Ky.; Huntington, W. Va.; Washington, D. C. (Sept. 16–Oct. 26, 1907.)	Study of forest conditions in Kentucky in cooperation with the State.	139.49	Cooperative work, forest investigations, 1908, $117.69. General expenses, Forest Service, 1908, $21.80.
Do.....	.....do.....	Washington, D. C., to points in Mississippi and return. (Dec. 16, 1907–Feb. 22, 1908.)	Study of forest conditions in Mississippi in cooperation with the State.	284.54	Cooperative work, forest investigations, 1908.
Do.....	.....do.....	Washington, D. C.; Middleboro, Barbourville, Louisville, Ky. (Trip not completed in fiscal year 1908.) (June 12–30, 1908.)	Study of forest conditions in Kentucky in cooperation with the State.	81.68	Do.
Holroyd, H. B..	.....do.....	Denver and other points in Colorado. (Trip not completed in fiscal year.) (May 18–June 30, 1908.)	To secure the cooperation of wholesale lumbermen in the collection of present prices of various grades of lumber in the markets visited.	159.95	General expenses, Forest Service, 1908.
Howarth, J. A. jr.	.....do.....	Ashland, Shawana, Eland, Junction, Aniwa, Green Bay, Wis.; Duluth, Schley, and Cass Lake, Minn. (Trip not completed in fiscal year, 1908.) (Mar. 6–June 30, 1908.)	Handling timber work on Indian reservations in cooperation with Department of Interior.	265.19	Cooperative work, forest investigations, 1908.
Hughes, J. P....	Lumberman.....	New Haven, Conn., and return. (Oct. 15–18, 1907.)	Educational addresses at Yale University.....	30.00	General expenses, Forest Service, 1908.
Do.....	.....do.....	Roseburg, Oreg., via Chicago, Sacramento, Cal. (Field assignment.) (Oct. 26–31, 1907.)	Assisting supervisors in handling timber sales.	119.20	Do.
Hunt, L. E.....	Engineer in timber testing.	Atlantic City, N. J., and return. (June 24, 1908.)	To attend meeting of American Society for Testing Materials.	8.25	Do.
Jensen, M. C....	Forest agent.....	Norfolk, Va., and return. (Nov. 28–Dec. 3, 1907.)	To secure samples of wood for testing at Yale laboratory.	36.48	Do.
Jones, Zeph.....	Supervisor.....	Kemmerer, Wyo., via Pittsburg, Pa.; Atchison, Kans.; Denver, Colo.; and Rock Springs, Wyo. (Feb. 19–Mar. 3, 1908.)	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	62.10	Do.
Judd, C. S.....	Forest assistant.....	Fort Steele, Wyo. (Field assignment.) (July 13–18, 1907.)	Assisting supervisors in handling timber sales on National Forests.	80.90	Do.
Keach, John.. .	.....do.....	Fort Smith, Ark. (Jan. 21–24, 1908)...	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	38.10	Do.
Kelleter, Paul D.	.....do.....	St. Louis, Mo.; Deadwood, Huron, S. Dak. (Apr. 17–June 30, 1908.) (Trip not completed in fiscal year.)	Investigation of forest homestead and other claims.	227.84	Do.
Kellogg, R. S ...	Chief of wood utilization.	Kaaterskill, N. Y., and return. (Aug. 25–31, 1907.)	To address semiannual meeting of National Association of Box Manufacturers.	32.85	Do.
Do.....	.....do.....	Iuka, West Point, and Durant, Miss. Memphis, Tenn., and return. (Sept. 1–19, 1907.)	To deliver thirteen addresses upon forestry at meetings arranged by Congressman Candler of First Mississippi District.	132.98	Do.
Do.....	.....do.....	Norfolk, Va.; Nashville, Tenn.; Middleboro and Barboursville, Ky. (Oct. 14–Nov. 15, 1907.)	Trip to Norfolk to attend meeting of National Advisory Board on Fuels and Structural Materials. Field work in connection with Appalachian study.	100.31	Survey and report on Appalachian and White Mountain watershed, 1907–8, $87.81. General expenses, Forest Service, 1908, $12.50.
Do.....	.....do.....	Atlanta, Ga. (Nov. 27, 1907).....	Atlanta, Ga., to address meeting of Atlanta section of American Institute of Electrical Engineers.	27.55	Survey and report on Appalachian and White Mountain watershed, 1907–8, $7.55. General expenses, Forest Service, 1908, $20.
Do.....	.....do.....	St. Louis, Mo.; Minneapolis, Minn. (Dec. 1–31, 1907.)	To consult lumber manufacturers' association secretaries upon statistical work.	109.35	General expenses, Forest Service, 1908.
Do.....	.....do.....	Cincinnati, Ohio; Jacksonville, Fla.; Brunswick, Tifton, Waycross, Ga.; New Orleans, La.; Montgomery, Ala. (Feb. 4–16, 1908.)	To Cincinnati to address annual meeting Hardwood Manufacturers' Association. Remainder of trip in connection with superintending studies of Forest Service.	171.15	Do.
Do.....	.....do	Chicago, Ill.; Ann Arbor, Mich.; Cleveland, Ohio. (Feb. 21–29, 1908.)	To Chicago to arrange for study of lumber prices. Remainder of trip to deliver lectures before Michigan Farmers' Institute, University of Michigan, and National Association of Box Manufacturers.	67.37	Do.

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Kellog, R. S....	Chief of wood utilization.	Kansas City, Mo.; Manhattan, Kans.; Alamogordo, Deming, Silver City, Lordsburg, N. Mex.; Douglas, Safford, Globe, Phoenix, Prescott, Flagstaff, Ariz. (Mar. 31–May 6, 1908.)	To attend rangers' meetings in third district..	$308.58	General expenses, Forest Service, 1908.
Kinney, David G	Forest supervisor.....	Libby, Mont.....	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	106.14	Do.
Knapp, J. B....	Engineer in timber tests.	Points in Indiana, Minnesota, Montana, Washington, and Oregon. (Trip not completed.) (May 17–June 30, 1908.)	Inspect conditions of mine timbers and to go to official station at Seattle.	208.12	Do.
Kneipp, L. F...	Chief of control.....	Denver, Glenwood Springs, Colo.; Deadwood, Buffalo Gap, S. Dak., and return. (May 15–Aug. 1, 1907.)	To Denver to confer with chief inspectors; to Glenwood to examine grazing work on Holy Cross National Forest; to Deadwood to begin examination of Black Hills National Forest. Balance of travel in connection with this general examination of the forest.	144.45	Do.
Do.....	.....do.....	Albuquerque and other towns in New Mexico, and points in Arizona, Colorado, Oregon, South Dakota, and Utah. (Dec. 4, 1907–June 30, 1908.)	General administrative work connected with branch of grazing, office, and field examinations, consultations with forest officers and users; attendance at ranger meetings instructing officers in methods of work; making special investigations of complaints—appeals suggesting changes in processes and methods of administration.	1,227.05	Do.
Kummel, Julius F.	Forest assistant.....	Chicago, Ill.; Denver, Colo.; Washington, D. C. (Apr. 3–June 25, 1908.)	Assisting supervisors in preparation of plans for forest planting on Pike National Forest and in care of nursery.	216.60	Do.
Kupfer, C. A....	.....do.....	Des Moines, Iowa; Denver, West Cliff, La Veta, Trinidad, Colo.; Des Moines, Ames, Iowa. (July 26–Nov. 7, 1907.)	Study of results of cooperative experimental tree planting at Iowa State College; assisting supervisors in making plans for reforesting denuded areas within national forests.	359.25	Do.
Do.....	.....do.....	Ames, Iowa; Fargo, N. Dak.; St. Paul, Minn. (Jan. 6–20, 1908.)	Educational addresses on forest planting at Iowa State College and Tri-State Grain and Stock Growers' Association.	102.43	Do.
Do.....	.....do.....	Manhattan, Kans.; Des Moines, Iowa. (Mar. 5–31, 1908.)	Educational addresses on forest planting at twelve farmers' institutes in Kansas.	91.06	Do.
Lafferty, J. B...	Supervisor.....	Weiser, Idaho. (Apr. 1–6, 1908)	Returning to headquarters in the West after serving 3 months' detail in Washington office to assist in administrative work.	100.65	Do.
La Fountain, W. E.	Lumberman.....	Kalispell, Mont. (Nov. 22–28, 1907)...	Check scaling on large timber sale on Lewis and Clark National Forest.	89.58	Do
Lang, D. M.....	Forest assistant.....	Asheville, Whittier, and return. (Apr. 3–May 10, 1908.)	Investigation of timber trespass on Indian reservation in cooperation with the Department of Interior.	82.70	Cooperative work, forest investigations, 1908.
Do.....	.....do.....	Ashland, Green Bay, Wis. (May 12–31, 1907.)	Handling timber work on Indian reservations in cooperation with the Department of Interior.	25.19	Do.
Leavitt, Clyde..	Assistant chief of organization.	Points in Michigan, Missouri, Oklahoma, Texas, New Mexico, Arizona, California, Utah, Colorado, South Dakota, and return. (Nov. 9, 1907, Mar. 14, 1908.)	To consult with and instruct forest officers regarding the conduct of national forest business. To look into efficiency of personnel of forests. To prescribe better and more effective methods of keeping national forests records both at the supervisors' offices and to men engaged continuously in field work. To look into conditions of roads, trails, telephone lines, etc., built by Forest Service.	858.11	General expenses, Forest Service, 1908.
Lichtenthaeler, F. E.	Laboratory assistant in wood chemistry.	Ridgway, Pa.; Buffalo, N. Y.; Utica, N. Y.; Boston and return. (May 18–25, 1908.)	To collect statistics concerning the manufacture of wood distillation products and cooperage in cooperation with the Bureau of the Census.	84.55	Do.
MacGuffey, K. R.	Forest assistant.....	Algood, Knoxville, Tenn. (July 6–Aug. 13, 1907.)	Study of the distribution, uses, and silvical characteristics of the hickories.	94.30	Do.
Mackaye, Benton.	.....do.....	Middleboro, Ky. (Trip not completed in 1908.)	Study of forest conditions in Kentucky in cooperation with the State.	100.65	Do.
MacMurray, R. M.	.....do.....	Kalispell, Mont., via Chicago, St. Paul, and Drummond, Mont. (Sept. 6–12, 1907.) (Field assignment.)	To permanent station in the field.....	98.15	General expenses, Forest Service, 1908, $73.15. Cooperative work, forest investigations, 1908, $25.
McClinton, Miss C.	Clerk.....	Ogden, Utah. (June 2–6, 1908).....	Change of official headquarters on account of the transfer of supply depot.	87.00	General expenses, Forest Service, 1908.
McClure, S. A...	Skilled laborer.....	Ogden, Utah. (May 18–31, 1908).....	.....do.....	89.75	Do.
McGregor, Mrs. Lillian.	Clerk (S. and T.).....	Ogden, Utah. (Apr. 16–21, 1908).....	.....do.....	83.45	Do.
McKenzie, H. E.	Testing assistant.....	New Haven and return. (Nov. 9–Dec. 11, 1907.)	Transferred for temporary duty in New Haven timber-testing laboratory.	32.15	Do.
McKinnan, W. R.	Lumberman.....	Cass Lake, Minn. (Mar. 14–18, 1908.) (Field assignments.)	Assisting supervisors in handling timber sales on National Forests.	45.65	Do.
McMillan, Ross.	Supervisor.....	Las Vegas, N. Mex., via Chicago and Denver. (Nov. 30–Dec. 6, 1907.)	Returning to headquarters in the West after serving three months detail in Washington office to assist in administrative work and become acquainted with the office routine.	85.80	Do.
McVean, M. J...	Clerk.....	Los Angeles, Cal.; Battle, Mont., and Austin, Nev., and return. (Oct. 2–Dec. 20, 1907.)	Investigation of special use and other business on National Forests.	347.90	Do.
Marshall, H. A. E.	Supervisor.....	Albuquerque, N. Mex. (Sept. 18–22, 1907.)	Returning to headquarters in the West after serving three months detail in Washington office to assist in administrative work and become acquainted with the office routine.	82.73	Do.
Martin, J. P....	Constructing engineer...	Roseburg, Oreg. (Oct. 5–12, 1907)	Advising with supervisors in regard to permanent improvement work, and, when necessary, taking direct charge of the work in the field.	121.25	Administration of the National Forests, 1908.
Mast, Wm. H...	Forest assistant.....	Omaha, Nebr., and return. (Feb. 17–29, 1908.)	Study of results of private forest nursery practice.	82.34	General expenses, Forest Service, 1908.
Mell, C. D.....	.....do.....	Boston, Mass.; New Haven, Conn. (Oct. 14–20, 1907.)	Dendrological investigation. Examining technical laboratories at Yale University and Harvard University.	53.75	Do.
Do.....	.....do.....	Ocala, Miami, St. Augustine, Key West, Port Tampa, Fla. (Jan. 13–24, 1908.)	Cooperative work for the office of forest extension. Made a planting plan for the Demellon Phosphate Co., Demellon, Fla. Examined a plantation of exotic trees at Miami, Fla.	136.60	Cooperative work, forest investigations, 1908.

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Melzar, E. A.	Clerk	Points in Colorado, New Mexico, Arizona, California, Nevada, Oregon, Washington, Idaho, Montana, Utah and return. (Jan. 29-May 5, 1908.)	Examination of records and instructions as to keeping them, and as to rendering accounts for payment.	$837.16	General expenses, Forest Service, 1908.
Metcalf, H. C.	Chief of maintenance	New York City and return. (July 29-Aug. 2, 1907.)	To secure information as to the practicability of installing an envelope-addressing machine in the Forest service.	30.10	Do.
Miller, L. C.	Chief section of planting.	Washington, D. C.; Denver, Colo.; Walcott, Wyo.; Boise, St. Anthony, Idaho.; Salt Lake City, Utah; Garden City, Kans.; Oklahoma City, Okla.; Houston, Tex.; Washington, D C. (Sept. 4-Nov. 3. 1907.)	Collecting of forest tree seeds for use on National Forests.	438.84	Do.
Do	do	Washington, D. C.; Salt Lake City, Utah; Garden City, Kans.; Pueblo, Leadville, Palmer Lake, Denver, Colo.; Washington, D. C. (Jan. 17-Feb. 13, 1908.)	Instruction of supervisors and rangers in forest planting, nursery, and seed-collecting work.	262.04	Do.
Do	do	Washington, D. C.; Halsey, Lincoln, Nebr.; Garden City, Kans.; Las Vegas, N. Mex.; Garden City, Kans.; Santa Fe, N. Mex.; Durango, Colo.; Santa Fe, Albuquerque, Silver City, Deming, N. Mex.; Globe, Tempe, Tucson, Benson, Ariz.; El Paso, Tex; Capitan, N. Mex. (Return Washington July 27, 1908.) (Apr. 17-June 30, 1908.)	Instruction of supervisors in care of nurseries on National Forests and study of results of forest planting and nursery work on national forests.	376.32	Do.
Mills, E. A.	Forest agent	Points in Georgia, Florida, Alabama, Louisiana, Texas, California, Washington, Iowa, Minnesota, Illinois, South Carolina, Virginia, West Virginia, Kentucky, and return. (Jan. 13-May 6, 1908.)	To fill requests for lectures on forestry before civic, commercial, and educational bodies, and study needs of schools in connection with education in forestry.	713.82	Do.
Do	do	Bellforte, Pa.; Binghamton, N. Y.; New York City, Jersey City, Washington, D. C. (May 6-12, 1908.)	do	17.53	Do.
Do	do	Burlington, Vt. (May 14, 1908)	do	13.09	Do.
Mitchelson, A. T	Assistant engineer	Points in Colorado, Utah, Idaho, and return to Ogden, Utah, permanent headquarters from Apr. 1, 1908. (Nov. 16, 1907-Apr. 1, 1908.)	Advising with supervisors in regard to permanent improvement work and, when necessary, taking direct charge of the work in the field.	690.80	Administration of the National Forests, 1908.
Moore, F. T.	Clerk	Rochester and return. (Apr. 30-May 3, 1908.)	To arrange and mark large shipment of furniture to the Ogden supply depot.	35.50	General expenses, Forest Service, 1908.
Moore, S. L.	Forest assistant	St. Louis, Mo.; Denver, Leadville, Glenwood Springs, and Delta, Colo. (Jan. 29-Feb. 23, 1908.) (Field assignment.)	To permanent station in the field. To instruct National Forest officers in handling timber sales and other business.	123.45	Do.
Mulford, Walter.	Forest expert	Points throughout Virginia, Tennessee, Georgia, North Carolina, and return. (June 20-Sept. 17, 1907.)	Routine work on Appalachian watersheds. Studies.	461.20	Survey and report on Appalachian and White Mountain watershed, 1907-8.
Do	do	Denver, Colo. (June 16-30, 1908)	Study of silvical results in timber sales on National Forests.	107.15	General expenses, Forest Service, 1908.
Murphy, L.S.	Forest assistant	Kalispell, Mont. (July 1-20, 1907)	Study of timber supply and preparation of plans for cutting on National Forests in Montana.	111.33	Do.
Nelson, J. M., jr.	do	Points in Texas, Missouri, Alabama, and return. (Aug. 25-Sept. 20, 1907.)	To carry on tests in treating railroad ties	223.30	Do.
Do	do	Points in Minnesota, Idaho, Montana, and return. (Mar. 19-Apr. 18, 1908.)	To arrange terms of cooperation with the Hercules, Bunker Hill and Sullivan Mining Co.	254.43	General expenses, Forest Service, 1908, $141.18. Cooperative work, forest investigations, 1908, $113.25.
Do	do	Winnfield, La. (May 5, 1908)	To arrange terms of cooperation and start construction of treating plant with the North Louisiana Telephone Co., Winnfield, La.	37.60	Cooperative work, forest investigations, 1908.
Nespital, W. C. R.	Constructing engineer	Albuquerque, N. Mex., via Chicago, Ill. (Feb. 13-29, 1908.)	Examining permanent improvement work on various National Forests. Consultations with and instructions to engineers regarding such work.	91.45	Administration of the National Forests, 1908.
Norris, Irving	Unskilled laborer	Ogden, Utah. (May 18-23, 1908)	Change of official headquarters on account of transfer of supply depot.	83.45	General expenses, Forest Service, 1908.
Oman, A. E.	Forest assistant	Neihart, Helena, Livingston, Butte, Kalispell, Fortine, Mont.; Spokane, Wash.; Wallace, Idaho; Butte, Mont.; Glenwood Springs, Red Cliff, Glenwood Springs, Colo.; Manhattan, Kans., and return to Washington, D. C. (July 1-Dec. 8, 1907.)	Assisting supervisors in making plans for forest planting on National Forests, and collecting tree seed for use on National Forests.	537.10	Do.
Do	do	Garden City, Kans.; Trinidad, Colo.; Dalhart, Tex.; Trinidad, Colo.; Garden City, Kans., and return to Washington, D. C. (Mar. 5-May 18, 1908.)	Establishing a forest nursery on the Kansas National Forest. Supervision of planting of forest trees on Bureau of Plant Industry experimental farm.	240.19	Do.
Paine, Paul M.	Collaborator	Norfolk and return. (Apr. 21, 1908)	To obtain data on treating plant construction.	34.50	Cooperative work, forest investigations, 1908, $29.50. General expenses, Forest Service, 1908, $5.
Do	do	Chicago, Ill.; Butte, Mont.; Wallace, Idaho. (Apr. 22-30, 1908.)	To carry on experiments in treating mine timbers in cooperation with Hercules Mining Co.	76.70	Cooperative work, forest investigations, 1908.
Patterson. A. B.	Forest assistant	Chicago, Ill.; Escanaba, Osier, Thompson, Little Lake, Ishpeming, Marquette, Negaunee, Lathrop, Rapid River, Trenary, Iron Mountain, Long Lake, Mich.; Leona, Wis.; Saunders, Mich.; Florence, Newald, Wis. (May 21-June 30, 1908.) (Trip not completed during fiscal year.)	Advising and assisting owners of woodlands in their care.	190.87	Cooperative work, forest investigations, 1908, $123.87. General expenses, Forest Service, 1908, $67.
Paul, H. A.	Forest agent	Chicago, Ill., Escanaba, Mich., points in Wisconsin and return. (July 3, 1907, to Jan. 24, 1908.)	To supervise and lay test track in cooperation with the Chicago and Northwestern Railway Co.	592.83	Cooperative work, forest investigations, 1908.
Do	do	Wallace, Idaho. (Mar. 19, 1908)	To carry on experiments in cooperation with the Bunker Hill and Sullivan Mining Co. in treating mine timbers.	63.75	Do.

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Peck, Allan S...	Forest assistant.....	Batavia, N. Y., Chicago, Ill., Milwaukee, Wis., Minneapolis, Minn., Fargo, Edgely, Fargo, Bottineau, Fargo, Bismarck, Dickinson, N. Dak.; Billings, Mont., Deadwood, S. Dak., Denver, Colo., Dalhart, Tex., Manhattan, Kans., Lincoln, Grand Island, North Platte, Lincoln, Nebr., and return to Washington, D. C. (Sept. 26, 1907, to Nov. 9, 1907.)	Study of results of cooperative experimental forest plantations and preparations of plans for new experiments at state institutions and at Bureau of Plant Industry experimental farms.	$361.71	Cooperative work, forest investigations, 1908, $5.01. General expenses, Forest Service, 1908, $356.70.
Do.....	.....do.....	New York, Buffalo, N. Y.; Cleveland, Columbus, Ohio; New York and return to Washington, D. C. (Dec. 14, 1907, to Jan. 11, 1908.)	Preparation of plans for forest planting in cooperation with private owners.	93.75	Cooperative work, forest investigations, 1908, $17.25. General expenses, Forest Service, 1908, $76.50.
Do.....	.....do.....	Knoxville, Tenn., and return via various points in Tennessee, Mississippi, Louisiana, Alabama, and Georgia. (Mar. 7–Apr. 20, 1908.)	Studies of results of methods of forest planting and nursery practice used by private owners.	338.88	General expenses, Forest Service, 1908.
Peters, J. G.....	Forest examiner.....	Hilton Head, S. C., and return. (Mar. 25–Apr. 5, 1908.)	Advising and assisting owners of woodlands in their care. All expenses borne by cooperator.	59.55	Cooperative work, forest investigations, 1908.
Do.....	.....do.....	Garrison, Md., and return. (Apr. 19–23, 1908.)	Advising and assisting owners of woodlands in their care.	3.00	Do.
Pfaender, Max..	Forest agent.....	Louisa, Ashland, Ky., and return to Washington, D. C. (Oct. 4–30, 1907.)	Study of forest conditions in Kentucky in cooperation with the State.	95.81	Do.
Pierce, Chas. R..	Expert.....	Portland, Oreg., San Francisco, Cal., and points throughout Nevada, Idaho, and Montana. (Sept. 18–Oct. 26, 1907.)	Inspection of National Forests and advising forest supervisors regarding trespass, illegal occupancy, and in special-use cases.	388.98	General expenses, Forest Service, 1908.
Pierson, A. H...	Forest assistant.....	New York, N. Y.; Brick Church, N. J.; Northumberland, Pa.; Rochester, N. Y.; Bradford and Corry, Pa.; Cleveland and Toledo, Ohio; Grand Rapids, Mich.; Fond du Lac, Wis.; Rockford and Chicago, Ill.; Lafayette, Ind.; Cincinnati Ohio; and return. (Aug. 1–Oct. 4, 1907.)	To obtain information on uses of wood, especially those used for furniture.	324.58	Do.
Do.....	.....do.....	Huntington, W. Va.; Lexington and Louisville, Ky.; Charleston, W. Va.; and return. (May 19–30, 1908.)	To obtain statistical information concerning the manufacture of lumber, cooperage, and veneer, in cooperation with the Bureau of the Census.	129.10	Do.
Price O. W.....	Associate forester.....	Sheridan, Wyo.; Missoula, Mont.; Spokane, Walla Walla, and Seattle, Wash.; Portland, Oreg.; San Francisco and San Luis Obispo, Cal.; Salt Lake City, Utah; Denver, Colo.; and return to Washington, D. C. (Aug. 14–Oct. 15, 1907.)	Examination of field and office work of forest officers, and instructions to and consultation with them. Consultation with users of National Forests individually and by bodies regarding the policy to be followed in their management.	548.28	Do.
Do.....	.....do.....	Kansas City and return to Washington, D. C. (Jan. 26–31, 1908.)	To attend sessions of and deliver address before Southwestern Lumber Manufacturers' Association.	83.60	Do.
Do.....	.....do.....	Montreal, Canada, and return to Washington, D. C. (Mar. 6–14, 1908.)	To represent Forest Service and deliver address before Canadian Forestry Association.	51.25	Do.
Do.....	.....do.....	New York, N. Y.; and return to Washington, D. C. (Mar. 29–31, 1908.)	To deliver address at Cooper Institute.....	16.45	Do.
Pinchot, Gifford.	Forester.....	St. Louis, Mo.; New Orleans, La.; Lansing, Mich.; Denver, Colo.; Pocatello, Idaho; Ogden, Utah; Boise and Weiser, Idaho; Spokane, Wash.; Helena and Great Falls, Mont.; Sacramento, Madera, and Los Angeles, Cal.; Kansas City, Mo.; Memphis, Tenn. (May 14–Nov. 26, 1907.)	Examination of field and office work of forest officers and instructions to and consultation with them. Consultation with users of National Forests individually and by bodies regarding the policy to be followed in their management.	477.99	Do.
Do.....	.....do.....	Chicago, Ill.; Los Angeles, Cal. (June 15–30, 1908.)	In attendance upon conferences and meetings, and to examine field and office work of forest officers and instruct and consult with them. Consultation with users of National Forests.	118.50	Do.
Plummer, F. G.	Geographer.....	Points in New Mexico, Arizona, California, Oregon, and Washington. (Sept. 7–Nov. 16, 1907.)	Instruction of supervisors and other field officers in mapping and surveying on National Forests.	456.45	Do.
Pollock, Geo. F.	Chief of lands.....	Points in Nebraska, Colorado, Utah, California, Oregon, Washington, Montana, and return. (Aug. 15–Oct. 1, 1907.)	Instruction of supervisors of National Forests in boundary, settlement, uses, and claims work.	416.31	Do.
Do.....	.....do.....	Points in Utah, Idaho, Colorado, South Dakota, Ohio, and return. (Jan. 18–Mar. 17, 1908.)	Attendance at rangers' meetings to give instructions in boundary, settlement, and uses work on National Forests.	413.55	Do.
Pond, R. G.....	Forest assistant.....	Points in Kentucky and return. (Sept. 16–Oct. 25, 1907.)	Study of forest conditions in Kentucky in cooperation with the State.	125.15	Cooperative work, forest investigations, 1908, $70.40. General expense, Forest Service, 1908, $54.75.
Do.....	.....do.....	To Montague, Cal. (Mar. 14, 1908)....	To assume duties at permanent stations in the field.	75.95	General expenses, Forest Service, 1908.
Potter, A. F....	Assistant forester.....	Walcott, Rawlins, Rock Springs, Wyo.; Sacramento, Los Angeles, San Francisco, Cal.; Portland, Pendleton, Oreg.; Wenatchee, Wash.; Salt Lake, Utah; Kansas City, Mo., and return. (Aug. 15–Oct. 31, 1907.)	Field and office examinations of grazing work. Attendance upon stock meetings to confer with users and adjust complaints and range disputes. Investigations of complaints; instructions of forest officers in details of grazing work. Studies of new methods of administration and changes. Reports upon personnel. Boundaries and other features of forest work.	586.45	Do.
Do.....	.....do.....	Chicago, Ill.; Denver, Colo.; Salt Lake City, Utah; Kansas City, Mo., and return. (Jan. 17–30, 1908.)	To Denver to address American National Live Stock Association convention. Confer with administration officers, Forest Service. Make grazing investigations. Salt Lake to address and attend supervisors' meeting, district 4; to meet members of N. W. G. Association, users of National Forests, and to adjust grazing questions which arose.	189.95	Do.

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Pratt, M. B	Forest assistant	To Nevada City, Cal	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	$105.20	General expenses, Forest Service, 1908.
Preston, J. F	Expert	Spokane and Wenatchee, Wash. (July 12-15, 1907.)	Field assignment. Study of distribution and supply of western red cedar.	80.25	Do.
Pullman, R. W.	do	Points in Idaho, Utah, Colorado, Missouri, Nebraska, and return. (July 1-31, 1907.)	To consult with forest officers regarding present methods of forest administration, fire protection, timber cuttings, nursery practice, and management of range.	261.00	Do.
Rebmann, J	Forest assistant	Columbia, S. C.; Priest River and Kooskia, Idaho; Spokane, Republic, and Seattle, Wash.; Kalispell, Mont., and return. (July 15-Nov. 14, 1907.)	Study of distribution and supply of western red cedar.	99.91	Do.
Recknagel, A. B.	do	Points in Georgia, South Carolina, Tennessee, Kentucky, and return. (Sept. 19-Oct. 14, 1907.)	Educational addresses before farmers' institute and other meetings at the request of Members of Congress and State commissioners of agriculture.	165.17	Do.
Do	do	Points in Georgia and return. (Nov. 8-Dec. 2, 1907.)	Educational addresses at county seats at the request of a Member of Congress.	148.23	Do.
Do	do	Points in Kentucky, Ohio, and West Virginia, and return.	Educational addresses before farmers' institutes at the request of State commissioners of agriculture.	56.95	Do.
Do	Chief of section of reconnaissance.	To Albuquerque, N. Mex.; and points in Colorado, Utah, and Idaho. (Trip not completed.) (Apr. 30-June 30, 1908.)	Instructing field parties and assisting supervisors in making plans for handling timber sales on National Forests.	492.33	Do.
Record, S. J	do	Williamsport, Pa. (Nov. 4-14, 1907)	Advising and assisting owners of woodlands in their care. All expenses borne by cooperator.	76.65	Cooperative work, forest investigations, 1908, $59.75. General expenses, Forest Service, 1908, $16.90.
Do	do	Indianapolis and Crawfordsville, Ind.; Fort Smith, Ark. (Dec. 14-16, 1907.)	To permanent station in field	37.80	General expenses, Forest Service, 1908.
Do	do	Columbia Falls, Kalispell, Libbey, Mont.; Spokane, Wenatchee, Seattle, Bellingham, Tacoma, Wash.; Portland, Oreg.; Missoula, Mont., and return. (July 2-Aug. 25, 1907.)	Study of distribution and supply of western red cedar.	464.46	Do.
Ringland, A. C.	Chief of boundaries	Points in Montana, Washington, Oregon, Idaho, California, New Mexico, and return. (Aug. 20-Nov. 4, 1907.)	Examination of National Forest boundaries, examination of homesteads, instruction at ranger meetings.	523.76	Do.
Do	do	Points in Texas, Louisiana, New Mexico, Arizona, Colorado, Arkansas, Tennessee, and return. (Apr. 1-May 18, 1908.)	Attendance at ranger meetings to give instruction in boundary, settlement, uses, and claims cases on National Forests.	398.53	Do.
Rogers, D. N	Forest assistant	Bakersfield, Cal. (July 11-17, 1907)	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	91.00	Do.
Rothkugel, Max.	do	Wenatchee, Spokane, Washington, Salt Lake, and return. (Sept. 1-Dec. 13, 1907.)	Assisting supervisors in mapping and cruising timber, and in the preparation of plans for sales on National Forests.	516.80	Do.
Do	do	San Juan, P. R., and return. (Feb. 19-June 16, 1908.)	On detail as acting supervisor of the Luquillo National Forest, Porto Rico.	382.86	Do.
Do	do	Flagstaff, Ariz. (June 26-30, 1908.) (Trip not completed in fiscal year.)	Preparation of a working plan for the Coconino National Forest.	77.60	Do.
Sackett, H. S	do	Norfolk, Va.; Elizabeth, Fayetteville, Wilmington, Charlotte, Asheville, Salisbury, Winston-Salem, N. C.; Columbia, Charleston, S. C., and return. (May 20-June 7, 1908.)	To secure the lumber cut of various mills in Virginia and North and South Carolina for the year 1907; this was cooperative work between the Forest Service and the Bureau of the Census.	137.60	Do.
Do	do	Rochester, Buffalo, Pittsburg, and return. (June 19-30, 1908.)	To secure the cooperation of wholesale lumbermen in the collection of present prices of various grades of lumber in the markets visited.	75.99	Do.
Santucci, Joe	Messenger	Ogden, Utah. (Apr. 25-May 1, 1908)	Change of official headquarters on account of transfer of supply depot.	87.35	Do.
Satterlee, Jerome B.	Clerk	Deadwood, S. Dak., and return. (Oct. 2-Nov. 7, 1907.)	Investigation of unlawful inclosures and fraudulent mining claims in the Black Hills National Forest settlements under the act of June 11, 1906.	147.38	Do.
Schmidt, C. H	do	Ogden, Utah. (May 18-23, 1908)	Change of official headquarters on account of transfer of supply depot.	88.45	Do.
Shaw, A	Principal examiner	Denver, Colo.; Salt Lake, Utah; Seattle, Wash., and points in Oregon and California. (July 1-Oct. 19, 1907.)	Inspection of National Forests and assistance to forest supervisors in illegal occupancy cases.	436.29	Do.
Do	do	Saginaw, Mich.; Columbus, Ohio. (Nov. 9-16, 1907.)	Attended and addressed a meeting of the forest associations of the lake States.	56.55	Do.
Do	do	Denver, Colo.; and points in Wyoming. (Nov. 30-Dec. 14, 1907.)	Investigation and assistance to the supervisor of the Medicine Bow (now Cheyenne) National Forest in the case of timber trespass by John C. Teller, of Denver, Colo., and the Union Pacific Railroad Co.	99.75	Do.
Do	do	Iowa City, Iowa; Missoula and Helena, Mont. (Feb. 21-Mar. 11, 1908.)	Inspection of Bitter Root (Montana) National Forest with respect to certain alleged illegal occupancy cases.	219.50	Do.
Shaw, E. W	Forest supervisor	Denver, Colo. (June 11-15, 1908)	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	66.08	Do.
Sherfesee, W. F.	Forest assistant	Knoxville, Tenn., and return. (July 18-20, 1908.)	To deliver lectures on forestry	33.40	Do.
Do	do	Montgomery, Ala.; Montgomery to New Orleans, La., between points in Louisiana and Alabama and return. (Oct. 26-Nov. 19, 1907.)	To examine treating plants and advise concerning a State forest law for State of Alabama.	193.22	Do.
Do	do	Philadelphia and Pottsville and return. (May 28-31, 1908.)	To examine treating plant in cooperation with Philadelphia and Reading Co.	23.29	Cooperative work, forest investigations, 1908, $13.55. General expense, Forest Service, 1908, $9.74.
Skeels, Dorr	do	Wallace, Idaho	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	90.85	General expenses, Forest Service, 1908.
Slosson, W. M	Supervisor	Santa Barbara, Cal. (Dec. 4-10, 1907)	do	98.45	Do.

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Smith, A. M....	Property clerk.....	New York and return. (Oct. 14-23, 1907.)	Investigation of office appliances.....	$18.35	General expenses Forest Service, 1908.
Do.....	.....do.....	Rochester, N. Y., and return. (Mar. 26-29, 1908.)	Arranging for shipment of furniture to Ogden, Utah.	33.25	Do.
Do.....	.....do.....	Ogden, Utah. (Apr. 18-30, 1908).....	Change of official headquarters on account of transfer of supply depot.	101.00	Do.
Smith, C. S.....	Forest assistant.....	Pottsville, Pa., and return. (Aug. 21-Sept. 10, 1907.)	Examination of treating plants.....	58.27	Do.
Do.....	.....do.....	New Haven, Conn. (Oct. 23-31, 1907).	Field assignment to carry on experiments in treating timber with preservatives.	42.25	Do.
Smith, F. H....	Expert.....	Philadelphia, Pa., and return. (Mar. 25-31, 1908.)	To obtain a list of grades and species of wood and other detailed information concerning present prices of lumber in the Philadelphia market.	23.85	Do.
Do.....	.....do.....	Chicago, Ill.; Minneapolis, Minn.; Omaha, Nebr.; Kansas City, St. Louis, Mo.; Memphis, Tenn.; Cincinnati, Ohio, and return. (Apr. 1-May 21, 1908.)	To secure the cooperation of wholesale lumbermen in the collection of present prices of various grades of lumber in the markets visited.	279.13	Do.
Smith, Herbert A	Expert and editor.....	Los Angeles, Cal., and return. (Nov. 28-Dec. 24, 1907.)	To inspect the work of forest officers and investigate forest conditions.	334.97	Do.
Smith, Percy G.	Contracting engineer....	Sheridan, Wyo. (May 26-30, 1908)....	Advising with supervisors in regard to permanent improvement work, and when necessary, taking direct charge of the work in the field.	79.45	Administration of the National Forests, 1908.
Spencer, F. C...	Supervisor.....	Monte Vista, via Mansfield, Ohio, and Chicago, Ill. (Apr. 29-May 8, 1908.)	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	73.40	General expenses, Forest Service, 1908.
Spring, Samuel N	Chief of extension.....	Pocatello, Idaho; Salt Lake, Utah; Salt Lake, Utah, to Los Angeles, Cal.; Los Angeles, Cal., to Santa Barbara, Cal., and return; Los Angeles, Cal., to Silver City, N. Mex.; Silver City, N. Mex., to El Paso, Tex.; El Paso, Tex., to Carrizozo, N. Mex.; Carrizozo, N. Mex., to Santa Fe, N. Mex.; Santa Fe, N. Mex., to Las Vegas, N. Mex.; Las Vegas, N. Mex., to Denver, Colo.; Denver, Colo., to Washington, D. C. (July 9, 1907, to Aug. 11, 1908.)	Instructing supervisors in forest planting and nursery work on National Forests.	377.30	Do.
Do.....	.....do.....	Washington, D. C., to Trenton, N. J.; New York, N. Y., to Lake Clear Junction, N. Y.; Plattsburg, N. Y., to Washington, D. C. (Oct. 17-20, 1907.)	Study of results of cooperative experiments in nursery work and plans for further experiments at private and state nurseries.	51.80	Do.
Do.....	.....do.....	Washington, D. C., to St. Louis, Mo.; Effingham, Ill., to Wheeling, W. Va.; Wheeling, W. Va., to Washington, D. C. (Jan. 31-Feb. 6, 1908.)	Study of results of private forest planting and arranging for cooperative experimental planting.	71.60	Do.
Do.....	.....do.....	Washington, D. C., to New York, N. Y.; New York, N. Y., to Albany, N. Y.; Albany, N. Y., to Washington, D. C. (Mar. 26-30, 1908.)	Conference with New York State forester regarding proposed publication of the Forest Service.	37.20	Do.
Do.....	.....do.....	Washington, D. C., to Morrisville, Pa.; New York, N. Y., to Washington, D. C. (Apr. 30-May 3, 1908.)	Study of results of private forest nursery practice.	24.12	Do.
Stabler, H. O...	Forest assistant.....	Lansing to Ausable, Mich.; Grayling to Lansing, Mich.; Lansing to Marquette, Mich., and return. (Mar. 24-Apr. 24, 1908.)	Returning to headquarters in the West after serving three months' detail in Washington office to assist in administrative work.	201.37	Do.
Stahl, C. J.....	Forest supervisor.....	Westcliffe, Colo. (June 16-30, 1908) ..	.....do.....	84.20	Do.
Studley, H. F...	Forest assistant.....	Deadwood, S. Dak. (Apr. 11-14, 1908).	.....do.....	48.65	Administration, etc., forest reserves.
Staley, W. F....	Clerk.....	Deadwood, S. Dak.; Minot, N. Dak.; Newport, Wash. (May 30-June 30, 1908.) (Trip not completed in fiscal year.)	Inspection of Kaniksu and Pend d'Oreille forests.	179.40	General expenses, Forest Service, 1908.
Sterrett, W. D..	Forest assistant.....	Silver City, Albuquerque, N. Mex.; Kansas City, Mo.; Rock Island, Ill., and return. (July 6-Nov. 19, 1907.)	Assisting supervisors in cruising timber and in the preparation of timber sales on National Forests. Study of forest conditions at Rock Island Arsenal Military Reservation in cooperation with the Department of War.	697.92	Do.
Sudworth, Geo. B.	Assistant forester.....	Chapel Hill, N. C.; Jacksonville, Fla. (Nov. 29-Dec. 10, 1907.)	Examine work in conjunction with University of North Carolina on characteristics of pine resins.	97.05	Do.
Do.....	.....do.....	Chapel Hill, N. C.; Jacksonville, Fla. (Feb. 5-15, 1908.)	Examine work and make suggestions being carried by Forest Service employee on turpentine orcharding.	81.55	Do.
Do.....	.....do.....	New York, N. Y. (Mar. 17-25, 1908)..	To confer concerning the proposed preparation of a forest exhibit for educational purposes.	33.04	Do.
Surface, H. E...	Laboratory assistant in wood chemistry.	Cadosia, N. Y., and return. (May 21-June 3, 1908.)	Collection of statistics from delinquent manufacturers of wood distillation products.	69.51	Do.
Thelen, Rolf....	Engineer in timber tests.	Cleveland, Ohio; Cleveland to Cedar Gap, Mo.; Springfield, Ill., to Washington. (Jan. 8-20, 1908.)	To examine telephone wire and brackets in view of purchase.	59.48	Do.
Do.....	.....do.....	Atlantic City and return. (June 23, 1908.)	To deliver address before American Society for Testing Materials.	8.25	Do.
Thurston, H. W.	Supervisor.....	Points in Colorado, Vermont, California, Oregon, and return. (Jan. 25-Feb. 9, 1908.)	To meet chief inspectors and confer with them on administration matters.	300.20	Do.
Do.....	.....do.....	Cody, Wyo. (Headquarters in field.) (Mar. 30-Apr. 7, 1908.)	Returning to headquarters in the West after serving three months detail in Washington office to assist in administrative work.	84.55	Do.
Uhler, W. S....	Lumberman.....	Livingston, Mont. (Mar. 6, 1908).....	Assisting supervisors in handling timber sales on National Forests.	58.55	Do.
Varela, A. G....	Photographer.....	Philadelphia and New York and return. (Dec. 12-13, 1907.)	Looking into merits of blueprint apparatus in regard to purchase of same.	21.15	Do.
Do.....	.....do.....	Philadelphia and return. (May 29-31, 1908.)	.....do.....	8.00	Do

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Von Bayer, Wm. H.	Chief of reconnaissance..	Washington, D. C., to Deadwood, S. Dak.; Deadwood, S. Dak., to Billings, Mont.; Butte, Mont., to Salt Lake, Utah; Salt Lake, Utah, to Walla Walla, Wash.; Pasco, Wash., to Seattle, Wash.; Seattle, Wash., to Columbia River, Wash.; Quincy, Wash., to Spokane, Wash.; Spokane, Wash., to Washington, D. C. (July 6, 1907, to Sept. 30, 1908.)	Preparation of plans for reforesting denuded areas within National Forests. Investigation of results and possibilities of forest planting in Washington and Oregon on irrigated lands.	$528.00	General expenses, Forest Service, 1908.
Do	....do	Washington, D. C., to Rock Island, Ill.; Chicago, Ill., to Munising, Mich., Negaunee, Mich., to Chicago, Ill.; Moline, Ill., to Washington, D. C. (Oct. 11–Nov. 7, 1907.)	Preparation of plans for forest planting in cooperation with private owners.	174.56	Cooperative work, Forest investigations, 1908, $58.08. General expense, Forest Service, 1908, $116.48.
Wales, F. C	Constructing engineer...	Denver, Colo., and points in Utah, Montana, Idaho, and return. (Sept 19, 1907, to Jan. 3, 1908.)	Advising with supervisors in regard to permanent improvement work, and, when necessary, taking direct charge of the work in the field.	564.25	General expenses, Forest Service, 1908.
Do	....do	Albuquerque and other points in New Mexico, and points in Arizona, Texas, Missouri, and return. (May 19–June 23, 1908.)	Examining permanent improvement work on various National Forests; consulting with and advising relative to such work. Consultations with and instructions to engineers regarding permanent improvement work on the National Forests.	389.48	Do.
Warner, J. D	Forest assistant	Missoula, Mont. (Oct. 9, 1907)	Assisting supervisors in handling timber sales on National Forests.	78.75	Do.
Weigle, W. G	Assistant chief management.	Trip commenced in fiscal year 1907. Magdalena, N. Mex., to El Paso, Tex.; El Paso, Tex., to Washington, D. C. (July 1–Aug. 14, 1907.)	Instruction of supervisors in handling timber sales on National Forests.	317.40	Do.
Do	....do	Washington, D. C., to Sheridan, Wyo.; Sheridan, Wyo., to Seattle, Wash.; Seattle, Wash., to Portland, Oreg.; Portland, Oreg., to Roseburg, Oreg.; Roseburg, Oreg., to La Grande, Oreg.; Baker City, Oreg., to Salt Lake, Utah; Salt Lake, Utah, to Austin, Nev.; Tonopah, Nev., to Battle Mountain, Nev.; Battle Mountain, Nev., to Austin, Nev., and return; Battle Mountain, Nev., to Reno, Nev.; Reno, Nev., to Mohawk, Cal.; Beckwith, Cal., to Reno, Nev.; Reno, Nev., to Nevada City, Cal.; Colfax, Cal., to Sacramento, Cal.; Sacramento, Cal., to Portland, Oreg.; Portland, Oreg., to Seaside, Oreg., and return; Cascade Locks, Oreg., to La Grande, Oreg.; La Grande, Oreg., to Boise, Idaho; Boise, Idaho, to Logan, Utah; Logan, Utah, to Butte, Mont.; Big Timber, Mont., to Red Lodge, Mont.; Red Lodge, Mont., to Livingston, Mont.; Livingston, Mont. to Missoula, Mont.; Missoula, Mont., to Helena, Mont.; Helena, Mont., to St. Paul, Minn.; St. Paul, Minn., to Cass Lake, Minn.; Cass Lake, Minn., to Brewster, Minn.; Ashland, Wis., to Madison, Wis.; Madison, Wis., to Shawano, Wis.; Chicago, Ill., to Washington, D. C. (Sept. 26, 1907–Mar. 30, 1908.)	Instruction of supervisors in handling timber sales on National Forests, and of field officers engaged in cooperative work.	1,056.46	Do.
Do	....do	Washington, D. C., to Whittier, N. C.; Asheville, N. C., to Washington, D. C. (Apr. 21–29, 1908.)	Investigation of timber trespass on Indian reservation in cooperation with Department of Interior.	49.70	Do.
Do	....do	Washington, D. C., to Harrisburg, Pa.; Harrisburg, Pa., to Chicago, Ill.; Minneapolis, Minn., to Portland, Oreg.; Portland, Oreg., to Roseburg, Oreg. (Trip not finished in fiscal year 1908.) (May 3–June 30, 1908.)	Instruction of supervisors in handling timber sales on National Forests. Study of forest conditions on private lands to determine practicability of applied forestry in cooperation with owner.	203.06	Do.
Weir, T. B	Clerk	Helena, Mont. (Nov. 24–28, 1907)	Change of official headquarters	80.45	Administration of Forest Reserves.
Weiss, H. F	Forest assistant	Bogalusa, New Orleans, La.; Scranton, Gulfport, Miss.; and return. (Nov. 7–Dec. 10, 1907.)	To carry on experiments in testing yellow pine timber in cooperation with the Great Southern Lumber Co. Examination of treating plants in New Orleans, Gulfport, and Scranton.	165.09	General expenses, Forest Service, 1908.
Do	....do	New Haven, Conn., and return. (Feb. 21–28, 1908.)	To supervise experiments in treating timber at the Yale laboratory.	32.65	Do.
Do	....do	Ann Arbor, Mich.; Chicago, Ill.; Columbus, Ind.; Milwaukee, Wis.; Louisville, Ky.; and return. (May 12–21, 1908.)	To consult concerning wood preservation work, to work up plans for an experimental laboratory in wood preservation in cooperation with the Power and Mining Machinery Co., and to arrange terms of cooperation with the Indianapolis, Columbus and Southern Traction Co.	95.52	Do.
Wells, P. P	Expert and law officer...	New Haven, Conn.; Atlantic City, N. J.	Investigated qualifications of experts proposed for employment by Forest Service; attended and addressed annual meeting of American Institute of Electrical Engineers at Atlantic City.	23.25	Do.
Wheaton, W. R.	Engineer in timber tests.	Worcester, Mass.; Denver, Colo.; Ogden, Utah; Deadwood, S. Dak.; Butte, Mont.; St. Anthony, Idaho; and return. (Mar. 18–May 26, 1908.)	To deliver lecture at Worcester Polytechnic Institute. To locate and arrange cooperation for treating plants on the National Forests.	551.50	Do.
Do	....do	Denver, Glenwood Springs, and Colorado Springs, Colo. (June 5–30, 1908.). (Trip not completed in fiscal year 1908.)	To locate and arrange cooperation for treating plants on the National Forests.	138.50	Do.
Wheeler, B. L.	Expert miner	Helena and Butte, Mont. (June 14–30, 1908.) (Trip not completed in fiscal year.)	Examination of mining claims on Helena National Forest and Hell Gate (E) National Forest.	128.20	Do.

Statement showing the names of officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) who traveled on official business from Washington to points outside of the District of Columbia during the fiscal year 1908, etc.—Continued.

FOREST SERVICE—continued.

Name.	Title.	Destination.	Business or work.	Total expense.	Appropriation.
Wheeler, John..	Unskilled laborer.....	Ogden, Utah. (May 18-23, 1908).....	Change of official headquarters on account of transfer of supply depot.	$83.45	General expenses, Forest Service, 1908.
Whittleton, R.R.	Clerk.....	New York, N. Y., and return. (July 29-Aug. 3, 1907.)	Installation of an addressing system in the Forest Service.	31.20	Do.
Do.....	.....do.....	New York, N. Y., and return. (Mar. 16-21, 1907.)	.....do.....	40.85	Do.
Will, Thos. E...	Collaborator.....	Chicago and return. (July 3-9, 1908)..	To fill requests for lectures on forestry before civic, educational, and commercial bodies, and to study needs of schools in education in forestry.	75.00	Do.
Do.....	.....do.....	Huntington, Long Island, New York City; Boston, Fabyan, N. H.; and return. (Aug. 2-17, 1907.)	To fill requests for lectures on forestry before civic and social bodies, schools, fairs, etc., and study needs of schools and organize educational work in forestry.	79.90	Do.
Do.....	.....do.....	Points in North Carolina, Georgia, South Carolina, Virginia, and return. (Sept. 24-Oct. 26, 1907.)	To fill requests for lectures on forestry before civic, commercial, and educational bodies, and study needs of schools in connection with education in forestry.	213.09	Do.
Do.....	.....do.....	Philadelphia and return. (Nov. 1, 1907.)	.....do.....	8.14	Do.
Do.....	.....do	Points in Wisconsin, Michigan, Ohio, Illinois, Kentucky and return. (Nov. 4-Dec. 3, 1907.)	.....do.....	193.63	Do.
Winkenwerder, H. A.	Forest assistant.....	Louisville, Ky., and return. (July 16-19, 1907.)	.....do.....	46.50	Do.
Do.....	.....do.....	Johnson and Burlington, Vt.; New York City and return. (July 25-28, 1907.)	.....do.....	41.26	Do.
Do.....	.....do.....	Nashville, Knoxville, Chattanooga, Tenn.; Salisbury, N. C.; and return. (Aug. 16-30, 1907.)	To fill requests for lectures on forestry before civic, commercial, and educational bodies, schools, fairs, etc., and study needs of schools in connection with education in forestry.	43.95	Do.
Do.....	.....do.....	Chicago, Princeville, and Peoria, Ill., and return. (Sept. 9-15, 1907.)	.....do.....	61.00	Do.
Do.....	.....do.....	Gainsville, Ga.; Murphy, N. C.; Atlanta, Ga.; Chattanooga, Tenn., and return. (Oct. 26-Nov. 22, 1907.)	.....do.....	133.64	Do.
Woodward, K. W.	.....do.....	Chicago, Ill., to St. Paul, Minn., to Miles City, Logan, Helena, Missoula, Forsythe, Mont. (Full assignment.) (Apr. 4-30, 1908.)	Study of timber supply on National Forests and on private holdings in Montana.	166.83	Cooperative work, forest investigations, 1908, $87.43. General expenses, Forest Service, 1908, $79.40.
Yarbrough, J. D.	Packer.....	Ogden, Utah. (Apr. 16-21, 1908)	Change of official headquarters on account of transfer of supply depot.	83.45	General expenses, Forest Service, 1908.
Zon, Raphael...	Chief of silvics.....	Monterey, Tenn., and return. (Aug. 5-12, 1907.)	Instruction of field parties engaged in silvical work.	56.20	Do.
Do.....	.....do.....	New York, N. Y., and return. (Sept. 3-5, 1907.)	Address before the American Society of Civil Engineers.	20.75	Do.
Do.....	.....do.....	Sheridan, Wyo.; Helena, Mont.; Butte, Mont.; Walcott, Wyo.; Grand Island, Nebr. (Oct. 10-Nov. 1, 1907.)	Study of results of technical methods in forestry on National Forests. Instruction of field parties engaged in silvical work.	232.05	Do.
Do.....	.....do.....	Lincoln, Nebr.; Delta, Pueblo, Montevista, Colorado Springs, Denver, Colo.; Deadwood, S. Dak.; Ann Arbor, Mich. (Feb. 10-Mar. 14, 1908.)	Instruction of supervisors and rangers in the application of forestry on the National Forests. Educational addresses at University of Michigan.	264.16	Do.
Do.....	.....do.....	New York, N. Y., and return. (June 2-5, 1908.)	Conference with state forester of Connecticut and others to arrange for cooperative experiments in forestry practice.	25.10	Do.

Mr. CARTER. Mr. President, passing from the lecture field I come now to the practical work being performed by the forestry rangers in the timber. Here I wish to bear witness to the general excellency of the force; but the reckless extravagance which seems to accompany this service as a shadow that never will down, enters the forest and pursues the forester. Instead of going through the forests during the season when fire is likely to break out and require control, with a tent and camping outfit, the money appropriated by Congress has been employed to build cottages. I will say to the Senator from Maine [Mr. HALE] that some of these cottages would not look out of place at Bar Harbor. [Laughter.] Where poles are numerous and fences can be readily made of wood, woven wire is shipped in from Chicago or elsewhere to build beautiful fences around these forest cottages of the Queen Anne style.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. Just a moment, if the Senator will permit me. In order that the forester or the ranger may not be inconvenienced he has a patent gate, with a little spring, to enable him to lift the gate gently, so that he may ride up without "lighting," as they say down South. [Laughter.]

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. I do.

Mr. HALE. Does the Senator mean to say that it is a general feature of this remarkable performance that, instead of tents and temporary structures and such covering as all of us know accompany life in the forest of the lumberman, the prospector, where the luxury which the Senator has indicated is as far away as it is in the Sahara—does the Senator mean to say that that is a general feature of this remarkable performance these luxurious cottages have been built for the accommodation of employees of the Government and that hundreds of thousands of dollars have been spent on that feature? This is a surprise, Mr. President. The country apparently has the view that this is simply a scheme necessary for the preservation and conservation—that is the term—of the forests, and that it is being done in a simple way, and done at the least possible expenditure of the government funds, and that it is not to build up comfortable and luxurious places for the employees of the Government. Does the Senator from Montana mean to say that that is a general feature of this performance?

Mr. CARTER. Mr. President, I only speak of it as a feature in the reservation with which I am familiar.

Mr. DOLLIVER. Mr. President——

Mr. CARTER. There is an effort being made to secure larger appropriations from year to year, I am informed, to build these permanent places. I have not visited any of them, but they certainly would house and carefully shelter from the weather any of the luxuries of life with which most of us happen to be acquainted.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. I do.

Mr. DOLLIVER. Is not the Senator from Montana aware that these are all log houses, costing, each of them, less than $500?

Mr. CARTER. Mr. President, some of the most expensive——

Mr. DOLLIVER. And that they have to be occupied in winter as well as in summer?

Mr. CARTER. Mr. President, there is this peculiarity connected with the matter: The forest is in no danger from fire in the winter season.

Mr. DOLLIVER. It is in danger from the thieves, however, who are trying to steal the timber, I presume.

Mr. CARTER. Mr. President, the thieves, if any, must go in from the settlements over well-known highways.

Mr. DOLLIVER. I understood the Senator to say that the object of the forestry system, when he was fathering it, was to protect against thieves and fire, and that the fires occur only in the summer time, possibly. I presume that the thieves hang around there all the time.

Mr. CARTER. Mr. President, in the Yellowstone National Park the beaver and other fur-bearing animals are found. The poachers come from all over the continent to poach on those fur-bearing animals, and in order to prevent their depredations the Government employs scouts to guard the animal life. Those scouts travel on snowshoes, carrying their food with them through that part of the country during the winter time, and thus they are in truth and in fact an effective protection. The man who desires to steal timber will not be much deterred if he knows where the guard is located—in a good, warm, and comfortable place—and they put the flag up so that no man need make any mistake as to where the guard is located in the winter time.

Mr. DOLLIVER. But the fact is that timber is not stolen, and the fact is that fires do not destroy it. The fact is that if fire had occurred in these government forest reservations in the same ratio that it occurred last year on private forest property there would have been a loss of $35,000,000 to the Government of the United States and to the people.

Another thing I think I ought to say. I share the enthusiasm of the honorable Senator from Maine [Mr. HALE] for economy; but I call his attention to the fact that we are dealing with real-estate property of nearly 200,000,000 acres, and that all the appropriations, even at the highest limit that has been suggested, for their protection and for their administration as a property do not amount to 2 cents an acre; and I believe it belittles the Senate to have such a controversy as we have here.

Mr. CARTER. Situated as these mighty forests are on the mountains, they are guarded by the people to no inconsiderable extent, for the forests are the heritage of the children of those residing near their borders. Forest fires are put out more frequently by the citizens, according to my information, than by the rangers. I remember in one forest reservation, between the town of Helena, where I reside, and the city of Butte, there was a fire for a month and a half last summer, burning night and day, rendering the sky lurid at night and covering the valley with smoke by day. There was no effort, apparently, made to put that fire out, and the neglect was a matter of common remark by people passing up and down the railroad in full view of this conflagration. If there had been no forester there—it was remote from the farms—the sheriff of the county or some officer would have been detailed to get some men to extinguish the fire.

As efficient forest-fire guards the rangers have much to learn, but they will learn from experience, and their numbers should be increased.

My complaint is that there is too much expense connected with red tape in Washington, too many lectures being delivered over the country, too many experts, too many high-priced men who do not perform the service Congress had in contemplation. If one-half the sum appropriated here were used to guard the forests from fire, we would have a better service. But too much of it is used in a clerical way, too much is paid for typewriters. Fourteen thousand dollars in one solid lump in these items of the bill are for typewriters, to do what? To extinguish forest fires, I presume, and to keep people from stealing timber. [Laughter.]

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. I yield to the Senator from Utah.

Mr. SMOOT. The facts in connection with this matter will not justify any of the conclusions at which the Senator from Montana [Mr. CARTER] has arrived. Our total loss from fire last year on all the forest reserves of the United States was $1,181,000, while the losses outside of the forest reserves were between $130,000,000 and $140,000,000. In Wisconsin alone there was a loss by fire of $9,194,000, there was a loss in West Virginia of $5,097,000, and in the State of Michigan last year the loss was nearly $20,000,000. Taking all the forests of this country by unit of acres, we lost only 3 per cent of what the timber landowners outside of the national forest reserves lost.

Mr. CARTER. I desire to ask the Senator who made the figures.

Mr. SMOOT. Mr. President, every fire that occurred in a forest reserve was reported at the time of the fire to the Forestry Bureau. If the Senator wants to find out, we can tell him just exactly where the fire was, the day that it occurred, the cause of the fire, the cost of putting it out, whether it was done by hired help outside of the forest reservation or by the rangers themselves. I resent the imputation that the forest rangers in the employ of the Government lounge around in luxurious homes in the forests. The Senator, being a western man, must know that these forest homes are built for not to exceed the sum of $500 each and that they are built of logs. They have tried to finish them off so that they will be warm, because the rangers have to live in those homes all the year around.

Mr. CARTER. Mr. President, the forest——

Mr. FLINT. I should like to ask the Senator from Utah a question if the Senator from Montana will permit me.

Mr. CARTER. I should like to get through with one at a time.

Mr. FLINT. I should like to ask the Senator from Utah one question. I think the Senator from Montana can also answer it at the same time.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. CARTER. I yield to the Senator from California.

Mr. FLINT. I merely want to askthe Senator from Utah how many rooms these luxurious "Bar Harbor" cottages contain?

Mr. SMOOT. They contain two rooms, and the men have their families living with them. You can not get men who can pass the examination required for rangers and supervisors and have them live in the forest limits from one year's end to another unless they have their families with them, and I want to say to you that it is a very poor living.

Mr. CARTER. Mr. President, confessedly the Forest Service made the figures as to the destruction within the forest reserves, and obviously they likewise made the figures with reference to the destruction outside of the forest reserves.

Mr. SMOOT. So far as the figures outside of the forest reserves go——

Mr. CARTER. They witnessed the devastation at one point direct, and they guessed at it as to the outside, so as to make a comparison entirely satisfactory to the Forest Service.

I do not pretend to say that these forest rangers have not performed good service in suppressing and extinguishing fires. I do not wish to be understood as casting any reflection whatever upon the efficiency of that body of men. What I do insist is that the great army of clerks, the army of lecturers, should put on the green uniform and go out there and protect the trees and join the forest rangers if they need more help.

Mr. President, there are excellent men in connection with that service, and I believe they undertake to establish and maintain good discipline. The Senator from Pennsylvania told me they were as fine a set of young fellows as he ever met. One of them he met coming down a trail up in the Lewis and Clark Reservation north of Clearwater. He said the gentleman had a small rifle in one hand and a French poodle dog in the other. [Laughter.] He went out in quest of fires to extinguish. [Laughter.]

I would not have it understood that it is my purpose to deal in a spirit of levity with this force. I should like to see it increased to the highest standard of efficiency; but let the government money be devoted to the purposes Congress had in view in creating this service—the preservation of the forests from plunder and from fire.

We have departed far from that. I think anyone who will look over this statement of expenses will agree with me that instead of $4,486,000 being necessary for this lump sum $2,000,000 will be ample to sustain the existing force provided for in the field and to supplement it by a normal increase during the year.

Mr. President, I now make the motion that the amendment proposed by the committee, striking out "three million nine" and inserting "four million four," be disagreed to, and that in lieu of the matter stricken out "two million" be inserted. On that motion I ask for a vote.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 25, line 14, the committee amendment proposed to strike out "three million nine" and insert "four million four." It is now proposed to amend the amendment by inserting "two million" in lieu of "four million four."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. NELSON. Mr. President, ever since we have inaugurated the Forestry Service it has been subject to raids similar to this. At every session of Congress it has been attacked. Sometimes it has been seriously attacked and belittled, and sometimes attempts have been made to ridicule it. We are here, Mr. President, looking after the welfare of the entire country, and the conservation of the forests of the American people is too serious a problem to be ridiculed and laughed out of court because here and there a member of the Forestry Service has gone out and delivered a lecture. I can only say for myself that I wish to God the Forestry Service had sent agents to many of the big mining companies in the West who have been devastating the forests to lecture them a little, and teach them to conserve the property of the United States.

Some years ago I went through the State of the Senator from Montana. From Helena to Butte on the mountain sides I could see where the forests had been entirely stripped, and they looked almost as barren and waste as a desert. I inquired of the people in the cars how it came that those hillsides had been stripped and denuded of timber. They told me the big mining companies had taken that lumber.

Now, what are the conditions? Take the country west of the one hundredth or the ninety-fifth meridian to the Pacific coast. That is a region of different climate, different conditions, and different resources from other portions of the United States. That country in the main, except certain sections on Puget Sound, is a country that depends for its vitality upon the conservation of two natural resources, namely, the water supply and the timber.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. I do.

Mr. BORAH. I presume the Senator does not mean to say that the mining companies cut this timber contrary to law?

Mr. NELSON. Certainly I do; and I want to tell the Senator that a prominent gentleman out in Montana, formerly a Member of this body, cut millions of feet of timber from the mountain sides, and suits were instituted against him that he finally got rid of, I think, by the statute of limitation, or in some such way.

Mr. BORAH. The Senator is in error. The Senator referred to got rid of the suits by the Supreme Court of the United States holding that he had a right to cut the timber. The courts have decided time and time again that mining companies have a right to cut timber in a mining region for the purpose of using it for mining purposes. That has been settled by our courts for the last twenty years.

Mr. NELSON. But they have not the right, Mr. President, to go in there, strip the country of timber, make it a barren waste, and leave it subject to fires.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Colorado?

Mr. NELSON. I should prefer that Senators would allow me to go on, and then, when I am through, I will answer questions.

Mr. TELLER. If the Senator will make no statement but what he can support by the record, I shall not interfere with him.

Mr. NELSON. I will make statements that I can substantiate by my own observation. I have been through that country. What I was about to say, Mr. President, was that when you get west of the Mississippi River across the one hundredth meridian, you approach a region entirely different from other portions of the country—a region that depends for its vitality and prosperity on two natural resources, namely, the water supply and the timber supply.

We have helped that country in the matter of water supply by passing the reclamation law and giving the proceeds from the sale of reclaimed land, amounting to millions and millions of dollars, for the conservation of the water supply to enable those people to irrigate their arid plains.

The statement of the Senator from Montana [Mr. CARTER] that the timber supply in the semiarid and arid States is confined to the mountain ridges is true. As a rule, those elevated bluffs and ridges are not calculated for agricultural purposes. The timber is to some extent scattering. The mining companies, the big cattle companies, and the big lumbermen had their own sweet will in those forests until we inaugurated the Forestry Service. It was time we had done something about it.

It had been the fortune of Mr. Pinchot, as it has been the fortune of all reformers, to meet with obstruction and criticism from first to last. There never was a man in the public service, Mr. President, who went so honestly and sincerely to work in the great task that was put upon him. He was a pioneer. He had to build the service from the ground up. At the threshold he met with opposition from the cattlemen, the big mining companies, and all their friends and allies in the West.

This is a matter, Mr. President, which concerns more than mining companies, more than cattle companies, and more than a few rich and wealthy men. It is a matter which concerns the welfare of the entire country, and if we hope to get the arid and semiarid country settled up—and I think we will—and as thickly populated as the Mississippi Valley, there is only one way to do it, and that is by conserving our water supply, as we are doing, by conserving our forests.

I have watched in my own State how our forests have been depleted. I wish to God that forty years ago we had had a Forestry Service. When I came to Minnesota in 1871 we had the finest body of white pine timber in the whole country, and to-day there is only a limited supply, which will scarcely last ten years more. The big lumbermen went in there and got that land, some of it with agricultural college scrip, that did not cost them over 50 to 60 cents an acre, some with Chippewa half-breed scrip, some with Sioux half-breed scrip. Then they stripped the land, cut everything high and low, and left the rubbish there, and the fires have had their own sweet will. If we had had a Forestry Service as we have now, Minnesota would have a good supply of timber to-day.

A few years ago the Forestry Service established a small reservation in a part of what had once been an Indian reservation in Minnesota, and I know from my own experience what opposition the Forestry Service met in that little effort. In the pine woods they reserved a few thousand acres. They reserved it on the plan of cutting off the timber, leaving 5 per cent of the growing trees for seeding purposes, keeping the fires out; and you ought to have seen the warfare that the people around there made against that little effort of reforestation.

Now, another thing. The forest rangers, against whom so much criticism has been directed, not only have to look after our forests with respect to forest fires; they not only have to look after the forests in the matter of protecting them against depredations in the winter, when men go in there and cut and steal the timber; but in order to have peace with these great cattle companies, the Forestry Service has had to give them grazing privileges. If you take into account what the Forestry Service has acquired from selling matured timber, what it has acquired in the way of rent for the use of the reserves for the pasture of cattle, you will find that the Forestry Service is pretty nearly, and will in the very near future be, self-sustaining. Not only have they protected the forests in respect to fires, but they have protected them in respect to their pasturage by cattle and sheep. Anyone who is at all conversant with such matters knows that if you allow an unlimited number of sheep or cattle to go into a forest they will kill the timber as quickly almost as a fire.

If I have a piece of land—and I have it on my farm in Minnesota, brush land—and I fence it off and put a body of sheep in there, in two years' time they will have the land clear.

So our forest rangers have to look after the forests for the purpose of seeing that they are not overpastured; that whatever right to pasture is given there is used to a proper extent, and that the Government gets some revenue from it. History will show that the cattlemen, in the first instance, objected to the idea of the Government collecting anything for pasturing cattle in forest reserves. They had had their own sweet will in the past. But now, under the careful and prudent administration of the Forestry Service, the cattlemen have become reconciled to it and believe it is a good plan. There is a good deal of opposition, from time to time, in every Congress, as I have said, from certain quarters, but bye and bye the people in the West—the people who come there, the middlemen, the farmers who come there to make their homes, not the big mining companies—will be very glad that "Uncle Sam" has taken the course he has through the Forestry Service. In what our Forest Service is doing now—and we are late in the day—they have been doing for years in Europe, and we have as honest and faithful and energetic a man at the head of that Forestry Service as it is possible to get.

Now, what is it gentlemen ridicule? The Forestry Service has not only had to protect our timber against fire and to protect the reserve against free pasturage by sheep and cattle, but it has had to protect them against a set of human vampires who wanted to use the land at their own sweet will, without any reference to what the future necessities of the country might be. The Forestry Service, in other words, my friends—and we might as well acknowledge it—has had to educate the people

out West to the necessity of the Forestry Service. I plead guilty to the fact that at first I felt a good deal as some other Senators do, but I have watched it and seen its good effect, and I have felt the educating influence of the Forestry Service. What if once in a while they send one of their forest rangers or one of their clerks to deliver a lecture among the people out there on the necessity and importance of conserving our forests? Why should they be criticised for that? It is a useful and necessary work, and nothing makes that clearer than the spirit manifested here.

Then Senators ridicule them because they build a little two-room cottage in the woods. The forest rangers have to live there with their families. They are, as you may say, isolated. They have no neighbors. They build little cottages there, two-room cottages, of logs covered with clapboards, and perhaps for the purpose of keeping out mosquitoes and flies in the summer they do get a few wire screens, and that is one of the grievances of the Senator from Montana.

Gentlemen, while I am unwilling to take up the time of the Senate by going into an extended discussion, I can not help saying to Senators that this is one of the most important matters to the welfare of the American people. It is not a matter that concerns merely Montana or Idaho or the rocky cliffs around Pend d'Oreille Lake, to which the Senator has referred. It is a matter we are all interested in, and we hope to have that western country as thickly populated and as prosperous as the country in the Mississippi Valley, and you can do it only by conserving the forests there and not yielding to the demands of these great interests.

As I have traveled out in the western country among the cattlemen and the big lumber companies, I have noticed one thing. I may be wrong, but I have noticed the lack of what you may call a good middle class, such as we have on the farms in the Mississippi Valley. On one side you see the great capitalists—the cattle companies, the mining companies, the rich nabobs; and then below them are mostly poor men—laboring men or men with little means. That comes from climatic conditions and the natural resources of the country. But by building up that country by conserving the water supply and conserving the forests, they will have a prosperous, thrifty class of small farmers out in that country, as we have in the Mississippi Valley.

My friends, it will not do to ridicule and try to laugh out of court a matter of this kind which concerns the vital interests of our country. It is not a problem that concerns Minnesota or Iowa or the States in New England. It is a question that we are all interested in. Our country is to-day growing at an immense rate, and in a few years our population will be as dense as it is in some of the countries in the Old World, and we want the people who come there to settle on the arid land not only to find the water conserved, with plenty of water for irrigation, but we want them to find plenty of timber there for fuel and domestic purposes, so that they can have there happy homes such as are found in the Mississippi Valley.

Mr. President, to my mind it is the greatest folly in the world to ridicule this service. What does it ask for? For less than $5,000,000, or $5,000,000. Most of that, if not all of it, will be derived as income from the conservation of the reserves, from pastures and the sale of timber. It is almost self-supporting, but even if it is not, the whole service does not begin to cost what a second-class battle ship would cost. I was a little surprised to hear my good friend the Senator from Maine [Mr. HALE], in solemn manner get up here and encourage the Senator from Montana, as though this was a very serious matter.

After he had induced us by his legislative skill and perseverance to vote for two big battle ships, the idea that the Senator from Maine could find something absolutely abhorrent in the fact that a few lectures had been delivered to women's clubs seemed to me queer, indeed, and I could not help have the wish in my mind that Mr. Pinchot had sent one of those women to lecture the Senator from Maine. [Laughter.]

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. NELSON. Certainly; but I want to say to the Senator before he has anything to say that what I said to him was intended in the utmost Christian spirit. [Laughter.]

Mr. HALE. I have no doubt of it. The Senator is a converting man. There is no doubt about it. He is a Christian man. If I were inclined to be solemn, I could not be solemn when the Senator turns upon me and says I have been supporting all this monstrous programme for big battle ships. That is a thing I have been opposing for years; and the Senator has been with me. We tried the other day the best we could to cut down the appropriations, and we had a chance to save $5,000,000 in one appropriation on the battle ships. I tried to get the Senate to stand by and save that money, and the Senator voted with me.

But it is absurd for him now to say that I am in any way responsible for what I look upon not only as an extravagant and absurd, but a wicked programme in committing this country, which has no probability or possibility of war, to a scheme for monster ships, leviathans of the deep, that no other country has thought of building. We will stand before the world in the absurd position of inviting other nations, European nations, that are watching each other, and likely to be at each other's throats any day, to a similar programme. We will be in the position of which all thoughtful men and humanitarians and peace-loving men will see the absurdity—of being first and foremost in enlarging our programme and inviting other nations to build enormous ships, such as no nation has ever thought of building before. I tried to stop it. I tried the other day in my feeble way to get down to the scale we are going on now, which is enormous. I am glad to say that I had the help of the Senator from Minnesota, but I do not want him, under his appeal to my solemn visage, to try to put me in the wrong. He and I worked together on that, and I am glad to say here that he has always been consistent in that.

Now, we are trying to save somewhere else, and the saving would be small compared with what we put into the military branches of the Government. The country is mad, is wild, on its military furore, and will not listen to reason. The Senate will not listen to reason. But the Senator from Minnesota shall not put me with the men who have in any way sanctioned what I call the wicked programme of the undue expansion of the army and navy.

Mr. NELSON. Mr. President, to all of that I can say amen, as though I were sitting in the amen corner, but while the Senator from Maine and I have a common feeling in that matter and while we are agreed that there is not the remotest danger from abroad which ought to lead us to increase our fleet, the Senator from Maine if he had been here on the floor would readily have seen that there is another danger which threatens us—an attack upon our Forestry Service. I agree with him that we do not need to increase our navy against any foreign enemy, but we do need to increase our strength and resources and to protect ourselves against this enemy from within that is aiming to destroy and ridicule our Forestry Service and make it of little or no account.

I am ready to cooperate with the Senator from Maine in a sane and safe policy with respect to our naval programme and our military defenses. I think he is quite right, for in these piping times of peace there is no occasion to go to such extremes in our military and naval preparations as we have in recent years. But I do think we have more important problems here at home that demand our concern, and one of the most important problems is the conservation of our national forests.

Our forests are disappearing year by year, and at the rate we are going, unless an effort is made to stay it, unless we take care of our forests and conserve them as the Forestry Bureau is attempting to do, we will soon be in the condition that some of the countries of the Old World are in, which centuries ago had an abundant supply of timber and to-day are nothing but barren wastes.

I trust that Senators will not be led astray by ridicule of the fact that certain men have gone here and there to deliver a few lectures or that they have made journeys out there or that they have typewriters. Go down to the Forestry Bureau. I have been in its office, at the Atlantic Building. Gentlemen, go down there and see it. The employees are doing good, honest work. All of the forest reserves in the country are in their charge. I do not know any bureau or department of the Government where the clerks and employees are more active or efficient or intelligent than those in that bureau. There are no idle men there. What if in the summer the Forestry Service occasionally sends out from the headquarters here a few skilled men, experts, to instruct the local rangers in the different localities? What is there wrong in that? The men here in the office, who are acquainted with the whole Forestry Service and who are educated in it, who are experts by practice and training, can go out there and do good service in educating and improving the forest rangers and instructing them in their tasks, and because a little money is expended in railroad fare and traveling expenses why should that be held up to ridicule?

I remember at the last session of Congress one of the grievances of the Senator from Idaho against the forest rangers was that they were dressed in pea green and had green feathers in

their hats. His criticism then was of a piece with the criticism we have heard here to-day, to ridicule and laugh out of existence the Forestry Service.

My friends, I want to say to you—and I say it to you as a man who has spent his life on the frontier in two of our growing States—if you have the welfare of our country at heart, if you believe in conserving our timber supply, stand by the Forestry Service, fortify it, and do not make it a matter of ridicule and attack at every session of Congress.

Mr. HALE. Let me ask the Senator in charge of the bill whether he counts upon remaining here much longer to-night in the consideration of the bill? There are several matters that ought to be placed before the Senate. I do not want to interfere with the Senator at all.

Mr. WARREN. I was about to explain the situation when the Senator rose. The Senator from Colorado has a small matter which he wishes to bring up, and I understand there are numerous matters on the desk which the President will present, and then I will ask to have the bill go over until to-morrow.

Mr. HALE. That is entirely satisfactory. The Presiding Officer called my attention to the fact that there are matters on his desk which should be laid before the Senate.

Mr. WARREN. Has the Senator from Minnesota concluded?

Mr. NELSON. I have concluded for the present, unless another assault is made upon the Forestry Service, when the spirit might again move me.

Mr. WARREN. I mean for the present.

Mr. CARTER. I desire the Senator in charge of the bill kindly to inform us of the amount of income from all sources from the Forestry Service.

Mr. WARREN. I will be able, perhaps, to give the figures more closely in the morning. But the present yearly rate of income, as I remember it, would amount to between two million and two and a half million dollars. The statement was made to the committee that the income would be greatly increased if more attention—and there would be under larger appropriations—were devoted to the selling of ripe lumber, because I understood the forester to state that, under the direction of the Secretary of Agriculture, when there was a shortage of funds, and he asked which he should devote himself the more to, the preservation of the forests or the disposal of ripe lumber, he was told to take up preservation first and to provide fully for that, and then to dispose of so much of the lumber as he could attend to in the measuring up and delivering of it, and so forth.

Mr. CARTER. I will be glad to have the exact figures as to the income. I do not have them available at present.

Mr. HEYBURN. I can refer the Senator to them as they are given in the estimate—$1,842,281.87.

Mr. WARREN. I think there are some additions to those figures, and in the morning I will be able to give the figures to the Senator, to which he is entitled, of course.

Mr. CARTER. I should be very glad if the Senator in charge of the bill would be able to inform us in the morning the amount of the appropriation paid to rangers and forest supervisors actually engaged in the work of protecting the forests from fire and plunder, and the amount of it that is devoted to the payment of clerks, experts, lecturers, and employees in other avenues.

Mr. DOLLIVER. If the Senator from Minnesota will permit me, I think it might be well to have go in in connection with his remarks the statement that these enlarged fields of operation of the Forestry Service, to which the Senator from Montana has recurred so often, are only a part of the business of the Forestry Service, as determined by the original act creating that service.

The Senator from Montana has said that the business confided to the Forest Service was to defend the forests against fire and the loss of timber through unscrupulous persons on the outside, but the fact is that the original act creating this service, an act that has been applied in every appropriation act since, provided that——

Mr. CARTER. Is the Senator reading from the act of 1897?

Mr. DOLLIVER. From the act of 1903, which is the same as the original act:

> To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, forest fires, and lumbering; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees.

My friend from Montana ridicules some agent of the department for going to Arizona and making tests of timber and timber trees in that Territory, leaving the impression with the Senate that it was entirely outside of the business of the conduct of the Forestry Service.

Mr. CARTER. The Senator will find the text of the act of 1897 entirely different from that he is reading.

Mr. DOLLIVER. I am now reading the language found, as I am informed, in the original act.

Mr. TELLER. That is not the language of the original act.

Mr. HEYBURN. I have the original act here.

Mr. DOLLIVER. At any rate, this has been going on for nearly ten years. It is the act of 1903.

Mr. TELLER. It is not the original act.

Mr. DOLLIVER. I want to say another thing while I am on my feet. It is no strained situation in our appropriations that a good many dollars should be spent before the people are actually put in a position to put out fires. A good many dollars are spent in the departments of the War and the Navy before a soldier is paid a dollar for services in any regiment and before a ship is put upon any sea. I undertake to say that the proportion of this money applied directly to the protection of the forests and the preservation of public rights there is more than the money in any other of these appropriation bills applied to the direct object which the appropriation has in view.

Mr. WARREN. Mr. President, I wish to give notice that I shall ask the Senate to take up this bill in the morning immediately on the conclusion of the morning business; or, in fact, if the morning business is a little slow, as it sometimes is, I shall probably move to take up the bill immediately after assembling.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 1617) to quiet title to certain land in Dona Ana County, N. Mex., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 28193. An act to authorize the city of Shreveport to construct a bridge across Red River; and

H. R. 28305. An act to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State, and to detach it from the Fort Worth division of said court.

HOUSE BILLS REFERRED.

H. R. 28193. An act to authorize the city of Shreveport to construct a bridge across Red River was read twice by its title and referred to the Committee on Commerce.

H. R. 28305. An act to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State, and to detach it from the Fort Worth division of said court, was read twice by its title and referred to the Committee on the Judiciary.

JUDGES FOR HAWAII, ALASKA, ETC.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Line 2, strike out "seven thousand five hundred" and insert "six thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Line 7, strike out the word "Roscoe" and insert "Roswell;" and the Senate agree to the same.

C. D. CLARK,
KNUTE NELSON,
LEE S. OVERMAN,
Managers on the part of the Senate.

JOHN J. JENKINS,
DE ALVA S. ALEXANDER,
HENRY D. CLAYTON,
Managers on the part of the House.

The report was agreed to.

COMMISSION ON NAVAL ORGANIZATION.

The VICE-PRESIDENT laid before the Senate the following message (S. Doc. No. 740) from the President of the United States, which was read and, on motion of Mr. HALE, referred to the Committee on Naval Affairs and ordered to be printed:

To the Senate and House of Representatives:

On January 27, 1909, I addressed the following letter to Hon. William H. Moody; Hon. Alston G. Dayton; Hon. Paul Morton; Rear-Admiral S. B. Luce, U. S. Navy, retired; Rear-Admiral A. T. Mahan, U. S. Navy, retired; Rear-Admiral Robley D. Evans, U. S. Navy, retired; Rear-Admiral William M. Folger, U. S. Navy, retired; Rear-Admiral William S. Cowles, U. S. Navy, retired:

MY DEAR SIR: I have appointed you as a member of a commission to consider certains needs of the navy. The organization of the department is now not such as to bring the best results, and there is a failure to coordinate the work of the bureaus and to make the department serve the one end for which it was created; that is, the development and handling of a first-class fighting fleet. With this proposition in view I will ask you to consider:

1. All defects in the law under which the Navy Department is now organized, including especially the defects by which the authority of chiefs of bureaus is made in certain respects practically equal to that of the Secretary or the President.

2. The division of responsibility and consequent lack of coordination in the preparations for war and conduct of war.

3. The functions of certain bureaus, so as to see whether it is not possible to consolidate them.

4. The necessity of providing the Secretary of the Navy with military advisers, who are responsible to him for coordinating the work of the bureaus and for preparation for war.

5. The necessity for economical allotment and disbursement of appropriations and for a system which will secure strict acocuntability.

6. Finally, I want your views as to how best to recognize and emphasize the strictly military character of the navy, so that preparations for war shall be controlled under the Secretary by the military branch of the navy, which bears the responsibility for the successful conduct of war operations.

I wish to have the above subjects considered under two general heads:

First. As to the fundamental principles of an organization that will insure an efficient preparation for war in time of peace, a separate report under this head to be submitted at the earliest practicable date.

Second. Specific recommendations as to the changes in the present organization that will accomplish this result, the report under this head to be submitted later.

In addition to the above reports, I desire your recommendation as to the number, location, and general facilities of the navy-yards which are required by strategic considerations in time of war and for maintaining the fleet in constant readiness for war in time of peace.

Sincerely, yours,

THEODORE ROOSEVELT.

This commission has just submitted to me the two following preliminary reports, the first dealing with the general principles governing naval organization, and the second suggesting the creation of a joint commission for the purposes therein set forth.

WASHINGTON, D. C., *February 20, 1909.*

GENERAL PRINCIPLES GOVERNING NAVAL ORGANIZATION.

1. The office of the Secretary of the Navy being executive in character, nothing should be admitted into an organization of the department which would qualify his authority or diminish his ultimate responsibility. He has been in the past, and in the future should be, a civilian. He is the representative of the President, the constitutional Commander in Chief of the Army and Navy, under whose direction his authority is exercised.

2. The duties in charge of the Secretary divide under two principal heads, closely related but generically distinct—civil and military.

The civil duties embrace the provision or preparation of all the material of war. This is the function of the present bureaus.

The military duties concern the use of that material, whether in war or in such exercises as conduce to fitness for operations of war. For the direction of these military duties, no subordinate provision corresponding to the bureaus on the civil side exists in the present organization established by statute.

3. The discharge of both these classes of duty involves a multitude of activities, quite beyond the immediate personal knowledge and supervision of a single man. This necessitates a subdivision of the duties by which means the supervision of the Secretary is exerted through the medium of responsible subordinates. In this subdivision the principle of undivided responsibility, within the appointed field of subordinate supervision, should obtain, as it does in the superior office of the Secretary.

The bureau system, as now established by law for the civil activities of the department, insures for each bureau this undivided responsibility, qualified only by the authority of the Secretary, which, if exerted, does not divide the responsibility, but transfers it to the Secretary himself. Independent authority, with undivided responsibility, though in principle proper, suffers historically from intrinsic inability to cooperate where a number of such independent units are present. The marshals of the first Napoleon—especially in Spain—in the absence of the Emperor, offer a familiar illustration. The bureau system, as at present constituted by law, contains no remedy for this inherent defect.

4. The coordinating power is in the Secretary's authority; but, owing to the shortness of tenure in office, and to the inevitable unfamiliarity with naval conditions with which an incumbent begins, authority, though adequate in principle, is not so in effect. This inadequacy consists in lack of personal familiarity with the subjects before him, not merely severally, but in their collective relations; in short, lack of specific knowledge and experience. The organization should provide him with such knowledge and experience, digested formally, so as to facilitate his personal acquirement. In short, an advisory body, equipped not with advice merely, but with reasons. In order to avoid the interruption of continuity attending each new administration, entailing the recurrent temporary unfamiliarity of each new Secretary, it is expedient that this advisory body be composed of several persons; but while this provision would insure the continuity which inheres in a corporate body (in this case continuity of knowledge and of progress), the principle of undivided responsibility would dictate that one only of them should be responsible for the advice given to the common superior—the Secretary.

5. As regards the composition of the advisory body, the principles to be regarded are two: (*a*) The end dictates the means; (*b*) responsibility must be individual, in advice as well as in executive action.

(*a*) The end is efficiency for war. The agents in war are the military naval officers. Their profession qualifies them best to pronounce upon the character of the preparations for war of every kind, including not only schemes of campaign and tactical systems, but the classes, sizes, and armaments of ships of war.

What the Secretary needs, specifically and above all, is a clear understanding and firm grasp of leading military considerations. Possessed of these, he may, without great difficulty, weigh the recommendations of his technical assistants, decide for himself, and depend upon them for technical execution of that which he approves.

However constituted in detail, the advisory body should be taken entirely from the class to which belongs the conduct of war, and upon whom will fall in war the responsibility for the use of the instruments and for the results of the measures which they recommend.

(*b*) As regards individual responsibility for advice, it is suggested that the Secretary of the Navy nominate to the President the officer whom he deems best fitted to command the great fleet in case of war arising; and that this officer, irrespective of his seniority, should be head of the advisory body. He alone should be the responsible adviser of the Secretary.

The provision of a responsible adviser does not compel the Secretary to accept his advice, nor prevent his consulting whomsoever else he will. The provision suggested does not limit the authority of the Secretary; but it does provide him with the weightiest and most instructed counsel, and it lays upon the prospective commander in chief the solemn charge that in all he recommends he is sowing for a future which he himself may have to reap.

An essential feature in the constitution of such an advisory body is that the majority of the members should be on the active list and should go afloat at not infrequent intervals; and, specifically, the head of the body, the prospective commander in chief, should, during the summer months, take command of the concentrated battle-ship force, for maneuvers, target firing, and practice of every kind. This will insure also his sustained familiarity with administrative routine of the fleet and other practical matters.

6. In the two principal classes into which the duties of the Secretary of the Navy divide, civil and military, as enunciated in section 2 above, the word "civil" corresponds largely to the activities known as technical; and there is no reason apparent why the same principle of undivided immediate responsibility should not be realized in the Navy Department in two chief subordinates, responsible, the one for military supervision, the other for technical supervision, and for all information and advice given to the Secretary under these two heads. It is, of course, apparent that a perfectly suitable Secretary may come to his office with as little previous knowledge of the kind called technical as he has of military; nay, he may be perfectly efficient, and yet not acquire in his four years of office either the technical or military knowledge presumable in men whose lives have been given to the two professions. Under the most favorable conditions every superior must take decisions largely on advice, which means not accepting another's opinion blindly, but accepting statements of facts and weighing reasons.

The principle of the Secretary's ultimate individual responsibility dictates that he be at liberty to consult as many advisers as he thinks necessary; but the principle of the individual responsibility of two chief advisers, for the advice given, tends to insure the most exhaustive consideration on the part of men selected for their special competency. Careful consideration, with special competency, give the best guaranties for advice; and a Secretary overruling it would do so under the weightiest sense of personal responsibility.

As a matter of detail, but yet so broad in bearing as to amount to a principle, it may be noted that, while the adjective "military" is somewhat narrow in application, "technical" is extensive in scope. Naval construction, ordnance, and steam engineering are all technical professions. The selection of a chief technical assistant to the Secretary might, therefore, be made from the recognized technical experts of the navy, under any of the three heads named, or a competent civilian engineer and naval architect may be appointed as Second Assistant Secretary of the Navy, under whom the four technical bureaus may be coordinated.

7. In conclusion, it should be distinctly laid down as a cardinal principle that no scheme of naval organization can possibly be effective which does not recognize that the requirement of war is the true standard of efficiency in an administrative military system; that success in war and victory in battle can be assured only by that constant preparedness and that superior fighting efficiency which logically result from placing the control and responsibility in time of peace upon the same individuals and the same agencies that must control in time of war. There should be no shock or change of method in expanding from a state of peace to a state of war. This is not militarism; it is a simple business principle based upon the fact that success in war is the only return the people and the Nation can get from the investment of many millions in the building and maintenance of a great navy.

WASHINGTON, D. C., *February 18, 1909.*

The PRESIDENT:

The Commission on Naval Organization appointed by executive communication dated January 27, 1909, begs leave to submit the following preliminary report on the "needs of the navy," etc.:

The last clause of your letter of instructions reads as follows:

"In addition to the above reports, I desire your recommendation as to the number, location, and general facilities of the navy-yards which are required by strategic consideration in time of war, and for maintaining the fleet in constant readiness for war in time of peace."

The two subjects when taken together—the dispensing with unnecessary navy-yards, and the provision for navy-yards which are required "by strategic considerations in time of war, and for maintaining the fleet in constant readiness for war in time of peace"—are questions of such gravity and demand so much careful study that it would be impracticable for the commission to bring in even a preliminary report of any value in the limited time available.

The determination of the location of navy-yards and naval bases being a question involving military and strategic considerations of the highest national importance, we venture to recommend that at the earliest practicable date this subject be referred to a joint commission of senior naval officers and officers of the United States Army, which will be instructed to report formally to the President.

In accordance with the last report of the Commission on Naval Organization, I have appointed a joint commission of army and navy officers to report on the subjects named therein, the commission consisting of the following men:

Rear-Admiral A. T. Mahan, U. S. Navy, retired, chairman.
Rear-Admiral Charles S. Sperry, U. S. Navy.
Rear-Admiral Richard Wainwright, U. S. Navy.
Capt. C. McR. Winslow, U. S. Navy.
Maj. Gen. J. Franklin Bell, U. S. Army, Chief of Staff.
Brig. Gen. W. W. Wotherspoon, U. S. Army, General Staff, president Army War College
Brig. Gen. W. L. Marshall, U. S. Army, Chief of Engineers.

The appointment of this commission is peculiarly appropriate in view of action already taken by the Joint Board of the Army and Navy, a board the existence of which has been of marked benefit to the two services. This board, after discussing questions relating to the mutual relations of the army and navy in defending harbors which were liable to be used by the navy for the establishment of navy-yards and naval stations, reached the conclusion that thereafter whenever the army was engaged in the preparation of plans for the defense of a harbor which would be used by the navy, the project for defending the harbor should be submitted to the representatives of the navy on the Joint Board before final adoption, with the view to having the project accord with the necessities of the navy. On the other hand, whenever the navy was planning to locate a navy-yard or naval station, which it would be the duty of the army in case of war to assist in defending either by seacoast fortifications or land operations of the army, that the matter of the location of the navy-yard or naval station should be submitted to the representatives of the army on the Joint Board before final adoption, with the view to having the army opinion as to the necessities in relation to the defenses to be established.

I ask your very earnest consideration of the "general principles" laid down by the commission in the report herewith embodied. In their essence these principles amount to a declaration that the navy should be treated not with a view to any special or local interest, but from the standpoint of the interest of the whole country, and that all other considerations should be subordinated to keeping it in the highest condition of military efficiency, for it must be prepared for war, or else it is useless, and it can not be prepared for war unless always in the highest state of military efficiency. The whole object of the organization of the Navy Department is to create machinery which will in time of peace prepare for war, and such, no less, is the whole object of the War Department. All the administration machinery of the two departments should be considered from this standpoint. The two Secretaries should be supreme; but they should have the best and most responsible military advice. It would be impossible to overestimate the good that has come from the creation of such bodies as the General Staff of the Army, the General Board of the Navy, the Joint Board, the war colleges of the two services, and the like. Without these bodies it would have been utterly impossible to bring either service to anywhere near its present standard of efficiency. Great good has come from the development of the system of maneuvers alike in the navy and the army; the efficiency shown by the expeditionary force of the army which went to Cuba, the efficiency shown by the great battle fleet which has just returned from its extraordinary voyage around the world, are both matters upon which this Nation should heartily congratulate itself. Very much was done in securing a good organization of the army under the plan formulated by Secretary Root. The administrative organization of the navy needs an entire remodeling along the plan indicated in the document headed "General principles," embodied in this report, for this plan contains the principles of naval administration which have been observed by every great power which has ever made, or is now making, a success of naval administration.

If the commission is able to submit to me its final plan before the adjournment of Congress, I shall at once lay it before you. This plan will supplement and define the general principles laid down in the preliminary plan.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 25, 1909.*

LAND IN DONA ANA COUNTY, N. MEX.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1617) to quiet title to certain land in Dona Ana County, N. Mex.

Mr. FULTON. I move that the Senate disagree to the amendment, and ask for a conference on the disagreeing votes of the two Houses, and that the President of the Senate appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. FULTON, Mr. FLINT, and Mr. BANKHEAD conferees on the part of the Senate.

MONTANA, WYOMING AND SOUTHERN RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 24149) granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont., returned from the House of Representatives in compliance with the request of the Senate.

Mr. WARREN. I move to reconsider the votes by which the bill was ordered to a third reading and passed, with a view to having the Senate amendment disagreed to.

The motion to reconsider was agreed to.

Mr. WARREN. I move to reconsider the votes by which the Senate concurred in its amendment.

The motion to reconsider was agreed to.

Mr. WARREN. I now ask that the amendment be nonconcurred in.

The amendment was nonconcurred in.

The bill was ordered to a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, and requesting a conference with the Senate on the amendments still in disagreement.

Mr. WARREN. I move that the Senate further insist on the amendments in disagreement, that the request of the House for a further conference be granted, and that the conferees on the part of the Senate may be appointed by the Chair.

The motion was agreed to.

Mr. WARREN. I suggest that the same conferees be appointed who have managed the bill heretofore.

The VICE-PRESIDENT appointed Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER the conferees on the part of the Senate at the further conference.

LANDS AT COLORADO SPRINGS, COLO.

Mr. TELLER. It is quite important that the Senate should pass the bill (S. 9375) to grant certain lands to the city of Colorado Springs, Colo., so that it may pass the House. The object of the bill is to permit the city of Colorado Springs to buy some land for water purposes. The bill has the approval of the Committee on Public Lands and the approval of the Interior Department. I ask that it be put on its passage.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the following described lands, situate in the counties of El Paso and Teller, in the State of Colorado, namely, the south half of the south half of section 7, the south half of the southwest quarter of section 8, all of sections 17, 18, 19, and 20, the northwest quarter and the south half of section 21, and all of sections 28, 29, 30, 31, 32, and 33 in township 13 south, of range 68 west of the sixth principal meridian; the south half of section 10, all of sections 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, and 27 in township 13 south, of range 69 west of the sixth principal meridian; all of sections 4, 5, 6, 9, and 10 in township 14 south, of range 68 west of the sixth principal meridian; and all of sections 1, 2, and 12, in township 14 south, of range 69 west of the sixth principal meridian, containing 19,600 acres, more or less, shall be granted and conveyed to the city of Colorado Springs, in the county of El Paso and State of Colorado, upon the payment of $1.25 per acre by that city to the United States, to have and to hold said lands to its use and behoof forever for purposes of water storage and supply of its waterworks; and for said purposes said city shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon said premises: *Provided, however*, That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises or any part thereof and now existing under and by virtue of the laws of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESTRICTIONS ON INDIAN LANDS.

Mr. CURTIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. That the Secretary of the Interior be, and he is hereby, authorized, upon application of any adult member of either of the tribes of Indians belonging to the Quapaw Indian Agency in the State of Oklahoma, to remove the restrictions on any part of or all of the lands allotted to such application and permit a sale under such terms and conditions as he may deem for the best interests of the applicant, excepting a tract of not less than forty acres, which shall be designated and held as a homestead: *Provided*, That this section does not apply to the Modocs.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to sell all or any of the tribal lands within the jurisdiction of the Quapaw Agency, and all agency, school, or other government buildings on any reservation within the jurisdiction of said agency, at public auction or by sealed bids, under such regulations as he may prescribe; and he is hereby authorized to convey all lands so sold to the purchaser thereof by patents in fee. And all lands within such agency which have heretofore been reserved for agency, school, or other purposes shall, on approval of this act, revert to the tribe within whose reservation the lands are located and be sold as tribal lands as herein provided.

SEC. 3. That after the sale of all such lands as provided herein, the net proceeds of such sale, together with all funds belonging to such tribes from whatever source derived, shall be apportioned and paid pro rata, under direction of the Secretary of the Interior, to the members of each of the respective tribes in such manner as he shall prescribe.

SEC. 4. That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to all religious societies and organizations, severally, for the lands occupied by them within any of such reservations and heretofore reserved to such societies, as shown on approved schedules of allotments.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

"SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the rolls of the Klamath Agency, in Oregon, those Modoc Indians now enrolled at the Quapaw Agency, in Oklahoma, formerly Indian Territory, together with their descendants living at the date of the passage of this act, and that upon the removal of any of said Indians to the Klamath Reservation, in Oregon, they shall be allotted as other Indians on said reservation, and that upon the passage of this act they be accorded all the rights and privileges of other Indians enrolled at the Klamath Agency: *Provided*, That for the purposes of such removal the Secretary of the Interior be, and he is hereby, upon application of any allottee, authorized to sell, under such rules and regulations as he may prescribe, all lands inherited and otherwise heretofore allotted to the members of said tribe in Oklahoma, and he is authorized to issue a patent in fee simple to the purchaser or purchasers of said lands, and all restrictions as to the sale, incumbrance, and taxation of said land shall thereupon be removed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

"*Provided further*, That if any member of the Modoc tribe of Indians prefers not to have his or her land sold, such allottee may lease his or her land in Oklahoma for a period of not to exceed five years, the parent or next of kin having the care and custody of any minor executing the lease for such minor."

And the Senate agree to the same.

MOSES E. CLAPP,
CHARLES CURTIS,
T. H. PAYNTER,
Managers on the part of the Senate.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JOHN H. STEPHENS,
Managers on the part of the House.

The report was agreed to.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 26, 1909, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 25, 1909.*

[*Continuation of legislative day of Tuesday, February 23, 1909.*]

The recess having expired, the House at 10 o'clock a. m. was called to order by Mr. MANN as Speaker pro tempore.

BRIDGE ACROSS MISSOURI RIVER AT COUNCIL BLUFFS, IOWA.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 28104) to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908.

Be it enacted, etc., That the act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908, is hereby amended so as to give to the Central Railroad and Bridge Company, of Council Bluffs, Iowa, all the authority and rights granted under said act if the actual construction of the bridge authorized by said act is commenced within one year and completed within three years from the passage of this act.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PARLIAMENT OF TURKEY.

The SPEAKER pro tempore laid before the House the following message from the President of the United States (S. Doc. No. 738), which was read, referred to the Committee on Foreign Affairs, and ordered to be printed.

To the House of Representatives:

I transmit herewith a report by the Secretary of State communicating the reply of the Ottoman Chamber of Deputies to the congratulations and good wishes extended to the Parliament of Turkey by the House of Representatives in its resolution of December 17, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
Washington, February 24, 1909.

PENSIONS.

The SPEAKER pro tempore laid before the House the bill (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of said soldiers and sailors, with amendments of the House disagreed to by the Senate.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House further insist on its amendments and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER pro tempore. The Chair announces the following conferees: Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

CONDEMNED BRASS AND BRONZE CANNON.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill granting condemned cannon to various States and localities.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 28304) granting certain obsolete ordnance for ornamental purposes.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to deliver to the mayor of the city of Aiken, S. C., if the

same can be done without detriment to the public service, two condemned brass or bronze cannon, to be used for park decoration at Aiken, S. C.: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the joint committee for monument for Arsenal Park, at Pittsburg, Pa., one condemned cannon: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 3. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of Enid, Okla., one bronze or brass condemned cannon, with carriage and with a suitable outfit of cannon balls, not needed for present service, the same to be mounted and used on the public building grounds of said city, and to be subject at all times to the orders of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 4. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the State of South Carolina two condemned brass or bronze "Napoleon" guns, with carriages and with a suitable outfit of cannon balls, which may not be needed in the service, to be placed on statehouse grounds: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 5. That the Secretary of War be, and he is hereby, authorized to donate to the city of Brazil, Ind., two brass or bronze cannon, to be placed in the court-house park in that city: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 6. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of Boscobel, in the State of Wisconsin, one condemned brass or bronze gun, with carriage and with a suitable outfit of cannon balls, which may not be needed in the service, to be placed in front of the soldiers' memorial hall in said city: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 7. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county of Orange, State of New York, two condemned bronze fieldpieces, with carriages, with suitable outfits of cannon balls, which may not be needed in the service, the same to be placed beside the monuments erected by the townships of Cornwall and Montgomery, in said county, in honor of the soldiers and sailors from said townships who served in the war for the Union: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 8. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of Huntington, in the State of West Virginia, two brass or bronze guns, with carriage and with a suitable outfit of cannon balls, which may not be needed in the service, one to be placed in the United States Government building yard and one in the county court-house yard at Huntington, W. Va., and to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 9. That the Secretary of War is hereby authorized and directed to donate to General O. O. Howard Post, No. 110, Grand Army of the Republic, of Basin, Wyo., the carriages, caissons, and equipments of the two 3-inch guns heretofore donated to the said post: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 10. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Port Jervis, State of New York, one condemned bronze fieldpiece, with carriage, with a suitable outfit of cannon balls, which will not be needed in the service, the same to be placed in said city beside the monument erected in honor of the soldiers and sailors who served in the war for the Union: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 11. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Middletown, State of New York, one condemned bronze fieldpiece, with carriage, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in said city beside the monument erected in honor of the soldiers and sailors who served in the war for the Union: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 12. That the Secretary of War be, and he is hereby, authorized and directed to furnish to J. S. Chandler Post, No. 102, Grand Army of the Republic, Salem, Ill., one bronze or brass condemned cannon or fieldpiece, with its carriage and with suitable outfit of cannon balls, not needed for present service, the same to be mounted and used on the public building grounds at said city, and to be subject at all times to the orders of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 13. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Stillwater, State of Minnesota, one condemned bronze or brass fieldpiece, with carriage, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in a public park or place in said city: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 14. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Beloit, State of Wisconsin, one condemned bronze fieldpiece, with carriage, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in said city or in a cemetery near to the said city, in honor of the soldiers and sailors who served in the war for the Union: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 15. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county of Sullivan, State of New York, one condemned bronze fieldpiece, with carriage, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed on the court-house lawn in Monticello, the seat of said county, beside the monument erected in honor of the soldiers and sailors who served in the war for the Union: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 16. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county of Warrick, in the State of Indiana, four condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service, the same to be placed in the park surrounding the county court-house in the city of Boonville, Ind.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 17. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Florida two condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service, the same to be placed on the state capitol grounds in the city of Tallahassee: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 18. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the State of Colorado two condemned brass or bronze field guns, with carriages, and with a suitable outfit of cannon balls, which may not be needed in the service, to be placed in the statehouse grounds: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 19. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Delaware a condemned bronze fieldpiece, with its carriage, which may be available and may not be needed in the service, the same to be placed in the park facing the state capitol at Dover, Del.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 20. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Wheeling, in the State of West Virginia, two condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 21. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Fort Madison, Iowa, two brass or bronze "Napoleon" guns, with carriages and with a suitable outfit of cannon balls, to be placed on the site of old Fort Madison: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 22. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the State of Utah two condemned brass or bronze field guns, with carriages, and with a suitable outfit of cannon balls, which may not be needed in the service: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 23. That the Secretary of War be, and is hereby, authorized and directed to donate to the city of Leavenworth, State of Kansas, two condemned bronze or brass fieldpieces, with carriages, with suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in a public park or place in said city: *Provided*, That no expense shall be incurred by the United States in delivery of same.

SEC. 24. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Rhode Island two condemned bronze fieldpieces, with their carriages, and a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed on the state capitol grounds in the city of Providence: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 25. That the Secretary of War is hereby authorized and directed to deliver to the mayor of Somerville, Mass., two condemned bronze or brass cannon, to be placed at a soldiers' monument in that city: *Provided*, That the Government shall be at no expense in connection with this gift.

SEC. 26. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county court of Mercer County, W. Va., two condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service, the same to be used in the park surrounding the court-house, in the town of Princeton, W. Va.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 27. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the Grand Army Post at Lewistown, Pa., two condemned brass or bronze "Napoleon" guns, with their carriages and with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed at the monument erected to the memory of the soldiers and sailors of the late civil war in the public square in Lewistown, Pa.: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 28. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Danville, in the State of Virginia, two condemned bronze fieldpieces, with their carriages and a suitable supply of cannon balls, which may be available and may not be needed in the service, to be placed on the soldiers' plat in the city cemetery in said city: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 29. That the various cannon and other articles of ordnance property furnished under the foregoing provisions of this act shall not be required to be accounted for to the Chief of Ordnance.

SEC. 30. That the Chief of Ordnance is hereby authorized to sell, without advertisement, for public parks, public buildings, and soldiers' monuments purposes surplus obsolete brass or bronze cannon, carriages, and cannon balls at such prices as he may deem reasonable and just: *Provided*, That hereafter obsolete brass or bronze cannon shall not be disposed of except as provided for in this act.

The SPEAKER. The gentleman from Iowa asks unanimous consent to consider this bill. Is there objection?

Mr. CLARK of Missouri. What is it this bill does? Reserving the right to object.

Mr. HULL of Iowa. This bill groups together all the bills the House and Senate have not acted upon donating these condenmed cannon.

Mr. CLARK of Missouri. I am glad of it.

The SPEAKER. The Chair hears no objection.

Mr. HULL of Iowa. I offer the following amendment, to be section 29.

The Clerk read as follows:

SEC. 29. That the Secretary of War be, and is hereby, authorized and directed to donate to Danville Branch of the National Home for Volunteer soldiers, four brass or bronze cannon, with their carriages and a suitable outfit of cannon balls, to be placed on the Soldiers' Home grounds at Danville, Ill.: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The question was taken, and the amendment was agreed to.

Mr. EDWARDS of Georgia. Mr. Speaker, I offer the following amendment, to come in as section 30.

The Clerk read as follows:

SEC. 30. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Waynesboro, Ga., two brass or bronze cannon and a suitable outfit of cannon balls to be placed on the public square of the court-house in said city: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The question was taken, and the motion was agreed to.

Mr. LOUDENSLAGER. Mr. Speaker, I offer the following amendment, to come in as section 31.

The Clerk read as follows:

SEC. 31. The Secretary of War is hereby authorized and directed to donate two pieces of condemned bronze field artillery to place around the soldiers' monument at the city of Camden, in the State of New Jersey: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The question was taken, and the motion was agreed to.

Mr. COX of Indiana. Mr. Speaker, I offer the following amendment, to come in as section 32.

The Clerk read as follows:

SEC. 32. That the Secretary of War be, and is hereby, authorized to donate to the town of Jasper, Ind., two condemned brass or bronze cannon for the Soldiers' Monument of Jasper, Ind.; *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The question was taken, and the amendment was agreed to.

Mr. CARLIN. Mr. Speaker, I offer another amendment, to come in as section 33.

The Clerk read as follows:

Add a new section, to stand as section 33:

"That the Secretary of War is hereby authorized and directed to donate to the city of Alexandria, Va., nine cannon carriages, provided the said carriages may be on hand and not needed for other purposes in the service, and provided no expense shall be attached to the United States in delivery of the same.

Mr. HULL of Iowa. Mr. Speaker, I understand that they have the cannon there—the Daughters of the Confederacy.

Mr. CARLIN. The Daughters of the American Revolution.

Mr. HULL of Iowa. The Daughters of the American Revolution have the cannon, and the Secretary of War has reported to the gentleman that they have the old condemned carriages that they are willing to give.

Mr. CARLIN. That is my understanding of it.

Mr. TAWNEY. Will there be any left after you get all you want? [Laughter.]

The amendment was agreed to.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read a third time, and passed.

Mr. HULL of Iowa. Mr. Speaker, I ask that the sections be renumbered, as these new ones which have been adopted all come in before the last two sections.

The SPEAKER. If there be no objection, the sections will be renumbered.

There was no objection.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I call up from the Speaker's table the conference report on the disagreement of the House with the Senate on the amendments to the post-office appropriation bill (H. R. 26305), and ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report on the post-office appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 20, 21, 23, 25, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1 2, 13, 15, 16, 19, 22, 24, 26, 28, and 29.

And agree to the same.

JESSE OVERSTREET,
JOHN J. GARDNER,
JOHN A. MOON,
Managers on the part of the House.
BOIES PENROSE,
J. P. DOLLIVER,
A. S. CLAY,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made 29 amendments to the bill, involving a decrease of $27,000.

By the action of the conferees, submitted in the accompanying report, the House recedes upon amendments involving an increase of $348,000.

The Senate receded upon amendments involving an increase of $65,000.

The bill as passed by the House carried $234,436,370.

As agreed to by the conferees, the bill carries $234,692,370.

Amendments Nos. 1 and 2: These amendments restore these items to their proper places in the bill.

Amendments Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12: These amendments restore to the bill the items as passed by the House.

Amendment No. 13: This amendment provides for an increased rental in the city of New York, N. Y., for post-office purposes.

Amendment No. 14: This amendment restores the item as passed by the House.

Amendment No. 15: This amendment provides for the promotion of 50 per cent of the carriers in second-class post-offices from $1,000 to $1,100 per annum.

Amendment No. 16: This amendment provides payment for the promotions authorized in amendment No. 15.

Amendment No. 17: This amendment restores the item as passed by the House.

Amendment No. 18: This amendment restores the item as passed by the House.

Amendment No. 19: This amendment strikes out authority for pneumatic tubes in several cities now covered by law.

Amendment No. 20: This amendment restores the item as passed by the House.

Amendment No. 21: This amendment restores the item as passed by the House.

Amendment No. 22: This amendment provides for the payment of actual and necessary expenses of division superintendents, assistants division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks while actually traveling on business of the Post-Office Department and away from their several designated headquarters.

Amendment No. 23: This amendment restores the amount as passed by the House.

Amendment No. 24: This amendment provides for an increase which was considered necessary by the Postmaster-General for blank books, books, etc., for the registry service.

Amendment No. 25: This amendment provides for reimbursement of temporary clerks employed in the tabulations of the six months' weighing of the mails, such clerks having served less than one year, and during that time receiving promotions amounting to from $100 to $360 each.

Amendment No. 26: This amendment provides that postmasters at money-order offices shall give but one bond.

Amendment No. 27: This amendment provides for officers or enlisted men of the Navy and Marine Corps to act as money-order clerks.

Amendments Nos. 28 and 29: These amendments are duplicates of amendments 1 and 2.

JESSE OVERSTREET,
JOHN J. GARDNER,
JOHN A. MOON,
Managers on the part of the House.

The conference report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the conference report on the naval appropriation bill (H. R. 26394) and ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois calls up the conference report on the naval appropriation bill and asks unanimous consent that the statement of the House conferees be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 8, 44, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 9, 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 46, 47, 48, 49, 50, 52, 53, 54, 56, and 57, and agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In the last line of the amendment strike out the word "pending," and after the word "controversy," in the same line, insert the words "now pending;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 3 of the amendment strike out the word "stores" and insert in lieu thereof the word "storehouse;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following: "*And provided further*, That hereafter it shall be the duty of the Secretary of the Navy to report to Congress at the beginning of each regular session thereof, in addition to the report directed to be made in the act of March 2, 1907, making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, a detailed statement showing the amount expended from each of the appropriations for the repair of every ship where such repairs exceed for any one ship the sum of two hundred thousand dollars in any one fiscal year;" and the Senate agree to the same.

On the amendments of the Senate numbered 1, 7, 11, 18, 39, 55, 58, and 59 the committee of conference have been unable to agree.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amendment No. 2 provides that the accounting officers of the Treasury are authorized and directed to allow in the settlement of accounts of disbursing offices involved payments made to officers of the navy while on temporary leave of absence since March 3, 1899, not involving detachment from duty and not in excess of leaves of absence allowed by law to officers of the army without reduction in pay; and the House recedes.

Amendment No. 3 provides that the pay and allowances of the secretary to the Admiral of the Navy shall be the same as those of a lieutenant on the active list having an equal length of service; and the Senate recedes.

Amendments Nos. 4 and 5 provide that the Secretary of the Navy shall send to Congress at the beginning of its next regular session a complete schedule or list showing the amount in money of all pay under the provisions of this act, and for all allowances for each grade of officers in the navy, including retired officers and for all officers included in this act, and for all enlisted men so included; also, that the estimates under the head of "Pay of the Navy" shall show the sums allowed for pay of officers belonging to the line, staff, and retired list; the amount allowed for pay proper, the increases due to longevity and foreign service, the pay at sea rates to officers employed on shore; with the total number of warrant and petty officers and seamen of the several grades and designations, including as to each class the amount allowed for pay proper and for longevity or service increases; also, a list giving the rates of pay for all petty officers and other enlisted men of the navy; and the House recedes.

Amendment No. 6 excepts the regular force in the Navy Department at navy-yards and stations which is now under civil-service rules and regulations in the lump-sum appropriation providing for the clerical, drafting, inspection, and messenger service; and the Senate recedes.

Amendment No. 8 strikes out the House provision for giving preference to employees in the clerical, drafting, and inspection force discharged for lack of work or insufficiency of funds; and the Senate recedes.

Amendment No. 9 provides for the repeal of section 1556 of the Revised Statutes, which fixes the pay of clerks to commandants at navy-yards and naval stations; and the House recedes.

Amendment No. 10 authorizes the Secretary of the Navy to furnish naval prisoners upon discharge with suitable civilian clothing; and the House recedes.

Amendment No. 12 reduces the total for the Naval War College, Rhode Island, from $19,100 to $14,700; and the House recedes.

Amendments Nos. 13 and 14 have the effect of placing the appropriation for badges and ribbons under the Bureau of Navigation instead of under the Bureau of Ordnance; and the House recedes.

Amendment No. 15 provides that from the total appropriation of "Ordnance and ordnance stores" not less than $250,000 shall be expended for the enlargement of the government powder factory; and the House recedes.

Amendments Nos. 16 and 17 make the limitation upon the purchase of powder from any trust or combination in restraint of trade apply to all appropriations for the purchase of powder in the act; and the House recedes.

Amendment No. 19 provides that no part of this amount shall be expended for the purchase of torpedoes, or appliances or rights pertaining thereto, where the rights to such torpedoes or appliances are the subject of pending legal controversy, and the House recedes, with the amendment in the last line, to strike out the word "pending," and after the word "controversy" add the words "now pending," so that the last line shall read as follows: "of legal controversy now pending."

Amendment No. 20 increases the cost of the foundry building in the navy-yard, Portsmouth, N. H., from $200,000 to $250,000, but does not increase the appropriation this year; and the House recedes.

Amendment No. 21 increases the appropriation toward the improvement of water-front facilities in navy-yard, New York, from $50,000 to $76,330; and the House recedes.

Amendment No. 22 increases the total for the navy-yard, New York, by the amount stated in amendment No. 21; and the House recedes.

Amendments Nos. 23 and 24 allow for an appropriation of $50,000 for paving around piers, navy-yard, Philadelphia; and the House recedes.

Amendment No. 25 strikes out the sewer system for the navy-yard, Charleston, S. C.; and the House recedes.

Amendment No. 26 increases the appropriation for paving and grading from $10,000 to $20,000, Charleston Navy-Yard; and the House recedes.

Amendment No. 27 decreases the appropriation for the underground conduit system from $10,000 to $5,00; and the House recedes.

Amendment No. 28 increases the appropriation for the intercepting drain, Charleston Navy-Yard, from $10,000 to $30,500; and the House recedes.

Amendment No. 29 decreases the appropriation for the pneumatic system, Charleston Navy-Yard, from $10,000 to $5,000; and the House recedes.

Amendment No. 30 provides an appropriation of $50,000 for increasing and improving torpedo-boat slips, Charleston Navy-Yard; and the House recedes.

Amendment No. 31 strikes out an appropriation of $25,000 for crane track extension, Charleston Navy-Yard; and the House recedes.

Amendment No. 32 increases the total for Charleston Navy-Yard from $95,000 to $135,500; and the House recedes.

Amendments Nos. 33 and 34 provide for an appropriation of $5,000 for the repair of the rifle range and wharf at the navy-yard, Pensacola; and the House recedes.

Amendments Nos. 35 and 36 provide for the completion of the marine railway at naval station, Key West, $15,000; and the House recedes.

Amendment No. 37 provides the following appropriations for the navy-yard, Mare Island, Cal.: "To continue improvement of channel, $100,000; ordnance stores, $100,000; improvements to building No. 69, $4,000; railroad system extension, $20,000;" increasing the appropriation for that yard from $348,500 to $572,000; and the House recedes, with the amendment: In line 3 of the amendment strike out the word "stores" and insert in lieu thereof the word "storehouse."

Amendment No. 38 changes the total for the Mare Island Navy-Yard, in accordance with amendment No. 37.

Amendment No. 40 provides for the following appropriations for the navy-yard, Puget Sound: "General storehouse (to cost $260,000), $100,000; pier No. 8, $75,000; pattern shop, $40,000; two officers' quarters, $18,000; warrant officers' quarters, $4,000;" and the House recedes.

Amendment No. 41 increases the total for the navy-yard, Puget Sound, from $418,000 to $655,000; and the House recedes.

Amendment No. 42 provides for an appropriation of $45,000 for levee improvements and grading at the naval station, New Orleans; and the House recedes.

Amendment No. 43 increases the total for public works, navy-yards and stations, from $4,202,000 to $4,844,830; and the House recedes.

Amendment No. 44 provides as follows: "Toward the preparation of plans and the construction of two concrete piers at the Naval Academy, Annapolis, Md., and including the pay of the necessary draftsmen and inspectors (to cost not more than $250,000), $100,000; in all, $100,000;" and the Senate recedes.

Amendment No. 45 increases the total public works under Secretary's office from $89,000 to $189,000; and the Senate recedes.

Amendment No. 46 apportions the clerk hire under the various appropriations for the naval training station, Rhode Island, but the total amount is not increased; and the House recedes.

Amendment No. 47 provides for the purchase of land adjoining the navy-yard, Charleston, S. C., as a reservation for the Marine Corps, and appropriates $6,500 for the same; and the House recedes.

Amendment No. 48 provides as follows: "To complete the marine garrison, navy-yard, Bremerton, Wash., one marine barracks, $150,000, and for officers' quarters, $60,000; in all, $210,000;" and the House recedes.

Amendment No. 49 increases the total for public works, Marine Corps, from $360,000 to $576,500; and the House recedes.

Amendment No. 50 increases the appropriation for provisions, navy, from $6,801,523.51 to $7,110,284.31, by reason of the marines serving on board ship, as heretofore; and the House recedes.

Amendment No. 51 strikes out the House provision; and the House recedes, with the following amendment: In lieu of the matter stricken out insert the following:

"*And provided further*, That hereafter it shall be the duty of the Secretary of the Navy to report to Congress at the beginning of each regular session thereof, in addition to the report directed to be made in the act of March 2, 1907, making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, a detailed statement showing the amount expended from each of the appropriations for the repair of every ship where such repairs exceed for any one ship the sum of $200,000 in any one fiscal year."

Amendment No. 52 provides for an increase for the engineering experiment station, Naval Academy, Annapolis, Md., from $11,968 to $17,488; and the House recedes.

Amendment No. 53 provides for the title of "warrant machinist" to be changed to "machinist," and is as follows:

"The title of 'warrant machinist' is hereby changed to 'machinist;' and all machinists shall, after six years from date of warrant, be commissioned chief machinists to rank with, but after, ensign, and shall on promotion have the same pay and allowances as are allowed chief boatswains, chief gunners, chief carpenters, and chief sailmakers, and no machinist shall be promoted until he shall have passed such examination before a board as the Secretary of the Navy may prescribe; and no warrant officer heretofore or hereafter promoted six years from date of warrant shall suffer a reduction in pay which, but for such promotion, would have been received by him: *Provided*, That chief boatswains, chief gunners, and chief machinists shall be eligible for appointment to the grade of ensign under the restrictions imposed by law upon the appointment of boatswains, gunners, and warrant machinists to that grade."

And the House recedes.

Amendment No. 54 provides as follows:

"The crypt and window spaces of the United States Naval Academy chapel are to be used only for memorials to United States naval officers who have successfully commanded a fleet or squadron in battle, or who have received or may receive the thanks of the Congress of the United States for conspicuously distinguished services in time of war, and no memorial shall be accepted for or installed in said crypt or window spaces until at least five years after the death of the officer in question: *Provided*, That nothing in this provision shall be considered as invalidating any agreement made by the present or any former Superintendent of the Naval Academy authorizing a memorial window in the old Naval Academy chapel to be transferred to the new Naval Academy chapel."

And the House recedes.

Amendment No. 56 provides that of the two first-class battle ships provided for in this act, not more than one shall be built by one contracting party; and the House recedes.

Amendment No. 57 is as follows:

"The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase one destroyer whose vitals are located below the normal load water line, such vessel to cost not to exceed $400,000 and to have a speed not less than 22 knots; also two small vessels of similar construction having a speed of not less than 16 knots and to cost not to exceed $22,500 each: *Provided*, That before any vessel provided for in this paragraph shall be purchased or contracted for a vessel of similar construction shall have been constructed complete and of full size for naval warfare and submitted to the Navy Department for such trial and tests as the Secretary of the Navy may, in his discretion, prescribe, and as the result of such tests be demonstrated to have fulfilled all the reasonable requirements of naval warfare for such a vessel."

And the House recedes.

The committee of conference has been unable to agree on the following amendments:

Amendment No. 1: "The provisions of the act approved June 29, 1906, entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes,' providing for the retirement in the next higher grade of officers of the navy who served during the civil war, shall not operate to deprive any officer of the navy who has been, or may be, retired, since the passage of that act, of the right to increased rank and pay to which, but for the passage of said act, he would have been entitled."

Amendment No. 7: "and that all employees of the navy-yards, gun factories, and naval stations, in addition to the fifteen days' leave of absence now provided for by existing law, may hereafter, in exceptional and meritorious cases, where such employees are ill, be granted sick leaves of absence with pay, in the discretion of the Secretary of the Navy, not to exceed fifteen days in any one year."

Amendment No. 11 strikes out the following in the House bill: "unless a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment," and adds the following: "unless a certificate of birth or written evidence other than his own statement or statement of another based thereon, satisfactory to the recruiting officer, showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment."

Amendment No. 18 relates to the purchase of powder and strikes out the words "an emergency," and inserts the word "war," thereby limiting the purchase of powder from any trust or combination in restraint of trade to the event of war only.

Amendment No. 39: "The Secretary of the Navy is directed, by suitable board, to investigate and report to Congress the advisability and necessity of establishing a naval base, including a navy-yard and repair station, on the coast of the State of California, south of San Francisco; and if the establishment of such naval base is deemed necessary and advisable at what place on said coast said naval base should be located, and an estimate of the cost of same."

Amendment No. 55: "*Provided*, That no part of the appropriations herein made for the Marine Corps shall be expended for the purposes for which said appropriations are made, unless officers and enlisted men shall serve, as heretofore, on board all battle ships and armored cruisers, and also upon such other vessels of the navy as the President may direct, in detachments of not less than 8 per cent of the strength of the enlisted men of the navy on said vessels."

Amendment No. 58 strikes out the following from the House bill: "*Provided*, That no part of the above appropriation shall be used for the payment of the construction of any collier the total cost of which shall exceed $900,000."

Amendment No. 59: "That there shall be kept, in the discretion of the President, as far as practicable, one-half of the navy of the United States on the Pacific at all times."

The increases in the naval appropriation bill for this year by Senate amendments agreed to in conference are as follows: Public works, navy-yards and stations, $642,830; public works, Marine Corps, $216,500; provisions, navy, $308,760.80; experiment station, Naval Academy, $5,520. The Senate made a reduction in the House bill of $4,400, and the conferees reduced the bill as it passed the Senate by $100,000.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

Mr. FOSS. Mr. Speaker, I wish to state that this leaves in disagreement on the naval appropriation bill about half a dozen items.

The amount of the bill as it passed the House was $135,766,771. As it stands now, the bill amounts to $136,935,199.

I call for the adoption of the report.

Mr. UNDERWOOD. Before the gentleman asks for a vote I should like to put to him some questions about the matter.

Mr. FOSS. I yield to the gentleman.

Mr. UNDERWOOD. I see that the conference committee have agreed to Senate amendments for public works and naval stations to the extent of $642,830 in this conference report.

Mr. FOSS. Yes.

Mr. UNDERWOOD. In view of the present condition of the Treasury, the deficit that is facing the country, I should like to ask the gentleman where the necessity arose for the increase of these public buildings.

Mr. FOSS. These amendments which were put in by the Senate were all in the estimates as they were sent to our committee originally, and they were requested by the Navy Department. Most of them, I think, went out on points of order in the House. Then they were put in again over in the Senate.

Mr. UNDERWOOD. If they came as estimates to your committee, the committee did not think it necessary to put them in at the time the bill passed the House. Now I should like to have the gentleman state wherein the necessity arose for this increase of $642,000 for public works, and $308,000 for an experiment station at the Naval Academy, when it seems that under the present necessities of the country for economy we could at least forego the building of additional public buildings unless there is some extreme necessity shown for the same.

Mr. FOSS. Undoubtedly between the time when the bill passed the House and the time when it was taken up in the Senate the Navy Department appealed to the Senate committee for these provisions.

Mr. UNDERWOOD. I have no doubt of that.

Mr. FOSS. But I am not familiar enough with the situation to know that fact. When these matters came up in conference, the Senate conferees said that the Navy Department desired them, and consequently they were put on as Senate amendments.

Mr. UNDERWOOD. I have no doubt that the Navy Department asked for the buildings. I am not questioning the fact that they may have been useful, but, under the present conditions of the country and of the Treasury, I do not think the gentleman ought to bring a conference report or a bill to this House increasing the appropriations over what they were in the bill when they left the House—nearly a million dollars—without he can show to the House an absolute necessity on the part of the Government for the increase he has agreed to.

Mr. FOSS. I will say to the gentleman that this is a very small increase compared with the increases that have been made in previous years. The increases on public works were twice that.

Mr. UNDERWOOD. I know we were very extravagant, but we had money to be extravagant on; but we have now reached the time when we have not got the money, and the gentleman brings in a bill increasing the expenditures before the House, and he should be able to justify absolutely every increase that the bill contains.

Mr. FOSS. Mr. Speaker, I call for the adoption of the conference report.

The conference report was agreed to.

Mr. FOSS. Now, Mr. Speaker, I move that the House disagree to amendments numbered 1, 7, 11, 18, 39, 55, 58, and 59, and agree to the conference already asked for by the Senate.

The SPEAKER. The gentleman from Illinois moves that the House further insist on its disagreement to the amendments indicated and agree to the conference asked for by the Senate. Without objection——

Mr. MANN. I object, Mr. Speaker; I would like to have a vote on the question.

Mr. FOSS. Does the gentleman desire a separate vote?

Mr. MANN. No; I am willing to have a vote on all the amendments at once.

The question was taken, and on a division (demanded by Mr. MANN) there were 100 ayes and 3 noes.

So the motion of Mr. Foss was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. FOSS, Mr. LOUDENSLAGER, and Mr. PADGETT.

RIGHT OF WAY ACROSS FORT KEOGH MILITARY RESERVATION, MONT.

The SPEAKER laid before the House the following Senate resolution.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate H. R. 34149, granting to the Montana, Wyoming and Southern Railroad Company a right of way across Fort Keogh Military Reservation, Mont.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

CONTESTED-ELECTION CASE—OCTAVIANO A. LARRAZOLA V. WILLIAM H. ANDREWS.

Mr. OLMSTED. Mr. Speaker, by direction of Committee on Elections No. 2, I present a report (H. Rept. No. 2246) and accompanying resolutions in the case of Octaviano A. Larrazola against William H. Andrews, involving the right to a seat in the House of Representatives of the United States in the Sixtieth Congress as a Delegate from the Territory of New Mexico. Accompanying it is a statement by two Members, not dissenting at all, but commenting on the laws of New Mexico. I do not ask for the reading of the report, but of the resolutions.

The Clerk read the resolutions, as follows:

House resolution 591.

Resolved, That Octaviano A. Larrazola was not elected and is not entitled to a seat in the Sixtieth Congress as a Delegate from the Territory of New Mexico.

Resolved, That William H. Andrews was elected and is entitled to a seat in the Sixtieth Congress as a Delegate from the Territory of New Mexico.

The resolutions were agreed to.

BRIDGE ACROSS RED RIVER.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 28193) to authorize the city of Shreveport to construct a bridge across Red River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Shreveport, a corporation organized under the laws of the State of Louisiana, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a traffic bridge and approaches thereto across the Red River at Shreveport, in the State of Louisiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE TO CERTAIN LAND IN NEW MEXICO.

Mr. DIEKEMA. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1617) to quiet title to certain land in Dona Ana County, N. Mex.

The Clerk read the bill, as follows:

Be it enacted, etc., That in all cases where persons have made a claim or claims to land in Dona Ana County, N. Mex., by virtue or under color or bona fide claim of right or title derived from the Mexican land grant, known as the Refugio Colony grant, in said county, and which grant was confirmed by the final decree of the Court of Private Land Claims, rendered in 1902, and where such person or persons in good faith and for a valuable consideration have purchased such lands and occupied and improved the same prior to the rendition of said decree, in the bona fide belief that said lands were embraced in and a part of said grant and which lands were excluded therefrom by the final survey of said grant ordered by said court, and where said persons, their assigns, and successors in interest have used, improved, and continued in the actual possession of the same as according to the lines of the original purchase, and where no valid adverse right or title (except of the United States) exists, such occupants, claimants, or purchasers may purchase and the Commissioner of the General Land Office shall cause patents to issue for the same, after having such lands surveyed under existing laws, at the minimum price established by law, upon first making proof of the facts as required in this section, under regulations to be provided by the Commissioner of the General Land Office, joint entries being admissible by coterminous proprietors to such an extent as will enable them to adjust their respective boundaries: *Provided*, That the

right to purchase herein given shall not extend to lands containing mines of gold, silver, copper, or other valuable minerals: *And provided*, That whenever it shall be made to appear by petition from the occupants of such land that injury to permanent improvements would result from running the lines of the public survey through such permanent improvements, the Commissioner of the General Land Office may recognize existing lines of subdivisions.

The Clerk also read the following committee amendments:

On page 2, line 3, strike out the word "purchase" and insert in lieu thereof the words "make entry."

On page 2, line 6, strike out the words "at the minimum price established by law" and insert in lieu thereof the words "on payment of the fees and commissions required on original homestead entries."

On page 2, line 12, strike out the word "purchase" and insert in lieu thereof the words "make entry."

Add one new section thereto, to stand as section 2, and to read as follows:

"SEC. 2. That the Commissioner of the General Land Office is hereby authorized to render to the claimants under this act such assistance as he may deem necessary in the matter of the preparation and submission of proofs hereunder, and all actual expenses incurred by clerks of the General Land Office or others detailed by the commissioner in rendering the necessary assistance to such claimants, including per diem allowance in lieu of subsistence, may be paid from the appropriation for expenses of inspectors, General Land Office."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I would like to ask the gentleman how large a tract does this cover?

Mr. DIEKEMA. Eight thousand five hundred acres.

Mr. UNDERWOOD. How much is the ownership of any one man?

Mr. DIEKEMA. There are a little over 1,000 families.

Mr. UNDERWOOD. Yes; but how much land does one man own?

Mr. DIEKEMA. Not much. There are only 8,500 acres, and there are 1,000 families interested in it.

Mr. UNDERWOOD. Is the limitation made within the terms of the homestead act—that is, does it exceed 160 acres?

Mr. DIEKEMA. The homestead act would make no difference about this, because each man would get the lands that he had originally purchased from the colony and to which he had received title under that purchase, no matter how small the tract or how large the tract; but there is no very large tract in it.

Mr. UNDERWOOD. What I want to get at is this—as to whether this is an attempt to grant the persons who had no legal rights, as shown by this report, a large tract of land, or whether it is simply confirming the title to people who could have taken up that much public land under homestead entry?

Mr. DIEKEMA. No; it is confirming the title to people who actually did take possession, who made improvements, and who are now in possession, and who did so under the survey made in 1878 by Mr. Elkins, relying that that survey would be confirmed by the Government.

Mr. STEPHENS of Texas. Will the gentleman inform us where this land is situated?

Mr. DIEKEMA. In Dona Ana County, N. Mex.

Mr. STEPHENS of Texas. Is it on the Rio Grande River? What I want to get at is, is it irrigable land?

Mr. MANN. It is Refugio Colony grant lands.

Mr. DIEKEMA. It was originally, in 1851, a Mexican grant to the Refugio Colony; and in the treaty we made with Mexico when we purchased this land, we agreed to confirm this land grant.

Mr. STEPHENS of Texas. Has it ever been confirmed by the United States Government?

Mr. DIEKEMA. Yes; but from this land grant, according to the latest survey, were excluded about 8,500 acres, which were bought in good faith by actual settlers, who made improvements.

Mr. STEPHENS of Texas. Then, this land that was excluded in the survey would be public domain?

Mr. DIEKEMA. Would be public domain unless the grant was made to the parties who actually purchased the same.

Mr. STEPHENS of Texas. And you propose to let these people have the land they intended to get off the public domain?

Mr. DIEKEMA. And for which they actually paid the Refugio Colony.

Mr. STEPHENS of Texas. I think there should be no objection to that.

Mr. SULZER. Where is this land located?

Mr. DIEKEMA. In Dona Ana County, N. Mex.

Mr. SULZER. How many acres?

Mr. DIEKEMA. Eight thousand five hundred acres.

Mr. SULZER. What is it worth to-day?

Mr. DIEKEMA. Nobody can tell.

Mr. MANN. It is not valuable land?

Mr. DIEKEMA. It is not valuable land at all.

Mr. NELSON. Not mining property?

Mr. MANN. No.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be read a third time, read the third time, and passed.

CLARENCE FREDERICK CHAPMAN, U. S. NAVY.

Mr. BUTLER. Mr. Speaker, I call up the conference report on the bill (H. R. 12499) for the relief of Clarence Frederick Chapman, U. S. Navy, and ask unanimous consent that the statement be read in lieu of a report.

The SPEAKER. The gentleman calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 12499, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

THOMAS S. BUTLER,
ERNEST W. ROBERTS,
A. W. GREGG,
Managers on the part of the House.

CHARLES DICK,
THOMAS S. MARTIN,
JOHN WALTER SMITH,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 12499) "for the relief of Clarence Frederick Chapman, United States Navy," submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendment of the Senate:

The Senate in receding from its amendment leaves the bill as it passed the House of Representatives.

THOMAS S. BUTLER,
ERNEST W. ROBERTS,
A. W. GREGG,
Managers on the part of the House.

Mr. BUTLER. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to adopt the report.

The question was taken, and the report was adopted.

TRANSFERRING DAWSON COUNTY, TEX., TO NORTHERN JUDICIAL DISTRICT.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 28305) to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That Dawson County, in the State of Texas, be, and the same is hereby, attached to and made a part of the Abilene division of the northern judicial district of the State of Texas and detached from the Fort Worth division of said judicial district.

SEC. 2. That all process against persons resident in said county of Dawson and cognizable before the court in said judicial district shall be issued out of and made returnable to said court at Abilene, and that all prosecutions against persons for offenses committed in said county shall be tried in said court at Abilene: *Provided*, That no civil or criminal cause begun and pending prior to the passage of this act shall be in any way affected by it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HENRY of Texas, a motion to reconsider the last vote was laid on the table.

SELLING SURPLUS INDIAN LANDS, KAW AND OSAGE TRIBES.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8554) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians

of Oklahoma, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and empowered, upon application, to sell, under such rules and regulations as he may prescribe, part or all of the surplus lands of any member of the Kaw or Kansas and Osage tribes of Indians in Oklahoma: *Provided*, That the sales of the Osage lands shall be subject to the reserved rights of the tribe in oil, gas, and other minerals.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to have some information about the matter.

Mr. SHERMAN. Mr. Speaker, the lands of the Kaw tribe have been allotted to them, 160 acres for a homestead, and the balance is called "surplus land." That balance is about 200 acres to each Indian. To the Osage tribe the land was allotted in the same way—160 acres to each Indian—and a surplus remains, very nearly 500 acres to each. This simply means that each Indian has more land than he can properly work, and this bill authorizes the Secretary to permit the sale of a portion or all of the surplus land upon the application of each individual Indian where he considers it for the benefit of the Indian to make such sale, and, of course, it reserves the right in the oil and minerals to the tribe.

Mr. MANN. Of course that means that very soon all of this land will be taken out of the hands of the Indians and put into the hands of the white people down there.

Mr. SHERMAN. The surplus lands; that is the intention, certainly.

Mr. MANN. Why was not that done in the original act if it was considered desirable to do so?

Mr. SHERMAN. It was restricted for a limited time; it was restricted for ten years for the Kaws, and the ten years will expire in about three years. It is asked that the ten years be cut down to the present time.

Mr. MANN. Does not the gentleman think it will rob the Indians of their land and that it is perfectly safe to wait until the end of the ten years, instead of waiving that limitation now?

Mr. SHERMAN. The gentleman is entirely in error. There is no purpose of robbing the Indians, and I will not, as long as I live and have any power to do so, permit the passage of any act robbing the Indians of their lands or money; and I want to call the gentleman's attention to the fact that I have striven as best I could to protect the rights of the Indians rather than the rights of the white people.

Mr. MANN. The gentleman really does not need to say that, because everybody on the Committee on Indian Affairs and off of it——

Mr. SHERMAN. I understood the gentleman to intimate so.

Mr. MANN (continuing). Knows that the gentleman has stood as a bulwark between robbery and the Indians, but the gentleman will soon be off the Committee on Indian Affairs——

Mr. CLARK of Missouri. Off the reservation.

Mr. MANN (continuing). And here is a proposition to permit the white people to commence at once to endeavor to get this land away from the Indians, and the white people are pretty cute.

Mr. SHERMAN. There is no doubt about that; the gentleman's presence here proves that.

Mr. MANN. And there will not be any land left in the possession of the Indians and mighty little money left in their hands in three years if this bill goes through.

Mr. SHERMAN. The gentleman should understand that this does not apply to the homestead; that each Indian will have 160 acres, but that 660 acres is rather a substantial—that is not the exact term—is rather more than the Indian is supposed to be able to till for himself and his family, and each Indian has that.

Mr. MANN. We had the assurance of the gentleman from Oklahoma the other day that the Indians did not till probably 40 acres of what they had, but the lands were leased. Now, if the title remains in the Indians and permits the leasing of lands then we know they will have something to live on, but if the title passes out of the Indians there is no way of keeping the money in the hands of the Indians, and it will be only a short time before they will be bereft of lands and bereft of money, and the Government will have to take care of them, and I think three years longer to wait would not hurt anybody.

Mr. MACON. May I ask the gentleman why the Indian should not work as well as anybody else?

Mr. SHERMAN. The Indian should work, and we have legislated as far as possible to make it absolutely necessary that they should work. For instance, in regard to the Sioux Indians, some years ago we provided that the administrative officer of the Government should have the privilege of withholding their rations except where they work for their rations, and so far as it has been possible this House and both bodies of Congress has put it in the power of the administrative officers to compel the Indians to do what we do—earn their bread by the sweat of their face.

Mr. MACON. I stand with the gentleman from New York absolutely on that ground. I think they ought to be made to work just as we do.

Mr. SHERMAN. That is just what we are trying to do all along the line. Now, there is more land held by each Indian than he could cultivate if he were as industrious as the gentleman from Illinois, and I can not say anything more extravagant along that line, more pressing in the line of industry. [Applause.] I think the Indian should be made to till and care for his land.

They do not try to do it, but even if they did try they could not do it where the amount of the individual holding is so great, and this proposition is that under regulations prescribed by the Secretary permission be given them to sell whatever of their surplus lands they do not need and use the money under the direction of the Secretary of the Treasury in improving land that they still have.

Mr. MANN. I do not see what authority the Secretary of the Treasury would have over the purchase price of this land after it is received. It can not be paid into the Treasury of the United States.

Mr. SHERMAN. The Indians do not have this money paid to them until the Congress says so.

Mr. STEPHENS of Texas. It is for the use and benefit of the Indians and placed to their credit.

Mr. SHERMAN. They get the interest, certainly, per capita annually, but they do not get the principal under the terms of the original act until the Congress says so.

Mr. MANN. Where they sell their own land?

Mr. SHERMAN. Under the terms of the agreement this money goes into the Treasury, the interest thereon to be used by them, or to be paid to them, rather, annually per capita.

Mr. MANN. Here the other day we had a proposition offered by the gentleman from Oklahoma in its original form, objected to by the gentleman from New York, although he finally agreed to a modified form, to take part of the principal—possibly not of these Indians, but other Indians in Oklahoma—on the original proposition to pay their debts, their grocery bills, and so forth, for the ensuing year.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object for the present.

COMPENSATION OF COMMISSIONS, ETC.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that the following may be considered in the Committee of the Whole in order as an amendment and separate section to the sundry civil appropriation bill (H. R. 28245).

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the following order, which the Clerk will report, may be agreed to.

The Clerk read as follows:

SEC. —. That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall have been authorized by Congress; nor shall there be employed, by detail, hereafter or heretofore made, or otherwise, personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I would like the gentleman from Minnesota to explain the entire purport of this resolution. It is the first time I have heard it.

The SPEAKER. The request is that this order shall be agreed to, and that it shall be in order to move the amendment upon the sundry civil appropriation bill.

Mr. TAWNEY. That is all it is. I first want to perfect the text. After the word "been," next to the last line of typewriting, insert the words "in specific terms."

The Clerk read as follows:

Insert after the word "been" the words "in specific terms."

The SPEAKER. Is there objection?

Mr. PERKINS, Mr. TOWNSEND, and Mr. GAINES of Tennessee rose.

The SPEAKER. To whom does the gentleman from Minnesota [Mr. TAWNEY] yield?

Mr. TAWNEY. I yield to the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. I would like to ask the object of this resolution in one respect. There was, as the gentleman from Minnesota will perhaps remember, in the agricultural appropriation

bill a provision which was carefully debated in the House, and a motion was made to strike out the provision having in view the action of a certain board of review or advisory committee—a referee board—which had acted in connection with certain matters in the Agricultural Department. A majority of the House, after full debate, retained the provision that was contained in the agricultural bill and defeated the amendment that was offered to strike it out.

Now, if the object of the amendment now offered by the gentleman from Minnesota [Mr. TAWNEY] is to overrule and defeat that action of the House, I must feel bound to object.

Mr. TAWNEY. I would say, Mr. Speaker, that I did not have in mind the referee board of the Agricultural Department or the action of the House in respect thereto on the agricultural appropriation bill.

I think the referee board, as it was then claimed, was appointed under authority of law. This provision, if it be made law, would have no application whatever to that board. What is intended especially by this is to meet this condition. It did appear, as I have been informed, on the hearings on the agricultural appropriation bill, and other members of the committee have information to that effect, that a great number of commissions that are now in existence have been working under authority from the executive department alone, and are employing a great many people in the various departments here in the work of securing data and information and in tabulating and classifying the results of the work of these commissions. I am informed that only recently a carload of the answers to interrogatories submitted by the "Uplift commission of the people of the United States" have been dumped in the Census Bureau of the Department of Congress and Labor for the purpose of tabulation.

I am also informed that clerks have been detailed to work in preparation of what is commonly known as the "Homes Commission report," a report which, in my judgment, ought never to have been printed; and this is all being done without authority of law. Now, this is simply to meet a condition of that kind.

Mr. PERKINS. I ask that the last amendment offered by the gentleman be again reported.

The SPEAKER. The Clerk will again report the proposed order.

The proposed order was again read.

Mr. TAWNEY. Mr. Speaker, at the suggestion of some gentlemen around me, I would ask to withdraw the words "in specific terms."

The SPEAKER. The gentleman modifies his request as indicated. The Chair wants to understand the request. The gentleman now asks that it shall be in order under this order to move this as an amendment upon the sundry civil appropriation bill.

Mr. TAWNEY. In Committee of the Whole.

The SPEAKER. In Committee of the Whole.

Mr. HEPBURN. I would like to ask the gentleman from Minnesota why he uses the words "be authorized by Congress?" What does he mean by that?

Mr. TAWNEY. "Authorized by law" is what I mean.

Mr. HEPBURN. There is a great difference between the two. One might mean a statute and the other a resolution of the two Houses of Congress.

Mr. TAWNEY. I modify it so that it shall read "authorized by law."

The SPEAKER. The gentleman moves to strike out the word "Congress" and insert "authorized by law."

Mr. GAINES of Tennessee. Does this proposition deprive a Member of the right to object to this matter if it is offered in Committee of the Whole on the sundry civil bill?

Mr. TAWNEY. This makes it in order to be considered as an amendment to the sundry civil bill. The merits of the proposition will be considered at the time it is offered to the sundry civil bill.

Mr. GAINES of Tennessee. I think it strikes at an evil; but I want to ask my friend, Can not a similar provision be also reported to the House to regulate this express matter that we had under discussion yesterday?

Mr. TAWNEY. A similar proposition could be offered, but whether it would be agreed to is another matter.

Mr. GAINES of Tennessee. I will ask if he will not offer a similar provision?

Mr. TAWNEY. Is there objection, Mr. Speaker?

Mr. GAINES of Tennessee. I withdraw whatever objection I might have, because I am for the resolution.

Mr. PARSONS. I object.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and adopt the resolution which I have just sent to the Clerk's desk.

Mr. UNDERWOOD. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I am not opposed to this resolution of the gentleman from Minnesota. I am for it, but I would like to inquire of the Chair under what authority the gentleman from Minnesota is allowed to move to suspend the rules?

The SPEAKER. This is one of the last six days.

The Clerk will report the resolution as presented.

The Clerk read as follows:

House resolution 593.

Resolved, That it shall be in order to offer as an amendment to the sundry civil appropriation bill in Committee of the Whole House on the state of the Union, the following:

SEC. —. That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

The SPEAKER. Is a second demanded?

Mr. PARSONS. I demand a second.

Mr. TAWNEY. I ask unanimous consent that a second may be considered as ordered.

Mr. DOUGLAS. Is next Thursday a legislative day in the Sixtieth Congress or not?

The SPEAKER. The last legislative day is the 3d of March, and the last calendar day is the 3d.

Mr. DOUGLAS. Another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOUGLAS. If this motion to suspend the rules and pass this order be carried, will that prevent a suggestion in the committee that this is out of order?

The SPEAKER. Absolutely. While the Chair has not been informed, the Chair presumes that the purpose is to make this in order to be considered by way of motion and amendment on the sundry civil bill. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Minnesota is entitled to twenty minutes and the gentleman from New York [Mr. PARSONS] to twenty minutes.

Mr. TAWNEY. Mr. Speaker, the only purpose of this is to make in order what I have sent to the desk as an amendment to the sundry civil appropriation bill, so that it may be considered in Committee of the Whole, when the merits of the proposition can be considered. I think the matter is of sufficient importance to deserve careful consideration on the part of the House. In order that it may be considered, I have offered this rule, which will make it in order, and have moved the suspension of the rules for that purpose.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield to a question?

Mr. TAWNEY. Yes.

Mr. SMITH of California. Does the gentleman intend to press this in Committee of the Whole to-day, or will it go over until to-morrow, in order that we may have the resolution before us and know the exact scope of it?

Mr. TAWNEY. It will be offered as a separate section to the sundry civil appropriation bill and will come up at the end of the bill. If we conclude consideration of the bill before we adjourn to-day, it will be considered to-day. If not, it will have to go over until later.

Mr. SMITH of California. You do not intend to call it up immediately to-day?

Mr. TAWNEY. No; it will be considered in its regular order. I reserve the balance of my time.

The SPEAKER. The gentleman from New York [Mr. PARSONS] is recognized for twenty minutes.

Mr. PARSONS. Mr. Speaker, the object of this rule is to make it possible on the sundry civil bill to legislate so that we will not have the advantage of any voluntary commission, such as the council of fine arts which the President recently created, a voluntary commission composed of a lot of men interested in architecture, and art experts, who were willing to give the Government free the advantage of their services. The other day a limitation was put on this bill which might seem to accomplish that purpose, but the limitation is not worth the paper it is written on after the 4th of March, because it is limited to the executive order of President Roosevelt; and if the President-elect wishes to issue a different order accomplishing in another way the same purpose, the limitation in the act would not prevent. Therefore this provision, or some such pro-

vision as is contemplated by this resolution, is necessary to effectually carry out a similar purpose to the one involved in that limitation.

I think that of the many splendid things the President has done the establishment of this voluntary council of fine arts is one of the best; and I think when we can have the advantage of the free service of these men, we at least ought to be willing to accept it. I would not object to a provision that unless specially authorized by Congress these people should not be paid, but I do object to the provisions in this resolution whereby we can not have the advice of experts on any subject even if they are willing to give it free.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. PARSONS. Certainly.

Mr. TAWNEY. Is the gentleman aware that the law to-day prohibits in express terms the acceptance of voluntary service on behalf of the Government by any officer of the Government?

Mr. PARSONS. Why, then, is your amendment necessary?

Mr. TAWNEY. This amendment becomes necessary because of the fact that this work is required of the employees in the various departments of the Government.

The voluntary commissions gather a lot of general data all over the United States which is absolutely valueless in the form in which it is obtained, and then it is dumped into the department, and the time of the employees is used for the purpose of working out in detail and tabulating and classifying the information and data that is thus obtained, and imposes upon the department and upon the clerks an extra burden. It is true that some of the clerks in the department have done this work out of hours; but by what right can we require, or should we require, these people to perform these services in their own time?

Mr. DOUGLAS. Will the gentleman from Minnesota yield for a question?

Mr. PARSONS. The gentleman from Minnesota has not the floor.

Mr. TAWNEY. Mr. Speaker, I have nothing further I care to say on the resolution.

Mr. PARSONS. Mr. Speaker, I will yield three minutes to the gentleman from New Jersey.

Mr. PARKER. Mr. Speaker, I have a great objection to putting provisions upon an appropriation bill which are not understood and may go a great deal farther than they are expected to go. It is beyond all question that every now and then, in every department, things do not always go right, and the President or the head of the department appoints a so-called "committee" or "commission," whatever it may be—sometimes volunteers outside, of experts, and sometimes of clerks within—to investigate and report. If it be a matter that is germane to the work of that particular department, whether it be the War or the Navy or the fortifications or of the Interior, it is right; and any provision put upon this bill that will prevent a complete, honest investigation and the uses of the forces of the Government, clerical or otherwise, to tabulate their results is wrong, and I object to its being taken up on an appropriation bill. It is a kind of provision that ought to be considered by a committee reporting specifically, with a special report by the committee adopted in this House as a bill, and with the power of amendment, and not stuck in under the five-minute rule to hamper the Executive in the management of this Government. That is why I object to it. [Applause.]

Mr. TAWNEY. Mr. Speaker, I want to emphasize this fact. The adoption of this order will not in any way interfere with a full and free discussion and consideration of this provision on its merits when it is proposed and offered to the sundry civil bill in the Committee of the Whole House. It will be subject to amendment, and full opportunity afforded for discussion and consideration.

Mr. PARSONS. Will the gentleman yield? Would not this prevent such work being performed as is performed by the natural conservation commission?

Mr. TAWNEY. I will answer the gentleman when we come to consider the proposition on its merits.

Mr. PARSONS. The gentleman asked me a question, and why will he not answer mine?

Mr. TAWNEY. I would first have to inquire as to authority under the law for the conservation commission to dump any work on the department. If it is created by authority of law, then this would not interfere with it.

Mr. PARSONS. But if it is not created by authority of law?

Mr. MANN. Then it has no business to exist.

Mr. TAWNEY. What right has it, if not created by authority of law, to demand of the executive department the time and service and money of the Government?

Mr. PARSONS. It does not demand it, but it gets information for the department, as individuals can.

The SPEAKER. The question is on agreeing to the motion.

The question was taken; and on a division (demanded by Mr. PARSONS) there were—140 ayes and 60 noes.

Mr. PARSONS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. All those in favor of taking the yeas and nays will rise. [After counting.] Sixteen gentlemen have arisen, not a sufficient number. The yeas and nays are refused. Two-thirds having voted in favor thereof, the motion is agreed to.

FEARON, DANIEL & CO.

By unanimous consent the reference of the joint resolution (S. R. 83) for the relief of the firm of Fearon, Daniel & Co., of New York and Shanghai, was changed from the Committee on Claims to the Committee on Foreign Affairs.

WITHDRAWAL OF PAPERS.

Mr. FULLER, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of Matilda B. Aldrich (H. R. 15355), no adverse report having been made thereon.

Also, to withdraw from the files of the House, without leaving copies, the papers in the case of Forest M. Lentz (H. R. 23906), no adverse report having been made thereon.

Also, to withdraw from the files of the House, without leaving copies, the papers in the case of David A. Funk (H. R. 27564), no adverse report having been made thereon.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 28245).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. WATSON in the chair.

Mr. TAWNEY. Mr. Chairman, I withdraw the point of order which I made last night to the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, and, without objection, the amendment will be again reported.

There was no objection, and the clerk read as follows:

To follow line 9, page 75, insert:

"Authority is hereby given the accounting officers of the Treasury Department to allow and credit in the accounts of Commander L. C. Heilner, U. S. Navy, inspector of the thirteenth light-house district, for the fiscal year ended June 30, 1906, the sum of $625 paid by him from the appropriation 'Supplies of light-houses, 1906,' for raising the light-house tender Manzanita."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, including expenses of surveys in aid of the shellfish commission of the State of Maryland, which expenses, including cost of plats and charts, shall not exceed $15,000 in any one year, to be immediately available, $20,000.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on that paragraph for the purpose of getting some information. I would like to ask the gentleman in charge of the bill what is meant by the language, "included expenses of surveys in aid of the shellfish commission of the State of Maryland?"

Mr. TAWNEY. Mr. Chairman, three or four years ago Congress passed a law authorizing the Coast and Geodetic Survey to make certain surveys of the oyster beds in the State of Maryland, and we have been expending about $15,000 a year for that purpose.

Mr. COX of Indiana. Ever since Congress passed its first act?

Mr. TAWNEY. Ever since Congress passed the first act, and this is the provision I have on several occasions referred to as illustrating the fact that in this day of ours the States are even willing to surrender sovereignty over their own territory in order to get an appropriation out of the Federal Government.

Mr. COX of Indiana. Do I understand the gentleman to say that the State of Maryland is working in connection with the Federal Government in this particular instance?

Mr. TAWNEY. The work is being done, as I understand it, jointly by the State and the Federal Government; but the Federal Government, under that law as I now recall it, has complete control and supervision over the work. The triangu-

lation is all done by the officers and scientific men of the Coast and Geodetic Survey.

Mr. COX of Indiana. Does the Government appropriate all the money for this purpose, or is a part of the money appropriated in the State of Maryland?

Mr. TAWNEY. I do not know whether the State of Maryland appropriates or how much it appropriates. This appropriation is expended in the payment of compensation to government officials or employees engaged in that work.

Mr. COX of Indiana. Then, as I understand the gentleman, there is an organic statute or law authorizing the appropriation for this work.

Mr. TAWNEY. Oh, yes; Congress passed the law, or this appropriation would not be made.

Mr. GILL. I would state to the gentleman from Indiana that the State of Maryland does contribute toward the work.

Mr. COX of Indiana. How much does the State of Maryland pay in connection with the Government each year?

Mr. GILL. The State pays about $20,000 a year.

Mr. COX of Indiana. Since this work first began?

Mr. GILL. Yes; since the work first began—more than the Government pays.

Mr. COX of Indiana. I withdraw the point of order.

The Clerk read as follows:

The Secretary of Commerce and Labor, at his discretion, may grant to officers of the field force of the Coast and Geodetic Survey on duty in the Philippine Islands, at one time the whole or any portion of the annual leave hereafter accrued and unused during a period of three years.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on the paragraph just read.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 78, line 19, after the word "may," insert the word "hereafter," and in line 21 strike out the word "hereafter."

Mr. GARRETT. Mr. Chairman, how much time do they have now?

Mr. TAWNEY. Mr. Chairman, their leave, if serving in the United States, is thirty days annually. In the Philippine Islands, owing to the fact that the weather is such that they can work all the time over there, in the three years that they are detailed for service they get practically no leave whatever. Now, they do not get additional compensation, as the officers of the army and navy do who are serving in the Philippines.

They get the same compensation that the officers of the Coast and Geodetic Survey get if they were serving in the field in the United States, but service there for a period of three years that these men are detailed for necessarily has an injurious effect upon the men, and then they have lost their leave and they have no time to their credit when they get home in which they can recuperate, and they have to take whatever they do at their own expense. It applies only to a few people who are detailed from the Coast and Geodetic Survey to service in the Philippine Islands.

Mr. GARRETT. It enables them to have all of their leave at once where they have not used it?

Mr. TAWNEY. Yes; they can accumulate only for three years.

Mr. GARRETT. To secure a much-needed rest. I withdraw the point of order.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

That no part of the money herein appropriated for the Coast and Geodetic Survey shall be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the superintendent), except as now provided by law.

Mr. TAWNEY. Mr. Chairman, I ask now to return to the bottom of page 63, to the paragraph beginning at the bottom of page 63.

The CHAIRMAN. The gentleman from Minnesota moves to return to the paragraph at the bottom of page 63.

Mr. TAWNEY. I ask that that paragraph be again read; it was read last evening.

The CHAIRMAN. Without objection the paragraph will be again read.

There was no objection.

The Clerk read as follows:

No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year 1910 have been employed by or under said Secret Service Division.

Mr. BENNET of New York. Mr. Chairman, I make the point of order against the provision that it is contrary to existing law and therefore not in order under Rule XXI, and I desire to be heard briefly on the point. I say frankly to the Chair that the question as to whether this is subject to the point of order is not free from doubt even in my own mind. Last year the provision was held to be in order, but at that time the attention of the Chair was not called to section 166 of the Revised Statutes of the United States, which authorizes the head of any department to transfer clerks within the department as he sees fit. That is the substance of the statute. This provision will prohibit the Secretary of the Treasury from utilizing in any way the operatives of the Secret Service Division or the clerical force, and there seems to be some slight distinction——

The CHAIRMAN. To what section is the gentleman referring?

Mr. BENNET of New York. To section 166 of the Revised Statutes.

Mr. TAWNEY. It may perhaps aid the Chair and perhaps the gentleman from New York if I call his attention to the fact that the services of no clerks are paid out of this appropriation, and these employees or operatives or per diem employees in the Treasury Department are not clerks.

Mr. BENNET of New York. In connection with that I will call the attention of the Chair to the unbroken line of decisions that anything inserted in an appropriation bill which is contrary to the construction of a statute which has been adopted by the head of a department comes under the inhibition. Now, the Secretary of the Treasury has construed the operatives in the Treasury Department to be clerks, and therefore under these rulings, which are an unbroken line, the point made by the gentleman from Minnesota is of no effect.

Mr. SHERLEY. Mr. Chairman, I desire to call the attention of the Chair to the fact that this limitation does not say that the transfer shall not be made; it simply limits the money. It is in the power of the Congress to refuse to appropriate any money, and it is clearly in the power of the Congress to say that that money shall not be paid under certain conditions.

The CHAIRMAN. The Chair is very clear on the proposition. The Chair thinks it is not subject to the point of order. It does not seek to change existing law. Congress has the right to appropriate or not to appropriate even for a lawful purpose, and it is not necessary to decide whether the transfer is lawful or unlawful. This is simply a withholding of money from certain persons under certain conditions as Congress has the right to do, without discussing the legality of the transfer of clerks. The Chair thinks it is not subject to the point of order and therefore overrules the point of order.

Mr. BENNET of New York. Mr. Chairman, as I said in the beginning, I thought it my duty to submit to the Chair the statute which last year had not been brought to the attention of the Chair at the time of the ruling. I now move, Mr. Chairman, to strike out the entire provision, and I should like to ask unanimous consent, in view of the rather general interest in the subject, to proceed strictly upon the motion and upon the subject-matter of the limitation for forty minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to speak for forty minutes. Is there objection?

Mr. FITZGERALD. Mr. Chairman, I suggest that instead of making that request the gentleman from New York make a request that some time be fixed for the discussion of this paragraph, and to divide it between those who favor his motion and those opposed to his motion.

Mr. BENNET of New York. I will say very frankly to my colleague that this is not a question of there being sides, as far as I know.

Mr. TAWNEY. Some are for and some against.

Mr. FITZGERALD. The gentleman moves to strike out this paragraph. I am opposed to that motion, and that constitutes sides at once. I make that suggestion in an effort to facilitate the consideration of the matter. If the gentleman is to take forty minutes, I have no objection to him occupying all the time he pleases.

Mr. BENNET of New York. My only objection to that would be that I have not consulted at all with gentlemen on this side.

Mr. NORRIS. Will the gentleman permit a suggestion?

Mr. BENNET of New York. Certainly.

Mr. NORRIS. I will suggest that, because he has not consulted, it might be well to bear in mind the suggestion made by the gentleman from New York. I presume there are quite a number of Members who think as the gentleman who makes the motion thinks, namely, that this paragraph ought to be stricken out, and would like to take part in the discussion. Now, if the gentleman consumes forty minutes, the probabilities are that unless agreement is made he will be the only one who will be

allowed to speak on this side of the question, because if forty minutes are taken on the other side it will be quite a lengthy discussion. I do not know that I care to speak.

I would not object to the gentleman taking the time, because I know he has given it study and it will be interesting, but I anticipate there are quite a number of Members who want to be heard on that side of the question.

Mr. GAINES of Tennessee. Mr. Chairman, I want to say to the gentleman that I do not know whether I agree to the limitation without further limitation, and that I shall propose to discuss the matter some, too. So I do not want him to consume all the forty minutes of time, and so far as that request is concerned I now object. I am willing that the gentleman shall go ahead fifteen or twenty minutes.

Mr. TAWNEY. Mr. Chairman, I submit that in lieu of the request of the gentleman from New York we allow two hours and a half for the discussion of this motion to strike out this provision, one-half of that time to be under control of the gentleman from New York [Mr. BENNET] and one-half under the control of myself.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the debate on this amendment shall close in two hours and thirty minutes, one-half of the time to be controlled by the gentleman from New York [Mr. BENNET] and one-half by the gentleman from Minnesota [Mr. TAWNEY]. Is there objection?

Mr. HEPBURN. Why would it not be well to let the debate go on under the five-minute rule for a time?

Mr. TAWNEY. I will say to the gentleman from Iowa that I would be perfectly willing to do that if it were not for the fact that the House should, if possible, conclude the consideration of this bill at this sitting, in order that the Senate may have some time for the consideration of its various provisions and amendments thereto. It is my desire and the desire of the Senate that it shall have the bill as soon as possible. I am afraid if the debate runs along in that way we will consume perhaps all day. I am perfectly willing to allow liberal time for discussion, and I think that two hours and thirty minutes is very liberal time for that; but I do not want to sacrifice the opportunity of getting, if possible, this bill through the House to-day by taking up all the time for consideration of this provision.

The CHAIRMAN. Is there objection?

Mr. COCKRAN. What is the proposition, Mr. Chairman?

The CHAIRMAN. The proposition of the gentleman from Minnesota [Mr. TAWNEY] is that the debate on the pending paragraph shall be limited to two hours and a half.

Mr. TAWNEY. Paragraph and amendments.

The CHAIRMAN. Paragraph and amendments thereto; to be equally divided between the two gentlemen, the time to be controlled by the gentleman from New York [Mr. BENNET] on the one side and the gentleman from Minnesota [Mr. TAWNEY] on the other. Is there objection? [After a pause.] The Chair hears none.

The gentleman from New York [Mr. BENNET] is entitled to seventy-five minutes.

Mr. BENNET of New York. Mr. Chairman, because of the limitation which has been placed upon the debate, and which I recognize to be necessary at this late hour in the session, I shall do what I have never done in my service before in the House—that is, to refuse interruptions, except that as I proceed I desire any member of the Committee on Appropriations to feel at perfect liberty to interrupt me at any time for the correction of a statement of fact.

Mr. Chairman, the history of the secret-service provision is not without interest. That service is now in its forty-fourth year. Not for one single moment has it been authorized by express statute. Each year as it has been carried in the appropriation bill it has been subject to the point of order, and if anyone last evening had desired to end the Secret Service as at present constituted, so far as detection of counterfeiting is concerned and the other objects mentioned on page 63, a simple point of order would have accomplished that for the time being at least. Therefore, during each of these forty-three years, if the service has been in any way abused, it has been within the power not only of a majority of Congress but of any one Member, without even disclosing the reason, to end that particular branch of the public service by his individual negative. That that has not been done furnishes pretty fair evidence, I think, that the service has been, on the whole, satisfactory.

The accomplishments of the service are summed up in the President's message of January 4, which I shall read:

SECRET SERVICE.

Last year an amendment was incorporated in the measure providing for the Secret Service, which provided that there should be no detail from the Secret Service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes. If deliberately introduced for the purpose of diminishing the effectiveness of war against crime it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million of dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the Government has to deal, both those operating in violation of the antitrust law and others. The amendment in question was of benefit to no one excepting to these criminals, and it seriously hampers the Government in the detection of crime and the securing of justice. Moreover, it not only affects departments outside of the Treasury, but it tends to hamper the Secretary of the Treasury himself in the effort to utilize the employees of his department so as to best meet the requirements of the public service. It forbids him from preventing frauds upon the customs service, from investigating irregularities in branch mints and assay offices, and has seriously crippled him. It prevents the promotion of employees in the Secret Service, and this further discourages good effort. In its present form the restriction operates only to the advantage of the criminal, of the wrongdoer.

Leaving out of the question for the moment the conclusions drawn by the President, there is none among us who will contend that the service, as detailed here by the President, is one as to which there is any dispute as to the past.

Mr. WALDO. Will the gentleman allow a question?

Mr. BENNET of New York. Before the gentleman came in I declined to yield to anyone.

Mr. WALDO. I would like to rise to a parliamentary inquiry.

The CHAIRMAN (Mr. CAPRON). The gentleman from New York declines to yield.

Mr. WALDO. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALDO. I desire to submit whether it is within the parliamentary privilege of the gentleman to read here matter that has been declared to be a breach of the privilege of the House, that has been laid upon the table, and which this House has refused to receive.

The CHAIRMAN. The Chair has no hesitation in saying that so far as the gentleman has read the Chair sees no reason why he should not include that statement as a part of his remarks.

Mr. BENNET of New York. Mr. Chairman, this limitation which I now move to strike out was the first limitation in the history of the Secret Service that has been placed upon the men. In 1882, accepting the date supplied by the gentleman from Iowa, a limitation was placed upon the appropriation up to a certain extent; but never in the whole forty-four years had theretofore any attempt been made to limit any department of the Government in the use of these per diem operatives. If they were needed, and if the department desired to use them, if it had the appropriation, it had the right to send to the Secret Service and obtain these men. Therefore it seems to me that the settled practice of forty-four years ought not to have been lightly overturned. Last night the gentleman from Kentucky [Mr. SHERLEY] stated in this House, and he stated correctly, that, in his judgment, the Committee on Appropriations was overworked and did not have time to give to all the subjects of legislation which, as he put it, were put upon it by the inaction of other committees. No better example of the truth of that remark could have been found than the action of the Committee on Appropriations in relation to this particular limitation.

Mr. FITZGERALD. Mr. Chairman——

Mr. BENNET of New York. Under my statement, I yield to the gentleman.

Mr. FITZGERALD. To keep the gentleman's facts straight, I desire to say I dissent from the statement of the gentleman from Kentucky. I am not overworked on the Committee on Appropriations.

Mr. BENNET of New York. Well, I am sorry to see a division in the committee, and for the moment I agree with the gentleman from Kentucky rather than with my friend from New York. Now, my friend from New York was overworked in relation to this particular matter. He is usually an accurate man, and I will just show what he did:

Mr. FITZGERALD. The Secret Service Division has an eligible list of 304.

That is an exact statement which the House had a right to assume the gentleman knew. As a matter of fact, the eligible list at that time was nearly 3,000; and now I will tell my colleague where he got that figure, as he can not tell me. He will find it in the hearings on the sundry civil bill last year in the testimony of Mr. Moran, and that is what those figures are that my friend gave to the House as the number of men on the waiting list. Each man that applies for a position in the Secret Service has to file a written application. That form is numbered,

and the number of that form is 304, and the gentleman from New York had the facts so little in mind that in giving the House that important fact he gave as the number on the eligible list the printed number of the blank form of application. [Laughter.] I think that is very fair evidence that he has been overworked. [Laughter.]

Mr. FITZGERALD. The gentleman's statement is so misleading that he ought to allow me to correct it.

Mr. BENNET of New York. My friend has the RECORD, which he may read.

Mr. FITZGERALD. It is true that there are over 3,000 applications filed and, as I recollect, and as I think the RECORD will show, the number stated by me was the number of those examined and approved by the secret-service men and put on a select list to be selected on occasions when additional men were required. Not only that, but that information is further strengthened by a statement made to me by one of the Secretaries of the Treasury when I applied on behalf of men who wanted to be appointed in the service.

Mr. BENNET of New York. That is a pretty light reply to a question relating to the condition on the 1st of May, 1908, and if my colleague desires me, I will print in the RECORD and give the page where the information is on which he based his statement.

Mr. FITZGERALD. I think the gentleman had better permit me to state the page from which I got the information on which I made my statements.

Mr. GAINES of Tennessee. Before the gentleman proceeds——

Mr. BENNET of New York. I am not yielding to anyone.

Mr. GAINES of Tennessee. Just a moment.

Mr. BENNET of New York. No; I decline to yield to anyone.

The CHAIRMAN. The gentleman declines to yield.

Mr. BENNET of New York. I desire to take up, because it seems to be important, the various reasons assigned by the several members of the committee both last year and this, for this limitation, both in the hearings and on the floor. And as I have made one statement in relation to my colleague, I will read another:

> Numerous instances have come to the observation of many Members of the House where this secret-service force has been employed upon service upon which they should not have been employed.

This is not a matter hidden in a corner. There has been broad general interest. Hearings have been held, in which both my colleague and his colleagues upon the committee have taken a great interest. Not one single Member of the House, either before the committee or on the floor or in the public print has related one single alleged improper use, with one exception, to which I shall refer in connection with the gentleman from Kentucky, during all this time; and I say to my colleague that the Members of this House, being here under the responsibility of their oaths, their names being evidently in his possession, some of the "numerous Members," let some man on either side of this Chamber (because this is the same Congress and practically the same membership) rise in his place in these two hours and a half and state one single instance which justifies the statement of my colleague. If he does that, it will be some proof that the action of this committee was warranted.

Now, the gentleman from Kentucky [Mr. SHERLEY] made the statement last year (and if I do not give the substance of his statement correctly I will ask him to correct it)—he stated in substance that members of this force had been used to look into the personal conduct of Members of Congress. I assume from his lack of dissent that I am stating the substance of his remark.

Mr. SHERLEY. The gentleman is making an assumption which is not warranted by my silence. I do not desire to interrupt the gentleman. What I said is of record, has been twice given to this House, and speaks for itself. If the gentleman desires to be absolutely accurate, and I presume he does, he will not attempt to give the substance of my statement, but will read it. [Applause.]

Mr. BENNET of New York. I shall do so if the gentleman desires:

> Mr. SHERLEY. The gentleman may be aware of the fact that this Secret Service at one time was used for the purpose of looking into the personal conduct of a Member of Congress, notwithstanding the gentleman seems to think they are answerable to no one.

There can be no doubt as to the accuracy of that, and it is substantially what I have just stated. I denied last year to the gentleman that any such use had ever been made of the Secret Service. The President of the United States has since denied it; the Chief of the Secret Service has explicitly denied it in the hearings.

Mr. DOUGLAS. So has the Attorney-General.

Mr. BENNET of New York. I am informed that the Attorney-General has denied it, although I do not know how it could be within his knowledge; and I say to the gentleman from Kentucky that until this time there has been no proof whatever of a fact which was evidently not within his personal knowledge.

Mr. SHERLEY. If the gentleman will permit, I some months ago called attention to the specific case, citing the Senate document, the volume and the page, and I still insist that the reading of that document substantiates the statement made by me. That is a matter again of record which can be verified.

Mr. BENNET of New York. This was the case to which I referred in my remarks in relation to my colleague, a case which happened in the early seventies, as I recall. There was an investigation of an error in enrolling, directed at the request of the then chairman of the Committee on Appropriations. The contention of the gentleman from Kentucky is as to this matter, thirty-odd years old, that before the chairman of the Committee on Appropriations directed it an independent investigation had been commenced by the Secret Service without the direction of anyone.

Now, I desire to say as to that that if the gentleman from Kentucky will put into the record anywhere, any time, proof of that particular, it will be proof that that particular instance cited by him is correct. But assuming it to be correct, that was not the contention of the gentleman from Kentucky. Here was a crime charged. The "personal conduct" of Members, I assume from knowledge of my colleagues, does not embrace the idea of crime. It embraces the "shadowing" of us in coming and going, and particularly if it should happen, as I hope it does not, that any of us should be where we did not desire to be seen; the following of us to such places. That was my understanding of the remarks of the gentleman from Kentucky, and I think it was the understanding of the House.

Of course, if the gentleman means to include the obtaining of evidence against Members of either branch of Congress accused of a crime, then his statement also was correct in relation to the Senator and Member who, after accusations of crime, were indicted and convicted upon evidence supplied largely through the efforts of the Secret Service.

Now, the gentleman from Iowa [Mr. SMITH] made quite a point on the 8th of January of the fact that 30 indictments had been found in Colorado——

Mr. SMITH of Iowa. I did not mention such a subject on the 8th of January.

Mr. BENNET of New York. But the gentleman——

Mr. SMITH of Iowa. Read the RECORD of the 8th of January, which will show the gentleman's accuracy.

Mr. BENNET of New York. The gentleman mentioned on the 8th of January—the gentleman can perhaps be technical——

Mr. SMITH of Iowa. I can be accurate, and ask the gentleman from New York to be the same.

Mr. BENNET of New York (continuing). That indictments obtained on evidence secured by efforts of the Secret Service were dismissed.

Mr. SMITH of Iowa. I ask the gentleman to cite a word bearing any resemblance to that in my speech of the 8th of January.

Mr. BENNET of New York. If I can not, I will rise in my place here and publicly apologize to the gentleman from Iowa.

Mr. SMITH of Iowa. I hope the gentleman will do so.

Mr. BENNET of New York. I will do so.

Mr. COOK of Colorado. Will the gentleman yield for a question?

Mr. BENNET of New York. I decline to yield. The gentleman from Iowa—always subject to correction—stated in his remarks, which I am citing of course from memory, because the time is too short to turn to each individual one, the fact that these prosecutions in land suits were not made by men assigned to the Department of the Interior——

Mr. SMITH of Iowa. That statement was not made by me.

Mr. BENNET of New York (continuing). Under the Secretary of the Interior——

Mr. SMITH of Iowa. That statement was not made by me.

Mr. BENNET of New York. The gentleman recollects his speech?

Mr. SMITH of Iowa. The gentleman from Iowa has a distinct recollection of what his speech contains. I did state that there had been only one man assigned from the Secret Service to the Interior Department, and that is the only resemblance to anything the gentleman has just stated was in the speech.

Mr. BENNET of New York. That is sufficient for the purpose——

Mr. SMITH of Iowa. If the gentleman from New York deems that that is what he said, well and good.

Mr. BENNET of New York (continuing). That is sufficient for the present purpose and, if the other statement is incorrect, I will follow out the statement I have just made to the gentleman. That statement made by the gentleman from Iowa, standing alone, is absolutely correct. There was but one man assigned to the Department of the Interior, and his name was Burns, and he was assigned about the year 1903.

Mr. TAWNEY. Will the gentleman permit an inquiry?

Mr. BENNET of New York. Yes.

Mr. TAWNEY. Does the gentleman mean to say that he was assigned to the department? Did he not go entirely from the Secret Service, and was he not appointed originally in the Department of the Interior?

Mr. BENNET of New York. He was, first, for a short time assigned and then absolutely taken over into the Department of the Interior, and that is the basis of the statement of the President that that was done because Secretary Hitchcock did not have confidence in his own force.

Mr. SMITH of Iowa. And that they were under the control of land thieves, but have not yet been separated from the public service in the intervening year.

Mr. BENNET of New York. An agent in charge of that division, as the gentleman's hearings will disclose, was separated, and Secretary Garfield so states in his testimony. There has been so much said based on Secretary Garfield's testimony that the prosecution of land frauds was never hampered that I think the House ought to know the facts. When I was a law student I was told the story, as nearly everyone was, of the Irishman who was charged with stealing a ham. Three witnesses were called who saw him steal the ham, and he asked an adjournment so that he could bring 20 witnesses who had not seen him steal the ham. The Committee on Appropriations have called the witnesses who did not see the ham stolen. Secretary Garfield did not initiate these prosecutions. It is quite true that the prosecutions were not carried on under the Department of the Interior; but the whole fact ought to be laid before Congress—that there were land prosecutions and that they did cost money and that they were carried on under the Department of Justice. In the hearings the name of the special attorney who prosecuted is mentioned, a Mr. Rush. I sent to Mr. Rush and obtained his statement as to the effect of this legislation, and I will ask the Clerk to read the letter from Mr. Rush in my time.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Omaha, January 7, 1909.

Hon. WILLIAM S. BENNETT,
House of Representatives, Washington, D. C.

DEAR SIR: I am in receipt of your letter dated January 1, 1909, addressed to me at Washington, and which was forwarded to me from there, in which you request information relative to prosecutions in land-fraud cases, wherein secret-service agents have been employed, and in reply I have the honor to report that since May, 1905, I have been employed by the Government as a special assistant attorney in the prosecution of land-fraud cases, and I herewith append a brief summary of the cases, civil and criminal, disposed of in which I have cooperated with United States attorneys in the several districts. The evidence in all of this litigation was procured by agents of the secret service, cooperating with special agents of the Interior Department.

In reply to your inquiry as to the kind of work performed by secret-service agents, you are advised that their work consisted mainly in locating the whereabouts of the several entrymen and procuring the statements of such entrymen, giving the circumstances under which they made entries of the public lands; interviewing and taking statements of other persons who had knowledge of the fraudulent character of such entries; locating fence lines unlawfully inclosing public lands and assisting in making a survey thereof and investigating the fraudulent character of the several entries within such inclosures; and generally procuring the several links of testimony required in such prosecutions.

In answer to your second inquiry as to how the secret-service agents compared with the agents of the General Land Office, permit me to say that until within the past few years the agents employed by the General Land Office were mostly old men whose work had been theretofore largely confined to hearings before the various land offices and other official routine work. They were not, therefore, familiar with the character of testimony necessary to be produced in the actual trial of land-fraud cases. The agents of the Secret Service were more active and energetic and entirely familiar with the procuring of evidence in the trial of cases, for under their employment their duties had consisted chiefly of this class of work. The appropriations and the small number of men employed by the Interior Department rendered it very difficult to secure the assistance from that office adequate to a proper investigation of these land frauds. I found, however, in my contact with these special agents of the Interior Department that there were some able and effective agents in securing evidence, yet that force had been organized largely through the efforts of the Secretary of the Interior, separate and apart from the General Land Office, and were designated as special inspectors to the Secretary of the Interior; but at the same session of Congress limiting the assignment of secret-service men (pt. 1, p. 328, Stat. L., 1907–8) a limitation was placed upon this force of men, reducing the number of inspectors to two, "whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior" (pt. 2, p. 223, Stat. L., 1907–8).

In view of these agents, skilled in the detection of fraud and crime with respect to the public lands, being confined in their operations to the routine but harmless occupation of inspecting land offices, together with the Government being denied the use of the secret-service agents in these prosecutions, it is apparent to anyone that the result of this action must necessarily impair the Government in the prosecution of cases pending, as well as in the detection of other crimes, and therefore could only be of benefit to the criminal classes.

Much has been stated in the public press about the improper action of the agents of the Secret Service in their work, and in this connection I herewith call attention to an interview by one of the attorneys for Charles T. Stewart, published in the Omaha Daily News under date of January 5, 1909, as follows:

"HARL'S STATEMENT.

"'The method used by the Roosevelt secret-service men in their attempts to manufacture evidence will be shown up in the trial of the Stewart case,' said C. M. Harl, of Harl & Tinley, counsel for Charles T. Stewart in the alleged land-fraud cases.

"'Two old soldiers in Council Bluffs were threatened with prosecution unless they signed affidavits prepared by the detectives, and which the men said were absolutely false.

"'The detectives went to the homes of the men in their absence and told their wives that unless their husbands signed these false affidavits they would be sent to the penitentiary for ten or fifteen years.

"'One of the intimidated men—John Hill, 70 years old—collapsed under the nervous strain, after refusing to sign the prepared affidavit, and died.'"

The utter groundlessness of such statements is apparent when we know the facts. This entryman, John E. Hill, on the 5th day of January, 1906, came to the office of the secret-service agent in Omaha and there made his voluntary statement. On October 16, 1906, he appeared before the United States grand jury in this district, at Lincoln, Nebr., and under oath reaffirmed the truth of the statements made in his affidavit before the secret-service agent, on which evidence an indictment was returned. It is hardly necessary to suggest that he did not fall dead at that time, nor was he apparently suffering from nervous prostration.

In all the large number of cases that I have tried where secret-service agents have been instrumental in securing the evidence, not one instance has yet come to my knowledge, in court or out, where these agents have used improper methods or have tried to induce any person in any manner to testify to anything but the truth.

Trusting that this answers your inquiry sufficiently, I remain,

Very respectfully,

S. P. RUSH,
Special Assistant to Attorney-General.

Mr. BENNET of New York. Mr. Chairman, that letter, which I am sorry is necessarily so lengthy, outlines the method in which these land prosecutions were carried on, naturally carried on, under the Attorney-General, and successfully carried on, as the schedule annexed to that letter shows. The gentleman from Iowa [Mr. SMITH] states that it was not he who alluded to the dismissal of the indictments. It was stated by some member of the Committee on Appropriations, but neglected to be stated, although it was made a ground of criticism, that those indictments dismissed by the judge in Colorado have been reinstated by a reversal by the Supreme Court of the United States.

Mr. FITZGERALD. Mr. Chairman, I made that statement.

Mr. SMITH of Iowa. Ah! Now, does not the gentleman from New York think he better make his apology, in view of the situation?

Mr. BENNET of New York. The gentleman will make it in his own time.

Mr. SMITH of Iowa. Never willing to make it when he ought to make it.

Mr. BENNET of New York. The gentleman will make his apology when it was promised.

Mr. SMITH of Iowa. Certainly he will make it, but not when it is due.

Mr. BENNET of New York. When it is promised is when it is due.

Mr. SMITH of Iowa. Oh, no; not among gentlemen.

Mr. FITZGERALD. I made that statement wholly on the information of the Secretary of the Interior. I had no information then, nor had I until the gentleman just stated it, that those fraud indictments had been reinstated by a reversal of the courts.

Mr. BENNET of New York. Which simply accentuates the point made by the gentleman from Kentucky last night, that the Committee on Appropriations is so overworked that it did not secure the proper kind of information.

Mr. FITZGERALD. Let me say this to the gentleman: The Secretary of the Interior did not state that these indictments were dismissed because of any decision. His statement was that their testimony was so worthless that the indictments could not be brought to trial and were dismissed.

Mr. BENNET of New York. I am not alluding and have not alluded to that particular branch.

Mr. FITZGERALD. But that is the statement I made, and it was not because of a decision of a court that these indictments were dismissed——

Mr. BENNET of New York. And I have not criticised my colleague as yet for making the statement.

Mr. FITZGERALD. I just want to have stated the exact facts.

Mr. BENNET of New York. Therefore he is taking up time that others desire—not myself.

Mr. COOK of Colorado. Will the gentleman from New York yield to a question?

Mr. BENNET of New York. No; I have refused to yield to anyone except the members of the Committee on Appropriations. And I will accept the suggestion of the gentleman from Iowa [Mr. SMITH], and publicly apologize, on the statement of my colleague that it was he and not the gentleman from Iowa who made the statement.

Mr. FITZGERALD. I did not say that the gentleman from Iowa did not say it. I say that I did.

Mr. BENNET of New York. Well, the gentleman from Iowa did, and I will take his word. It is immaterial. It was made by a member of the Committee on Appropriations for the guidance of the House, and it was my recollection that the gentleman from Iowa made it.

Now, another gentleman called as a witness before the sundry civil subcommittee, and whose testimony is printed in the RECORD, is Mr. Trowbridge.

I have a letter here from the Commissioner of Internal Revenue, which I will not ask to have read in full, saying that Mr. Trowbridge was in a minor and subordinate position and that he had no authority to speak for the commissioner and that the commissioner does value the secret-service agents. I will ask that the letter be printed in the RECORD——

Mr. SHERLEY. Mr. Chairman, I ask that the letter be read. I object to its being printed without being read.

Mr. TAWNEY. Mr. Chairman, at that point I want to ask the gentleman if it is not true that Mr. Trowbridge was the man selected by Mr. Capers to represent him before the Committee on Appropriations in support of the estimates which he had submitted, and if Mr. Capers himself, although invited, has not repeatedly refused to come before the committee because he has less knowledge regarding the details of his office than the man he selected to represent him.

Mr. BENNET of New York. The latter part of the statement I know nothing about; the first part is quite accurate. Mr. Capers was ill, and Mr. Trowbridge went to talk about the estimates and not about the Secret Service.

Mr. TAWNEY. The statement he sent to the Committee on Appropriations was that he was out of the city, and it was not only at this session of Congress, but previous sessions of Congress that Mr. Capers sent a man who, in his judgment, was more competent to testify on the subject of the estimates than he was.

Mr. BENNET of New York. With that statement I have nothing to do; touching the details of the expenditures, yes. His statement here is that he knows the secret-service agents have been of value. Then, from the Treasury Department came my genial friend, the Assistant Secretary, Mr. Reynolds, who has charge of customs under the Treasury Department. That is not a department under which very much of the Secret Service is used. The chairman of the Committee on Appropriations has received a letter, under date of January 26, 1909, from the Secretary of the Treasury protesting against the continuation of this limitation on the ground that the Secret Service is valuable to the department.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. BENNET of New York. Yes.

Mr. TAWNEY. Will the gentleman explain to the Committee of the Whole House, if that is so, why the Secretary of the Treasury, in submitting the deficiency estimate of $20,000, recommends the continuation of that limitation during the remainder of this fiscal year?

Mr. BENNET of New York. The gentleman has received the letter of which I spoke?

Mr. TAWNEY. Yes; and I have also received the official estimates from the department in which they recommend the continuation of this limitation.

Mr. BENNET of New York. That is a matter—nothing of that kind appears in the hearings on this bill. I know nothing of the subsequent reasons, except I assume the Secretary of the Treasury, not desiring to limit his successor, has assumed that a condition may exist after the bill passes. I know what the Secretary recommends, and the gentleman from Minnesota, I assume——

Mr. TAWNEY. Will the gentleman consent to inserting in the RECORD, in connection with the Secretary's letter, the estimates where he recommends for the continuation of this limitation?

Mr. BENNET of New York. I ask unanimous consent that both be inserted in the RECORD.

Mr. SHERLEY. Mr. Chairman, I shall object to the insertion of anything in the RECORD that is not submitted on the floor of the House.

Mr. BENNET of New York. The only reason I do not state it on the floor is the lack of time——

Mr. SHERLEY. I can not help that; I object——

Mr. BENNET of New York. I have stated——

Mr. SHERLEY. I must object to any extension of remarks.

Mr. BENNET of New York. Now, a great deal of this feeling about the Secret Service comes from what might be called "corridor" talk. I have alluded to the remarks of my friend and colleague of New York about many Members who knew of instances, and to the lack of any Members coming forward to substantiate it. I have alluded to the remark of the gentleman from Kentucky. Now, Mr. Chairman, how much time have I consumed?

The CHAIRMAN. Forty-two minutes.

Mr. BENNET of New York. Then, without reading and under correction of the gentleman from Minnesota, I will state the error into which he fell in relation to the Secret Service. It will be seen in the hearings on this sundry civil bill, in which he stated that he knew of an instance where secret-service men had been employed in his district in a store in connection with the detection of counterfeiting——

Mr. TAWNEY. Mr. Chairman, I prefer to have the gentleman read what was said; it was a conversation between Mr. Wilkie and myself at the time of the hearing.

Mr. BENNET of New York. I will do that if the gentleman insists. Mr. Chairman, I can not find it at the moment, but I will state the substance.

The gentleman from Minnesota [Mr. TAWNEY] stated that he knew of an instance where a secret-service man had been employed in his district for the purpose of detecting counterfeiting. I now have it. On page 250 of the hearings on the sundry civil appropriation bill it says:

The CHAIRMAN. When you detail a man on a case of that kind—say to detect a person passing counterfeit notes—when that man goes into the employ of the concern in which the man who is suspected of passing counterfeit money is employed, does he make any account to you of the compensation he receives from the firm he is working for?

Mr. WILKIE. We have never had such a case. We have never had a man at work in any firm to get information in that way.

The CHAIRMAN. I happen to know of a case.

Mr. WILKIE. Pardon me; you do not know of any case of our men, because no such case ever existed.

The CHAIRMAN. This was a man who claimed to be one of your men.

Mr. TAWNEY. Claimed to be one of his men. I did not say secret-service men.

Mr. BENNET of New York. I admit the gentleman modified it subsequently.

Mr. TAWNEY. He did not modify it.

Mr. BENNET of New York. I will read further:

Mr. WILKIE. If all the men who claim to be in our service were in our service, your appropriation would have to be $1,350,000.

Now, the facts are, in relation to that man, that a man was employed in a store in Winona, Minn.; that he was an employee of the Thiel Detective Agency, but he never was a secret-service man; that he was employed for an entirely different purpose, and employed for a very short time, and the only way the Secret Service ever found out about it was after the chairman supplied privately to Mr. Wilkie the name of the man. They investigated him and found out that he was not a secret-service man and never had been.

I instance these things to show the inaccuracy and lack of knowledge of members of the committee. Now, this limitation takes from every department the right to use men that have been trained in the Secret Service. It has resulted in the building of a new force in the Department of Justice, which has increased the detective force of this country to the extent of 18 men, at an annual expense, counting $2,000 a man, of $36,000 a year, and, as the Attorney-General says, with a present decrease in efficiency.

Mr. SHERLEY. Will the gentleman yield right there? Is it not a fact that the Attorney-General and the Secretary of the Interior testified that the arrangement made between them, whereby a force would be created in the Department of Justice, was entered into prior to the action of Congress touching the secret-service force in the Treasury Department?

Mr. BENNET of New York. Mr. Chairman, there are three different sets of testimony about that. The Attorney-General states one thing, the Secretary of the Treasury another, and the Chief of the Secret Service another, and the House can take its choice. But the fact remains that the force in the Department of Justice has been increased from 13 to 40, an increase of 27, and the force in the Secret Service decreased but 9, which leaves a difference of 18 of increase. Besides that,

this limitation pressing upon the Secretary of the Treasury deprives him of the right to use his own men for the detection of crimes involving the billion and a half of actual money under his control.

Mr. SMITH of Iowa. Will the gentleman allow me to make a statement right there? Did not Chief Wilkie state that he had more work, as to counterfeiting, than ever before, and therefore he could have released a large number of additional men to take these places in the Department of Justice but for the fact, as he claimed, that the panic had brought about an increase of counterfeiting? Is not that true?

Mr. BENNET of New York. That is not quite the statement, but if the gentleman desires I will allow him in his own time to read it in the RECORD. It is a fact that we have hampered every department, and especially the Treasury Department; that there can not one single reason be given for this limitation. It costs more money. There is no criticism of the work of the Secret Service, and, beyond all, the gentleman from Minnesota [Mr. TAWNEY] made a great point last year that this allowed per diem men to be taken from department to department, possibly without taking additional oaths. The Department of Justice has organized exactly the same sort of a detective service as the Secret Service has, from which the same sort of details shall be made, so that that reason, if it was a reason, fails.

To conclude, Mr. Chairman, not one single reason has been advanced. The public service has been hampered. The statements made justifying the criticisms of the Secret Service are unfounded in fact, and there is no reason that can be advanced why this limitation this year ought to be adopted.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has twenty-five minutes remaining.

Mr. TAWNEY. Mr. Chairman, I yield to the gentleman from Iowa [Mr. SMITH] as much time as he may need.

Mr. SMITH of Iowa. Mr. Chairman, I hoped that on the 8th of January I said all that I would ever care to say upon the question of the Secret Service to this House. But the statements made here this morning seem to me to require that I should make some additional statement. It must be borne in mind that the Treasury Department has not a single secret service, but more than one. It has a secret service for discovering frauds upon the customs; a secret service engaged in discovering frauds upon the internal revenue. Each of these forces is of a higher and nobler type than the so-called "Secret Service." It is a matter of common knowledge among all men that one of the requisites of the common detective is that he shall be a common liar. [Laughter.] There is not a man who has tried lawsuits in the courts of this land that does not know that he can always win any case if the face of a loathesome detective is shown to the jury as a witness on the other side. They may furnish and do furnish some information to others; but their character is not so high or so noble that they should be the subject of admiration among the people.

What is the fact? These men work, many of them, at $3 a day; and it is claimed that they are indispensable to this Government in hunting down land frauds. I apprehend that there is no considerable number of them that know a legal from an illegal entry. The post-office inspector goes out, not to hunt down crime, but to audit, and in connection with the auditing he discovers crimes if they exist—infinitely more capable of doing so by reason of his knowledge of the postal laws than the cheap $3-a-day man of the Secret Service Department of the Treasury. So in the Interior Department they have a force of special agents, trained in the land laws, knowing what it takes to make a legal entry, knowing what constitutes compliance with the law, and they go not only to find frauds and illegality, but to help the law-abiding citizen and, at the same time, because they know the law, they discover its violators. Respectable men will take places as post-office inspectors and as special agents of the Interior Department, even though occasionally they have to do some detective work.

The idea that some $3 or $4 a day man, who is willing to be a common detective, will familiarize himself with all the laws, and therefore become more useful than a specialist, is simply absurd. The best illustration of the fact of it is the fact that prior to a year ago this spring part of the land business was in the hands of the Department of Justice and part in the hands of the Interior Department. The Department of Justice was doing its part of the work with the services of men from the Secret Service. The Land Office was doing it with special agents. Before this law was passed an agreement was made between the Attorney-General and the Secretary of the Interior that this work should all be taken over by the Interior Department and put in the hands of the special agents in connection with their department, and these secret-service men were turned away. The gentleman says that Mr. Wilkie testifies one way and Mr. Bonaparte testifies another, and that Mr. Garfield testifies another; and you can take whatever one you please. There is no substantial difference between the testimony of Mr. Bonaparte and the testimony of Mr. Garfield; and I have no hesitation in accepting their testimony as against that of Mr. Wilkie, the chief of the detective force of the Treasury Department. [Applause.] Now, so far as the land laws are concerned, they had a horde of these worthless detectives that worked under the Department of Justice, attempting to enforce the land laws, and they got rid of them, and within twelve months, the Secretary of the Interior tells us, he has unearthed frauds involving lands worth hundreds of millions of dollars, that these worthless men of the Secret Service had not been able to discover in all the years they had been on the job.

Mr. BENNET of New York. Will the gentleman yield for a question.

Mr. SMITH of Iowa. Oh, certainly.

Mr. BENNET of New York. Before Secretary Hitchcock commenced his investigation in 1903, and the Department of Justice started in with the Secret Service, what had been done, if anything, in relation to the enforcement of the land laws?

Mr. SMITH of Iowa. There have been prosecutions all along the line——

Mr. BENNET of New York. Where is the record of them?

Mr. SMITH of Iowa (continuing). For many years. The gentleman is laboring under the delusion derivable from the surroundings in which he lives, if he thinks there was no enforcement of the land laws until the prosecutions reported on by Mr. Rush.

Mr. BENNET of New York. The gentleman is intimate with Mr. Rush——

Mr. SMITH of Iowa. I have a slight acquaintance with Mr. Rush; a speaking acquaintance, but not an intimate acquaintance.

But Mr. Rush does not say, by a gunshot, that there never were any fraud prosecutions until Mr. Hitchcock started them. The fact of the matter is that there is not a single officer of the Government who knows anything about it except Wilkie, who claimed that there has been a material interference with the administration of any of the laws by the enactment of this limitation. Of course it is easy enough to try to discredit Mr. Trowbridge, the witness sent up here on the subject by the department, but let us see what kind of statement he has to make about this "invaluable service."

Mr. TAWNEY. We did not invite him.

Mr. SMITH of Iowa. We did not ask him up here. He was sent up to testify on this subject.

Mr. GAINES of West Virginia. By whom?

Mr. SMITH of Iowa. By the Treasury Department, by the Commissioner of Internal Revenue, when he refused to come himself.

Mr. SHERLEY. Are any of the men employed by these revenue agents that are paid out of this appropriation upon detail from the Secret Service, or are they carried regularly on the rolls under this appropriation?

Mr. TROWBRIDGE. In my ten years' experience with oleomargarine violations, when they began to get so rank the collector at Baltimore concluded that he could not cope with them, and he recommended to the Commissioner of Internal Revenue that he (the commissioner) assign a couple of secret-service men with me. He did so, and sent all my men out of Baltimore into West Virginia, Maryland, and Delaware. I gave them the inside track and told them the conditions, and assisted in every way I could. I turned those fellows loose in Baltimore for two months, and they did not show up one penny's worth of violations. That has been my experience.

And he further added that within a month after he took possession he discovered the frauds he was looking for. Now, Mr. Trowbridge is the Chief of the Internal-Revenue Secret Service. I will read a little further from this:

Mr. SHERLEY. Would you consider it essential, for the efficiency of the force, to obtain your men from the Secret Service Division of the Treasury Department?

Mr. TROWBRIDGE. No; I would not. They are a failure so far as our bureau is concerned. I have tried them. I gave them a fair test, two bright fellows, at $10 per day each and expenses for two months, and they did not meet with any success.

And that is the tenor of the testimony about this much-eulogized Secret Service.

Mr. STANLEY. How much time did the Commissioner of Internal Revenue have to show the incorrectness of the testimony given before your committee, if it was wrong, instead of doing it by letter?

Mr. SMITH of Iowa. Well, it was down there a good while; I do not know how long.

Mr. STANLEY. How long did he have notice of that statement that he says is false?

Mr. SMITH of Iowa. I do not know just how long. The gentleman from New York [Mr. BENNET] has seen fit to come in and read to this House a portion of a message which the House by an overwhelming vote declared was an invasion of the privileges of this House and should lie upon the table. I shall not call in question the propriety of the gentleman's conduct in that respect; but I have this to say: That when it is asserted here that this review of the past achievements of the Secret Service is not in dispute, I say it is in dispute that this service ever rendered the valuable aid to this Government that is pretended. [Applause.]

Mr. DOUGLAS. In connection with Mr. Trowbridge's testimony will the gentleman yield for a question?

Mr. SMITH of Iowa. Oh, certainly.

Mr. DOUGLAS. When the gentleman read that statement of Mr. Trowbridge, he stopped just short of the further statement that except those two men in Baltimore, three or four years ago, they never had had any detail from that service in connection with that work.

Mr. SMITH of Iowa. I gladly give the gentleman an opportunity to add this contribution.

Mr. DOUGLAS. I beg pardon. Does the gentleman think that is a fair test of Mr. Trowbridge's knowledge, or anybody's else?

Mr. SMITH of Iowa. I would think it was a fair test; so satisfactory that they never allowed them around any more. That is my judgment. [Laughter.] They were in the Land Department, and after they got them out, they found a hundred million dollars of fraud within twelve months after they got them out. I find them in this department, and no good——

Mr. DOUGLAS. Where does the gentleman——

Mr. SMITH of Iowa. And nowhere, except in the vainglorious boastings of Wilkie, and the testimony of men who do not know anything about it, do I find anything of the value of this service, except perhaps in the watching of jurors and the like, that would be done just as effectively and well by the secret service now created and existing in the Department of Justice.

Now, why should the counterfeiting section do the surveillance work of jurors; why more than the customs section; why more than the internal-revenue section? If we are going to have detectives to hound jurors to and from their homes, as seems to be the custom in these days, why not detectives in the Department of Justice and not detectives in the counterfeiting section of the Treasury Department?

My friend says that as the effect of this legislation we have increased the detective force. We have not increased it very much. What have we done? They told us that they had 47 men needed for the counterfeiting service and were carrying 67. It turns out that they were only carrying 65 the day the law went into effect, and suddenly Mr. Wilkie discovered that counterfeiting was spreading everywhere and he could not reduce the force below 56.

Mr. BENNET of New York. Will the gentleman yield?

Mr. SMITH of Iowa. Certainly.

Mr. BENNET of New York. Is it not a fact, in connection with that statement, that Mr. Moran testified before your committee last year that counterfeiting was on the increase?

Mr. SMITH of Iowa. I think that perhaps it was—a slight increase. I will answer that question more fully. They have been having for many years $125,000. It appeared that they had used $106,000 the previous year; and he did not think that it ought to be cut $19,000, because counterfeiting was increasing again up to the normal. There was no pretense of a necessity for an increase.

Mr. BENNET of New York. I will refresh the gentleman's recollection. Did not Mr. Moran state in that testimony—I do not know whether he used the word "normal" or not—that it was the universal experience of their division that in hard times counterfeiting increased?

Mr. SMITH of Iowa. Substantially that.

Mr. BENNET of New York. And that they would have to have an increased force?

Mr. SMITH of Iowa. It depends upon what the gentleman means by "increased force." He did not ask for anything above the $125,000.

Mr. BENNET of New York. Because they had the $19,000.

Mr. SMITH of Iowa. He did not ask for an increase above the usual appropriation.

Mr. BENNET of New York. Which was caring for 47 men, and that was to take the full $125,000.

Mr. SMITH of Iowa. But he immediately kept 56 men.

Mr. BENNET of New York. That is 9 more.

Mr. SMITH of Iowa. Yes; 9 more. Quite a good percentage of increase.

Mr. GAINES of Tennessee. Will the gentleman from Iowa yield for a question?

Mr. SMITH of Iowa. Certainly.

Mr. GAINES of Tennessee. Does the gentleman from Iowa mean to argue that the investigations of the "millions of land frauds" which Secretary Garfield says he wants the money to investigate were not begun some time ago?

Mr. SMITH of Iowa. Nothing was discovered by the Secret Service; it was discovered when they got rid of them.

Mr. GAINES of Tennessee. Where is the record?

Mr. SMITH of Iowa. It was discovered only after the secret-service men had been eliminated. The Land Department asked for $250,000 additional to maintain the work in the Interior Department, and as soon as they got their own men back they began to uncover innumerable frauds.

Mr. GAINES of Tennessee. Does the gentleman mean to say that these millions of land frauds have been discovered since the 1st of last July?

Mr. SMITH of Iowa. Since the 1st of last February, when the secret-service men were discharged.

Mr. GAINES of Tennessee. And none of these "millions" of frauds were discovered previously?

Mr. SMITH of Iowa. Oh, I can not say that there was not an acre, but substantially all of them were discovered after they got rid of the secret-service men.

Mr. TAWNEY. If my colleague will permit me, I will refer the gentleman from Tennessee to House document No. 1323, Sixtieth Congress, signed by the Secretary of the Interior, which contains all the information as to the number of frauds, the aggregate value of the land, and when the fraud was discovered.

Mr. GAINES of Tennessee. One question now, and I am done.

Mr. SMITH of Iowa. The gentleman must hurry, because my time is short.

Mr. GAINES of Tennessee. Does the gentleman mean to argue that the secret-service agents did not produce before last February discoveries which elicited the testimony which has brought about the discovery of these land frauds?

Mr. SMITH of Iowa. Mr. Chairman, I do mean to charge exactly that, and that they are worthless in land-fraud cases, and it is so testified by Secretary Garfield—that they do not know what is a legal and what is an illegal entry. They have no knowledge of land laws and they can not tell when an entryman is complying with the law and when he is not. Would you expect a $3 a day detective on all branches of human effort to be a specialist in the land laws, a specialist in the postal laws, a specialist in all the laws covering all the ramifications and branches of this Government?

Mr. GAINES of Tennessee. I would answer my friend by saying I think there are hundreds of intelligent men working for less than that in this country to-day.

Mr. SMITH of Iowa. And who know that much? Well, I do not. [Laughter.]

Mr. GAINES of Tennessee. I have seen white people who could not read or write who could tell a rascal and some of his tracks whenever they came across either.

Mr. SMITH of Iowa. Oh, Mr. Chairman, I can not devote any time to a discussion of that sort.

Mr. Chairman, there is practically one more feature, and that is all. We say that there ought to be in the Post-Office Department post-office inspectors who know the postal laws and who will study them and at the same time run down violators of them. We say there ought to be in the customs service a force of specialists in the customs law. We say there ought to be in the Internal-Revenue Service a force of specialists in the internal-revenue laws. We say there ought to be in the Interior Department a force of specialists in the land laws, all endeavoring to enforce all the laws of the United States that come within their respective spheres, and then when that work is done and these cases are handed over for prosecution to the Department of Justice, it ought to have, first, the right to call in these men who have prepared the cases to furnish any additional testimony that may be needed that has been overlooked for lack of knowledge of just what the Department of Justice would think necessary, and that department ought also to have a small detective force to look up the history of jurors and their previous affiliations and the like, and then if some special thing exists, where it is necessary to call in some of these men in one of those branches or departments which has not a special distinctive inspection service, the Department of Justice charged with the enforcement of all the laws should furnish the men, and they should not be furnished from the counterfeiting section in the Treasury Department. [Applause.]

Mr. STANLEY. Will the gentleman yield for a question?

Mr. SMITH of Iowa. Yes.

Mr. STANLEY. There is one serious defect about the proposition that the gentleman has announced—a very serious one. To have men trained and regularly employed with definite service, with one particular thing to do, would rob this service of its mystery, of its sensationalism, of its attractiveness to the general public. [Laughter.]

Mr. SMITH of Iowa. The gentleman is right.

Mr. DOUGLAS. Will the gentleman yield for a question?

Mr. SMITH of Iowa. Yes.

Mr. DOUGLAS. The gentleman has in his concluding remarks, as I understand them, substantially agreed with the Attorney-General's office as to this matter.

Mr. SMITH of Iowa. If the gentleman means to transfer the Secret Service in the Treasury Department to the Department of Justice, no.

Mr. PARSONS. Why not?

Mr. SMITH of Iowa. Because it was created by Congress to hunt down counterfeiting, and it better do what it has been told to do.

Mr. DOUGLAS. I simply want to call the attention of the House and the gentleman to these few lines in Mr. Bonaparte's testimony, and I do not think I disagree substantially with the gentleman. He says:

I think that is the logical end to which we ought to tend—a force in each department, discharging substantially the duties of the examiners in the Department of Justice, who look into the official conduct of all subordinates in that department or public officers over which it has a certain measure of supervision—a corps something like that in each department for administrative matters, and then a central office which I would place in the Department of Justice to attend to all detective work that goes beyond that line where it becomes clearly——

Mr. SMITH of Iowa. The Attorney-General and I do not draw the line quite at the same place. Generally speaking, we are in harmony, but we do not draw the line quite at the same place.

Mr. DOUGLAS. Then is the gentleman in harmony with this further statement of the Attorney-General in that connection:

I think that any restriction which limits the scope of the employment of a force of this character would tend to the advantage of lawbreakers.

Mr. SMITH of Iowa. I will not agree that any restriction would. I say that this law ought to provide that this force could be used to investigate crimes against the United States and frauds upon the Government, and anybody who chose to use it for any purpose beyond that should go to the penitentiary. That is what I think.

Mr. DOUGLAS. One other question. Since this force is already established and in working order in the Treasury Department, and has been for nearly fifty years——

Mr. SMITH of Iowa. No.

Mr. DOUGLAS. Excuse me; let me finish the sentence—what is the objection to practically leaving it there, instead of transferring it to the Department of Justice?

Mr. SMITH of Iowa. The gentleman is mistaken. There never was such general force in the Treasury Department, but a counterfeiting force was there, and in very recent years only has this force been transferred to general use other than in the sphere of counterfeiting, and only recently have there been many of them. Now, we have organized in the Department of Justice a general detective force. Let that force do what it was created for. The men who raid counterfeiting dens are not, ordinarily, the same type of men who could take charge of land cases and postal frauds. Let them stay in the places for which they were organized and do this work, and let the Attorney-General with his force do his work. I want to add right there that when this change took place last June this Chief of the Secret Service sent the names of 20 men in a list to the Attorney-General from whom he might select 9, and the Attorney-General selected 9 of the best he could get out of the 20, and he has been compelled for the good of the service to separate 3 from the 9 in the intervening period. [Applause.]

Mr. DOUGLAS. I have read what he said about that. I do not care——

Mr. BENNET of New York. Did the Attorney-General say he transferred them for the good of the service?

Mr. SMITH of Iowa. He said they were not satisfactory, and he let them go.

Mr. BENNET of New York. He said they were practically working under his management, and the question was asked him if the change in management might not have something to do with it, and the Attorney-General said it might have had, if my recollection is right.

Mr. SMITH of Iowa. I do not recall that; but I remember distinctly he said that their services were not satisfactory, and 33 per cent of those he did take have since been separated from the service, and he only took 9 out of 20.

Mr. PRINCE. Mr. Chairman, may I ask the gentleman a question?

Mr. SMITH of Iowa. I do not desire to take up all the time.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PRINCE. Mr. Chairman, I rise for the purpose of asking the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of Iowa. Oh, certainly.

Mr. PRINCE. I wish the gentleman would state to the committee whether he, as a member of the Committee on Appropriations, and the committee which he represents have made ample appropriation for a force like the one he has described, which will in no sense hamper the administration of justice?

Mr. SMITH of Iowa. Certainly they did. There has not been a single reduction, except last year we reduced the appropriation for the Secret Service in the Treasury $10,000 on the showing they had $19,000 surplus from the year before, but all the other appropriations for this purpose have been increased or kept at what they were before.

Mr. CAMPBELL. Have you increased the appropriations for investigating violations of the land laws?

Mr. SMITH of Iowa. Double last year and quadruple this year what they were two years ago.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. SMITH of Iowa. I will.

Mr. PARSONS. I understood the gentleman to say that he would not agree with the Attorney-General that the personnel of the Secret-Service Division should be transferred to the Department of Justice because they were not fit.

Mr. SMITH of Iowa. That is my judgment.

Mr. PARSONS. I wish to ask him, Does the gentleman contend that the Secret Service Division, which has the protection of the person of the President, three of whom have been assassinated, is not a proper force to be transferred to the Department of Justice if we are going to have some central bureau——

Mr. SMITH of Iowa. I say, since the gentleman sees fit to raise this sad subject, that the only President assassinated since the Secret Service was assigned to guard the President of the United States was William McKinley, with a secret-service man standing by his side who could not detect the bundled-up hand of the assassin when he came and shot William McKinley down. [Applause.]

Mr. PARSONS. And had been appointed, I believe, at the express request of President McKinley.

Mr. SMITH of Iowa. That is all that the testimony shows of the value of the Secret Service in defending the President.

Mr. DOUGLAS. Mr. Foster, who stood by the President, was in no true sense a secret-service man; except, I admit, he drew his pay from that service. [Laughter.]

Mr. SMITH of Iowa. And was on the roll as a regular secret-service man. And when this man allowed the American President to be shot down, and could not discover this great bandage on the approaching man's hand, and could not even capture the murderer, it took a man with a black skin to take the murderer prisoner.

Mr. POLLARD. Can I ask the gentleman from Iowa [Mr. SMITH] a question?

Mr. SMITH of Iowa. I think it is an outrage for me to consume all the time on this side. However, I will answer the gentleman's question.

Mr. POLLARD. I understood the gentleman to say that the committee had provided a secret service in the Department of Justice, which would be used in the prosecution by the Attorney-General of crimes against the Government, without respect to the department in which the crime was committed. Is that true?

Mr. SMITH of Iowa. I say that that force can be used for the enforcement of the laws of the United States anywhere; yes, sir.

Mr. POLLARD. Under the direction of the Department of Justice?

Mr. SMITH of Iowa. Under the direction of the Attorney-General. I want to say in that connection to the gentleman from Nebraska that not only has the Department of Justice a right to use this force in seeking violations of the laws of the United States, but if it is deemed advisable to pay out of the Treasury of the United States men to follow Congressmen or Members of the Senate, whether suspected of crime or not, this force can be used now for that purpose without any legal impediment whatever; that there is absolutely no restraint whatever upon the following of Senators and Members of the House by the secret-service force in the Department of Justice; and the fact that there is no restraint absolutely negatives the idea that any Member of the House had any thought in mind of pro-

tecting himself or his colleagues by adding this amendment to the provision for the Secret Service in the Treasury Department.

Mr. POLLARD. I trust the gentleman will understand that I had no such idea in mind in asking the question. I was simply speaking of the Nation. I would like to inquire whether, since the committee has made this change in the Secret Service, they have also increased the appropriation for the Department of Justice, so that they have ample funds now to prosecute these cases?

Mr. SMITH of Iowa. I will answer, first, that they have had all that is necessary for that purpose, and I will tell you why. When these men were formerly assigned to the Department of Justice they were paid out of the Department of Justice money and not out of the Treasury Department money, so that the money that they paid these men they could pay to these new men; but we have, in fact, increased their appropriation, so that they could employ even more men for this purpose.

Mr. POLLARD. How much?

Mr. SMITH of Iowa. I can not give the gentleman the exact figures now. I am told, $20,000.

Mr. TAWNEY. I think it is $50,000, in the miscellaneous expenditures in the Department of Justice in the courts of the United States.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WASHBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 27419. An act to repeal the act of June 29, 1906, granting a pension to Jackson Adkins;

H. R. 27363. An act to provide for improving the navigable capacity of the Sabine and Neches rivers and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou;

H. R. 8734. An act for the relief of Niels P. Larsen; and

H. R. 28104. An act to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 27061. An act to provide for the appointment of an additional district judge in and for the western district of Washington.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 9017) for the establishment of a subport of entry at Ranier, Minn.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 23717. An act to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 9454. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and helpless and dependent relatives of such soldiers and sailors.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. TAWNEY] reserve the balance of his time?

Mr. TAWNEY. I reserve the balance of my time.

Mr. BENNET of New York. Mr. Chairman, I yield to my colleague from New York [Mr. DRISCOLL] for nine minutes.

Mr. DRISCOLL. Mr. Chairman, it is not my intention to indulge in hair-splitting criticisms of what was said on this question the 1st day of last May when this particular paragraph as a limitation was incorporated onto this appropriation, nor what was said by the gentleman on the floor of this House on the 8th day of January on this question while considering the President's message. I assume that we are all here for the purpose of legislating for the best interests of the Government and the public service. I assume that we are not here in a hostile spirit toward any department, or any bureau or division of any department, but to get the worth of our money if we can for the several sums appropriated.

I may say in passing that the criticism just offered by the gentleman from Iowa [Mr. SMITH] in what he said, and especially in the manner in which he said it, with respect to the secret-service force, was not, in my judgment, entirely appropriate. He speaks of them as cheap men, $3 a day, or $4 a day men, who must lie in their business; and his language on that point was very sarcastic and bitter.

Mr. Chairman, I admit that a man who is a detective, whose profession is to discover crime and hunt down criminals, can not be a man of high moral ideals; that he can not be a strictly truthful man at all times and under all circumstances, and be eminently successful in his profession. I admit that every good detective, from Sherlock Holmes down, or from Sherlock Holmes up, must be a liar; that is, he must be willing when necessary to change his name, represent himself as a different man from what he is and in a different business from what he is, in order that he may insinuate himself into the confidence of the person or persons suspected of crime, to the end that he may develop the facts and bring them to justice. All good detectives have employed those methods when necessary in the investigation and suppression of crime and the conviction of criminals. I do not mean to say that they would or do lie on the witness stand when criminals are being tried, but of necessity they must and do live lives of deception in order to unearth and discover the facts which do exist in the commission of crimes. In other words, a man can not always be truthful, sincere, and honest when he is striving to worm himself into the confidence of accomplished criminals. There is an old saying, which is as true to-day as it was when it originated, that "It takes a thief to catch a thief." [Laughter and applause.]

Mr. BEDE. You are making it worse. [Laughter.]

Mr. DRISCOLL. In my view of the question I am not making it worse. [Renewed laughter.] I mean just what I say—that a strictly honest, ingenuous man can not, in the very nature of things, be a successful detective of crime, nor can he run down and bring to justice accomplished thieves. [Laughter.]

My contention is that these men in the Secret Service are able, skilled, and trained detectives, according to my description of detectives. They are fit men for the work they undertake and for the service for which they are paid; and if they are bad men—that is, unfit for the work of discovering crime and bringing criminals to justice, why are they retained in the service, and why has this appropriation of $125,000 for their support, maintenance, and compensation been made from year to year?

Mr. Chairman, my point is this: One hundred and twenty-five thousand dollars are appropriated for the pay and maintenance of those men, and they are limited by this paragraph to two classes of work only, one, the suppression of counterfeiting, and the other, protecting the President from assault. It is my contention that they should be permitted and required to do other kinds of detective service when necessary in the Government, and for the protection of the public from fraud and wrong, especially in the Treasury Department. There are other bureaus or divisions in the Treasury Department in which crimes have been committed, and will probably be committed in the future, in the detection and punishment of which these trained men have been and will be of valuable service to the Nation. There are the mints and assay offices——

Mr. YOUNG. Will the gentleman yield?

Mr. DRISCOLL. I would be only too glad to do so if I had time.

Mr. YOUNG. I simply suggest to the gentleman that Mr. Wilkie, chief of this force, has sworn within the last three days that they were all employed in their legitimate work.

Mr. DRISCOLL. I was about to say when interrupted that there are mints and assay offices, the Bureau of Engraving and Printing, and other fields of public service under the Treasury Department in which crimes have been committed in the past, and will be committed in the future; and it is known that these crimes have demanded the services of skilled, able, trained, professional detectives to detect such crimes and punish such wrongdoers, and that an honest fellow off the farm [laughter] is not the kind of agent to accomplish the best results.

Mr. CUSHMAN. Is the gentleman looking at me?

Mr. DRISCOLL. I was looking at the gentleman from Washington, and it occurred to my mind that I would never think of

selecting that honest, unsophisticated gentleman to ferret out such crimes or to send after that class of lawbreakers. Every man to his calling. These men in the Secret Service are trained. It is their profession to detect crime [laughter], and they are good men and necessary in the service of the Government.

We ask here that those men be not confined alone to the duties of protecting the Executive and suppressing counterfeiting. [Laughter.] This is not a question of hilarity [laughter] or for amusement. If crimes are committed in other bureaus of the Treasury Department the Secretary of the Treasury should be permitted to detail one or more of those secret-service men to investigate such crimes, discover the perpetrators if possible, and bring them to justice.

On the 1st day of last May, when this particular paragraph was under consideration, as far as I now recollect, the statement was not made before the Committee of the Whole House that the President was very anxious that this limitation be not placed upon this appropriation. I do not think it was stated that the Secretary of the Treasury was very strongly opposed to this limitation. It is my judgment that if those statements had been made on the floor of the House this limitation would not have been adopted at that time.

We now are aware that the President is very strongly opposed to this limitation and is anxious that it be stricken from the bill. The Secretary of the Treasury is also very desirous that this limitation be removed as far as his department is concerned. He has the right and the power under the law to transfer other clerks and employees in his department from one bureau to another in his discretion and for the good of the service; but he is not permitted under this limitation to detail any of those men to apprehend criminals and detect crimes committed in the mints or assay offices, in the Bureau of Engraving and Printing, or any other bureau or division in his department, because they are confined by this limitation, and the construction put upon it by the Committee on Appropriations, and also by the Secretary of the Treasury, to do just those two kinds of work. It is my notion that there should not be a secret-service division or force in each department, but that there should be a general detective or secret-service division in the Government, where all facts discovered with reference to the persons and matters may be gathered together for future reference and for assistance when crimes are committed; and when it appears that felonies are committed in any department, or in any bureau, those skilled, trained, and professional detectives should be detailed to investigate those cases to discover the perpetrators of such crimes, and, if possible, bring them to punishment. By that means all the members of the secret-service force would be employed, at all events when services of that kind were necessary anywhere in the Government, and this practice would tend toward economy and the effective suppression of offenses against the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. SHERLEY. I object.

Mr. BENNET of New York. Will the gentleman from Minnesota consume some of his time?

Mr. TAWNEY. I will yield five minutes to the gentleman from Kentucky [Mr. SHERLEY] or the gentleman from New York [Mr. FITZGERALD].

Mr. SHERLEY. At present I do not desire to take time. There has been no argument so far for the repeal of this limitation that I consider needs an answer.

Mr. TAWNEY. Then I yield five minutes to the gentleman from Colorado, who wants to speak.

Mr. DRISCOLL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The request was put to the House and objection was made.

Mr. DRISCOLL. I again ask it.

The CHAIRMAN. And the gentleman repeats his request.

Mr. SHERLEY. And I again object.

Mr. COOK of Colorado. Mr. Chairman, as a Member of the United States Congress and a coequal in power with the executive department under the provisions of the Constitution, I claim and assert the right to defend my citizen constituents and myself from the encroachments and abuse of the executive power of the present national administration.

In the President's message of January 4, 1909, he uses the following language:

> In Colorado one of the secret-service men was assassinated.

This is positively an incorrect statement and not warranted by the facts. The truth is, Mr. Mason, superintendent, and Joseph Vanderweide, foreman, of the Porter Fuel Company, whose mines are situate 14 miles west of Durango, at Hesperus, advised James R. Walker, special agent of the Government, and three other government detectives, if they desired to examine the coal property a competent guide and safety lamps would be furnished; but instead of this Mr. Walker took three men and went to the property, armed, and entered an abandoned coal shaft belonging to the Porter Fuel Company and lowered the three men with a block and tackle a distance of 70 feet into the mine, using naked lights, a foolish and criminal act which might have caused an explosion, killing 60 miners employed therein.

When Special Agent Walker saw Mason approaching he fired one shot at Mason, and attempted to fire a second time, when Joseph Vanderweide, armed with a shotgun, fired, killing Walker.

Both Mason and Vanderweide were tried in the district courts of Colorado, at Durango, and acquitted.

Special Agent Walker and his three associates had no warrant of law, or authority from the owners or officers of the Porter Fuel Company to enter therein, but were trespassers.

Mason and Vanderweide, after being acquitted in the state court at Durango, were taken before Judge Lewis, of the United States district court at Denver, and were acquitted of the charge of murder. One of the three men let down into the mine by the block and tackle was a notorious horse thief, and employed by the Secret Service of the Government.

The date of the killing was November 3, 1907.

In the President's message of January 4, 1909, in his defense of the Secret Service, reference was made to the Colorado cases still pending in the United States court.

On January 10, 1908, I addressed an open letter to the President of the United States, the Vice-President, Speaker Cannon, the honorable members of the Supreme Court, the members of the Cabinet, and all of the Members of the Sixtieth Congress.

And I read from portions of that letter as follows:

> I most earnestly protest against the continued high-handed, pernicious political persecution made by certain of the department bureaus of the Government in this city, branding many of our most honorable, upright, and law-abiding business men of Colorado as criminals.
>
> Their only information and authority for such malicious statements are reports made to them by nonresident special agents and "prosecutors" sent to Colorado, whose accusations against innocent men are for the sole purpose of securing personal promotion in Washington and the opportunity for the governmental bureaus here to disseminate among the press throughout the country misrepresentations as to timber-land and coal thieves that do not exist in Colorado.

Judge Robert E. Lewis, of the United States district court, Denver, on December 24, 26, and 30, 1907, quashed all of the indictments against some 30 of our most worthy and reputable citizens, some of whom had been engaged in business in Colorado for thirty years, on the ground that the Government had failed to find any evidence against these men, a most stinging and severe rebuke by Judge Lewis, of the United States district court, an appointee of the present administration.

Mr. BENNET of New York. Will the gentleman yield for a question?

Mr. COOK of Colorado. I certainly will. The gentleman declined to yield to me, but I will grant him that courtesy.

Mr. BENNET of New York. Our situations were somewhat different. I will ask the gentleman if he does not know that that decision of Judge Lewis has since been reversed by the Supreme Court of the United States?

Mr. COOK of Colorado. I desire to say for the information of the gentleman that he never made a more inaccurate statement in his life. On January 4 of this year Mr. Justice White, of the Supreme Court, all the justices concurring, sustained Judge Lewis's decision in every particular.

Mr. BENNET of New York. The Attorney-General states just the opposite.

Mr. COOK of Colorado. My dear sir, you are mistaken. Now, if the gentleman will let me proceed——

Mr. BENNET of New York. What case is the gentleman talking about?

Mr. COOK of Colorado. I am talking about all the land cases. There were some 75 or 80 of our citizens indicted by nonresident special agents and so-called "detectives," who were sent to my State.

Mr. BENNET of New York. Those cases were reversed by the Supreme Court.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. TAWNEY. I yield to the gentleman five minutes more.

Mr. COOK of Colorado. Active preparations were made by certain high officials in Washington for the prosecution of these

cases, and who condemned honorable men of unquestioned integrity before being found guilty of any violation of the law, or even given an opportunity of defense.

Judge Lewis's decision gives universal satisfaction to all of our people in Colorado regardless of their political affiliations, and is indorsed by a united press; in fact, every newspaper in the State most heartily commends Judge Lewis's action. Thus the truth has been vindicated.

Mr. BENNET of New York. Will the gentleman yield for the statement that those indictments filed June 10, 1907, were reversed and dismissed by Judge Lewis, and that the decision dismissing them was reversed by the Supreme Court in the case of the United States *v.* Kittle et al., October 10, 1908, No. 286?

Mr. COOK of Colorado. I will say that I will substantiate the remarks I have made here by bringing before the Members of this honorable House the decision of the Supreme Court of the United States made on January 4, 1909.

In this connection I beg to call attention to editorial below from the Denver Republican of December 26, 1907; also editorial of December 25, 1907, written by ex-Senator T. M. Patterson, owner and editor of the Rocky Mountain News, Denver:

[From the Denver Republican, Thursday, December 26, 1907.]

A RETURN TO SANITY IN LAND AFFAIRS.

By his decision quashing indictments against a number of local lumberman, Judge Lewis, in the United States court, struck a blow for justice and sanity where it has been needed for some time. His action was a rebuke to the idea that seems to prevail in some quarters at Washington that special agents are alone able to ferret out, punish, and prevent violations of the land laws. Incidentally it comes as a defense of the westerner from the imputation of departmental Washington that everyone who seeks to avail himself of the laws regulating the disposal of government lands is inherently and by practice a criminal.

No doubt Uncle Sam of himself is just as generously disposed in the matter of giving his western lands to men who would use them as he was when his laws were drawn to regulate their disposal; but of late there has grown in the minds of some officials in Washington the idea that every man who ever filed a claim did so with malicious intent to rob the Government and thwart the department in its duty. As a part of that suspicion comes the thought that every western man is in the conspiracy, and that therefore the regular agents of the Government are not to be trusted in such matters. This leads to sending west to unearth gigantic frauds special agents, who, having their spurs to win, proceed to find what they are sent after.

In many cases, the special agent is one whose knowledge of practical affairs is confined to holding a job in Washington. Coming West and discovering that certain individuals have made money by availing themselves of the Government's liberality in land affairs, such a man leaps promptly to the conclusion that there was fraud in acquiring the lands. His philosophy can not cover the fact that the Westerner in taking advantage of the land laws as they exist may make money and still be honest—that the laws are drawn to give him that very opportunity. To him the fact of having taken up lands and made money becomes ground enough for charging fraud, and he rushes to the courts and begins action.

When the suits brought by Judge Lewis were brought against some of the most reputable business men of Colorado, most people understood that they were the outgrowth of this excess of zeal on the part of such special agents. Men of the highest character were forced for a time to stand under the imputation of conspiracy to defraud the Government. They courted the fullest investigation, but the cases brought were found to have so flimsy a base that the judge refused to let them be tried. In so deciding he took pains to point out to the land officials that they had failed to show wherein a single law had been violated, and reminded them that it is beyond their power to determine how the Government ought to dispose of its lands and then charge the commission of crime on that theory.

The existing land laws have stood the test of time, and have been a large factor in making the West. None too liberal, they are yet calculated, and rightly so, to benefit the man who avails himself of them. Men prosper from seizing the opportunities presented, just as the framers of the laws intended they should. The attitude of the Government toward settlers has not changed; the laws passed by Congress stand to-day as they have stood for years. This idea of calling a man a thief because he has made his money out of land given him to use exactly for that purpose comes not from the Government, not from Congress, or the administration, but from the overzealous special agent sent to find that a fraud was committed or write himself unequal to the task. Usually the men he is set to accuse have been suspected in Washington departments before the agent has begun even to collect evidence for the courts, and he dare not fail to make good.

The decision of Judge Lewis will go a long way toward putting a stop to such practices and bring about a return to sanity in land affairs.

[From the Daily News, Denver, December 25, 1907.]

GOOD MEN CLEARED.

One of the things that added to the Christmas joy of this office was the action of Judge Lewis, of the federal court, in quashing indictments against 11 citizens of Colorado. These men were charged with the conspiracy to defraud the Government, and Judge Lewis, assuredly a man not blind to his obligations to his country, has dismissed the charges in a decision which clears the indicted men of anything that could be called an offense.

It is mightily satisfactory, for among these eleven were men like Charles D. McPhee and John McGinnity and Alexander T. Sullenberger. All of them are men past middle life, and their lives have been spent in upbuilding the communities which have been lucky enough to own them. All of them are men against whom no suspicion of dishonesty ever breathed. All of them have doubtless suffered more from this charge than a real criminal would have suffered from conviction and imprisonment. But at least they have the satisfaction of a vindication as complete as the law can make it. And the News frankly rejoices. Up till last winter the Government had no right of appeal in cases like the present. Last winter a bill was passed conferring on the Government the right of appeal in criminal cases where indictments were quashed by a judge, not where the facts were passed on by a jury. But this does not mean that the indicted men will have to again stand trial. The law in question was passed simply for the purpose of getting an even, standardized construction of the law from the highest court in the land. Hitherto one judge has declared the law to be this and another one has declared with equal force that the law was that, and the Government agents have been greatly puzzled by the conflicting interpretations. The Government's new right of criminal appeal insures that the law will be uniformly construed. But even if the Supreme Court should reverse Judge Lewis on this case, it will mean only a final statement of the meaning of the points of law involved. The old provision of the Constitution that no man shall twice be placed in jeopardy of life or limb for one offense still stands, and must stand forever.

Our only regret is that the good and necessary work of running down the land frauds seems so likely to cause trouble and expense to honorable and worthy men. Perhaps this is one of those faults that can not be helped, and must even be endured with what grace one may summon. Anyway, we are glad that in this case the wrong went no further, and that the decision of Judge Lewis was as sweeping as it is final.

And I want to say now for the information of the gentleman from New York, admirers of the President, and Members of this House that our citizens are willing and ready to meet the issue raised by the impulsive administration; but as to the purpose on the part of the latter I can not comprehend, unless to continue in the "lime light," and therefore the country will be saved—from the bureaucrat's point of view.

The article in the Washington Star of December 31, 1907, quotes the Commissioner of the Land Office as saying:

> They will call 60 to 80 violations of the land laws in Colorado to the attention of the grand jury, and some of these may involve a number of the very persons whom Judge Lewis has discharged.

This is subterfuge bordering on the farcical and is disseminated to the press of the country for the purpose of misleading the public as to so-called "land frauds" that do not and have not existed in Colorado.

Our citizens have submissively and with patience undergone these persecutions for alleged offenses, and every fair-minded citizen should join in commendation that we have in our country true judges, who have the courage of their convictions and believe in justice to every citizen and a real "square deal, emphasized."

The President called a special meeting of the Cabinet on December 31, 1907, to take action as to Judge Lewis's decision in the Colorado cases.

The President criticised the judiciary, and authorized the Attorney-General to say:

> The Government will use every means in its power to bring about in the higher courts disapproval of the decision of Judge Lewis.

The unprecedented and dictatorial encroachment of the Executive against the legislative and judicial departments of the Government is almost a daily threat to the peace and prosperity of the Republic, and should be knocked on the head by the constitutional decision of the Supreme Court.

As I prophesied in my general letter hereinbefore referred to, I quote the gist of the decision delivered by Justice White, of the Supreme Court of the United States, on January 4, 1909, all of the associate justices concurring as to the Colorado cases. He said:

> This also serves to demonstrate that no error was committed by the court below in holding that under section 5440 acts charged in the indictment could not possibly have constituted a defrauding of the United States in any manner or for any purpose within the intendment of the section.

Strange and miraculous to say, that same day, January 4, 1909, as to the Colorado cases, the decision by the Supreme Court of the United States knocked the administration legally on the head, as I had predicted in my open letter of January 10, 1908.

By the dictation of the President, the Attorney-General at Washington appealed these Colorado cases, with a great flourish, to the Supreme Court of the United States, and that grand body of just judges affirmed by unanimous decision—substantiated the United States district court of Colorado in dismissal of the cases.

It is unfortunate not only for President Roosevelt, but for the citizens of the Republic, that he has not a legal mind and no equipoise of executive reason, riding through and around the arena of political action on his broncho of arrogant, egotistical impulse, pretending to throw his lariat of execution at the heels and broad horns of capital, for the delectation of voting labor, and ending the scene with the cunning catch of a prairie wolf or a gopher.

In all of this fuss and feathers of the whole administration, he and his pliant Attorney-General have not sent a single "plutocrat" to the penitentiary.

Such a keen political speculator, and political and financial strenuosity has never been seen before in this Republic, and let us fervently hope that his like shall never be seen again.

Look at the paragraphs of his rattled messages and you will be startled to see and read the insinuations and abusive phrases against the legislative and judicial departments of the Government.

The liberty of the people is gradually and secretly stolen by sneaking executive encroachments, and even judicial decisions where the freedom of speech and of the press are denied, are a most outrageous injustice to the toiling multitude.

The voice of the people is over and above all constitutions, courts, and Congress.

President Roosevelt seems to think that he alone is the Government and that his ipse dixit must rule everybody, including the poor and friendless black soldiers of Brownsville, who were insulted, dismissed, and degraded without proof or trial by executive order and without any warrant of reason or law.

President Roosevelt runs the Government on the same principle that the beef trust runs its sausage factory, from a personal standpoint, using legislative and judicial pork as the crude material of his fantastic administration.

Mr. TAWNEY. Will the gentleman from Colorado——

The CHAIRMAN. Will the gentleman from Colorado suspend a moment?

Mr. TAWNEY. I yielded to the gentleman for the purpose of discussing the amendment offered or the motion made by the gentleman from New York [Mr. BENNET], not for the purpose of indulging in any personal abuse.

Mr. COOK of Colorado. All the remarks I have made relate solely to the subject-matter before the House at this time.

While imitating Rienzi and Cromwell in fooling the people, he is practicing the hypocrisy and dictatorship of Cleon and Dionysius and has built up a Roosevelt ring in the army, navy, and civil service, all for his personal and political glory, supreme in his impudence, vanity, arrogance, and imperial egotism.

His veto messages are made from the impulsive and ignorant information of his Cabinet clerks, and the vacillating Attorney-General is a weak legal reed of the Rough Rider's dependence, who even recently gave a false statement to the President upon the joint resolution passed by Congress determining the question of the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BENNET of New York. Mr. Chairman——

The CHAIRMAN. The Chair appeals to the gentleman to suspend. The time of the gentleman has again expired.

Mr. COOK of Colorado. The President, in his veto message, stated December 19, 1908——

The CHAIRMAN. The gentleman's time has expired.

Mr. STANLEY. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

Mr. TAWNEY. I demand the regular order.

Mr. BENNET of New York. Mr. Chairman, I yield five minutes——

Mr. COOK of Colorado. Mr. Chairman, I ask for five minutes more.

Mr. TAWNEY. I have no more time to yield the gentleman.

Mr. COOK of Colorado. Then, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. HOWLAND. I object.

Mr. TAWNEY. I demand the regular order.

The CHAIRMAN. The gentleman from Minnesota demands the regular order.

Mr. BENNET of New York. I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I stand now, and I have always stood, for the necessary appropriation for a well-regulated secret-service system, and whether it should be all in the Treasury Department or divided up between the other departments I do not know. That is a matter of detail. When the matter was up on May 1, 1908, I was in the Chamber, and the gentleman from New York [Mr. BENNET] in part said:

> You make utterly useless the efforts that have been made through the Secret Service for the last three or four years in these antitrust prosecutions in New York City.

I then asked him this question:

> The gentleman means, in state prosecutions or federal prosecutions?
> Mr. BENNET of New York. I mean federal prosecutions.

Now, then, a little later on, same day and debate, I asked the gentleman from Minnesota [Mr. TAWNEY] this—

> Has the Government used the secret-service agents in getting up testimony in these lawsuits——
>
> [Cries of "Vote!" "Vote!"]
>
> Mr. TAWNEY. I move that all debate on this paragraph and amendments be now closed.
>
> Mr. GAINES of Tennessee. Will the gentleman answer my question whether or not the Government uses the secret-service agents to get evidence in these lawsuits? (CONG. RECORD, p. 5560, May 1, 1908.)

I voted then and there against this limitation and think I did right, and now I am afraid to-day that you are again "cutting the dog's tail off just behind his ears." I hope this amendment will prevail and the proposition knocked out. That is the position I take now and took May 1, 1908, when this matter was up.

Now, then, Mr. Chairman, I find on investigation of this matter that Attorney-General Bonaparte, in his report to Congress for 1907, asked for a secret-service force to carry out the duties of the Department of Justice. He says that his department very much needed a "detective force." If I have only a few minutes and unless I can get my time extended, I will have to ask unanimous consent to put this recommendation in the RECORD as a part of my remarks.

The CHAIRMAN. Without objection, the gentleman from Tennessee may extend his remarks in the RECORD.

Mr. SHERLEY. I object.

Mr. GAINES of Tennessee. I hope the gentleman from Kentucky will not object.

Mr. SHERLEY. I have to make my objection general.

Mr. GAINES of Tennessee. Has the gentleman read the report?

Mr. SHERLEY. I have.

Mr. GAINES of Tennessee. Has the gentleman read the part of the report to which I refer?

Mr. SHERLEY. I have not only read that part of the report, but I have cross-examined the gentleman in relation to it.

Mr. GAINES of Tennessee. Here is the Attorney-General's report of 1908. Here is what the Attorney-General says in his last report of 1908:

> In my last annual report I called attention to the fact that this department was obliged to call upon the Treasury Department for detective service and had, in fact, no permanent detective force directly under its orders. Through the prohibition of its further use of the secret-service force, contained in the sundry civil appropriation act, approved May 27, 1908, it became necessary for the department to organize a small force of special agents of its own. Although such action was involuntary on the part of this department, the consequences of the innovation have been on the whole moderately satisfactory. The special agents, placed as they are under the direct orders of the chief examiner, who receives from them daily reports and summarizes these for submission each day to the Attorney-General, knows or ought to know at all times what they are doing and at what cost. Under these circumstances he may be justly held responsible for the efficiency and economy of the service rendered. The experience of the past six months has shown clearly that such a force is, under modern conditions, absolutely indispensable to the proper discharge of the duties of this department, and it is hoped that its merits will be augmented and its attendant expense reduced by further experience.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I hope that we will not crush the enforcement of the law against land frauds and against conspiracy for the violation of interstate and foreign commerce law contrary to the Sherman antitrust law. That is where I stand and the way I will vote. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DENBY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. TAWNEY. I now yield five minutes to the gentleman from New York [Mr. WALDO].

Mr. WALDO. Mr. Chairman, it seems to me that the most of this discussion has had little to do with the question as to whether the limitation should continue in the bill. There is no question raised, as I understand, by anyone that the $32,000,000 appropriated last year for the investigation and prevention of fraud and crime is not sufficient. It is my understanding that no substantial reduction is intended in the appropriation for this year. The only question here before the House is whether we believe in a central secret-service bureau, such as there is in Russia to-day, or whether we believe the separate departments should investigate the violations of law in those departments by a trained force of their own. That is all there is to this question. I believe that it would be a great blow to freedom and to free institutions if there should arise in this country any such great central secret-service bureau as there is in Russia. We do not need it here in this country, and there ought not to be any such bureau. Crimes are amply prosecuted. They are much better investigated and detected by the several departments of the Government, which have trained

men who understand the business of their different departments. Therefore I trust that the motion of the gentleman from New York will not prevail. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to have read from the desk part of the Attorney-General's report of 1907 that I wanted to read a few minutes ago, but did not have time. It is right on the point, and we ought to have it read.

Mr. TAWNEY. Mr. Chairman, the time has been fixed for closing this debate and I must object.

Mr. GAINES of Tennessee. Will the gentleman give me the time to read it?

Mr. TAWNEY. In objecting, I wish to say to the gentleman from Tennessee that the document is a public document and everybody can get it who wants it. It has been printed in the hearings both this year and last year.

Mr. GAINES of Tennessee. It has not been read in this House at all. Does the gentleman object?

Mr. TAWNEY. I object, unless it comes out of the time of somebody else.

Mr. GAINES of Tennessee. I will ask the gentleman from New York to give me time to have this read.

Mr. BENNET of New York. I can not do it.

The CHAIRMAN. The gentleman from Minnesota has twenty-eight minutes remaining and the gentleman from New York eleven minutes.

Mr. BENNET of New York. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I think that there has been a confusion of the issue here. We have listened to abuse of the secret-service men and to diatribes more or less violent, not to say virulent, against one of the greatest of our Presidents, and all this has met with the applause and the laughter of Members of the House of Representatives. But the President is not the issue here. I was reminded, while listening to the gentleman from Colorado [Mr. COOK], of a similar utterance, about which I have read, made in Congress during the war by a "copperhead"—one of the men who, in the dark days of 1861 to 1865, when our soldiers were at the front, stayed at home and did his best to cripple their efforts to save the Nation.

That copperhead denounced the "emperor at the other end of the Avenue." Who was that "emperor?" He was the man to whose memory the civilized world has just paid homage, the apostle of liberty, Abraham Lincoln. [Applause.] Not long after that utterance a "copperhead" in my own State, in an editorial called upon somebody to kill Abraham Lincoln. I simply cite this, Mr. Chairman, to show that sometimes, in the heat of partisan discussion, men may speak of another whom, for some reason, they dislike, in a manner which subsequently they will regret. I prophesy that some day the gentleman from Colorado [Mr. COOK] will regret that, in the presence of the American people—yes, in the presence of the whole world—he thus characterized the President, to whom we owe the stopping of the awful war between Russia and Japan, to whom we owe the Panama Canal, to whom we owe the great remedial legislation of the last six years, the rate law, the pure-food law, the meat-inspection law, and the inauguration of the noble movement, destined to be world-wide in extent, for the conservation of the natural resources of the earth.

Whether or not he live to regret it, the man whom he has denounced will live with fame untarnished, in the galaxy of America's immortals.

Mr. Chairman, what is the issue here? Gentlemen have said with a great deal of earnestness, and they stated the truth, that there have been liberal appropriations for the work of men in the Interior Department to suppress crime; in the Treasury Department, in some other department, to suppress crime. That is very true, but the only question here involved is, Shall the law prevent the transfer of a skilled operative from one department to another—shall it prevent the transfer of a man who as a result of long service has demonstrated his skill? This paragraph if enacted into law will prevent such transfer. On this question let me call attention to an authority, well informed, respected by the people, and conservative, Hon. George B. Cortelyou, Secretary of the Treasury. Here is what he said in a letter to Senator Allison last spring after the House of Representatives had passed this bill and sent it to the Senate——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET of New York. I yield one minute to the gentleman from Georgia [Mr. EDWARDS] after first stating that I now hold in my hand the decision of the Supreme Court in the case to which the gentleman from Colorado [Mr. COOK] referred, and that it says distinctly, "reversed and remanded for further proceedings in conformity to this opinion."

Mr. EDWARDS of Georgia. Mr. Chairman, I am in favor of the amendment as offered by the gentleman from New York, to strike out this paragraph, because I believe that it will materially and directly hamper and hinder the use of the secret-service men in the detection of crime if this limitation is left in the bill. I believe the limitation should be stricken out in order that the secret-service men may be used by any branch of the Government so that they may be free to investigate crime, corruption, and graft wherever it may exist, from the lowest to the highest, from constable to and including the President himself.

There is no doubt but that the secret-service men have rendered good service to the Government, and there is no doubt but that they are necessary and should be provided for in a proper manner, and they should be free from the restrictions placed by this paragraph limiting their investigations to the work of any particular branch or service of the Government, which, if permitted to remain in the bill can not have, in my opinion, but one effect, and that is seriously to hinder the Government in the detection and prosecution of criminals in other branches and services of the Government.

Honest men ought not to dread an investigation; they ought rather to invite it; and dishonest men, no matter where they are found, ought to be investigated, exposed, and prosecuted for violations of the law, no matter what their standing in a social way, no matter what their positions in a political way. Crime should be run down and punished whenever and wherever it exists, and the Government should be free with all its agencies to accomplish this end. I hope, therefore, that the amendment to strike out the limitation will prevail.

Mr. BENNET of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET of New York. Has the gentleman from Minnesota or myself the right to close? I made the motion.

The CHAIRMAN. The Chair thinks the gentleman from New York has the right to close.

Mr. BENNET of New York. Then I will ask the gentleman from Minnesota to use up his time, with the statement that there is to be but one more speech on this side.

Mr. TAWNEY. Mr. Chairman, I——

Mr. HEPBURN. Mr. Chairman, before the gentleman begins, will he allow me to make an inquiry?

Mr. TAWNEY. Certainly.

Mr. HEPBURN. If this paragraph, beginning on line 25, page 63, should remain in the bill, will it be possible to use any part of the appropriation under this bill for the payment of secret-service men?

Mr. TAWNEY. What secret-service men does the gentleman from Iowa refer to now?

Mr. HEPBURN. I mean the men in the Secret Service Division in the Treasury Department.

Mr. TAWNEY. Do you mean the men appropriated for by the preceding item for the investigation and detection of counterfeiting?

Mr. HEPBURN. Well, I mean those men who may be detailed or transferred from the Secret Service Division, or those men who may at any time during the fiscal year 1910 have been employed by or under said Secret Service Division.

Mr. TAWNEY. I will say to the gentleman from Iowa this paragraph is identical, word for word, with the current law with respect to the use or employment of secret-service men in the Treasury Department.

Mr. HEPBURN. Now, was it the intention or not to prohibit the use of any money appropriated in this bill to the payment of compensation or expenses of any person who may at any time during the fiscal year 1910 have been employed by or under said secret-service division?

Mr. TAWNEY. That was the intention.

Mr. HEPBURN. It was the intention to do that?

Mr. TAWNEY. That has been the practice.

Mr. HEPBURN. To prevent the payment of these men.

Mr. TAWNEY. I did not understand the gentleman's question, if my colleague on the committee [Mr. FITZGERALD] is correct.

Mr. FITZGERALD. If the gentleman will permit me, the intention was to prevent the payment of any men in the Secret Service Division of the Treasury Department who are used in some other department of the Government. That is all.

Mr. HEPBURN. There are two classes of persons affected, as I understand it, under this paragraph.

Mr. TAWNEY. In a word, Mr. Chairman, in answer to the gentleman from Iowa, the purpose of this limitation was to prevent the practice of detailing men in the Secret Service Division. I will say further to the gentleman from Iowa that the department has construed the law as the committee intended when the provision was inserted in the bill.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. TAWNEY. I decline to yield for a moment. Mr. Chairman, I do not intend to occupy a great deal of time in discussing generally the use of the Secret Service in the various departments of our Government. That branch of the question has been fully covered by the gentleman from Iowa [Mr. SMITH]. This provision has provoked a great deal of discussion here and elsewhere. There has been more or less excitement with regard to this provision; there have been a great many misstatements made here and elsewhere with regard to the effect of this provision. It has been said that this provision has restricted the activities of the various departments of the Government in the investigation of fraud and in the detection of crime. When the Committee on Appropriations commenced the investigation of the estimates for sundry civil expenditures those estimates covered every branch of the public service except the Post-Office Department. We took occasion to inquire of the heads of departments who appeared before the committee as to the effect of this provision with regard to their activities with respect to the investigation of fraud and in the detection of crime.

And where the head of a department did not appear before the committee we interrogated those who were sent to represent the department in respect to their estimates for this service. And I will say here and now that you can search the testimony published in the hearings before the Committee on Appropriations and you will not find a single officer of the Government that appeared before that committee, except the Chief of the Secret Service, who complained in regard of this limitation, many of them commending this provision in the interest of better administration and great economy in the performance of the public service. This provision, therefore, is again recommended by the Committee on Appropriations to the House of Representatives with the implied or expressed approval of the head of every department that appeared before the Committee on Appropriations in the consideration of the estimates for these departments.

The heads of all the departments did not appear before us, but their representatives that were sent there for the purpose of representing the departments and giving testimony regarding their estimates were all interrogated, and without a single exception, outside of the Chief of the Secret Service, not one of them complained about this provision having hampered them in the least in regard to the enforcement of the laws and the prevention of depredations upon the public domain, or the detection of crime in the administration of the law over which these departments have exclusive jurisdiction.

Mr. PARSONS. Mr. Chairman, will the gentleman yield for a question?

Mr. TAWNEY. I will yield for a question.

Mr. PARSONS. Were they asked whether they approved of the limitation?

Mr. TAWNEY. I do not know that they were asked the specific question in every case, but they were all asked if this provision in any way whatever hampered them in the administration of the laws, detection of fraud, and the detection of crime in their departments, and the answer in every case was in the negative. And the Attorney-General, the chief prosecuting officer of the Nation, the man who stands at the head of the department charged with the responsibility of enforcing the laws of the United States, of bringing criminals to justice and punishment, told the committee in substance that under this provision, or that under the existing conditions, he was administering this branch of the service more satisfactorily than theretofore. And why? He has established a secret service in his department, known as "special agents." Now, the Attorney-General explained why his present organization was more effective and satisfactory than the organization detailed from the Treasury Department to the Department of Justice, and the reason was this:

Under the practice that obtained before this limitation was enacted to whom did the secret-service men in the Treasury Department report? To the Attorney-General? No. They were being paid out of appropriations made by Congress for the Department of Justice, but the amount of their compensation was fixed by the Secretary of the Treasury at the instance of the Chief of the Secret Service, and they reported to the Chief of the Secret Service and not to the head of the Department of Justice. The Attorney-General, as you will see from his testimony taken before the Committee on Appropriations, testified that he never knew what these men were doing that were detailed from the Secret Service of the Treasury Department to his department.

Mr. BENNET of New York. Now will the gentleman yield for a question?

Mr. TAWNEY. One moment. He said that they never reported to him, that they reported to Mr. Wilkie, and occasionally reported to the local district attorney under whose immediate supervision they were.

Now I yield to the gentleman.

Mr. BENNET of New York. Now, I will ask the gentleman, first, if the Attorney-General did not say not occasionally, but that the secret-service men reported to the Assistant Attorneys-General under whom they were, and if that does not appear in this hearing?

Mr. TAWNEY. He did; and he also said they made daily reports to the heads of the Secret Service, a fact which the Chief of the Secret Service was not willing to admit when before either the select committee or the Committee on Appropriations.

Mr. BENNET of New York. Now, I will ask the gentleman a second question, if Mr. Bonaparte did not say this, referring to his own force—

> I do not think its members are generally as experienced as the members of the secret-service force. I think they are fairly efficient men, and, on the whole, the work is done as well as I think it could reasonably be expected, under the circumstances. The principal weak point about it is the necessity of occasionally employing men for short periods, and as to those we have to sometimes take chances.

Mr. TAWNEY. That was the testimony of the Attorney-General; but I want to impress this fact upon the membership of this committee, that there was not a single criticism uttered by the head of any department or by any man the representative of any department who appeared before the Committee on Appropriations in these hearings respecting this limitation, except the Chief of the Secret Service himself. I said those who appeared before the committee. Mr. Cortelyou wrote a letter in regard to it, but to offset that letter I have the——

Mr. PARSONS. Will the gentleman yield?

Mr. TAWNEY. I decline to yield. I want to call attention to this important fact, that here is a deficiency estimate, under the head of "Detecting counterfeiting and other crimes," amounting to $20,000, and accompanying that estimate the Secretary of the Treasury submits, without criticism, but for continuation during the remainder of this fiscal year, as to this $20,000, or whatever amount Congress may appropriate, the very limitation that is now under consideration.

Mr. PARSONS. Will the gentleman yield now to a question?

Mr. TAWNEY. Yes. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. PARSONS. Will the gentleman point out where in that letter there is anything which shows that he requests that limitation? Is it not simply inserted as a part of the present law, and does not his recommendation simply mean that he forwards an estimate of appropriations to complete the service for the fiscal year?

Mr. TAWNEY. Mr. Chairman, I will leave the Members of the House to draw their conclusion as to what the Secretary of the Treasury means when he submits an estimate for an appropriation and in connection with that estimate submits the limitation now existing in law, which would be a limitation on the appropriation, on the very money the Secretary of the Treasury is asking for.

Mr. PARSONS. Is it not to complete the service? And would he not also naturally submit the limitation?

Mr. TAWNEY. Not at all. If the appropriation made for the current law is insufficient, and the limitation on the appropriation is objectionable, and he wants an additional appropriation for the service to the end of the fiscal year and does not approve of that limitation, why does he ask that with the limitation to apply to the additional appropriation?

Mr. PARSONS. He does not ask it.

Mr. TAWNEY. He submits it together with his estimate, On the contrary, the uniform rule is that when a department wants to strike out or does not approve of a recommendation, they omit that part of the law which they do not approve in submitting their estimates.

Now, Mr. Chairman, in conclusion, let me call attention to the fact that all of this agitation, all of this discussion, all of this excitement which has been created and carried on here for

the past two months in respect to this limitation and its effect upon the activities of the departments in respect to the investigation of fraud and the detection of crime, in my judgment, does not have its origin in this limitation, except only in so far as the activities of the Chief of the Secret Service of the Treasury Department has been affected by that limitation. He is the man who started this campaign; he is the man who has carried on this campaign against the Congress of the United States for restricting his activities. To the several men, the nine men, who were transferred from the Treasury Department to the Department of Justice last June Mr. Wilkie wrote each one of them a letter. One of these letters I hold in my hand, written on the official stationery of the Secret Service Bureau and signed by John E. Wilkie. In order to show his contempt for the Congress of the United States because of its having assumed to interfere with his activities in building up a large and powerful Secret Service Bureau in all the departments of the Government, I will read this letter:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
SECRET SERVICE DIVISION,
Washington, June 27, 1908.

SIR: In order to meet certain demands of the Department of Justice for the investigation of crimes, and to conform strictly with the provisions of the sundry civil act for the fiscal year 1909, the Attorney-General will appoint as special agents in the Department of Justice a number of agents recommended by this division. For the purpose of completing the record of the Treasury Department in all cases in which the Attorney-General contemplates an appointment, you will please sign the inclosed resignation and return it promptly to this office; and you will provide yourself with one of the blank oaths relating to Department of Justice appointments, and upon the 1st day of July execute that oath and forward it to the appointment clerk, Department of Justice, Washington, D. C.

Prior to this time these men employed in the Department of Justice who were detailed from the Secret Service Division never took the oath of office in the Department of Justice. They were still on the roll and served under the oath taken as members of the Secret Service Division of the Treasury Department. Therefore there is no doubt of the violation of the law, the detail of these men, or about the fact that they were detailed and not loaned.

On the last day of the present fiscal year you will surrender to your immediate superior your official badge, commission book, service revolver, handcuffs, press-copy book, and all other official property belonging to the Secret Service Division, taking his receipt for property so delivered.

The opinion is expressed that the technical interference with the practice which has prevailed in the past with reference to supplying experienced agents for special investigations will disappear at the close of the next fiscal year; in other words, that at the coming session of Congress there will be such legislation as will satisfactorily readjust matters.

This letter is dated June 27, 1908, and marks the beginning of the campaign for the readjustment by legislation at this session of Congress of the matters referred to by Mr. Wilkie in this paragraph of his letter. This limitation was regarded by him then as it is regarded by him now—"a technical interference" with his activities.

Your forthcoming appointment in the Department of Justice, therefore, is considered temporary in its nature, and the agents so appointed will be eligible for reappointment in this division at any time during the fiscal year 1909; and such reappointment, whether during the fiscal year or at its close, will depend wholly upon the character of the work performed by the agent of the department in which he is thus appointed. It is assumed, as a matter of course, that persons to whom these appointments are given will render to the Department of Justice the same loyal and efficient service which has characterized the performance of their duties in the Treasury Department; and only a clean and satisfactory record in the Department of Justice will insure a return to this division when the opportunity for reappointment occurs.

You have doubtless observed that the appropriation for suppressing counterfeiting was reduced at the last session of Congress, and this in itself would necessitate the curtailment of the field force in the division during the coming fiscal year. The contemplated appointment in the Department of Justice offers a fortunate solution of what might otherwise be a hardship to agents whose services could not be retained in this division beyond the close of the present fiscal year.

A formal letter of instructions and information as to compensation and headquarters, I am advised, will be supplied to you in ample time by the Department of Justice.

In severing the official relations which have existed between us, I desire that you should understand that your work for this division has been appreciated and that it is my hope that the opportunity for reappointment may not be long delayed. I hope, too, that you will always feel at liberty to consult me in any official matters in which you think I may be of assistance to you, and you have my assurance that your work in the new field will be watched with great personal interest.

Respectfully, yours,

JOHN E. WILKIE.

Special operative.

Please execute your oath as "special agent," but do not forward it until after the receipt of your formal letter of appointment.

Mr. Chairman, this letter is proof that last June, if not before, the Chief of the Secret Service conceived the idea that he could secure a modification or a repeal of this limitation, the law which has restricted his activities in the matter of building up a large central secret-service bureau under no limitations, under no restrictions, and responsible to nobody but himself. [Applause.]

The CHAIRMAN. The gentleman from New York [Mr. BENNET] is recognized to close the debate in four minutes.

Mr. BENNET of New York. I yield all my time to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Chairman, within the four minutes' time allotted to me I can not review as I would like to the argument that has been made against the motion of the gentleman from New York. I desire, however, briefly to call the attention of Members to what I believe to be the fact, and that is that practically all of the argument that has been made against the motion is absolutely immaterial and made upon immaterial propositions.

The motion of the gentleman from New York is to strike out the paragraph commencing at the bottom of page 63. That paragraph simply limits the use of the detective service in the Treasury Department and prevents its transfer, so that the only question before us is whether it shall be lawful to transfer from one department to another the secret-service men in the employ of the Secret Service Bureau in the Treasury Department.

I submit, Mr. Chairman, that it is no argument to retain this in the bill to make an attack upon any of the departments of the Government, as has been made, to show that the secret-service men are incompetent; because, as a matter of fact, they will be transferred only upon application, and if they are as vile and as worthless as some gentlemen would have us believe no one would apply for their services in any other department.

The chairman of the committee [Mr. TAWNEY] has made an argument from which he would have us imply that if it were not for this limitation the Secret Service Bureau, for instance, in the Department of Justice, could not have been built up. Why, I admit, and everybody admits, I presume——

Mr. TAWNEY. If the gentleman will pardon me——

Mr. NORRIS. Now, I hope the gentleman will not take my time.

Mr. TAWNEY. I did not intend to imply anything of that kind, and I do not think I did, because the authority for the creation of the organization in the Department of Justice existed before, as it does now.

Mr. NORRIS. That is what I was about to say, that the authority to create what was created in the Department of Justice existed before this limitation was ever put on the statute books, and the Attorney-General had the authority then, as he has had since, to organize——

Mr. TAWNEY. But he did not know it.

Mr. NORRIS. I know he did not. That does not have anything to do with this limitation. It strikes me, Mr. Chairman, that as a business proposition we ought to permit secret-service men, or the special agents, if you want to call them that, in one department to be transferred upon request of another department. I believe each one ought to have, as they do have and as they will have if this paragraph is stricken out, the right to organize and maintain a secret-service bureau of their own. That is all right. But it may be there will come times when one department may not be using all of its secret-service men, when there may be a particular demand in another department for additional secret-service men; and a law that would permit them to be transferred from one department to another would not only be in the interest of justice and economy, but in the interest of efficient service. I know that it is true that men who are particularly trained in land laws can do better service as special agents there than they can in some other department. No one has ever denied that. The striking out of this provision in the bill will not prevent that from being done as it is now and as it always has been done. It will simply give to the different departments the right to ask from the Secret Service Division the transfer of men if they desire to have those men.

The CHAIRMAN. The time of the gentleman has expired. All time is exhausted. The question is on the amendment offered by the gentleman from New York [Mr. BENNET] to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. BENNET of New York) there were 41 ayes and 153 noes.

So the amendment was lost.

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, at the end of line 5, page 64:

"*Provided further*, That this limitation shall not apply to the enforcement of the law entitled 'An act to protect commerce and trade against unlawful restraint and monopoly, approved July 2, 1890, commonly known as the Sherman antitrust law.'"

The CHAIRMAN. All debate is exhausted, and the question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were 27 ayes and 103 noes.

Mr. GAINES of Tennessee. I demand tellers.

The question of ordering tellers was taken; and but 14 gentleman having arisen, tellers were refused.

Mr. DRISCOLL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 64, line 5, after the word "division," insert:
"*Provided*, That the Secretary of the Treasury may, in his discretion, employ the secret-service force in the investigation and suppression of crimes committed in his department."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. GAINES of Tennessee. Mr. Chairman, let us have the amendment again reported; we did not hear it on this side.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again read the proposed amendment.

The question was taken; and on a division (demanded by Mr. DRISCOLL) there were 36 ayes and 74 noes.

Mr. DRISCOLL. I demand tellers.

The question of ordering tellers was taken; and but six Members having arisen, tellers were refused.

So the amendment was lost.

Mr. NORRIS. Mr. Chairman, I offer the following amendment.

On page 64, in line 3, after the word "department," strike out the balance of the paragraph.

The Clerk read as follows:

Page 64, line 3, after the word "department," strike out the following: "Or who may at any time during the fiscal year 1910 have been employed by or under said Secret Service Division."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Division of fish culture—Office: Assistant in charge, $2,700; superintendent of car and messenger service, $1,600; 1 clerk of class 3; 2 clerks of class 2; 2 clerks of class 1; 1 clerk, $720; in all, $11,820.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill where we get that fish car? I see that we have a superintendent of the car and messenger service. Is it owned by the Government or the railroad?

Mr. TAWNEY. It is owned by the Government. We have three of them. There is a crew provided for in this bill for each car.

The Clerk read as follows:

St. Johnsbury (Vt.) Station: Superintendent, $1,500; fish culturist, $900; skilled laborer, $720; 2 laborers, at $600 each; in all, $4,320.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. Will the gentleman from Minnesota inform the committee how much it costs to haul that "fish" car around over the country?

Mr. TAWNEY. I do not know how much it costs; the gentleman can get the information by addressing the Commissioner of Fisheries. I have no information outside of the personnel attached to the cars.

Mr. GAINES of Tennessee. I am not speaking about that. I am talking about hauling the cars over the country.

Mr. TAWNEY. I presume it is the same mileage that the railroad company would charge the gentleman or anybody else that employs the railroad company for hauling a private car.

Mr. GAINES of Tennessee. Regularly, all the time?

Mr. TAWNEY. Certainly; the railroad company can not discriminate in favor of the Government.

Mr. GAINES of Tennessee. Do we appropriate for it specifically?

Mr. TAWNEY. It comes out of the general appropriation for the Bureau of Fisheries.

Mr. GAINES of Tennessee. Then, we are appropriating for hauling these cars without knowing how much we pay.

Mr. TAWNEY. We are paying the schedule rate, whatever it is.

Mr. GAINES of Tennessee. I really would like to know, and I further would like to know whether or not, since the Hepburn railroad law was passed, they are charging more for hauling these cars than they did before that law.

Mr. TAWNEY. The gentleman from Tennessee would be consuming his own time and not the time of others if he would go to the telephone and call up the Commissioner of Fisheries.

Mr. GAINES of Tennessee. I will call up the gentleman, but I think the chairman of the Committee on Appropriations who reported this bill ought to know something about it.

Mr. TAWNEY. I would say to the gentleman from Tennessee——

Mr. GAINES of Tennessee. Mr. Chairman, I have called up a good many officers by telephone. I called up the Indianhead powder officer, and found they needed and wanted $250,000 to enlarge the government powder plant to relieve the Government from the powder trust. The committee had not brought in that evidence here, and I could not get it from anybody on the committee or in the House; but I got up early the next morning and telephoned to the "ground floor," and Lieutenant Jackson, in charge, as the "Jacksons" always do, told me the truth about it, and as a result of that we got $250,000 into the bill, and it will be made law. Now, I do not want to telephone to all the "Jacksons" in the country, nor do I intend to do so, because, unfortunately for the country, the "Jacksons" are not running the country now.

Mr. TAWNEY. The gentleman from Tennessee knows that we have a general law——

Mr. GAINES of Tennessee. I know that.

Mr. TAWNEY. We are paying the commercial rate, whatever it is.

Mr. GAINES of Tennessee. Does the gentleman officially know that we are paying the commercial rate?

Mr. TAWNEY. Except on land-grant railroads.

Mr. MANN. The Government is not obliged under the Hepburn Act to pay the current freight rates, and probably does not pay them.

Mr. GAINES of Tennessee. Tell us why that is not the law.

Mr. MANN. Because there is an express exception in the interstate-commerce law of the federal and state governments and even of local municipalities from the provisions of the law as to the rates on freight, and most of the municipalities where they have freight have been getting lower freight rates than the current schedule rates.

Mr. GAINES of Tennessee. Does the gentleman know what we pay for hauling these fish cars?

Mr. MANN. I do not.

Mr. GAINES of Tennessee. I regret that I have to take up the time of the committee to get this information, and yet we are without it.

Mr. MANN. Of course there would be no schedule for hauling cars like these fish cars.

Mr. GAINES of Tennessee. I think they ought to charge less, because we are constantly hauling the fish.

Mr. MANN. Probably they do. Probably there is some special arrangement made.

The Clerk read as follows:

Biological Station, Fairport, Iowa: Director, at the rate of $1,800 per annum; superintendent of fish culture, at the rate of $1,500 per annum; scientific assistant, at the rate of $1,400 per annum; scientific assistant, at the rate of $1,200 per annum; foreman, at the rate of $1,200 per annum; shell expert, at the rate of $1,200 per annum; engineer, at the rate of $1,000 per annum; two firemen, at the rate of $600 per annum each; two laborers, at the rate of $600 per annum each; in all, $7,800 or so much thereof as may be necessary.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. MANN. Mr. Chairman, I withdraw the point of order and move to strike out the last word.

Mr. COX of Indiana. Mr. Chairman, I renew the point of order.

Mr. MANN. Then that can be settled before I make my motion.

Mr. TAWNEY. I make the point of order that the point of order comes too late. The gentleman from Illinois had made the motion to strike out the last word.

Mr. COX of Indiana. I will state to the Chair that before the gentleman had made his motion to strike out the last word I had renewed the point of order.

The CHAIRMAN. The Chair thinks the point of order is not too late.

Mr. TAWNEY. Is it the paragraph beginning on page 91, line 7?

Mr. COX of Indiana. Yes. I would like to ask the chairman of the committee for some information. Has any law passed Congress authorizing the establishment of this biological station?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. When did it pass?

Mr. TAWNEY. Two years ago.

Mr. MANN. Last year.

Mr. TAWNEY. I thought it was about two years ago—May 27, 1908.

Mr. COX of Indiana. Does the gentleman say that the bill authorizing this station passed Congress?

Mr. MANN. Oh, here is the law.

Mr. TAWNEY. Yes.

Mr. COX of Indiana. Is not this the truth about this biological station now under consideration, that the bill was introduced in Congress, referred to the Committee on the Merchant Marine and Fisheries, passed out of the committee, and finally reached the calendar; and, indeed, did not pass Congress, but it was simply put into the appropriation bill?

Mr. TAWNEY. I do not know what the history of the bill is. The provision in the sundry civil bill authorizing this biological station was inserted in the sundry civil bill as an amendment in the Senate and concurred in by the House.

Mr. COX of Indiana. Then there is no law authorizing the establishment of this biological station except the current appropriation bill, as passed at the last Congress. Is that correct?

Mr. TAWNEY. So far as I know that is a correct statement of the facts. That is sufficient for the rules of the House. That is the law establishing and authorizing the establishment of this station, and under that law and the appropriation heretofore made the station has been located and is now in course of construction and will be completed for service about the first of November, 1909.

Mr. COX of Indiana. Mr. Chairman, as I recall the history of this legislation, it is about as follows: A bill was introduced for the purpose of establishing, first, a fish-cultural station somewhere in the upper Mississippi Valley. That bill was referred to the Committee on the Merchant Marine and Fisheries. Later on it was amended so as to establish a biological station somewhere in the upper Mississippi Valley.

Mr. DAWSON. If the gentleman will permit me to correct a slight inaccuracy, the original bill provided for a biological and fish-cultural station.

Mr. COX of Indiana. Probably that is correct, and a fish-cultural station was eliminated from the bill. That bill passed our committee and was put upon the calendar. I never heard anything more about the bill until last year, when the sundry civil appropriation bill passed, and I realized for the first time that an appropriation had been made for the establishment of that biological station in the upper Mississippi Valley.

Mr. MANN. Will the gentleman permit me in part to help educate him?

Mr. COX of Indiana. I need it, whether I will permit it or not.

Mr. MANN. The distinguished gentleman who introduced the bill was the gentleman from Iowa [Mr. DAWSON].

Mr. COX of Indiana. I am satisfied of that.

Mr. MANN. The bill that was introduced into the House has nothing to do with the legislation; that bill is still on the calendar, if it has not been stricken off by unanimous consent. It never was passed, but the distinguished Senator from Iowa, who has now passed on, was in a position in the Senate where he was able to do a good turn, very likely, for the people, certainly for the fresh-water mussels, and certainly for the gentleman from Iowa, and he put that item in the bill in the Senate and the House agreed to it, although the attention of the House was called to it.

Mr. COX of Indiana. I think that is correct, and I want further to call the attention of the committee and the——

Mr. MANN. It only shows how easy it is once in a while to do a thing——

Mr. COX of Indiana. Indirectly where you can not do it directly; I learned that. I want to call the attention of the committee to this one further fact. The underlying principle for this biological station, I think, is absolutely wrong. I do not think the principle is right. The whole theory upon which this legislation was asked was solely for the purpose of enabling the manufacturers of pearl buttons in the United States to get the Government to go into the industry of determining or devising from a scientific standpoint the best way and manner of perpetuating certain mussels, and I wonder, Mr. Chairman, whether or not the Government of the United States should go into that line of business and investigate for the sole purpose of furnishing the manufacturers of this country free raw material.

I recall looking up the duty there was upon pearl buttons in this country, and while I am unable at this time to state the exact amount of duty there is imposed upon the pearl button under the Dingley law, I will say that it is an enormous duty, so under a law of this kind the Government of the United States is undertaking to develop a theory to furnish free raw material for the manufacturers of this country and at the same time imposing an immense tariff duty upon the manufactured product, and I believe that theory of legislation is radically wrong.

Mr. DAWSON. Will the gentleman yield for a question?

Mr. COX of Indiana. Yes.

Mr. DAWSON. The gentleman, as I recall it, is a member of the Committee on Merchant Marine and Fisheries, and I would like to ask the gentleman if he signed a minority report against a bill similar to this which I understand has been reported at this session of Congress?

Mr. COX of Indiana. I understand the minority report is being prepared, but I will say to the gentleman in reply, that on principle I am opposed to all legislation of this kind, because I think it to be radical, erroneous in theory as well as in practice.

Mr. DAWSON. Mr. Chairman, will the gentleman yield for one more question?

Mr. COX of Indiana. Yes.

Mr. DAWSON. Does not the gentleman know that it is an absolute fact that since the tariff was laid that pearl buttons are now sold cheaper to the consumers in the United States than they were before, when we were sending our money to Austria?

Mr. COX of Indiana. I did not know that, but I do not think that enters into this argument for the purpose of maintaining the gentleman's position in the least.

Mr. DAWSON. I will say to the gentleman that is the fact.

Mr. COX of Indiana. I insist, Mr. Chairman, upon the point of order.

Mr. DAWSON. Mr. Chairman, I would like to be heard briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. DAWSON. Mr. Chairman, it does not seem to me the point of order can possibly lie against this paragraph in the bill. The act approved May 27, 1908, provided for the establishment of a biological station on the upper Mississippi Valley, and appropriated $25,000 for that purpose. Under the authorization of the act the Commissioner of Fisheries has gone forward and established this station at Fairport, Iowa. The paragraph in this bill, against which the gentleman now seeks to raise the point of order, simply provides for the personnel of that station. If the point of order is sustained, Mr. Chairman, we will be in the position of Congress by law establishing this biological station and yet being prevented from appropriating or providing the officials necessary to conduct that station. By law we have provided for the station and appropriated the money for its construction. It seems to me it would be perfectly ridiculous and absurd to think that the point of order would lie against an appropriation simply to provide the employees for that station. If the point of order is good, then we would simply have a station located out there on the Mississippi River, with no one to conduct it. Certainly that provision of law creating the station carries with it the authority to provide the necessary personnel for the management and conduct of that station. It seems to me, Mr. Chairman, there can be no question but that the point of order does not lie against the paragraph. With regard to the merits of the proposition, I shall be glad to have an opportunity to discuss that briefly after the point of order is disposed of.

Mr. TAWNEY. Mr. Chairman, in addition to the fact that this biological station is authorized by law, the station has been established, the work of completing it or preparing it for the uses for which it was established is now going on—a public work in progress, originally authorized by law.

The CHAIRMAN. The law providing for the establishment of this station, as the Chair understands it, reads as follows:

Biological station, Mississippi River Valley: To enable the Secretary of Commerce and Labor to establish a biological station for the propagation of fresh-water mussels in the upper Mississippi Valley, at some suitable point to be selected by the Secretary of Commerce and Labor, including the purchase of site, construction of buildings and ponds, and equipment, $25,000.

Mr. DAWSON. If the Chair will permit, that is almost, practically, the exact language that has been employed in the establishment of every fish hatchery in the United States.

The CHAIRMAN. The section which the Chair has read is the section under which the biological station in question was established.

Mr. TAWNEY. That is the law under which the station was established and will be completed, and the paragraph authorized the employment of the necessary employees.

Mr. DAWSON. That law is identical with the laws that established all these other stations the personnel of which is provided for in this bill.

The CHAIRMAN. The Chair thinks the section is subject to the point of order and is clearly obnoxious to the rule. It has been held, for instance, that a specific appropriation for designated officials of an exposition at stated salaries, there being no prior legislation creating those places and fixing those salaries, is subject to the point of order, although a general appropriation for the exposition was authorized by law. There is no question, in the opinion of the Chair, but that a lump-sum appropriation might be made to continue this particular establishment, but that does not authorize creating the posts and fixing various salaries. The Chair thinks it is clearly obnoxious to the rule and sustains the point of order.

Mr. TAWNEY. Before the Chair rules on the point of order, do I understand the ruling would go to the extent of holding that the Congress of the United States, after having authorized the establishment of a biological station and erection of buildings, then would have to have a new authorization in order to employ people necessary to operate that station?

The CHAIRMAN. Not necessarily so.

Mr. TAWNEY. It seems to me that would be the logic of the Chair's decision.

The CHAIRMAN. The statement of the gentleman from Minnesota [Mr. TAWNEY] is entirely too sweeping. It is simply legislation coming from the Appropriations Committee for the purpose of creating certain positions, which is not in order on this bill under the rule.

Mr. TAWNEY. Do I understand that we can appropriate in a lump sum?

The CHAIRMAN. The Chair thinks so, unquestionably.

Mr. TAWNEY. And give the Commissioner of Fisheries the discretion of paying salaries, instead of our fixing them ourselves?

The CHAIRMAN. The Chair thinks that under the precedents you can appropriate a lump sum for the purpose of carrying on and continuing that work as a work in progress.

Mr. MANN. Will the Chair hear me a moment?

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MANN. The decision of the Chair is quite important, because for years it has been the established custom of the Committee on Merchant Marine and Fisheries to report bills for fish-hatchery stations in a particular form. It makes no difference how a Member may introduce a bill for a fish hatchery; it comes out of the committee, if it comes out at all, in a specified form adopted by the committee, and hence it is important to have the ruling determine whether that form is of any value or not. There are on the calendar now some 30 or 40 bills reported from the Committee on Merchant Marine and Fisheries for the establishment of fish-hatchery stations, every one of which would leave in the end an item for the maintenance of the station subject to the point of order, so that if those bills should be passed it would either be impossible to man them or else the Committee on Appropriations must reform its method of appropriating. While I do not undertake to say that the Chair is in error at this time, I think it is very important for us to be sure that the Chair is right in making the ruling, because it is going to overturn the established custom of the House in regard to the matter if the Chair rules that it is subject to a point of order.

Now, the question is whether, when we authorize the establishment and equipment of a fish hatchery, we thereby confer upon the Committee on Appropriations authority in an appropriation bill to recommend or to present in the bill a proposition to pay the operatives at that fish hatchery by station, or whether we require them to appropriate a lump sum without any control over the question of salary, or leave it without any equipment to operate. It certainly is not the intention of Congress to pass a law providing that a fish hatchery shall be constructed and equipped and leave it without being operated. It must be assumed, therefore, that there is some way in the law and under the rules of the House to provide for the persons who shall operate the fish hatchery. Now, the Chair states that that shall be done by a lump-sum appropriation; and that is the reason why I am addressing the Chair now, because under the ruling of the Chair the House will have no control over the amount which the Commissioner of Fisheries may pay for superintendents and fishery experts or for other persons connected with the fish-hatchery stations.

Of course if that be the rule we will have, that will have to be the form adopted by the Committee on Appropriations, which in the end will lead to untold extravagance. We now appropriate more money under the present system for the superintendents of fish-hatchery stations than ought to be, because the commissioner insists on paying them such high prices; and if we can only appropriate a lump sum, without any control over the salaries, it will cost a great deal of money.

Now, it seems to me that where Congress authorizes the establishment of a fish hatchery it thereby confers upon itself the right, in an appropriation bill, the first time the matter comes up, to provide for the persons who shall do the work at the fish hatchery. Doubtless thereafter a change of the salaries would be subject to a point of order, but unless such a construction is had it is a paralyzer to economy.

The CHAIRMAN. The Chair thinks that there is a distinction between a case of this class and where a department is established by act of Congress, because in the latter case the positions are named by legislation. The officers are created and the salaries are fixed by legislation.

Mr. MANN. I had the honor to report in a bill to this House creating the only new department which has been created in the memory of most gentlemen in the House. That does not provide, and intentionally did not provide, for the specific places or the salary, the theory being that when Congress provided for a department of the Government, providing no force, it believed that it ought to remain with the House to determine what places there should be and what salaries there should be. The only instance that I recall that violates that principle is the Department of Labor, where a specific number of officials were created, and for years, because of that fact, and because they had no work for that specified number of individuals to perform, Congress was asked constantly to add new work of investigation to that bureau; and for that very reason when we created the Department of Commerce and Labor we did not provide for officials except the chiefs of the bureaus, the Assistant Secretary, and Secretary, but left them to be provided for by Congresses in the future. Of course there was this distinction, which I freely state, there was authority given to provide clerks.

The CHAIRMAN. If the gentleman introduced a bill creating a department in the manner in which he stated, it is entirely different from the laws creating the departments previously created. The Chair has here the Revised Statutes creating the different departments, and the entire theory is that the offices shall be fixed by legislation and the salaries fixed by legislation. The Chair has it here.

Mr. MANN. They were not created in the statutes. The theory was that Congress should fix the places and the salaries.

The CHAIRMAN. The offices are created in the statutes in the other departments. The Chair will state, with the permission of the gentleman from Illinois, that otherwise the creation of offices in the future in all the departments, in all lines of public service, would be left absolutely in the hands of the Committee on Appropriations, which could create any office they saw fit if Congress did not watch the appropriations.

Mr. TAWNEY. As I understand the——

Mr. MANN. I venture to say to the Chair, very frankly, that I think in all the laws creating the departments of the Government Congress does not create the places by name.

The CHAIRMAN. And the gentleman from Illinois well knows that a great many of the places heretofore brought in on appropriation bills have been subject to points of order, and has seen them go out from time to time on the very theory that they had not been provided for by prior legislation. The gentleman understands that.

Mr. MANN. Many of them have been. I remember once when the bill was very badly injured on that very point.

The CHAIRMAN. Now, here is a decision——

Mr. TAWNEY. If the Chair will pardon me for a moment, if I understand the idea of the Chair, it is that there would be a limitation upon the Appropriations Committee as to the number of places that they might authorize and appropriate for; but, notwithstanding that fact, if they saw fit to report a lump-sum appropriation for salaries and everything, in any amount, it would not be subject to the point of order.

The CHAIRMAN. The Chair has not said that they might appropriate for salaries or any other specific purpose; but they might appropriate a lump sum, if the majority of the House saw fit to do so, for the purpose of proceeding with and continuing the object of the original establishment of the enterprise, whatever its character was.

Mr. TAWNEY. That would mean the same thing.

The CHAIRMAN. According to law——

Mr. TAWNEY. That would mean the same thing. The paragraph in question is a restriction upon the amount appropriated for the continuation of that service.

The CHAIRMAN. That is probably true, but it is a restriction which the gentleman's committee has seen fit to make.

Mr. TAWNEY. No; it is for the House to make. The committee has recommended it. It is for the House and not the committee to make.

The CHAIRMAN. But the Chair thinks it can not be done on an appropriation bill. Here is a decision on all fours pre-

cisely, and the Chair will read it. The gentleman from New York [Mr. PAYNE] rendered this decision:

The Chair thinks the act of 1897 is a sufficient foundation for an appropriation, but not for legislation. The Chair is unable to see wherein it authorizes the offices of Commissioner-General, or Assistant Commissioner, from the reading of the law by the gentleman from Illinois—

Who has just read to the Chair.

The rule in regard to continuation of public works simply authorizes an appropriation in continuance of public works, and does not authorize the creation of offices.

There is a case precisely in point. The Chair thinks that under this precedent the paragraph is subject to the point of order, and therefore the Chair sustains the point of order.

Mr. TAWNEY. I offer the following amendment, Mr. Chairman.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 6, page 91, insert:
"Biological station, Fairport, Iowa: For the necessary personal services for conducting and continuing the biological station at Fairport, Iowa, authorized and established under a provision in the sundry civil appropriation act for the fiscal year 1909, $7,800, or so much thereof as may be necessary.

Mr. COX of Indiana. I make a point of order on that amendment, and the Chair can rule on it.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment offered by the gentleman from Minnesota.

Mr. MANN. Mr. Chairman, I want to be heard on that amendment. I want a little information in reference to this celebrated biological station. Then I would like to know how they get their figures. I notice that the bill provides for a total of $7,800 in this place. In the other stations it runs along $3,000, $8,000, and various sums. The total of this item, as originally in the bill, was $7,800, but I wish those gentlemen in the room who are familiar with the figures to follow me for a moment. Here is a director at $1,800 a year; a superintendent of fish culture at $1,500; a scientific assistant at $1,400; a scientific assistant at $1,200; a foreman at $1,200; a shell expert at $1,200—we are already over $7,800—two foremen——

Mr. TAWNEY. And we are appropriating from the 1st of September for the remainder of the fiscal year.

Mr. MANN. Is that what it is?

Mr. TAWNEY. That is what it is; "or so much thereof as may be necessary." The appropriation is not for the full fiscal year, but we are fixing the annual salaries for the year.

Mr. MANN. Of course that was an afterthought, but it comes in very handy.

Mr. TAWNEY. It was not an afterthought. That is the language.

Mr. MANN. Then I want to know why it is necessary to have a director at $1,800 and a superintendent of fish culture at $1,500. At every other place there is a superintendent at $1,500. At this place there is a director, a superintendent, a scientific assistant, another scientific assistant, and a lot of other officers, making a total of $11,700, against the ordinary appropriations of three, four, or five thousand dollars.

Mr. TAWNEY. This biological station differs from the ordinary station; this is for the cultivation of fresh-water mussels. The Commissioner of Fisheries pointed out to the committee in his testimony the necessity of having a higher-priced man, a more competent man, in charge of this station than was required at the ordinary fish-culture station.

Mr. MANN. What point is there in having a director and a superintendent of the same station? When you have a superintendent, is he in control of the director, or is the director in control of the superintendent? Since when, in establishing little stations, did we begin to provide both directors and superintendents?

Mr. DAWSON. Mr. Chairman, the superintendent referred to is the superintendent of fish culture. In the work of this station, which is of a scientific nature, the details of which, I am sure, would interest the House, the culture of fish necessarily enters into the propagation of the mussels, and therefore it is necessary not only to have a director but also a superintendent of fish culture. This is not an ordinary fish hatchery, but is a biological station, created to conduct scientific study and research and for the propagation of fresh-water mussels.

Now, Mr. Chairman, I would like to be heard in favor of the amendment for a few minutes, because this has more merit than the ordinary proposition brought into the House.

Mr. Chairman, I want to say that the establishment of this station is one of the first important steps in the conservation of the natural resources of the United States. These fresh-water mussels, which for years were considered worthless, became of value when it was found that they could be manufactured into buttons. An important industry grew up, a poor man's industry, if you please, 3,000 men being engaged alone in gathering these shells from the fresh waters of the country.

The remarkable growth of this industry brought the country face to face with the fact that there was danger of exhausting the supply of such material. We have a fish commission here whose business it is to study into the marine life of the waters of the United States, and it seemed to me that it was a perfectly proper subject for the United States Fish Commission to investigate—the question of increasing and perpetuating the supply of these mussels, made valuable by the upgrowth of this industry.

Two years ago I submitted the matter to the Fish Commission, pointing out that unless something was done the supply of these mussels was threatened with exhaustion. The commission, under its general appropriation for the inquiry of the commercial fisheries, set on foot a scientific inquiry in regard to these fresh-water mussels. Strange as it may seem, there was an almost total lack of knowledge among the scientists of the country regarding these mussels—how they propagated, spawning seasons, etc. That commission, headed by Prof. Paul Bartsch, of Burlington, Iowa, began their inquiries along the rivers of the United States, in the Mississippi Valley, down on the White River in Arkansas, up the Wabash in Indiana, and other important rivers of the country to ascertain something about these fresh-water mussels which had become an important item in the commerce of the country.

I ought to say that these scientists who were engaged in that matter, two of whom are from the University of Missouri, Professor Curtis and Professor Lefevre, their services were given to the Government without charge. They simply asked for their expenses. The result of that investigation brought out the practical knowledge that determines for the first time how these mussels propagate. I am sure this House will be interested in this scientific fact.

They found that the fresh-water mussels, differing from any sea-water mussel or shellfish, propagated in this fashion: After the eggs have been laid in the water they drop to the bottom of the stream. In order for the embryo or the egg to develop into a clam it is necessary for it to attach itself to the fins or gills of a fish as a parasite. They live on the fish thirty or sixty days, during which time it develops the necessary organism for its future growth. At the end of that time they drop to the bottom of the stream and are then able to sustain themselves. Without coming in contact with the live fish the egg of the fresh-water mussel perishes. Having ascertained these facts, this commission assembled in the tanks at La Crosse 25,000 fishes and introduced into the tank ripe mussels. That demonstrated the further fact that an ordinary fish would carry 600 or 800 parasites without any injury to the fish. These 25,000 fishes that had been so inoculated were liberated after a period of a few weeks and placed in the west channel of the Mississippi River opposite La Crosse, Wis. That was a year or more ago.

This year this same commission of scientists, these gentlemen from the University of Missouri, found on investigation that literally millions of fresh-water mussels were thriving on the bottom of the stream where they had released the fish that had been inoculated with them the year before.

I am sure the report of Professors Curtis and Lefevre, made a year ago and setting forth the life history of the fresh-water mussel, will be found most interesting, and I will insert it in the RECORD. It is as follows:

The fresh-water clams or mussels of the United States and similar forms from other parts of the world exhibit a mode of development which differs from what occurs in any of their marine relatives. This difference lies in the fact that the embryo lives for a time as a parasite upon the gills or fins of fresh-water fishes, and can only develop in this parasitic condition, the life history being, briefly, as follows: The eggs of the female clam are fertilized by the sperm of the male, which enters the body of the female in the water current that brings the clam its food. These eggs begin development within the female, where they are contained in sacs formed by the animal's gill. Development proceeds as far as a stage known as the glochidium (pl. ia.), which has the two halves of a minature shell and looks much like a gaping clam shell, but which has none of the internal organs necessary for the life which the adult clam leads in the mud of the bottom.

The glochidia are shed out of the parent as they become ripe, and they fall to the bottom, where, having no power of locomotion, they remain motionless unless washed about by the currents. Experiments prove that they will die before many days when left in this condition. If, however, the glochidium chances to come in contact with the fins or gills of a fish which brushes against the silt of the bottom, it fastens itself, and within twenty-four hours has caused the skin of the fish to grow over it, so that the young mussel is completely embedded within the living tissue of the fish. In this condition it rests securely, receiving its food from the blood of its host, and leading a truly parasitic existence for some months. During this period the glochidium changes until all the organs of the adult are developed, though it has not increased in size. At the end of its parasitic existence, when the

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organs are fully formed, the young clam affects the tissue of the fish in such a way that the skin opens and the young clam drops to the bottom, where it begins the life which it will lead throughout the remainder of its existence.

The attachment to a fish is entirely a matter of chance, but where mussels and fish are abundant it must often occur under natural conditions, as is seen from the examination of fish taken in nature. Still, the fishes thus infected will almost never be found carrying as many of the parasites as they can without serious injury. If the fish are taken and placed in a tub or bucket of water containing large numbers of glochidia, which have been obtained by removing them from the ripe mussel, it is possible to cause the attachment of hundreds of the parasites for every one that would be found there by the chance of nature. A fish under 6 inches in length may thus be made to carry several hundred glochidia, and thus a thousand fish artificially infected may do the work of several hundred thousand in a state of nature.

Experiments with small numbers of fish under observation in the laboratory indicate that their infection on a large scale is entirely possible, and the experiment now in progress at La Crosse, in which over 25,000 young fish have thus been infected, gives every indication that such work may be begun even with the scanty knowledge we now possess.

While there is ample reason to believe in the eventual success of such work in keeping up the supply of mussels, and while the steady decline of the beds demands some such remedial measures, if the supply is to be maintained for more than a very few years, we are not yet in a position to proceed safely with this work, because we are still ignorant of many fundamental scientific facts. For example, we do not know the exact breeding seasons of any one of the button mussels. We do not know what fish are best adapted to carrying the glochidia of each species nor what are the best methods for work on a large scale. These facts can be ascertained if proper facilities for work are provided, and they must be ascertained before the process of artificial propagation can be established on a sound basis. But since many of them can only be learned by the actual experience of attempting artificial propagation on a large scale, the investigation and propagation must go hand in hand. To carry on such work properly, there is necessary a station properly equipped with boats and a steamer for the wholesale collecting and transporting of fish and mussels alive to the tanks and ponds of the station where the infection could be performed.

Nature is prodigal with the supply of glochidia, but so great is the chance against any ever fastening themselves upon the fish and against any ever dropping from the fish to a place on the bottom where they can succeed in the struggle for life that, with the added destruction of hundreds of millions of shells each year for commercial purposes, we may easily exterminate before many years the forms upon which the button industry depends. If we can discover the places in the life history where the waste is greatest and aid the species at those critical stages, there is every reason to hope that the supply of mussels can be made to equal if not surpass the numbers existing when the first button was cut.

In conclusion, we may say that the parasitism on the fish makes the propagation of mussels go hand in hand with the propagation of our fresh-water fishes, since the fish is in no wise injured by the presence of the parasites. When we liberate a hundred fish, each loaded with its hundreds of glochidia, we not only sow the clams broadcast on the bottom, but we are also distributing fish which, when their work for the clams is done, are just as useful as though they had never known such an experience. Wholesale infection gives every promise of success, but the means must be provided at once for work on a large scale, and unless something radical is soon accomplished the making of buttons from our fresh-water shells is doomed.

The next logical step was the establishment of a station where this work could be continued, where additional information could be obtained, and so Congress at the last session provided for this station at Fairport. I want to say to the House that ultimately, in my judgment, at all of the fish hatcheries in the United States, where fishes are being hatched and distributed free in the rivers of the country, those fishes will be inoculated with the fresh-water mussels, and in that way will literally sow these fresh-water mussels in all of the rivers of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may continue for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAWSON. Mr. Chairman, some allusion has been made upon this floor to the character of this industry for the manufacture of pearl buttons. It is an infant industry. It is a poor man's industry. It is centered very largely in the upper Mississippi Valley. A great portion of it, I am proud to say, is in the congressional district which I have the honor to represent on this floor. At the outset there were scattered up and down that river little shops, some of them in wood sheds, some of them in barns, where men erected a few lathes for the cutting of the blanks from which these pearl buttons are made. Then the industry grew, fostered by a protective duty, and more shops and factories were built, until to-day more than 10,000 people are engaged in button making and clamming. I happen to have in my desk here some of these shells, showing the nature and the character of the raw material of this industry. Here are some of the shells. That is the raw material of the pearl-button industry, whose product now amounts to $10,000,000 a year.

Mr. GARRETT. How old does a mussel have to become before it is of commercial value?

Mr. DAWSON. It becomes of commercial value at about 5 years of age.

Mr. COCKRAN. Is that a 5-year-old one?

Mr. DAWSON. No. That is one of the species known as the "washboard mussel." There are more than a hundred different varieties, and a half dozen of them are most valuable for the manufacture of pearl buttons.

Mr. FITZGERALD. What is the age of that one which the gentleman has?

Mr. DAWSON. I have no knowledge as to the age of this particular shell.

Mr. EDWARDS of Georgia. Are they good for food also?

Mr. DAWSON. No. I want to say to the House that this is a growing industry. There are 3,000 men in the United States who are engaged in the occupation of taking these shells from the rivers. During the past year a large portion of the shells for this industry have come from the State of Indiana, and I am a little surprised to find the gentleman from Indiana [Mr. Cox] standing in his place on this floor in opposition to this proposition to conserve these natural resources which are not on the prairies and in the forests, but which are in the beds of the rivers from one end of the country to the other.

It was only a few years ago when all of the money that the people of the United States expended for pearl buttons was being sent to the underpaid and overworked labor of Austria. To-day that money is being kept in the United States, and it is going to these workingmen, these men who are taking the shells out of the rivers, and to the men and women who are engaged in the manufacture of the buttons. I want to add right here that the price of these buttons to the consumers of the United States has been reduced since the protective duty was enacted. Last year the average price of the pearl buttons manufactured in the United States to the manufacturer was about 19 or 20 cents a gross, little less than 2 cents a dozen.

It seems to me that it is a matter of wisdom, that it is a matter of common sense, that we should undertake to conserve this supply of the natural resources of the United States, especially since it has been determined by the Supreme Court of the United States that the States do not have jurisdiction over the beds of streams in which these mussels are found. So that if steps in this direction are not taken by the Federal Government it would require concurrent action by all of the state legislatures, and, as everyone knows, that is practically impossible.

It seems to me, Mr. Chairman, that this proposition instead of being one which can be criticised is one which ought to meet the hearty approval of every man in this House, especially every man who has at heart the conservation of the natural resources of his country. [Applause.]

Mr. EDWARDS of Georgia. Will the gentleman yield for a question?

Mr. DAWSON. Certainly, if my time has not expired.

Mr. EDWARDS of Georgia. I want to ask the gentleman what is the value of those shells which are sold in the rough?

Mr. DAWSON. The present value of them is from $15 to $18 a ton.

Mr. EDWARDS of Georgia. Does the size of the shell determine the value of it to any extent?

Mr. DAWSON. Not entirely. There are different varieties. Some of them have more value than others. The mucket, the pocketbook, the yellowback, the washboard, and the niggerhead are the most valuable for button making.

Mr. EDWARDS of Georgia. What variety is this the gentleman has shown?

Mr. DAWSON. That is the washboard.

Mr. EDWARDS of Georgia. I want to say that I am in favor of this proposition. I want a mussel industry in my State.

Mr. COX of Indiana. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, I understood the Chair to hold that debate had been exhausted on this amendment.

Mr. COX of Indiana. I did not so understand.

Mr. TAWNEY. Mr. Chairman, I want to say to members of the committee that I would like to get along as rapidly as possible. I do not want to cut off Members of the House from free debate on propositions, but we will have to remain in continuous session until this bill is completed. We are two days later now than we were two years ago in passing the sundry civil bill, and I trust that Members will——

Mr. COX of Indiana. Mr. Chairman, I will say to the gentleman that I have not consumed much time during the consideration of this bill.

Mr. TAWNEY. I do not complain of Members at all, Mr. Chairman.

Mr. COX of Indiana. But I did want a few minutes' time to answer the gentleman from Iowa.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the paragraph and pending amendments be closed in five minutes.

The motion was agreed to.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Minnesota a question before the gentleman begins. Is there any danger of these sections being knocked out?

Mr. TAWNEY. What is the gentleman's statement?

Mr. CLARK of Missouri. I say, do you think there is any danger of these sections being knocked out of this bill?

Mr. TAWNEY. What sections?

Mr. CLARK of Missouri. This fresh-water-mussel proposition.

Mr. TAWNEY. We hope not.

Mr. CLARK of Missouri. If there is, I would like to have two or three minutes to help keep them in. [Applause.]

Mr. COX of Indiana. Mr. Chairman, as I said a moment ago, I seriously object to this way of legislating, making laws upon the appropriation bills so as to prevent Members of this House from hearing the question discussed as it ought to be discussed. I have no objection to the button factories or button industries in the United States, and I only wish that there were 10,000 button factories running at full time and that in every one of those factories were working a thousand men. But, Mr. Chairman, the objection that I urge against this is to the Government of the United States going into the business of investigating for the purpose of furnishing the manufacturers this free raw material for fear that the raw material is going to be exhausted. I contend that if it is desirable at all it should be investigated by the manufacturers themselves. Certainly all the scientific men who know anything about the shell industry in the United States are not in the employ of the Government of the United States. If they are, surely the Government would lend some of the men to the manufacturers along this line for the purpose of investigating the best way and manner of propagating fresh-water mussels in this country.

Mr. DAWSON. If the gentleman will permit me, will not the gentleman agree with me that the perpetuation of the supply in this country of mussels is of equal or perhaps greater value to the men engaged in the industry and the workmen——

Mr. COX of Indiana. It was shown to the Committee on the Merchant Marine and Fisheries that in the Ohio River, the Wabash River in the States of Illinois and Indiana, and the White River in the State of Indiana there are countless tons of these fresh-water mussel shells suitable for the purpose of manufacturing, and they are now being used by manufacturers of pearl buttons in this country.

Mr. FOSTER of Illinois. If the gentleman will permit, I will state that in a letter from the Department of Commerce and Labor it is stated that at the rate they are now being taken out of the Wabash River they are now almost exhausted.

Mr. COX of Indiana. Mr. Chairman, it has been stated here time and time again upon the floor of this House, last session and this session, that whenever a department gets hold of a little power it never lets that power go, and it is crying all the time for more money, so it might have more power in its jurisdiction.

Now, the gentleman has stated that some of these mussel shells were coming from my own district. I will say to him there are to-day countless thousands of them, yes, I will say hundreds of tons of them being taken out of the Ohio River, the White River, the Wabash River, with nothing to show that they are shortly to become exhausted. And where is this work going to end? If the Government of the United States is going to appropriate money for the purpose of giving scientific investigations for the purpose of developing raw material, where is it going to end? Later on, will Congress be asked to make an appropriation to scientifically develop some other proposition for fear that some other raw material is going to become exhausted? That is the objection I have to this provision of the law.

Mr. MANN. Will the gentleman yield for a question?

Mr. COX of Indiana. Yes. It is just as fair for the Government to develop, from a scientific view point, a process whereby any other manufacturers engaged in any other line of business may be furnished, at the expense of the Government, a plan to furnish themselves with free raw materials. Let the manufacturers do it themselves, and not forever continue to run after the Government for aid along this line. It is paternalism pure and simple.

Mr. MANN. The gentleman and I are very apt to think alike on many things. These fresh-water mussels grow in the mud bottoms of mud rivers. Could a private manufacturer or any private person propagate them in the Ohio River, or the White River, or the Wabash River, or the Mississippi River?

Mr. COX of Indiana. Probably no private individual could propagate them within the rivers, but I take it for granted that any private individual could study this from a scientific view point at some other place than a point or place where the jurisdiction of the United States is sovereign and complete.

Mr. MANN. Could they make use of their information?

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Schooner *Grampus:* Master, $1,500; first mate, $1,080; second mate, $840; cook, $600; three seamen, at $540 each; one cabin boy, $420; in all, $6,060.

Mr. SMITH of Iowa. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 93, line 17, after the word "dollars," insert "engineer, eight hundred and forty," and, in line 20, strike out "sixty" and insert "nine hundred."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For the establishment of a fish-cultural station in the upper Mississippi River Valley for the collection and propagation of fishes indigenous to that region and as a necessary auxiliary to the biological station at Fairport, Iowa, including purchase of site, construction of buildings and ponds, and equipment, at some suitable place to be selected by the Secretary of Commerce and Labor, $25,000.

Mr. SMITH of Iowa. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 96, after line 25, insert:

"For establishing fish-cultural stations on Puget Sound or its tributaries in the State of Washington for the propagation of salmon and other food fishes, and for each and every purpose necessary in connection therewith, as authorized in the act approved January 29, 1909, $50,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. EDWARDS of Georgia. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 96, after the word "dollars," in line 25, insert:

"And also for the establishment of a fish-cultural station in the First Congressional District of Georgia for the collection and propagation of fish indigenous to that region, including the purchase of site, construction of buildings, ponds, and equipment, and maintenance at some suitable place, to be selected by the Secretary of Commerce and Labor, $25,000."

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against this amendment. It is not authorized by existing law and changes existing law.

Mr. EDWARDS of Georgia. Mr. Chairman, I would like to state to the gentleman that the bill proposing this biological station or fish-cultural station has been reported favorably by the committee. I think, strictly speaking, if the gentleman insists on his point of order, that the amendment is subject to the same, but I hope that the gentleman will not press it. We are very badly in need of this fish-cultural station down there. The food fishes are decreasing. We need some way to go into that cause there.

Mr. SMITH of Iowa. There are 30 or 40 of these bills in just the same situation, and I could not refuse to let any of these go on if I let this one go on. Therefore I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Expenses of regulating immigration: For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States, including the contract-labor laws; for the costs of the reports of decisions of the federal courts, and digests thereof, for the use of the Commissioner-General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; for the enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States" (34 Stats., 898); for expenses of necessary supplies, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including

the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was erroneously made; all to be expended under the direction of the Secretary of Commerce and Labor, $2,400,000: *Provided*, That the expenditures for the enforcement of the Chinese-exclusion act shall not exceed $500,000: *Provided further*, That on and after July 1, 1909, all head tax collected pursuant to the provisions of section 1 of the said act of February 20, 1907, together with all fines, rentals collected, and moneys received from other sources under the laws regulating the immigration of aliens into the United States, shall be covered into the Treasury to the credit of miscellaneous receipts.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on that paragraph. I do not understand exactly what this is for.

Mr. SMITH of Iowa. The fact is that heretofore the expenses of regulating immigration have been paid out of the head tax. That head tax has been wholly at the disposition of the Bureau of Immigration and Naturalization, practically without restraint, tending to very great extravagance. From our standpoint the bureau ought to be required to come to Congress once a year for what money it needs. The reason it is desirable from the standpoint of the Immigration Service is that they no longer have money enough, so that both sides of this controversy have, as I understand it, now reached an agreement. The Immigration Service want annual appropriations in place of the permanent appropriation of the head tax because they are short of money; and we want annual appropriations so that when the immigration again swells, as it has in prior years, they will not be able to spend all the money. So it seems to be a very happy way, to my mind, on which we ought to agree on that subject.

Mr. GARRETT. The second section is made necessary by the first?

Mr. SMITH of Iowa. Certainly.

Mr. GARRETT. It is just merely a matter of administration?

Mr. SMITH of Iowa. It is a matter of administration, and we think will tend to economy in times of large immigration and will provide for their necessities in times of slack immigration.

Mr. GARRETT. All right.

Mr. BENNET of New York. Mr. Chairman, I desire to offer an amendment to this section.

Mr. GARRETT. The point of order is not withdrawn.

Mr. SMITH of Iowa. Does the gentleman from Missouri desire to make an inquiry?

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. GARRETT. I withdraw the point of order.

Mr. BENNET of New York and Mr. KELIHER rose.

Mr. BENNET of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York is recognized.

The Clerk read as follows:

Page 98, line 19, before the word "provided," insert:
"*Provided*, That not to exceed $50,000 of said sum may be expended as provided under section 24 of the act of February 20, 1907, entitled 'An act to regulate the immigration of aliens into the United States.'"

Mr. UNDERWOOD. I would like to reserve the point of order on that until I understand what the proposition is.

Mr. BENNET of New York. Mr. Chairman, section 24 of the immigration law provides that in order to enforce the contract-labor law the Secretary of Commerce and Labor can expend up to $50,000 a year without filing vouchers, if he certifies that it is not for the best interest of the public that the vouchers should be filed. The Committee on Immigration came to the conclusion when the bill was in the Fifty-ninth Congress that if you are to enforce the contract-labor law—and it ought to be enforced; it is on the statute books—the only way you can do it is to allow the Secretary to go outside of the civil-service law and hire men, not only here but abroad, to detect contract labor, at its inception, if necessary, and follow the laborers into the large factories and places of business here where they go under the inducements of the employers.

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. BENNET of New York. Certainly.

Mr. MADDEN. Does the gentleman wish the House to understand that a better class of employees can be secured outside of the civil service than inside?

Mr. BENNET of New York. Not necessarily; but men can be obtained who are not known to every intending violator of the law, also who are not within the rigid limitation of the first three of any list. The committee honestly and earnestly desire to enforce the law. It deems this provision necessary. I do not know that the amendment is absolutely necessary to continue the privilege of the Secretary; but in order to keep faith, perfect faith, with the laboring men at whose instance this provision was put in the statute, first in 1885, and continued and amplified since, we ought not to take any chances.

Mr. GAINES of Tennessee. Does the gentleman want this special fund to execute this law?

Mr. BENNET of New York. There is a special fund.

Mr. GAINES of Tennessee. Then, what do you want with more?

Mr. BENNET of New York. We do not want anything more.

Mr. GAINES of Tennessee. Then, what do you want?

Mr. BENNET of New York. If the gentleman had heard my explanation, he would understand.

Mr. GAINES of Tennessee. I have been at work at a very important matter here, and I think I am about to be engaged in another.

Mr. BENNET of New York. This amendment ought to be agreed to, and I hope that the point of order will be withdrawn.

Mr. UNDERWOOD. Mr. Chairman, I would like to have the gentleman explain more fully the purpose of the amendment.

Mr. SMITH of Iowa. The section referred to in the immigration law set apart $50,000 out of the head tax to be expended without vouchers; and it is in the nature of another secret service—and, as I am always in favor of legitimate secret service, I am in favor of this.

Mr. UNDERWOOD. You say this is to be spent without any vouchers. Why should this appropriation be made out of the Treasury as you propose to do on other matters?

Mr. SMITH of Iowa. It is paid out of the Treasury, and it is simply a provision that $50,000 of the appropriation made may be used as already authorized by existing law.

Mr. SABATH. Will the gentleman yield? Is it not a fact that the Secretary of Commerce and Labor has power now and is using that fund for that purpose?

Mr. SMITH of Iowa. He has got power out of the head tax, but this section provides that the head tax shall be turned over to the Treasury.

Mr. BENNET of New York. This specifies that he has the right; it is simply in the nature of a further assurance.

Mr. SABATH. It is no limitation?

Mr. BENNET of New York. It does just the contrary; it makes it certain that he will have this fund.

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. BENNET of New York. If I have the floor I do.

Mr. GARDNER of Massachusetts. Mr. Chairman, I think I can satisfy the gentleman from Alabama about this matter. Have I the attention of the gentleman from Alabama? The gentleman from Alabama and I have substantially the same ideas on the question of immigration. This provision exists in law to-day. This bill proposes to take out of the hands of the Secretary of Commerce and Labor and put into the hands of Congress the expenditure of the "immigrant fund." The gentleman from New York and I were somewhat fearful that this provision for the enforcement of the contract-labor law might possibly by some Comptroller of the Treasury be held to require vouchers. We especially wished to avoid that, and to retain this provision for the enforcement of the contract-labor law.

I do not think any point of order lies against the provision offered by the gentleman from New York; but if I had not supposed that his amendment certainly would be put in the bill, I should have raised the point of order on the paragraphs just passed.

Mr. UNDERWOOD. Would the effect of the amendment offered by the gentleman from New York be toward the restriction of immigration?

Mr. GARDNER of Massachusetts. That is the purpose of it, for the better enforcement of the contract-labor law.

Mr. UNDERWOOD. I withdraw my point of order.

Mr. EDWARDS of Georgia. I renew it.

Mr. BENNET of New York. The effect of the amendment will be to keep out undesirable aliens.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. EDWARDS of Georgia. No. I wish to ask the gentleman from New York a question.

Mr. BENNET of New York. Certainly.

The CHAIRMAN. The Chair understands the gentleman from Georgia to have made the point of order.

Mr. EDWARDS of Georgia. No; I reserved it.

Mr. SMITH of Iowa. I think the point ought to be made or not made. If it is made, I wish to be heard on it.

The CHAIRMAN. Does the gentleman from Georgia desire to be heard on the point of order?

Mr. EDWARDS of Georgia. I want to ask the gentleman from New York a question, and if he gives me the information I am seeking, I shall be done. Is it the purpose of the amendment to expend this sum of money without vouchers?

Mr. BENNET of New York. It is the purpose of the amendment to make clear that that portion of the law which now authorizes the Secretary of Commerce and Labor to expend this money without vouchers shall not be repealed.

Mr. EDWARDS of Georgia. Then I insist on the point of order.

Mr. SMITH of Iowa. It is not subject to a point of order.

The CHAIRMAN. The Chair overrules the point of order. This proposition is clearly in order.

Mr. GAINES of Tennessee. I move to strike out the last word.

Mr. BURNETT. I ask for the reading of the amendment.

Mr. GAINES of Tennessee. Let us have the amendment read again.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. SMITH of Iowa. Mr. Chairman——

Mr. GAINES of Tennessee. Now, I should like to ask the gentleman in charge of the bill, or rather the gentleman from New York——

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] is recognized.

Mr. SMITH of Iowa. I move that all debate on the paragraph——

Mr. GAINES of Tennessee. I have the floor. I was on the floor addressing the Chair, and asked that the amendment be read so that I could understand what it was.

Mr. SMITH of Iowa. It is my desire to humor the gentleman. I move that at the end of five minutes all debate on the paragraph and pending amendment be closed.

Mr. GAINES of Tennessee. Then, Mr. Chairman, I hope that it will be voted down, because the gentleman says this $50,000 is to be expended without vouchers, and we are voting on something that we do not know anything about.

The question being taken on the motion of Mr. SMITH of Iowa, on a division (demanded by Mr. GAINES of Tennessee and Mr. HITCHCOCK) there were—ayes 88, noes 41.

Mr. GAINES of Tennessee. Tellers!

Tellers were ordered, and the Chairman appointed Mr. SMITH of Iowa and Mr. GAINES of Tennessee.

The committee again divided, and the tellers reported—ayes 94, noes 34.

Accordingly, the motion of Mr. SMITH of Iowa was agreed to.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS of Georgia. Mr. Chairman, I understand this amendment proposes to expend $50,000, and that there is to be no record kept of it, and that no vouchers are to be kept of the expenditures. I think it is one of the most ridiculous propositions that have ever come up before the House. The idea of going into the Treasury of the United States and taking out $50,000 of the people's money and placing it to be expended without leaving any vouchers for it! It opens up avenues for graft, it opens up avenues to wrong dealing. Expending the people's money in such a manner as this is a reflection on Congress. I think vouchers should be kept for the smallest expenditures from the Public Treasury, and that no money should be expended from the Public Treasury, no matter how small the sum, unless vouchers are had for it by which we may keep track of the expenditure, and by which we know how our money is being expended. The people have a right to know.

Mr. GAINES of Tennessee. Mr. Chairman, I sought some information about the need for this so-called reform. I have yet to find a particle of intelligence to show the reason why this $50,000 should be spent by a secret-service system which has been so roundly denounced by the gentleman from Iowa [Mr. SMITH] as a class of men wholly unreliable. He said a moment ago that we should take $50,000 of the people's money to put in that class of men without requiring a voucher. That is the substance of what the gentleman said.

Mr. GARDNER of Massachusetts. Will the gentleman from Tennessee let me say one word in his time?

Mr. GAINES of Tennessee. Yes.

Mr. GARDNER of Massachusetts. This has been in the law exactly as it is now for two or three years. It was found absolutely impossible to enforce the contract-labor law when they had to employ people whom everybody knew about. This provision was put into the law for the purpose so that, if necessary, they could employ foreigners and citizens of all classes.

Mr. HARRISON. What does the gentleman mean—spies?

Mr. GARDNER of Massachusetts. I fancy so. It is unfortunate that we must at times employ spies. To be frank with the gentleman, I think we have men in the steerage of the trans-Atlantic steamers, and we had to employ that method in order to enforce the contract-labor law. As I say, this has been in the law for two or more years, and it has worked exceedingly well. All that we desire is that it should remain in the law without being construed out of the law.

Mr. GAINES of Tennessee. Does the gentleman mean to say that we have a statute that allows $50,000 of the people's money to be turned over to a class of men whom the chairman of the Committee on Appropriations and the gentleman from Iowa have characterized as wholly unreliable?

Mr. NORRIS. And, if the gentleman will allow me, I would like to suggest that he ask the gentleman from Iowa whether he is in favor of a provision in the law that will prohibit the transfer of these secret-service men to other departments?

Mr. SMITH of Iowa. I will cheerfully answer that: If a system grew up of the transfer of these men to other branches of the Government, I would certainly be in favor of a law to prohibit it.

Mr. GAINES of Tennessee. The gentleman from Iowa has just assisted in passing a provision that the Secretary of the Treasury shall not use these men for any other service except down there in the Treasury, and right after that, the words had hardly left his mouth, before the gentleman from the State of Iowa had finished his wonderful condemnation of the secret-service system as wholly unreliable and despicable—I think he used the word "liars"—he turns around, this great economist, this great watchdog of the Secret Service, aliunde the Treasury Department, and wants to give them $50,000 and take no receipt or vouchers.

Mr. SMITH of Iowa. Will the gentleman allow a suggestion?

Mr. GAINES of Tennessee. Yes.

Mr. SMITH of Iowa. The head tax is $4 per capita, and runs from two and a half million to four million dollars a year, and in order to avoid a point of order against the $4,000,000 repeal, I was willing that this should stay in this one year.

Mr. GAINES of Tennessee. The gentleman seems to me to be playing heads and tails on this proposition. He was against the Secret Service, and now he comes up and wants to turn over $50,000 of his constituents' money, $50,000 of my constituents' money, $50,000 of the people's money, to these same class of men to execute the law.

The CHAIRMAN. Debate is exhausted. The question is on the amendment offered by the gentleman from New York.

The question was taken, and on a division (demanded by Mr. SMITH of Iowa) there were 75 ayes and 20 noes.

So the amendment was agreed to.

Mr. KELIHER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

After line 4, page 99, add as a new paragraph:

"Toward the purchase of ground and complete erection and furnishing of a new fireproof immigration station at the port of Boston, in accordance with the provision of an act entitled 'An act to provide for the purchase of a site and erection of a new immigration station thereon at the city of Boston, Mass.,' approved February 23, 1909, $100,000."

Mr. HULL of Iowa. To that I make a point of order.

Mr. SMITH of Iowa. Mr. Chairman, that bill was passed too late to have an appropriation included in our appropriation bill, and in my judgment this amendment ought to be adopted.

Mr. HULL of Iowa. I will withdraw the point of order.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Hereafter there shall be submitted, following the estimates under the foregoing appropriation for expenses of regulating immigration, statements showing the amount required for each object of expenditure mentioned in said estimates.

Mr. HAYES. Mr. Chairman, I move to strike out the last word. I desire briefly to call the attention of the House to the condition of the Chinese-exclusion service. Congress has certainly done its part in enforcing the Chinese-exclusion act. Ever since I have been a Member of Congress there has been an annual appropriation of $500,000 for this purpose. One would think that was enough to exclude every Chinaman that sought to come here or to deport those who by chance eluded the vigilance of the immigration officials and illegally got into this country. Yet I am bound to say that unless there is a change in the method of executing this law, the Chinese-exclusion law in the near future will come to be a dead letter. By

the report of the Commissioner-General of Immigration for the last year there has been an increase in Chinamen admitted into this country of over 38 per cent.

Those of us who know anything about this subject I think will agree that every one of these additional entries is fraudulent, and more than 90 per cent of all the Chinamen who are admitted through the immigration office are admitted fraudulently and are not entitled to be in this country at all. Even this would not be so alarming if it were not for the fact that wholesale smuggling is going on all along the Mexican and Canadian borders and in many places along the Pacific coast. There has lately been some effort to stop this smuggling and to punish the smugglers.

Mr. COX of Indiana. Mr. Chairman, how does the gentleman account for the fact that so many of these entries have been fraudulent? I think he makes the estimate of 90 per cent. What is it due to?

Mr. HAYES. It is due to the fact that the Chinaman has usually no regard at all for the sanctity of an oath, and it takes a most expert and persistent effort on the part of the officials to discover the frauds.

Mr. COX of Indiana. Has it been due in any way to lack of Congress appropriating sufficient money?

Mr. HAYES. It has not. I stated in the beginning that Congress has done its part; but there is just at this time, and has been for two or three years past, a great laxity and lack of spirit in the enforcement of this law.

Mr. COX of Indiana. The fault must lie with some one.

Mr. HAYES. It lies with those who are charged with the administration of the law, without any question. Now, the principal trouble, I take it, is not so much with those who are immediately charged with the admission of the Chinese, but it is due to the fact that the Department of Commerce and Labor has chosen not to arrest those who have gained admission to the country surreptitiously and fraudulently, especially if they get a little away from the border.

In his report for 1908 the Commissioner-General of Immigration admits that these surreptitious entries of Chinese are very large and on the increase. I read from his report for 1908, page 148:

> In the early months of the calendar year 1905 the bureau undertook the conduct of a quiet canvass with the object of securing a record of the Chinese in each district, and of the papers, if any, held by them as evidence of their right to reside in the United States. In some districts this canvass or census was complete, but in others it was only fairly begun when so strong a protest arose on all sides that instructions were issued for its discontinuance. It had been carried far enough, however, to indicate that there were then about as many Chinese in the United States whose entry had been unlawful and who held either no papers showing a right of residence or else had in their possession papers of a forged, fraudulent, or irregular character as there were of the lawfully resident class. Is it any cause for wonder, therefore, that the "companies," the "steerers," the "promoters," and the "smugglers" interested in the immigration and residence here of coolies should have registered an emphatic objection to the Government's pursuing a course calculated to expose the extensiveness of their operations? Simultaneously with the discontinuance of the census the general policy with regard to the making of arrests in the interior of the country was so changed as to contemplate arrests being made only in flagrant cases of unlawful residence coming to the attention of the Chinese inspectors incidentally during the conduct of investigations regarding domiciled Chinese, which policy has been practically continued to the present time. In other words, while the excluding provisions of the law have been vigorously enforced at the ports of entry, the provisions contemplating expulsion have not been emphasized elsewhere than along the Canadian and Mexican borders and in districts immediately connected therewith. Table 3 A (p. 154) shows that during the year 912 Chinese persons have been arrested and 477 finally deported. But the vast majority of these arrests, viz, 816, were made in districts immediately on or closely connected by lines of travel with the land boundaries. During the fiscal year 1907, 503 arrests were made, only 50 of which occurred in the interior. (Annual Report, 1907, p. 99.) What has been the result? Chinese have come to believe that once they reach the large cities of the interior they are practically safe, and that it is much easier and not very much more expensive to gain entry by some of the surreptitious routes than through a regular port; hence the conditions described in subtitle 4 hereof regarding the Canadian and Mexican borders. If the exclusion law is to remain on the statute books as now drawn, it is obvious that its reasonable enforcement demands a change in this policy. Money that was formerly spent in the defense of Chinese arrested in the interior can now be used to pay the expenses of smuggling coolies and conveying them to the interior, and as long as this can be done at a profit the smuggling will continue.

Remarkable words these to come from the department whose duty it is to enforce the law. Not only has there been of late great laxity and indifference on the part of the Department of Commerce and Labor in the deportation of Chinese unlawfully in this country, but the same spirit has pervaded the whole administration of the law. This, in effect, is serving notice on the Chinaman that if he can avoid the vigilance of the officials and get to some city in the country he will not be disturbed, and as a result this wholesale smuggling is not only continuing, but is vastly increasing from month to month and year to year, and must continue to increase unless the policy of the Department of Commerce and Labor is changed in this respect. A gentleman connected with the Chinese service, and well up in the service, too, told me not long ago, and I have no doubt that he is correct, that he believes that 500 Chinamen are here in the city of Washington in violation of the law, and yet he says:

> I am not allowed to make any move to discover these men, nor to arrest or deport them.

In 1906 President Roosevelt appointed a commission, composed of J. W. Jenks, R. M. Easley, and J. B. Reynolds, to consider the Chinese boycott and the smuggling of Chinese into the United States. That commission reported to Secretary Straus in 1908, and the concluding paragraphs of that report are as follows:

> Our commission, therefore, has reached the conclusion that the demoralization of the bureau in its Chinese service is widespread, and unless radically reformed serious complications, both political and commercial, are threatened. Our commission did not consider that its duty was to make definite, formal charges against particular officials, except as incidental results of investigation, but to present to you as full a statement as possible of the bureau's relation to the causes of the boycott, leaving it to you to determine what action should be taken.
>
> In no point does the demoralization of the bureau appear more striking than in its failure to prevent the smuggling of coolies. We found no evidence of systematic efficient effort to check such widespread violations of the law. The recommendations of Greenhalge to the Commissioner-General that the Government should attempt to catch the leading white smugglers, upon whom the smuggling system depends, seemed to your commission the most practicable method of securing substantial results. This suggestion appears to have been unheeded. From my present knowledge of the situation I am confident that with intelligent and energetic handling the extensive smuggling which exists to-day might be practically wiped out.
>
> It is therefore the earnest hope of your commission that the relations between the Chinese in this country and the American Government, through the Bureau of Immigration, may be essentially improved; that more determined effort and persistent effort may be made for the suppression of blackmail and the smuggling of Chinese coolies, and that a higher standard in the selection of immigration officials may be enforced.

These conditions were brought to the attention of the proper department long ago. In August and September, 1907, Professor Jenks, of the Immigration Commission, with Mr. Atkinson, secretary of that commission, visited the Canadian and Mexican borders, investigating and reporting conditions to the Secretary of Commerce and Labor. On his return from that trip, he gave to Secretary Straus evidence of complicity on the part of a number of inspectors in the wholesale smuggling of Chinese on both borders; and I ought to say that I do not get this information from Professor Jenks. The only thing that seems to have been done about it was that the honest inspector who gave Jenks his information was shorn of his credentials and transferred, and the dishonest employee retained, just as Doctor Solomon was transferred from Ellis Island in the fall of 1906 for giving J. B. Reynolds information.

It is true that last fall, or early in the winter, Assistant Secretary William R. Wheeler, of the Department of Commerce and Labor, stirred up things down on the southern California border near San Diego, and as a result there were several removals of inspectors, and smuggling at that point was somewhat interfered with, but the evidence upon which the removals were made was not secured in the first instance by the Department of Commerce and Labor, but by a detective employed for that purpose by the Immigration Commission. The conditions in the Chinese-exclusion service may in the last few months be somewhat improved, but not enough to reduce to any considerable extent the number of Chinese coming into this country.

And so far as excluding Japanese is concerned, there seems to be no attempt to execute the law. The immigration act of 1907 provides in substance that when in the opinion of the President of the United States alien laborers from our island possessions or from contiguous foreign territory are entering the United States to the disturbance of labor conditions therein, he may by proclamation forbid the entry into this country of such laborers. In accordance with this law the President of the United States immediately after its passage issued his proclamation forbidding the entry of such laborers from Hawaii, Mexico, or Canada. The effect of all this was, as it was intended to be, to make the entry of Japanese laborers from Hawaii, Mexico, and Canada illegal, and being here contrary to the law such Japanese are subject at any time to arrest and deportation. The issuance of the proclamation seems to be about all that has been done. It may be that when Japanese present themselves to the immigration officials these officials turn them back and forbid them to enter the United States, but there is apparently no attempt to exclude them other than this.

On the Mexican border the Rio Grande can, most of the year, be easily forded and can be crossed on rowboats at any time. Hundreds of Japanese have been crossing to the United States nearly every day, and there seems to be scarcely a pretense of preventing them and no arrests and deportation of those who thus surreptitiously and unlawfully enter the coun-

try. I do not know, Mr. Chairman, that we can do anything in this matter by talking about it, but it seems to me that something ought to be done either to enforce the law in its letter and spirit or else cease to make appropriations for a service that is rapidly coming to be a byword and a jest.

Mr. Chairman, I do not desire to further take up the time of the House. I wished only to call the attention of the House to the matter, and I ask unanimous consent to print in the RECORD a letter which I have received from a business man, an American citizen residing just over the border in Mexico. He was formerly a newspaper proprietor in my section of California, and no one who knows him would question his veracity.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

CUATRO CIENEGAS,
Coahuila, Mexico, February 2, 1909.

Congressman HAYES,
Fifth California District, Washington, D. C.

DEAR SIR: It was with a great deal of interest that I read in a recent issue of the San Francisco Chronicle an interview with you on the subject of Japanese immigration. It is a pleasure to me and to other Americans in this country to know that there is one Congressman who seems to have a clear idea of the situation, especially with regard to the immigration of Japanese by way of Mexico. I am in a position to give you a few facts which will, I feel, be of interest to you and those who take the same position as you.

During the last half of 1906, all of 1907, and up till September 1, 1908, I was in the enjoyment of unusual facilities for observing the steady movement of Japanese toward the Rio Grande River from the interior of Mexico by one of three lines of travel leading in that direction. These are by way of El Paso, by Eagle Pass, and by Laredo, the routes, respectively, of the Mexican Central, the Internacional Mexicano, and the Mexican National railroads. What I have to say has to do with the Internacional route by way of Ciudad Porfirio Diaz and Eagle Pass.

During the greater portion of the period to which I refer I was so employed as to be in a position where it was impossible for aliens of any kind going north to escape my observation. In the case of the Japanese, a great throng, numbering into the thousands, at one time and another passed north along the railroad right of way on foot. At a point about 60 miles south of the Rio Grande is another river, the Sabinas, over which there is but one bridge, and across which structure foot travelers must pass, as the stream is not fordable. During the daytime I was stationed in an office building about 100 feet from the southern entrance to the bridge, and in consequence it was absolutely impossible for anyone to cross without being seen by me. At night we had two watchmen under instructions to permit no one to pass. Beginning with October of 1906, groups of Japanese began passing over this bridge, sometimes to the number of 100 or 200 a day. They were almost without exception clad in portions of soldier uniforms. They seemed to have abundance of money, both Mexican and Japanese, and there was always one man who acted the part of an officer and gave orders to the others, which were implicitly obeyed. Why men so well supplied with money should choose to walk instead of taking the train was a mystery, although at the same time that these were walking the one train daily to the north usually carried a good complement of their fellow-countrymen. Of course those on the train on landing at Ciudad Porfirio Diaz found themselves at once confronted with the United States immigration inspectors while those on foot could leave the railroad track just before entering town and make their way to some appointed spot for crossing the Rio Grande undetected.

For many months this stream of Japanese northward bound continued, and finally, from motives of patriotism and thinking that the facts with regard thereto might be of use to the immigration officials of the border, I communicated with the person in charge, located at San Antonio, and after stating the facts, offered to furnish information with regard to this remarkable hegira. My offer met with such a cold reception that I did not pursue it further.

There were several thousand of these men, practically all ex-soldiers, who were brought to this country ostensibly to work in the coal mines of Coahuila. At one time some 2,000 were landed at a group of mines close together, and within two weeks not one was left. All had gone north toward the river. In one case guards were put around the mine property, but the Japanese left in the night, although they were shot at by these guards.

In the employ of the company for which I was acting as paymaster was a Mexican foreman, and native labor being scarce, he finally persuaded a number of Japanese to take temporary employment under him. This Mexican was friendly to me, as I had done him some favors, and one day he asked me if the Americans thought the Japanese were friendly to them; I told him a good many Americans thought so, but that I was from California and knew better. He then told me that I was quite right. He said that the Japanese thought the Mexicans did not like the Americans (which is largely true) and that in consequence they were not afraid to talk to them.

The Japs, he said, boasted among the Mexicans that they were all soldiers; that they had their expenses paid to come to this country, and that they were all making their way over into the United States as fast as they could. When enough of them had reached the United States, then there was going to be a war, and the Americans would all be killed off. I told the Mexican foreman to find out all he could from others, and he reported to me that they all talked alike; that they hated the Americans and were going to kill them just as they did the Russians.

In Ciudad Porfirio Diaz I often saw one who was manifestly a high officer, wearing, as he did, an officer's undress uniform. A reputable business man told me that he was an army officer, and that he was getting maps and pictures of the frontier. He told me that the Japanese had a room full of blueprints and photographs. There was also a very bright Japanese, speaking English fluently, and said to be a Prihee, who purchased cameras and photographic material by wholesale, as I accidentally learned.

The immigration authorities on the bridge at Eagle Pass do their work thoroughly and intelligently, but I am quite sure that not one-tenth part of the Japanese whom I have seen during the past two years headed for the Rio Grande ever tried to cross the bridge. Both above and below Eagle Pass is a vast territory almost unsettled, on either side, and the river can easily be crossed with boats, while I am told that there are many places where it can be forded at low water.

There is a little town about 5 miles south of Diaz, where there are a number of Japanese and Chinese employed at a coal mine. I became pretty well acquainted here, and finally had my attention attracted by some suspicious movements. The Chinaman who was the "boss" at the village was a pretty good friend of mine, and one day after I had seen and heard some things that were suspicious I taxed him in private with knowing something about smuggling Chinese and Japanese across the river. He acknowledged that I was right, and when I asked him how much it cost, he said the rate was $400 Mexican. I asked him how they got across and he said by a boat; but he would not tell me where the crossing was made. I reported to the immigration inspectors on the bridge at Eagle Pass that there was "something doing" in the way of smuggling at the rate of $400 a head, but as the Chinaman whom I bluffed out of the information had done several friendly services for me I did not feel warranted in giving him away.

The bulk of the immigration that I have noted occurred during the last three months of 1906 and all of 1907. There had been some during 1908, down to the time I was transferred from the main line of the railroad to this place, but since September 1 I have no knowledge.

It would be of interest to know just how many Japanese immigrants were reported crossing the Diaz-Eagle Pass bridge during 1907–8. That thousands got across the river in some way is well known to many Americans in Mexico, who had an opportunity to see something of it for themselves. And it is not at all unlikely that the experience of this particular line of travel was repeated both by the Laredo and the El Paso routes.

If I can be of any service in furnishing further information in this direction, I shall be glad to do so.

If you will ask Congressman KNOWLAND, of the Third District (whose name, I am proud to say, was first mentioned as a candidate for Congress in my newspaper), he will, I am sure, testify to my reliability.

I must ask as a favor, however, that my name be not publicly mentioned in this connection, nor that of the company with which I am connected.

Wishing you the utmost success in the fight you are waging on behalf not only of California, but the entire country, a fight which I am assured time will show you to have been on the right side, I am,

Yours, truly,

Apartado 11, Cuatro Cienegas, Coahuila, Mexico.

Mr. HEPBURN. Mr. Chairman, while the gentleman from California [Mr. HAYES] was discussing this subject the query came to my mind as to whether or not the people of the Pacific coast were not very largely responsible for this increase in the number of Chinese immigrants in the United States. It is now more than twenty-five years since the exclusion act was passed. At that time it is claimed that there were something less than 100,000 Chinamen in the United States. They were nearly all of them adults, probably the great majority of them were past middle age; there were no children; there were few women, and there were very few youths. With the natural decrease from death and also from the habit of these people as soon as they acquire a little competency to leave the country, the probabilities are that if there had been no increase from abroad the entire Chinese population that we then had would have disappeared. But instead of that I do not doubt that there is a larger number in the United States to-day than there was twenty-five years ago, and that there is a larger number in California than twenty-five years ago.

The truth is, Mr. Chairman, that the great mass of the population of California has never sympathized, in my judgment, with the exclusion act, nor have the people of the United States. Instead of that, in my belief, there is a feeling favorable to a limited Chinese immigration. I do not hesitate to say that 500,000 could be absorbed in the labor field of the United States to-day and not displace a single American. They are the best domestic servants to be found anywhere. They are the choice of all of the domestic servants of the gentleman's own State, I am informed, and while there has been much said here about their untruthfulness and their want of integrity, there is a place for all of these accomplished servants at high wages in the State of California, and a much larger number, I have no doubt, could be accommodated.

There is not a village in the United States where the question of how to run the household, the question of domestic service, is not an all-absorbing one. There is not a village in the United States where the housewives are not more troubled over this question than any other domestic one. [Applause.] How to get good service, how to obtain competent service; and we are excluding thousands, tens of thousands, who would be glad to come and fill this great want if it were not for the cowardly submission to a supposed demand of some parts of organized labor.

There is the trouble. If this matter could be submitted to the housekeepers of the United States, it would be decided against the foolish policy that we have adopted in obedience to the demands of Dennis Kearney and other sandlotters, agitators, and disturbers of the peace on the Pacific coast. Mr. Chairman, if I had my way, I would so modify the exclusion laws that all immigrants from China of the proper age who

came here for the purpose of serving as domestic servants should be welcomed and permitted to stay as long as they followed that occupation. If that was the law of the land, it would bring quiet and peace and contentment to many a household in the United States.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAYES. Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, I yield to the gentleman from California.

The CHAIRMAN. The gentleman can not yield in the Committee of the Whole House.

Mr. HAYES. Mr. Chairman, I move to strike out the last word. I am somewhat astonished by the words of the gentleman from Iowa, and in behalf of the people of California I want to say that he is entirely in error as to the sentiment of the people of that State. More than twenty years ago a vote was taken by direction of the state government on the question as to whether the State was in favor of the exclusion of Chinese, and over 200,000 votes were recorded by the voters of that State in favor of exclusion and only between 600 and 700 against exclusion, and I have no doubt if the vote were taken to-day the measure would carry by nearly as large a majority.

More than that, Mr. Chairman, if the people of the State of California could settle this matter, they would not only exclude the Chinaman from the soil of this country, but they would exclude the Japanese and every other Asiatic. [Applause.] The people of California understand this question better than the gentleman from Iowa, and nobody who has not come in contact with it does understand it; and they know that unless these laws are enforced in their letter and spirit that we are creating from year to year a race problem that will be more difficult of solution and that will bring greater disaster to the people of the Pacific coast and to that beautiful section than the race question has brought and possibly may in the future bring to the good people in the South. [Applause.] For that reason I know that I speak for 95 per cent of the people of all classes of the State of California when I say we are praying, we are asking from year to year—we have not come yet to demanding, we have no right to demand, though we would if we could—that the Congress of the United States protect us from that great menace, oriental immigration.

The gentleman is mistaken when he says that if 500,000 Chinese were imported they would not take a day's labor away from a white man or an American citizen. I say, Mr. Chairman, that at this moment there are 22,000 idle white men in the city of San Francisco alone, and every charitable institution there is maintaining, and has been for months, a system of supplying the necessities of these people who are out of work, and yet in my district there are probably 10,000 Japanese, I do not know how many Chinamen, nearly all of whom are employed. Now, Mr. Chairman, I say to you that the people of California, except the few who profit by their labor, which is generally given cheaper than white labor, are in favor of what they conceive to be the patriotic thing to do, and that is to preserve the land of the Pacific coast for the Caucasian race [applause], for those who are either citizens of the United States or may become such. Not a single Chinaman or Japanese can become a citizen of the United States, and yet they are going into the counties of California and buying or renting the land, and in some places they now own great tracts of land in that fair State. I say to you that I believe it is an immediate, pressing necessity that something should be done to stop the influx of Orientals who have been coming to the Pacific coast and who, unless prevented, will absorb not only the entire labor there, but will buy up the land and come to possess and rule and control that fair country as they do or will soon do in Hawaii.

Mr. HEPBURN. I simply wanted to ask the gentleman, Mr. Chairman, whether these thousands that were out of employment were now or would be engaged in domestic labor?

Mr. HAYES. Many of them, undoubtedly, as many of them are waiters and cooks, because that is where the pressure comes largest, from the Japanese especially, and not only that, but there are many girls and women who need the work that is given to these orientals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. Mr. Chairman, I ask unanimous consent that I may have two minutes more.

Mr. SMITH of Iowa. Pending that, I want to say that unless this debate is closed in the next few minutes I must ask that it be closed.

Mr. HAYES. I only wish to say, Mr. Chairman that——

Mr. SMITH of Iowa. Mr. Chairman, I do not understand that time has been extended to the gentleman yet. I want to move that debate end in eighteen minutes.

Mr. CLARK of Missouri. Will the gentleman give me five minutes of that?

Mr. SMITH of Iowa. I will agree to that. I will yield five minutes to the gentleman from Iowa [Mr. HEPBURN], five minutes to the gentleman from Missouri [Mr. CLARK], five minutes to the gentleman from California [Mr. HAYES], and five minutes to the gentleman from New York [Mr. HARRISON], making it twenty minutes in all. I move, Mr. Chairman, that all debate close in that time.

The CHAIRMAN. The Chair will state that it is not in order in Committee of the Whole, except by unanimous consent, to parcel out the time. The gentleman from Iowa [Mr. SMITH] asks unanimous consent that all debate be closed in twenty minutes, to be occupied as he has indicated. Is there objection? [After a pause.] The Chair hears none. The gentleman from California [Mr. HAYES] is recognized for five minutes.

Mr. HAYES. Mr. Chairman, I only desire to say that what is true of San Francisco is true in a less degree of all sections of the State of California. The labor market is greatly overcrowded there, and unless there can be some stop to the influx of the Oriental the time is not far distant when the common laborer of California and, doubtless, in time, the skilled labor, also, will be wholly monopolized by Orientals, because no white man and no white woman can compete with them.

Now, Mr. Chairman, it is not entirely a labor question in the State of California. The gentleman from Iowa [Mr. HEPBURN] is entirely mistaken. These agitations do not come wholly from labor agitators and disturbers of industrial peace, as he states. They come also from men who are employers of labor, and from all classes of society. Mr. Chairman, I claim not to belong to the class of labor agitators. I am myself a large employer of labor, and I would as soon cut off my right hand as to do what the gentleman says, namely, to put in my house as domestics Chinamen or other Orientals to take the place of the white girls that are now employed there.

And why? Because I see that unless the American people set their faces hard against this the contest that is going on on the Pacific coast will result, as it has always resulted, when there comes a contest between the horde from Asia and the Caucasians; and what arms have done in the past peaceful and commercial conquest will do on the Pacific coast in the near future. And, for one, I hope never to live to see the time when that coast will be in the hands of the Orientals as the islands of Hawaii are to-day.

Gentlemen also think that all this is prompted by race prejudice; that it has no foundation in fact. I thank God there is some race prejudice against the Orientals on the Pacific coast, because without prejudice amalgamation would come, and God forbid that anything of that kind should take place on the Pacific coast. [Applause on the Democratic side.] It is true that as yet this race prejudice has not come to the point of such animosity as to lead to bloodshed and mob violence, though it may come to this if the immigration continues, because men that are hungry, and whose wives and children are hungry will not forever, and can not be expected, forever to restrain themselves.

They have been restrained by the promise, the expectation, and hope that the Government of the United States would finally protect them from this peril. Once this hope is dissipated, once it comes to be a settled conviction in the minds of the people of the Pacific coast that the Government of the United States is indifferent to their interests and to their destiny, they may be forced to do what the people of Humboldt County did some twenty years ago—organize themselves, take possession by force of the property and persons of the Orientals within their confines, hire a ship, send them back to China, and warn them never to set their foot on the soil of that county again.

I do not advocate anything of this kind. I should feel very much chagrined to see anything of this kind come; but I do hope that the people of the United States, as represented in this House, will see to it that before it is too late the people of the Pacific coast and that fair section are protected by ample exclusion laws, which shall exclude not only the Chinese, but the Japanese, Hindoos, Lascars, Koreans, and every other Asiatic, and that those laws shall be enforced in letter and spirit.

Mr. WILLIAMS. I would like to ask the gentleman a question. While he is excluding Orientals and Asiatics, why not also exclude Africans?

Mr. HAYES. I would exclude everything but the Caucasian race, if I had my way.

Mr. WILLIAMS. Africans from Africa and the West Indies.

Mr. CLARK of Missouri. Mr. Chairman, I fully agree with the gentleman from California [Mr. HAYES] in his desire to exclude the Chinese; I will go with him in excluding the Japanese; I congratulate him on believing in a white man's government; but I can not understand the peculiar delicacy of certain people who object to their children going to school with Japanese and are still willing for their children to go to school with Africans, a race inferior to the Japanese.

The gentleman from Iowa, Colonel HEPBURN, made a very remarkable speech. I always listen to what he has to say with a great deal of interest. On this occasion I heard him with amazement. He puts the opposition to Chinese immigration into the United States on the wrong principle. As I understand him, his view of it is that nobody but a lot of cowards and demagogues are opposed to it. I do not believe that I am a coward; I hope that I am not a demagogue. He says that opposition to Chinese immigration is at the behest of the labor organizations. The labor organizations are against that immigration, and the labor organizations are dead right in being against that immigration. [Applause.]

But it is not only organized labor that is against that immigration. It is every laborer in the United States who understands his rights and values his own interests. [Applause.] I have been a laboring man all my life. In my youth I worked as a hired hand on a farm [applause], and there is no harder work that I know of among men. I am as proud of that as of having been elected to Congress eight times. [Loud applause.] It is just as essential a fact in my history that men may understand my conduct here and elsewhere.

The gentleman from Iowa says that he does not believe that one-tenth of the people in California are really at heart opposed to Chinese immigration, and he does not believe that one-tenth of the people of the United States are opposed to it. Now, it happened that I served six years on the Committee on Foreign Affairs of this House, and we had hearings on the last Chinese-exclusion bill that we passed. They were remarkable hearings. All classes of people, from the man who is going to be President for the next four years down to common laborers and scrub women, testified.

The Caucasian race from the dawn of history has been the dominant race of the world; it is yet, and always will be as long as any of us are left. [Applause.] We have furnished the world with its greatest soldiers, its most renowned statesmen, its foremost men in literature, art, finance, commerce, and business. We claim to be superior to everybody in everything. There is one mistake in that proposition. There is one thing that by reason of centuries of training and by disposition we are unable to do. We can not compete with the Chinese in the matter of starvation. [Loud applause.] If you let them in here ad libitum or even in large numbers, they will starve our laborers out. The gentleman from Iowa, Colonel HEPBURN, says that 500,000 Chinese laborers can be absorbed into the labor of the United States at this time. It is currently reported that there are millions of Americans out of employment in this country to-day. The gentleman from California [Mr. HAYES] says that 22,000 stand in bread lines in San Francisco alone. I would rather see 500,000 men and women of my own blood absorbed in the labor of this country. [Loud applause.]

I want to state just this one fact; I wish I had time to state a good many more: The first time I ever saw Judge Taft was during those hearings on the Chinese bill. He was then governor-general of the Philippines. One of the questions considered by the committee in regard to that bill was whether we should shut them out of the Philippines. Judge Taft appeared, and that was the first time I ever saw him, and I have had the highest opinion of him ever since. Among other things we asked him was whether they should be shut out of the Philippines, and he said "Yes." We asked him why, and he said: "Put a white man down in one shop, a Filipino in another, and in between them a Chinese in a shop, and in twelve months the Chinaman would starve them both out of business." [Applause.] We told him it had been stated before the committee, what we considered almost incredible, that a Chinaman could live on 2 cents a day.

We asked him about that, and he said:

If you will set him down to the same table at which you sit he will eat as much as you—perhaps more—but if the Chinaman had to live on 2 cents a day he could do so.

We asked him what he would live on. He said:

Rice and a little dried fish.

Mr. Chairman, we can not do that. In such a contest we would go to the wall. Therefore I am in favor of shutting out this whole horde of Asiatics and Africans. Shut out all immigrants except people of the white race. There is no sense in creating racial troubles.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. HARRISON. Mr. Chairman, I heard with amazement the remarks of the gentleman from Iowa on the subject of Chinese exclusion. It is evident that he has never come into contact with the Chinese and other Asiatics in the United States. He lives out there in Iowa, where I dare say they do not see a Chinaman once within a moon's age. But I have lived in California for months at a time, and from my personal observation of the people of the Pacific coast and from my personal observation of this question out there I want to corroborate what the gentleman from California [Mr. HAYES] has just said. I want to tell the gentleman from Iowa that, in my opinion, he has entirely missed the crux of this matter. I think that he will find that the people of the United States are a unit in demanding that this bar shall not be taken down and that our labor markets shall not be flooded with the hungry millions of the Orient.

But there is another question involved in this matter, and I refer not only to the Chinese, but to the Japanese as well. The question of the white civilization is at stake. If the gentleman from Iowa and his family and the families of his neighbors were surrounded by colonies of Orientals, differing from our race in every essential which forms a line of cleavage between the white and yellow races, if he were surrounded by bands of people who were lowering the standards of living and were depriving the American people of the opportunity to make a living, who were driving home hideous ideas to which our people are strangers and for which they will not stand, then, I say, he would understand, as some of the rest of us understand, the real meaning of the Chinese and Japanese questions.

Mr. Chairman, in its sum it is nothing more or less than our assertion of our rights to preserve the white civilization. [Applause.] I have served for two years on the Committee on Foreign Affairs. I do not know whether I shall be on that committee in the next Congress or not. In this Congress there was no question before us of Japanese exclusion; but I want to say to this House that if I am a member of that committee in the next Congress, and a question of Japanese exclusion comes before our committee, I, for one, will vote for it, in the interest of the preservation of our institutions and our white civilization. [Applause.]

Mr. HEPBURN. Mr. Chairman, I am sorry gentlemen have become so agitated over this matter that they can not even state properly the suggestions that I have made. I have not suggested to anybody the idea of allowing California to become overrun by oriental hordes. I have not suggested a thought that looked like making the Oriental dominant over the Caucasian. My suggestion was that 500,000 Orientals engaged in domestic service would displace no Americans. I affirm it. I say that all over this land there are women compelled to do their own domestic drudgery because they can not secure domestic servants; and I submit to the gentleman that I, too, have heard Californians—not politicians, not gentlemen catering to organized labor—discuss this subject in their homes, extolling the virtue of the Chinaman in their kitchen, declaring their unwillingness to allow him to depart, and insisting that there were still in California thousands of vacant homes ready to welcome his advent.

My proposition is that these vacant places in American homes should be filled by the competent Chinaman, content to do domestic service, and that he should be permitted to come and to remain so long as he is willing to fill that want. That is my proposition, gentlemen. Please do not distort it. Do not conjure up in your affrighted fancy ghosts that I have never suggested.

The gentleman tells us that the Caucasian race has always been dominant. Ah, that depends upon the theater in which you find the Caucasian race. Has the Caucasian race ever been dominant over the 400,000,000 of Chinamen, over the 200,000,000 of India, over the 50,000,000 of Japan, over the millions, I do not know how many, of the seas? Oh, no. When you make that statement you must confine yourself to Europe, to a little portion of Asia, and to our own continent.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him one question?

Mr. HEPBURN. I am not sure now that I could answer it.

Mr. CLARK of Missouri. Do you not know that 70,000 Englishmen hold in subjection this very day 300,000,000 East Indians?

Mr. HEPBURN. I know that apparently the British Empire is dominant to-day over the East Indians. But I know that every newspaper we read tells us of the mutterings of discontent. Every prophecy that we read points to a future when

these people shall emancipate themselves and assert their rights; and I have no doubt but that the great question of statesmanship now confronting the British ministry for solution is how they shall keep the peace, how they shall be able to assert still longer their dominion over India.

Mr. Chairman, I am as much intent upon the supremacy of the Caucasian race as is anyone. I want no amalgamation; I want no pollution of our blood; I do not want even pollution of our citizenship. I have been one of those who, during all the years, have fought here for greater barriers, for greater protection, against the horde of immigrants that come here and occupy places in our labor field. I am pleading for the coming of those who do not displace anyone, for those who will fill vacant places, and not displace those that are now in place. [Applause.]

The CHAIRMAN. The time for all debate has expired, and the Clerk will read.

The Clerk read as follows:

For the expenses of the commission provided for in section 39 of the act of February 20, 1907, including the salaries of the commissioners and their clerks and other employees, $300,000.

Mr. MURDOCK. Mr. Chairman, I make a point of order to that.

The CHAIRMAN. Does the gentleman from Kansas wish to be heard on the point of order?

Mr. MURDOCK. Mr. Chairman, this commission hitherto has been paid out of a permanent indefinite fund. This is the first time it has been carried in this bill. It is legislation upon an appropriation bill, and it is clearly out of order.

Mr. SMITH of Iowa. Mr. Chairman, the law of February 20, 1907, authorized the payment of these expenses, as stated, out of the permanent appropriation of head tax. The Department of Commerce and Labor estimates the expenses of this commission for the next fiscal year at $300,000, and the permanent appropriation of the head tax being repealed by the previous language of this bill the committee deemed it its duty to bring in an item covering the $300,000 estimated for. I call attention to the following portion of the hearings referring to this subject:

Mr. FITZGERALD. Can you tell how much was drawn during the fiscal year?

Mr. SMITH. We would like to know how much this has cost from the beginning up to date.

The CHAIRMAN. Can you state the aggregate for the record?

Mr. SOLEAU. The entire sum, Mr. Chairman, advanced on warrants to the Immigration Commission, from its organization to December 31, 1908, was $304,140.02, and there is a memorandum on my desk from that commission saying that during the balance of the current fiscal year they would require $150,000, making a grand total from date of organization in the spring of 1907 to June 30, 1909, of $454,140.02. Of that sum, $303,462.88 is chargeable to the fiscal year 1909, provided they have no unexpended balance at the close of the current fiscal year.

The CHAIRMAN. The Chair desires to ask the gentleman from Iowa what is the act of February 20, 1907?

Mr. SMITH of Iowa. It is the immigration law, and in that law, as the Chair will remember, there was originally an educational clause, and a section was substituted for that providing for this investigation.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 15681. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico.

H. R. 24834. An act for the protection of the surface rights of entrymen.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 9373. An act to provide for the sale of isolated tracts of public land in Imperial County, Cal.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9454. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 9373. An act to provide for the sale of isolated tracts of public land in Imperial County, Cal.—to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 9017. An act for the establishment of a subport of entry at Ranier, Minn.

S. 7378. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 26305. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district;

H. R. 26068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes;

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia;

H. R. 18694. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama;

H. R. 20111. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing; and

H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

HARRY KIMMELL.

Mr. HUFF. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The Clerk read as follows:

House concurrent resolution 71.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 17214) for the relief of Harry Kimmell, a commander on the retired list of the United States Navy.

Mr. MANN. What is the bill?

Mr. HUFF. The resolution asks the President to return a bill.

Mr. MANN. This is the third or fourth bill that we have asked to be returned. What is the matter?

Mr. HUFF. Nothing is the matter with this bill.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was agreed to.

DISTRICT JUDGE FOR WESTERN DISTRICT OF WASHINGTON.

The SPEAKER laid before the House the bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington, with Senate amendments.

The Senate amendments were read.

Mr. JENKINS. Mr. Speaker, I move that the House disagree to the amendments of the Senate and ask for a conference.

Mr. MANN. I shall object, if there is to be a conference. The only motion should be to disagree.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the House disagree to the Senate amendments and ask for a conference.

Mr. MANN. I shall object.

Mr. JENKINS. Then I will ask unanimous consent that the House disagree to the Senate amendments.

Mr. MANN. Mr. Speaker, reserving the right to object, this creates an additional judge for the district of Oregon. It has not been considered by the House, and of course it is subject to the point of order of being considered in the Committee of the Whole House on the state of the Union.

Mr. JENKINS. Mr. Speaker, if the gentleman will permit, I will say that the committee has been wrestling with this matter for the last two days, and the committee is unalterably opposed to the creation of this new judgeship, and has been doing the very best to allow the bill for the additional judge in Washington to pass and at the same time defeat this.

Mr. MANN. The easiest way to defeat this is to disagree to the Senate amendments, and not to ask for a conference.

Mr. JENKINS. We are now asking that the House disagree to the Senate amendments.

Mr. MANN. The gentleman said he asked for a conference.

Mr. JENKINS. We are not asking for a conference.

Mr. MANN. The gentleman said he asked for a conference, I understand. The gentleman from Washington informed me that there would be no request for a conference, as I understood it.

The SPEAKER. The Chair understands the gentleman from Wisconsin asks that the House disagree to the Senate amendment. Is there objection?

Mr. MANN. Is that to be followed by a motion for a conference?

Mr. JENKINS. No.

Mr. MANN. I have no objection.

The SPEAKER. The Chair hears no objection.

SURFACE RIGHTS OF ENTRYMEN.

The SPEAKER laid before the House the bill (H. R. 24834) to protect the surface rights of entrymen, with Senate amendments thereto.

The Senate amendments were read.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman asks unanimous consent that the House disagree to the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Chair appointed the following conferees: Mr. MONDELL, Mr. VOLSTEAD and Mr. ROBINSON.

The SPEAKER. The committee will resume its sitting.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. A point of order is pending. Has the gentleman from Kansas anything further to say on the point of order?

Mr. MURDOCK. Nothing further, except what I did say. The expenses for the Immigration Commission have previously come out of a permanent indefinite fund, for which there has been no accounting to any other than the auditor. There has been no appropriation in current appropriation bills for this commission. Consequently and clearly when this item in this bill carries an appropriation for those expenses, it is legislation upon an appropriation bill and out of order under the rules.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the question?

Mr. TAWNEY. Mr. Chairman, I have no desire to be heard further than to repeat what the gentleman from Iowa [Mr. SMITH] has already said, that this commission is authorized by law, and the amount available for expenses as authorized by the bill creating the commission is to be paid out of a permanent indefinite fund. That has been repealed, and if this changes the existing law so as to make it impossible to appropriate for it, why, there would be no appropriation for the commission, and it would go out of existence, which would not be a calamity, in my judgment, to the public.

Mr. MURDOCK. Mr. Chairman, it is not within the province of this House to determine whether this point of order puts the commission out of business or not. As I understand, the Chair's ruling will be based wholly on the point of order under the rules. I wish further to call the attention of the Chair to the fact that under the law as it now stands, if this bill should become a law as we have passed it, the head tax goes into the General Treasury.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota why it is that this appropriation is carried in the sundry civil appropriation bill and has not been heretofore?

Mr. TAWNEY. It has not been heretofore carried, Mr. Chairman, for the reason that the law creating the commission, which I think the Chair has before it, specifically directs that the expense of the commission shall be paid out of the immigration fund, which is a permanent indefinite appropriation, and that expense is paid out upon the voucher of the chairman of the commission without audit by anybody.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. MANN. Is it not true that under the existing law the expenses of this commission are required to be paid out of the permanent appropriation resulting from the income coming out of the head tax?

Mr. TAWNEY. That is a fact.

Mr. MANN. Is not this, then, a direct violation of that law proposing to pay this money out of the Federal Treasury out of the general fund?

Mr. MURDOCK. Surely.

Mr. TAWNEY. Well, it would be a change of existing law in my judgment.

Mr. MANN. I do not see how there can be any question but that this is subject to a point of order.

The CHAIRMAN. The Chair thinks it is subject to the point of order. In reading the act creating the commission which the present occupant of the chair held in order on the immigration bill, the Chair finds the following:

Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized to be paid out of the immigrant fund.

The mere fact that the immigration fund has disappeared does not authorize an appropriation, and it is clearly a change of existing law. The Chair therefore sustains the point of order.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. AMES having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On February 24, 1909:

H. R. 2635. An act for the relief of Herman Lehmann;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

H. R. 18600. An act for the relief of John M. Hill;

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 22340. An act relating to injured employees on the Isthmian Canal;

H. R. 23699. An act to grant to John T. Rivett privilege to make commutation of his homestead entry;

H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.;

H. R. 25396. An act for relief of applicants for mineral surveys;

H. R. 26516. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 26734. An act to permit change of entry in case of mistake of the description of tracts intended to be entered;

H. J. Res. 219. Joint resolution to accept the gift of Constitution Island, in the Hudson River, New York; and

H. J. Res. 241. Joint resolution to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

On February 25:

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.;

H. R. 7029. An act for the relief of C. L. Huey;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 23707. An act to incorporate the Imperial Palace Dramatic Order Knights of Khorassan;

H. R. 27311. An act amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.;"

H. R. 27894. An act amending "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906; and

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Special examiners, division of naturalization: For compensation, to be fixed by the Secretary of Commerce and Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Division of Naturalization, Bureau of Immigration and Naturalization, provided for by the act of Congress approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," and for their actual necessary traveling expenses while absent from their official stations, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, and for the actual necessary traveling expenses of the

officers and employees of the division of naturalization in Washington while absent on official duty outside of the District of Columbia, $150,000. A detailed report of the expenditures under the appropriations for this service shall be annually submitted to Congress at the beginning of each regular session thereof.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. There has been a great deal of contention as to whether this work should be done by the Department of Justice or by the Department of Commerce and Labor. I made some investigation, not very extended, in the city of Chicago in regard to the matter, and came to the conclusion that while legally the work was now being carried on under the Department of Justice it was in fact being carried on by the Department of Commerce and Labor in unquestionably the most uneconomical manner that could be imagined. While in the Department of Justice they will not allow you to purchase a library, and it is difficult to get permission to buy a law book in this branch of the service, nominally under the Department of Justice, but really under the Department of Commerce and Labor, you can buy the finest kind of thing at any old time you please, without regard to cost or need.

Mr. TAWNEY. Mr. Chairman, on that proposition the criticism of the gentleman from Illinois in respect to the extravagance of this service may be just, but I do not agree with him that the responsibility for that extravagance is chargeable to the Department of Commerce and Labor. In a certain sense it is true that the examiners heretofore employed were taken from the other branches of the public service, and to some extent they are subject to orders from the Department of Commerce and Labor; but this service at the present time and ever since the service was inaugurated two years ago has been under the direct supervision of the Department of Justice, and the appropriation for that service has been made for that department. During all that time, too, there has been a controversy carried on in the Committee on Appropriations, and sometimes on the floor of the House, as to which one of these two departments is charged with the duty of administering our naturalization laws.

Now, after two years' experience, the Department of Justice acquiesced in the desire of the Department of Commerce and Labor, and also in the desire of the Committee on Appropriations, to transfer the entire jurisdiction and control in the matter of the administration of our naturalization laws to the Department of Commerce and Labor, and for that purpose we have dropped the appropriation heretofore made for this purpose under the control of the Department of Justice and have transferred that appropriation to the Department of Commerce and Labor, and we have also dropped entirely the employment of special attorneys, or assistant United States district attorneys, for the enforcement of this law and provide only for the employment of examiners.

Mr. FINLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Minnesota yield?

Mr. TAWNEY. In just a moment. The opportunity for the extravagance to which the gentleman from Illinois calls attention is in the wording of this paragraph which the Committee on Appropriations discovered, I think at the last session, was being interpreted so as to admit of almost any expenditure. When this appropriation was originally made for the enforcement of this law under the administration of the Department of Justice, we accepted the language of the paragraph as prepared by the department, which is as follows:

For the payment of assistants to the Attorney-General and of assistants to United States district attorneys employed by the Attorney-General to represent the United States in naturalization and other proceedings, and for other necessary expenses.

When that language was written in the appropriation act it was with the understanding on the part of the committee that the words "and for other necessary expenses" referred only to the incidental expenses necessarily incurred by the assistant district attorney charged with the administration of this law.

We discovered, however, in the administration of the appropriation that the Department of Justice interpreted that language to mean any old expenses that they saw fit to charge up against the appropriation in the administration of this law, and under that provision they commenced employing not only assistant district attorneys, but special examiners, which I think was absolutely unwarranted and unauthorized. Nevertheless it depends altogether upon the interpretation which you put on the language "and for other necessary expenses." So after this administration has proved unsatisfactory and extravagantly expensive under the Department of Justice the committee has concluded to try the Department of Commerce and Labor, as some one or the other of these two departments must be charged with the duty of administering this law. I now yield to the gentleman from South Carolina.

Mr. FINLEY. Mr. Chairman, I wish to ask the chairman of the Committee on Appropriations does he think there will be more efficient administration of the law under the Department of Commerce and Labor than was under the Department of Justice?

Mr. TAWNEY. I have no reason to believe, so far as the administration of the law is concerned, it was inefficient. My criticism is that it has been very expensive, necessarily expensive, and I believe it will be more economically administered under the Department of Commerce and Labor than it was under the Department of Justice.

Mr. FINLEY. Does the gentleman think it will be as efficiently administered?

Mr. TAWNEY. I do.

Mr. FINLEY. Why?

Mr. TAWNEY. I believe it will be just as efficiently administered for this reason: The same men that are now employed in the administration of the law, with the exception of the assistant attorney, will be employed under the Department of Commerce and Labor. They will simply be transferred from one department to the other, and in the administration of this law, let me say to the gentleman from South Carolina, there is really no necessity for assistant district attorneys.

The evidence submitted to the committee on the part of the judges themselves commends the services of these examiners, and these examiners are merely aids to the courts in obtaining information with respect to the applicants and the truthfulness of their answers in their applications, and also the credibility of their witnesses and the competency of the same.

Mr. FINLEY. If I correctly understand the gentleman, he states that the administration of the law under the Department of Commerce and Labor will be the very same as to its personnel as it is under the Department of Justice. Is that correct?

Mr. TAWNEY. The gentleman misunderstood me.

Mr. FINLEY. I beg pardon. I understood the gentleman to say it would be the same.

Mr. TAWNEY. So far as the examiners are concerned, yes; but so far as the district attorneys are concerned, no.

Mr. FINLEY. Now, in what respect will it differ?

Mr. TAWNEY. There will be no attorneys employed in the administration of this law. There will be no offices maintained for district attorneys.

Mr. FINLEY. Now, does the gentleman think——

Mr. TAWNEY. That service is entirely unnecessary, as shown by the experience of two years' administration.

Mr. FINLEY. Does the gentleman think a law can be administered and enforced without the necessity for attorneys?

Mr. TAWNEY. Oh, certainly. No question about it at all.

Mr. FINLEY. Will the gentleman kindly explain why?

Mr. TAWNEY. Why, because there is not anything in connection with the administration of the naturalization law that requires an attorney, except in cases where the law has been violated, when, of course, prosecutions are necessary. This does not involve prosecutions.

Mr. FINLEY. To what extent will the service be more economically administered?

Mr. TAWNEY. The salaries of all these district attorneys will be one saving, and much of the furnishings of their offices, and their typewriters, and expenses of clerical services of that kind.

Mr. FINLEY. Now, that service will be performed by whom?

Mr. TAWNEY. Nobody. They do not need it.

Mr. FINLEY. No necessity for it?

Mr. TAWNEY. No; no necessity for it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Yes, sir.

Mr. MANN. Does the gentleman think it is desirable to make this transfer?

Mr. TAWNEY. I do.

Mr. MANN. And make the experiment with it?

Mr. TAWNEY. I do.

Mr. MANN. Of course, this will only be for the next fiscal year?

Mr. TAWNEY. That is all.

Mr. MANN. And it is purely experimental?

Mr. TAWNEY. Yes, sir.

Mr. MANN. The item would be subject to a point of order hereafter, and there would be, in fact, no change of law?

Mr. TAWNEY. No.

Mr. MANN. So far as I am concerned, with that understanding, I will withdraw the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I want to renew the point of order. I desire to get a little information before we go along on this important matter, since it has come up.

I have listened to what has been said, and I now hold in my hand the report of the Attorney-General upon the subject, and I have asked myself this question, and I now submit it to the committee. Let us see now what we are doing, what we have done to-day, and are now about to do. First, we limited the Secret Service in the Treasury Department. That department has, I believe, the execution of the immigration law. Now, we have limited that. Last session we put this proposition into the hands of the Department of Justice, and we took away from the Department of Justice the secret-service system.

And the Department of Justice has been forced to create an inefficient service to execute the laws under the Department of Justice. In addition to that, only a few moments ago we appropriated $50,000, requiring no vouchers whatever, no receipt, no report, to be given to some other bureau, I do not know where, up in New York somewhere. As the gentleman from New York [Mr. BENNET] had charge of it, I presume it is to be located there. So we have still three divisions or three changes we have had here to-day in our force, it looks like, to get rid of the X-ray eye of that undesirable system we continue to have, to wit, the Secret Service. Now, it looks to me you are swapping horses too fast; you are inconsistent; and I submit—I do not mean to be a dyspeptic here; I do not mean to take up the time, but I say you are in a state of consternation. The secret-service system is not after us. They are welcome to be after me. I will be on hand.

Now, Mr. Chairman, I find in exhibit 18 of the Attorney-General's report of 1907 two large pages on the subject of the naturalization law. I have not time to read that, nor have I had time to read the report. Now, on page 14 I find Attorney-General Bonaparte says:

On June 29, 1906, the new naturalization law went into effect, the enforcement of which by provision on the sundry civil bill was attached to this office.

Mr. TAWNEY. Will the gentleman yield to a question?

Mr. GAINES of Tennessee. Yes.

Mr. TAWNEY. Are you aware of the fact that the Attorney-General of the United States himself consents to Congress that this transfer should be made?

Mr. GAINES of Tennessee. Well, I want to say to my friend that I do not bank very much on Mr. Bonaparte being a great lawyer.

Mr. TAWNEY. You are reading from his report.

Mr. GAINES of Tennessee. I am doing the best I can under a Republican administration. [Laughter.] I am doing the best I can under the light I have; but I knew nothing about it until the gentleman's amendment, which would show that we had three different roads provided by which to get rid of the secret-service system, clogging the wheels of the Department of Justice, and of the Treasury Department, and starting some other sort of cloggery over in New York with another system of secret service. Now, I am astonished at the gentleman from Minnesota, who is a strong man, who as a rule understands his business, should say that in the execution of the naturalization laws in the great cities of this country we do not need attorneys to prosecute and look after the cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I want about five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to have five minutes more. Is there objection?

Mr. COCKS of New York. I object.

Mr. GAINES of Tennessee. I move to strike out the last word. Then, Mr. Chairman——

Mr. MANN. Does the gentleman withdraw the point of order when he moves to strike out the last word?

Mr. GAINES of Tennessee. Of course I do.

The CHAIRMAN. Without objection, the Chair will recognize the gentleman.

There was no objection.

Mr. GAINES of Tennessee. Now, I find in the Attorney-General's Report for 1908, Exhibit 13, beginning at page 277 and running over to page 287, a statement showing the special assistants to United States attorneys, including assistant attorneys in naturalization cases and their compensation (as required by section 385 of the Revised Statutes). Here is a long list, gentlemen.

Mr. SABATH. In doing what?

Mr. GAINES of Tennessee. In enforcing the naturalization laws.

Mr. SABATH. In what way?

Mr. GAINES of Tennessee. I do not know; I am trying to find out. Now, right on that point, I am glad that the gentleman suggested that. Where is the Bureau of Commerce and Labor and its secret service enforcing the naturalization laws this year? It is a department of itself; it has its own secret service; the department itself has a secret service as well as the Secret Service of the Treasury, and has had one for many years.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question to interrupt him?

Mr. GAINES of Tennessee. Yes; certainly.

Mr. FITZGERALD. The gentleman is entirely mistaken. Practically the entire business, so far as the exclusion of the Chinese is concerned, is taken care of by the secret agents, and not only by secret agents operating in this country, but for the purpose of carrying out the law secret agents operating in foreign countries.

Mr. GAINES of Tennessee. I am glad to know that, Mr. Chairman. Now, do you curtail this force under this bill?

Mr. FITZGERALD. No.

Mr. FLOYD. Will the gentleman allow me to ask him a question?

Mr. GAINES of Tennessee. Certainly.

Mr. FLOYD. What I want to know is this: If the administration of this law is given to the Department of Commerce and Labor, and they are not allowed attorneys to enforce it or these examiners who find out the violations of the law, how are you going to punish the violators?

Mr. GAINES of Tennessee. That is exactly it. The gentleman puts his finger right on it.

Mr. FITZGERALD. The district attorney——

Mr. GAINES of Tennessee. Oh, the district attorney does not even enforce the Sherman antitrust law. Now, here is a long list. I can not believe Attorney-General Bonaparte or any other man in charge of the Department of Justice would employ all these lawyers if they were unnecessary. Here are appropriations for assistant attorneys in naturalization cases, $8,107.59. Is that going to break the Treasury, when you have just appropriated $50,000 for a lot of people that you are so ashamed of that you will not take a receipt for the $50,000 when you give it to them? There is another appropriation for traveling expenses, $2,922. Here is an appropriation for the prosecution of crimes, $710.

So the gentleman in charge of the bill, instead of showing an enormous and oppressive expenditure on the part of the Department of Justice in this matter, could not show more than a comparatively small expense. It looks like about $18,000 to employ lawyers to go into the courts and follow up the naturalization of the people who come over here—the undesirable set—and to prevent a thing which I believe the gentleman from New York [Mr. BENNET] said he aided in doing—that is, the fraudulent naturalization of voters in the city and State of New York.

Mr. FITZGERALD. There are none in the city and State of New York.

Mr. GAINES of Tennessee. The gentleman from New York [Mr. BENNET] did not say that. I was very much surprised to hear what he did say.

Mr. FITZGERALD. I think his statement was facetious.

Mr. GAINES of Tennessee. I hope he made it facetiously. He did not look facetious when he said it, and he said it in reply to a question put to him by the gentleman from Kentucky [Mr. SHERLEY].

Now, I say we ought to have lawyers, and we ought to stop all fraudulent naturalization, whether done by Members of Congress or anybody else.

Mr. TAWNEY. I move that all debate on the second paragraph and amendments be closed in five minutes.

The motion was agreed to.

Mr. BENNET of New York. I rise for the purpose of agreeing very largely with the committee in its discretion which it has exercised this year. The naturalization law was passed in 1906, under the leadership of the gentleman from Colorado [Mr. BONYNGE]. It was the intention at that time to carry out the execution of the law in exactly the way that the Appropriations Committee now, after two years of effort on the part of some of us, has come to. However, the Attorney-General and the United States district attorney are not entirely eliminated, and will not be.

The law casts upon them a duty which they must discharge. In the large cities, like New York and Chicago and others, if that duty can not be discharged by the regular force of the United States district attorney's office they will have to hire additional assistants; but the work is now being done very largely by examiners who are hired under that part of the cur-

rent law which reads "Assistant to assistant to the district attorney." This simply puts the item right, gives them their correct title, puts the execution of the law where it ought to be; and I want to disagree with the gentleman from Minnesota to the extent of saying that in my judgment the law has been pretty well enforced; that it has stopped fraud, and that it is a good law, except for one proposition, which the next item in the bill will correct.

Mr. GAINES of Tennessee. Will the gentleman please tell us why you have had all these assistant attorneys, and why do you brush them away?

Mr. BENNET of New York. Because that was all we could get. The Committee on Appropriations gave us assistants to the assistant attorneys, and we took them.

The Clerk read as follows:

Payment to William Black: For payment of fee to William Black, informer against John Huggins, under the alien contract-labor law, being one-half of the penalty imposed and collected in Black's own case, $500.

Mr. COX of Indiana. I want to reserve a point of order against that paragraph, for the purpose of getting some information. I want to ask whether there is any general statute in force in the United States which authorizes a refund of a part of a penalty collected.

Mr. TAWNEY. The gentleman from New York [Mr. BENNET] is familiar with this provision. This grows out of the bill that has passed both Houses and is in conference now. The matter was framed up by certain members of the Committee on Appropriations and the gentleman from New York [Mr. BENNET] in my absence, and I am not familiar with the provisions.

Mr. BENNET of New York. Will the gentleman repeat his question?

Mr. COX of Indiana. I want some information on the paragraph between lines 11 and 22 on page 101. My question was whether there was any statute in force now which authorizes a refund of a part of a fine imposed under this law, particularly relating to the William Black case.

Mr. TAWNEY. I do not know whether I exactly understand the gentleman. I understood the gentleman was asking about the paragraph just read.

Mr. COX of Indiana. The one with reference to William Black.

Mr. TAWNEY. I thought it was the other paragraph.

Mr. COX of Indiana. The other relates to the same thing. What I want to know is whether there is any law in force that authorizes the payment of this appropriation?

Mr. TAWNEY. No law that authorizes the refunding of the money. This amount was erroneously collected by the agent of the Government from this steamship company.

Mr. MACON. But the gentleman from Indiana is talking about the item with reference to the William Black case.

Mr. COX of Indiana. Yes; that is the one I reserve the point of order to.

Mr. MANN. The law provides for the payment of one-half of the fine. The money has been paid into the Treasury, and there is no way of getting it out without an appropriation.

Mr. TAWNEY. This payment was made by William Black, who was an informer against one charged with having violated the alien contract-labor law.

Mr. COX of Indiana. William Black?

Mr. TAWNEY. Yes; and in consideration of the information which he gave, which information led to the conviction of the real parties guilty of the violation of the contract-labor law, one-half of his fine was remitted. That is the rule in the Department of Commerce and Labor.

Mr. COX of Indiana. If I understand the chairman of the committee correctly, this man William Black was also fined for a violation of the alien contract-labor law.

Mr. TAWNEY. He was.

Mr. COX of Indiana. Fined $1,000?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. Has that money been paid?

Mr. TAWNEY. Yes; and this is to refund one-half of it.

Mr. COX of Indiana. He has paid into the Treasury $1,000?

Mr. TAWNEY. That is what I understand.

Mr. COX of Indiana. And it is proposed to pay back one-half of that fine?

Mr. TAWNEY. Yes; in consideration of his having furnished the information to this Government whereby the other man was convicted. We have a similar statute in the Treasury Department, where the item is called payment of certain moieties. It is paid out by the officer of the Treasury Department for information furnished the department by individuals in regard to smuggling, which information is essential, and without which it would be impossible for the department to proceed with the prosecution in many cases. So it is essential, especially, as I am informed, in enforcement of the alien contract-labor law.

Mr. COX of Indiana. And the same explanation applies to the next item?

Mr. TAWNEY. Yes.

Mr. SULZER. I understand these fines have been paid into the Treasury, and the only way this man can get the money due him is by this appropriation?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. I withdraw the point of order.

Mr. BARTLETT of Georgia. I would like to ask the chairman a question. This provision states that it is one-half of a fine in his own case. Under the law, is the informer entitled to one-half of the fine of the person that he informs against? I take it for granted that in the other case he was entitled to one-half of the penalty in that case. Now, you propose by this to give him also one-half of the fine in his own case?

Mr. SULZER. That is the way the bill reads.

Mr. TAWNEY. That is the fact. He pleaded guilty and then turned State's evidence, which enabled the Department of Justice successfully to prosecute others who are believed to be guilty of a violation of the law, and in consideration of that fact one-half of his fine is to be remitted.

Mr. BARTLETT of Georgia. Yes; but the question I ask the gentleman is whether under the law he would be entitled to one-half of the fine as informer in these other cases?

Mr. TAWNEY. There is no law governing these cases. There is a law governing the Treasury cases. That is a different statute entirely. This is absolutely a matter of faith, a matter of carrying out the good faith of the district attorney who wanted to obtain the information and induced the party to turn States evidence, which he did, and furnished the testimony that enabled the Government to secure a conviction in the other cases.

Mr. COX of Indiana. Will the gentleman yield? I think I can call his attention to a statute on the subject.

Mr. TAWNEY. If there is a statute, then I have been misinformed.

Mr. COX of Indiana. United States Statutes at Large, volume 25, page 576:

That the act approved February 26, 1885, entitled "An act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its territories, and the District of Columbia" be, and the same is hereby, amended so as to authorize the Secretary of the Treasury to pay to an informer who furnishes original information that the law has been violated, such a share of the penalties recovered as he may deem reasonable and just, not exceeding 50 per cent, where it appears that the recovery was had in consequence of the information thus furnished.

Mr. TAWNEY. Well, there were no penalties recovered in this case. This man paid his own fine.

Mr. BARTLETT of Georgia. In other words, he informed against people and did not convict them, and he was the only person convicted.

Mr. TAWNEY. No.

Mr. FITZGERALD. My recollection is that in the four cases a fine of $1,000 each was made and $4,000 collected.

Mr. COX of Indiana. Black informed against Huggins.

Mr. FITZGERALD. Huggins. He is the person in one of the prosecutions whose employment was in violation of law.

Mr. COX of Indiana. And the Government could not convict Huggins without Black's testimony.

Mr. FITZGERALD. And the Government collected $4,000 in fines.

Mr. SULZER. Can the gentleman tell us from what country this man came?

Mr. FITZGERALD. No.

Mr. SULZER. Well, he has been sent back, has he not?

Mr. FITZGERALD. I do not know.

Mr. SULZER. And the chances are he will never get a dollar of this money.

Mr. TAWNEY. Mr. Chairman, I will read the testimony of Mr. Soleau:

Mr. SOLEAU. We needed information in addition to what they had to secure a conviction, according to the United States attorney. This man turned states evidence, and by his doing so we secured the conviction which resulted in collecting $4,000, which is now in the Treasury.

Mr. SMITH. Was Black himself fined?

Mr. SOLEAU. He turned states evidence, but they fined him just the same.

Mr. SMITH. They fined him $1,000?

Mr. SOLEAU. Yes, sir. There were four who were fined $1,000 each, and we want to give Black half of his fine by reason of his testimony.

Mr. SMITH. The fines have been paid in full?

Mr. SOLEAU. Every dollar has been covered into the Treasury. There is a practice, based on an act of Congress, which provides that informant may be given something for informing, but we have no appropriation for that purpose.

Mr. CAMPBELL. May I ask the gentleman a question? In what State did this prosecution take place?

Mr. TAWNEY. I do not know.

Mr. CAMPBELL. Was there any information brought to the attention of the committee, if it was in a State that protects contract labor?

Mr. TAWNEY. I will recall the answer that I made just now, and say that the prosecution was in the southern district of the State of New York.

Mr. CAMPBELL. Now, if this prosecution had been in a State that permits contract labor, what would have been the attitude of the authorities of the United States?

Mr. TAWNEY. They would have had to enforce the United States law.

Mr. BONYNGE. But there is no State that admits contract labor. This is a federal statute that prohibits contract labor.

Mr. CAMPBELL. Oh, there are States that do permit contract labor.

Mr. BONYNGE. They can not enforce contract labor in the United States because a federal statute prohibits it.

Mr. CAMPBELL. I am now talking about state laws. I understand this is a federal statute. The prosecution of this case occurred——

Mr. TAWNEY. On account of the violation of the federal law.

Mr. CAMPBELL. Whether it occurred in the jurisdiction where the laborers had been imported under a state law that permitted contract labor to be brought in.

Mr. HUGHES of New Jersey. There is no such state law.

Mr. CAMPBELL. Virginia permits their being brought in.

Mr. NORRIS. That would not relieve them from the operation of the federal law.

Mr. CAMPBELL. I understand that. I was simply laying foundation to ask whether or not the question had been raised.

Mr. SULZER. The most important part in this matter is whether this man Black has been sent back to the place from which he came, and if he has gone back there, whether he will ever get a cent of this money if it is appropriated.

Mr. KEIFER. He never will get it until it is appropriated.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Payment to Thomas Windridge and others: To pay to Thomas Windridge, James Greenwood, William Cameron, and Robert Jones, for information furnished that led to the conviction of the Allis-Chalmers Company for importing aliens under contract from England in violation of the immigration laws, for which a fine of $4,000 was imposed and collected, $500 each, $2,000.

Mr. FINLEY. Mr. Chairman, I reserve the point of order on this paragraph. I would like to ask what is the necessity of bringing this claim here in this manner?

Mr. TAWNEY. Simply because the Department of Commerce and Labor have no appropriation out of which to pay the amount that is due under the statute for information obtained under which convictions are secured.

Mr. FINLEY. But allowances like this ought to be paid out of receipts from the immigration fund.

Mr. TAWNEY. Paid out of what fund?

Mr. FINLEY. Receipts from the immigration fund.

Mr. TAWNEY. They can not.

Mr. FINLEY. This is not an expense incurred in the administration of the law?

Mr. TAWNEY. This is an expense incurred in the administration of the alien contract-labor law.

Mr. FINLEY. And has no relation, then, to fees received from immigrants coming into this country?

Mr. TAWNEY. It is not material whether they should be paid out of that fund or not, as there is no money in that fund.

Mr. FINLEY. What has become of that fund?

Mr. TAWNEY. It is exhausted. In order to save time, I will refer the gentleman to the very voluminous statement as to the expenditures that have been made out of this fund, and I would refer him to the hearings, where he will get much more accurate and better information. I will say to the gentleman it is due to the action of Congress in authorizing expenditures for this service out of this fund, like the construction of an immigration station at a cost of a quarter of a million dollars in Philadelphia and another one somewhere else, and then the enforcement of the naturalization laws—all of that comes out of that fund; then the legislative immigration commission, that have expended in the neighborhood of $300,000, I think, until to-day the fund is not only exhausted, but we have under consideration a deficiency estimate of $500,000 to meet the expenses of the administration of the immigration laws during the remainder of this fiscal year.

Mr. FINLEY. One other question. This is an ordinary claim against the Government, is it not?

Mr. TAWNEY. No; it is not.

Mr. FINLEY. Well, in what respect does it differ from such a claim?

Mr. TAWNEY. It is a statutory obligation.

Mr. FINLEY. Are not many bills to cover claims of this character introduced here and referred to the Committee on Claims?

Mr. TAWNEY. Well, this will not be referred to the Committee on Claims, because it is an ascertained amount, and the liability of the Government is a statutory liability, and the only reason they are here is the department has no appropriation from which the obligation could be paid.

Mr. FINLEY. I understand the gentleman that heretofore there has been an appropriation out of which the department could pay such claims.

Mr. TAWNEY. No; we make specific appropriations in each case.

Mr. FINLEY. I withdraw the point of order.

The Clerk read as follows:

Bureau of Standards: Toward procuring a testing machine, to cost not exceeding $150,000, and for services in connection therewith, for the determination by the Bureau of Standards of physical constants and the properties of materials as authorized by law, $50,000, to be immediately available.

Mr. PERKINS. Mr. Chairman, I reserve the point of order so as to get information in regard to this $150,000 testing machine.

Mr. TAWNEY. Mr. Chairman, Congress at the last session directed that the so-called "Emery testing machine," which was established many years ago at the Watertown Arsenal, Mass., should be transferred from the Watertown Arsenal, in that State, to the Bureau of Standards. In making the transfer, however, it was omitted to provide for the transfer of the appropriation for the operation of the machine which had been made at Watertown.

Owing to that fact and the fact that there was no appropriation for the operation of the machine here, by agreement between the two departments the machine remained at Watertown, or was allowed to remain there until this session of Congress, but at this session of Congress information or testimony was had by the head of the Bureau of Ordnace in the War Department as to the necessity of retaining a testing machine at the Watertown Arsenal. The chief of that bureau, knowing that the law directed that this machine be removed from Watertown to the Bureau of Standards, submitted an estimate of $125,000 for a new testing machine at the Watertown Arsenal.

Mr. PERKINS. What is this testing machine—what is its exact work?

Mr. TAWNEY. If the gentleman will let me finish my statement——

Mr. PERKINS. Certainly.

Mr. TAWNEY. Which explains why this is here, and rather than go to the expense of bringing that machine down here and providing for the construction of a new machine up there we concluded the best plan would be to provide for a new machine here, and provide for a machine of a little larger capacity than the Emery machine, and also provide for a machine which would be a compression machine as well as a tension machine.

This machine at the Watertown Arsenal, as well as the machine authorized here, is a machine that tests the tensile strength of metals of all kinds.

Mr. MANN. Not only metals, but everything.

Mr. TAWNEY. Testing the tensile strength of metals and all materials of that kind. And the machine is so finely constructed that it will accurately measure the tensile strength of a horse hair, or a shaft 6 inches thick, or 10 or 20 feet long, or as long as the machine itself. This machine is not the combined machine. It merely tests the tensile strength. The machine authorized here will be a combined machine, combining the tensile test and also the testing of compression strength. The capacity will be 1,000,000 pounds tensile and 2,000,000 compression strength.

Mr. PERKINS. This machine costs $125,000?

Mr. TAWNEY. One hundred and fifty thousand dollars.

Mr. PERKINS. Is this work of testing done on material belonging to the Government, or is it done on material that is furnished by private parties?

Mr. TAWNEY. The cost of the testing heretofore done on this machine at the Watertown Arsenal, outside of the government service, was charged to the individual that had the testing done, and it is intended to do the same with the testing of material outside here at the Bureau of Standards. As the

Bureau of Standards is now doing on all outside of scientific work, it is charging the cost of that work to the person for whom the work is done.

Mr. PERKINS. And that goes into the General Treasury?

Mr. TAWNEY. That goes to the credit of the general fund in the Treasury of the United States.

Mr. AMES. I would like to ask the gentleman a question.

Mr. TAWNEY. Certainly.

Mr. AMES. Where is it proposed to reinstall this Watertown machine?

Mr. TAWNEY. At the Bureau of Standards in the city of Washington.

Mr. AMES. Has not the Bureau of Standards four machines for testing purposes and now constructing a fifth?

Mr. TAWNEY. They have a number of machines for testing, but they have no machine that meets the requirements of their service in respect to the testing of large members of various kinds of construction.

Mr. AMES. Well, does the gentleman think, or has it been claimed, that this machine of 2,000,000 pounds capacity would test a chord of a large structure?

Mr. TAWNEY. It is estimated that it will. I concede, Mr. Chairman, and will say to the gentleman from Massachusetts [Mr. AMES] that recently there has begun an agitation among the engineers of this country in favor of a 10,000,000-pound *testing* machine and also compression machine. Now, some day undoubtedly this agitation will succeed. The Government will doubtless embark upon the enterprise of authorizing the construction of a machine of that capacity.

For myself, I do not think we have reached the point yet where the Government needs a testing machine of that capacity. But this machine I do believe is necessary, for the reason that there is greater activity in scientific investigative tests all over the country, not only by the Government, but by individual manufacturing establishments. Now, in order to meet the requirements of the engineering world, we ought to have a testing machine, not only one that will test the tensile strength of structural material, but also of compression strength, of a larger strength, of a larger capacity than the one at Watertown.

Mr. AMES. I understand that the Watertown machine tests both tensile and compression strength. I have worked at it, and I know. You are also constructing at present a 10,000,000-pound machine?

Mr. TAWNEY. That is exclusively a hydraulic compression machine, which was never authorized by law.

Mr. AMES. You have one now in Washington that will test up to 600,000 pounds compression or tension. Would you think we ought to erect this 150,000-pound machine?

Mr. TAWNEY. Where is the one with 600,000 pounds?

Mr. AMES. In Washington.

Mr. TAWNEY. Under what bureau?

Mr. AMES. The Bureau of Standards. I will refer to the hearings on the sundry civil appropriation bill. Director Smith says there are four machines—one of 200, one of 600,000, one a 10,000,000-pound machine—under construction, and so forth.

Mr. TAWNEY. The gentleman is talking about the Geological Survey.

Mr. AMES. There is no 600,000-pound testing machine in Washington?

Mr. TAWNEY. That is in the Geological Survey.

Mr. AMES. I asked if the Bureau of Standards had not some. I thought they had them here.

Mr. TAWNEY. I mean they have small machines for testing instruments and that sort of thing.

Mr. AMES. The Government has a 600,000-pound machine.

Mr. MANN. At Watertown.

Mr. TAWNEY. The Government has an 800,000-pound machine at Watertown.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Minnesota a question.

Mr. TAWNEY. Just one moment; I want to say in reference to this, that we were informed by the Chief of the Bureau of Ordnance that whether the estimate was allowed for the construction of this machine or not, it would be built out of some other appropriation. So we concluded to appropriate for it rather than have the old machine down here.

Mr. BUTLER. Is there not some other way to compel him to build it than build it out of some other appropriation?

Mr. AMES. Mr. Chairman, I want to ask the gentleman this——

The CHAIRMAN. The gentleman has yielded to the gentleman from Texas.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman, as I did not have the good fortune to hear all of his statement, having been called out, whether he has anywhere stated to the committee whether the Bureau of Standards has in any way made good its original claim that if it were founded and equipped it would have earnings sufficient if not to meet all, practically all, of its expenses? I observed that they have buildings and equipments of more than $880,000, and they are calling on Congress to buy a lot more land on which I presume they are to erect additional expensive buildings. I would like to know something about that.

Mr. TAWNEY. My recollection is the earnings of the Bureau of Standards for the fiscal year 1908 were in the neighborhood of $24,000. Of course, the gentleman from Texas must bear in mind that the work of the Bureau of Standards has been progressive. That is, they started in on a very small scale, and the demand for their work is greater than they have been able to meet, because of the restrictions under which they operate.

The Bureau of Standards is the only scientific bureau of the Government that is not operating under a lump-sum appropriation. The Bureau of Standards must submit detailed personal, incidental, and other expenses in their estimates, while the other scientific bureaus have lump-sum appropriations, and, of course, are able to advance more rapidly, especially when they do their work for nothing for the public.

Mr. SLAYDEN. I would like to ask the gentleman if he really believes that these large and increasing appropriations for the Bureau of Standards are of real practical benefit or really justified?

Mr. TAWNEY. I do. I believe that the Bureau of Standards, of all the scientific bureaus of the Government, is the best; and it is no pet of mine at all, because when I first commenced work on the Committee on Appropriations I confess that I was more or less prejudiced against the bureau, but after a careful investigation and study of the work of that bureau I regard it as the most valuable of all the scientific bureaus in connection with our Government.

It was my hope at the last session of Congress, when we authorized or requested the Academy of Sciences to investigate all of this scientific work on the part of the Government and to make a report with a view to consolidating in some one bureau all that work that could be consolidated, that we would have at this session of Congress a report from that eminent scientific organization that would enable us to legislate upon the subject. I regret exceedingly the report does not give us any information or any data upon which we can formulate legislation for the consolidation of this work.

Mr. SLAYDEN. Mr. Chairman, I want to say that I have great respect for the judgment and sincerity of the chairman of the committee, and really I ordinarily accept his statement about these matters, and I do in this case; but I have not been able to comprehend the necessity of these extraordinary expenditures for the Bureau of Standards. There are other appropriations made for scientific branches of the Government that come nearer to me, the work of which and the meaning of which I comprehend, one of which my friend from Minnesota has vigorously assailed from year to year. I have seen the good influence and good effect of that work, and I hope that he will go as far in extending the work done for the examination and testing of fuels as he has in the examination and testing of the tensile strength of structural material examined in the Bureau of Standards.

Mr. AMES. I should like to ask a question.

Mr. TAWNEY. I yield to the gentleman from Massachusetts.

Mr. AMES. Is it not a fact that the Quebec bridge failed, not through any want of care or fault of design or construction, according to the standards and customs of bridge builders, but because they never had an opportunity of testing a built-up chord? Now, you have an 800,000-pound machine here. Why start in and waste $150,000 on a 2,000,000-pound machine when that is not anywhere near large enough to test a full-grown chord? Why not let this $150,000 machine go by, and let us wait until Congress can afford to build a machine large enough to test a full built-up chord, a ten or fifteen million pound machine? Having an 800,000-pound machine, you can get all the tests, practically, that you could have with a 2,000,000-pound machine by reducing the size of the prisms tested, but you could not possibly reduce the size of a built-up chord for the purpose of testing a full-grown chord.

Mr. TAWNEY. Mr. Chairman, I realize the disadvantage under which a blacksmith labors when he undertakes to answer questions propounded by a skilled and educated engineer. That is my embarrassment at the present time. I know, of course, that there is no machine in existence to-day of sufficient capacity to test the members of the bridge referred to by the gentleman, which was destroyed at Quebec, and resulted in great loss of life, as I understand; but I do not know that the time

will ever come when it will become necessary to test the members of structures of similar size to those that were used in the construction of that bridge. I believe that a 2,000,000-pound testing machine will come nearer meeting the practical demands of the engineering world to-day than we are now able to meet those demands. For that reason I think we ought not to go any further than is necessary for that purpose. It may be necessary later on to build a larger machine.

I do not say that it will not be; I may be in error, but in that case I submit that if we have a 10,000,000-pound testing machine, the cost of its operation and maintenance for tests which could be made by a 2,000,000-pound machine would be so much greater that there would be economy in having a 2,000,000-pound testing machine, even if we have the 10,000,000-pound machine also.

Mr. AMES. I understand that your 10,000,000-pound testing machine under construction would cost some $32,000.

Mr. TAWNEY. No; I am talking about the new machine, the Emery machine, which the engineering world to-day is so much interested in.

Mr. AMES. I understand this new machine you are building at a cost of $32,000, to test up to 10,000,000 pounds compression, would not have even one-quarter of the necessary capacity to have tested one of the chords of the Quebec bridge.

Mr. TAWNEY. I do not think you could test that at all.

Mr. AMES. I say, it would not be a quarter enough. So you see a 2,000,000-pound machine would not carry you any nearer than an 800,000-pound machine.

Mr. TAWNEY. Could you test the chords of the Quebec bridge at all in a compression machine?

Mr. AMES. Oh, yes; indeed.

Mr. TAWNEY. I did not know you could test the tensile strength in that way.

Mr. DOUGLAS. Will the gentleman allow me to ask him a very simple, unscientific question?

Mr. TAWNEY. Yes; but if the gentleman has any scientific question to ask, I refer him to the distinguished engineer from Massachusetts instead of "the gentleman from Minnesota."

Mr. DOUGLAS. What is the objection to bringing back to Washington the Watertown machine and putting it in the Bureau of Standards, where it was?

Mr. TAWNEY. The gentleman is mistaken.

Mr. DOUGLAS. In what respect?

Mr. TAWNEY. The testing machine at Watertown has never been here.

Mr. DOUGLAS. I thought you said a minute ago——

Mr. TAWNEY. We authorized it to be brought here, but neglected to transfer the appropriation as well as to authorize the transfer of the machine. So by agreement between the two departments the machine remained in Watertown; but under the expectation that the machine was going to be taken away the Bureau of Ordnance in the War Department estimated for a new machine. So we have concluded, instead of bringing the old machine down, to leave that there and authorize the construction of a new machine.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word.

Mr. MONDELL. One moment, Mr. Chairman. I understand the gentleman to say that the law provides for the removal of this machine from the Watervliet Arsenal.

Mr. TAWNEY. The provision for the repeal of that law has been agreed to in the legislative appropriation bill by both Houses, and that part of the agreement has been adopted by both Houses.

Mr. GAINES of Tennessee. Mr. Chairman, I see from the hearings that we have appropriated in all $887,000 for this Bureau of Standards. Now, I have rather kept track of this Bureau of Standards and tried to keep it from getting so much money and growing so fast, because I did not see any need of it.

Now, what does Doctor Stratton say about these machines on page 918 of the hearings? He says:

> The CHAIRMAN. Is the erection and operation of a testing machine, especially for mechanical testing, necessary to complete the equipment of the Bureau of Standards in order to fully carry on the functions of that bureau as now authorized by law?
>
> Mr. STRATTON. Yes, sir. The bureau purchased a 100,000-pound testing machine the first year; it was located in the new buildings. It contemplated the addition of a two or three hundred thousand pound testing machine this next year and one of about 1,000,000 pounds capacity as soon as possible. The bureau has a number of other testing machines besides those for tension and compression.

Now, there are three testing machines, one of 100,000 pounds, one of 300,000 pounds, and one of about 1,000,000 pounds. I want to ask, first, why do you want the machines at all, and second, why do you want them so rapidly, and why do you want them so much larger than was thought necessary a while ago?

Mr. TAWNEY. I should be glad to gratify the gentleman from Tennessee, but I know that he was in his seat when I went over this whole matter, and if I failed to make it clear why it was necessary to authorize the construction of these machines, I can not now add anything to it or make it any clearer.

Mr. GAINES of Tennessee. The gentleman did not cover this point—why was the hundred-thousand machine procured at first, and then one of three hundred thousand, and now he says a million-pound machine is contemplated.

Mr. TAWNEY. What is the gentleman reading from?

Mr. GAINES of Tennessee. I am reading from Doctor Stratton's testimony, on page 918 of the hearings.

Mr. MANN. Will the gentleman from Tennessee yield for a question?

Mr. GAINES of Tennessee. Yes.

Mr. MANN. I hope the gentleman will take it all in good part. The gentleman and I have disputed over the Bureau of Standards, I think, every time the sundry civil bill has come up for consideration for a number of years.

Mr. GAINES of Tennessee. How old is the Bureau of Standards?

Mr. MANN. It was transferred from the Treasury Department, where it had just been organized, into the Department of Commerce and Labor, when the bill passed five or six years ago. Every time I have asked the gentleman from Tennessee if he would not confer a favor upon himself and his country by going out and visiting the Bureau of Standards and its work. Now, I want to ask the gentleman if he has ever done so?

Mr. GAINES of Tennessee. I say frankly to the gentleman that I have not.

Mr. MANN. Then I do not think the gentleman ought to criticise the bureau.

Mr. GAINES of Tennessee. I am not criticising the bureau. I am asking why, in these things, they jump from a hundred-thousand-pound machine to a million-pound machine?

Mr. MANN. It is not difficult to inform the gentleman.

Mr. GAINES of Tennessee. Not if you answer my question.

Mr. TAWNEY. The difference between the capacity of the two machines ought to be sufficient information for the gentleman.

Mr. MANN. The Bureau of Standards is doing very important work.

Mr. GAINES of Tennessee. What?

Mr. MANN. All kinds of standardizing work.

Mr. GAINES of Tennessee. For whom?

Mr. MANN. For the Government. It makes standards, and anybody gets the standard.

Mr. GAINES of Tennessee. Is the Government in the business?

Mr. MANN. Standardizing work, such as making electrical standards.

Mr. GAINES of Tennessee. For whom?

Mr. MANN. For the world.

Mr. GAINES of Tennessee. Oh, we are running this concern for private individuals?

Mr. MANN. Not at all. The gentleman does not understand. It is not the standard of the thing itself; it is not a test of the thing itself. Occasionally they do test the actual thing for which people pay, but it is like the structural test, the coal test.

Mr. GAINES of Tennessee. I am trying to get at the right of this thing.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask for three minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for two minutes. Is their objection?

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman tell me if it has been doing any work for the United States Steel Corporation?

Mr. MANN. It does not do work for any corporation as a corporation.

Mr. GAINES of Tennessee. Has it done any at all for that corporation?

Mr. MANN. I could not answer that question.

Mr. TAWNEY. I will answer the question, and say that it has.

Mr. GAINES of Tennessee. For the United States Steel Corporation?

Mr. TAWNEY. Yes; and the United States Steel Corporation paid them for it.

Mr. GAINES of Tennessee. What is it?

Mr. TAWNEY. It is the test of instruments they are using, the standardizing of instruments.

Mr. GAINES of Tennessee. Is it possible that that great concern comes down here and keeps alive a government manufactory?

Mr. MANN. Permit me to say to the gentleman that when instruments are tested in this bureau, if they were not tested here they probably would have to be sent to Germany.

Mr. GAINES of Tennessee. I would say to my friend that I do not——

Mr. MANN. I wish the gentleman would accompany me out to the Bureau of Standards. It will teach him——

Mr. GAINES of Tennessee. I would go most anywhere with the gentleman.

Mr. MANN. It will teach him more in reference to this question than talk in the House could teach him in forty months. It is one of the most interesting developments of the Government.

The Clerk read as follows:

PUBLIC BUILDINGS.

Building for Geological Survey and other offices: Toward the construction, on square 143, in the city of Washington, belonging to the United States, of a fireproof building, of modern office type of architecture, which building, including vaults, heating and ventilating apparatus, elevators, and approaches complete, shall cost not exceeding $2,500,000, and shall be designed and constructed of sufficient area and capacity to occupy all of said square as a building site, and to afford, when completed, office accommodation for the entire organization at Washington of the office of the Geological Survey, Indian Office, office of the Reclamation Service, and General Land Office, $100,000; the said building shall be constructed under the direction of the Superintendent of the Capitol Building and Grounds, subject to the control and supervision of the Secretary of the Interior.

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. TAWNEY. Mr. Chairman, the point of order, if made, undoubtedly would have to be sustained. The reason for this provision is this: The Geological Survey has been occupying rented quarters for many years, and for four years to my knowledge the attention of the Committee on Appropriations, and I think the attention of the Committee on Public Buildings and Grounds, has been brought to the necessity of providing more commodious, suitable, and safe accommodations; in fact, a safe building for the Geological Survey. The Government is also paying out a great deal of money for the rent of buildings occupied by other bureaus of the Interior Department, and it was thought, in view of the recent fire in the building occupied by the Geological Survey, which resulted in the destruction of about $18,000 worth of government property, and in view of the danger that the value of property belonging to the Government in the office of the building occupied by the Geological Survey may be destroyed, we ought to commence at least looking to securing some suitable and safer accommodations and quarters for that bureau.

Therefore we have authorized the construction of this building on a lot owned by the Government of the United States, bought and paid for a number of years ago, which is lying idle and is not utilized at all, and we have also provided for a building of a sufficient size and capacity to accommodate not only the Geological Survey, but the Land Office, the Indian Bureau, and the Reclamation Service.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. MANN. What lot is this?

Mr. TAWNEY. This is a lot commonly known as the "Hall of Records." The lot was purchased some time ago, and is located west of the State, War, and Navy building. I think it is a couple of blocks west and a block south, if I am not mistaken.

Mr. MANN. Where is it from the Corcoran Art Gallery?

Mr. TAWNEY. North and west.

Mr. SLAYDEN. How far from the Corcoran Art Gallery?

Mr. TAWNEY. Within a block or two. I have never seen it but once, but it is in the vicinity of the Corcoran Art Gallery.

Mr. NORRIS. I think I can tell the gentleman how the lot is bounded.

Mr. MANN. That would not convey any information to me to know how it is bounded.

Mr. NORRIS. It is between Eighteenth and Nineteenth streets and E and F. That block would corner so that it would make the location on the southwest of the lot—that is, directly west of the State, War, and Navy building—the block that is directly west of that building and which is just diagonally across the street from what is known as the "White Lot."

Mr. MANN. That is, it is south of that block and one block beyond?

Mr. NORRIS. Yes. It is in the vicinity of the Octagon House. It is directly across the street, as I remember the location.

Mr. MANN. Why has not this block been used for the construction of a hall of record?

Mr. BARTHOLDT. Because we have not made an appropriation for it.

Mr. TAWNEY. Well, there is no authorization for the construction of a hall of record.

Mr. MANN. The gentleman will remember, I think, that there never has been for any public building in Washington such a campaign of education carried on as there was to secure a hall of records. Up and down, all around, it was represented to be that the Government could not continue in existence if we did not have a hall of records.

Everything was going to fall to pieces if we did not get a hall of records; statesmen, educators——

Mr. TAWNEY. And is it not a fact that agitation ceased almost immediately after we bought that block?

Mr. MANN. Yes. Now, the question with me is, whether there is any more occasion now for complying with the agitation for this department, merely because they had a fire up here and destroyed a few pieces of property, than there was for a hall of records.

Mr. TAWNEY. I think if the gentleman will take the trouble to inquire into the present crowded condition of the Geological Survey he will find we had, at the last session of Congress, to authorize the rent of another building outside in order to accommodate them.

Mr. MANN. That is to put the records in. We have got more buildings employed in Washington to put records that would be and ought to be in a hall of records——

Mr. TAWNEY. If I had had my way three years ago the Committee on Appropriations would have reported an appropriation for a hall of records, but we could not utilize that lot in that way, so I concluded in view of the urgent necessity for a building for the Geological Survey that it would be best to utilize it in this way.

Mr. MANN. Does the gentleman seriously believe, and say, if this item should go in when enacted into law it would provide for this building on this site?

Mr. TAWNEY. I do. If it does not go in on this site there will be no more money appropriated.

Mr. MANN. That is not in the power of the gentleman. The moment it stays in the bill and it goes to the Senate this item will not provide for a building on this site. It goes to conference, and the gentleman can not refuse to report the bill back to the House, and the House then becomes subject to the pressure of everybody in this city to put this building on some other site and not put it on this site.

Mr. TAWNEY. I will say to the gentleman that the people who are interested in building this building for the Geological Survey do not make any objection to the site at all.

Mr. MANN. But the architects who run the town, the newspapers who contribute toward it, are all opposed to locating this building on this site. It interferes with the plans, and I am not satisfied that it would remain on this site if appropriated for.

Mr. MONDELL. May I ask the gentleman a question?

Mr. TAWNEY. Certainly.

Mr. MONDELL. Does the gentleman consider this an appropriate site for a public building for these important bureaus of the Government which must be very frequently visited by every Member of Congress?

Mr. TAWNEY. I do; and I will tell the gentleman why. This is purely a workshop; it is intended to be an office building, not a building of ornate architecture or of artistic design necessarily, but it is to be an office building where the occupants of the building will have an opportunity to get all the light necessary.

We want to get the people where they can have a building with plenty of light, with windows in the building, so as to secure plenty of light for the work that they must do in that building. It is not intended to be an ornament or a monument, I should say, to the city of Washington, but an office building—a workshop—and for that reason it can be built for much less than it would be otherwise.

Mr. GAINES of Tennessee. How much rent are we paying now for this Geological Survey?

Mr. TAWNEY. I can not tell at the moment.

Mr. NORRIS. This will save about $51,000, by having in one building all the different bureaus which are contemplated to go in there.

Mr. HAUGEN. Sixty-seven thousand dollars, altogether.

Mr. BARTHOLDT. Mr. Chairman, I am not particularly interested as to where this building is to be located, but I am interested to locate it on government ground no matter where it be. The Government owns sufficient ground in this city to locate nearly all the new buildings that might be needed within

the next four or five years; hence I would object to the purchase of any ground for any one of those public buildings that we are to erect in the near future, and I hope the gentleman from Illinois will not insist upon his point of order. This matter is important. It has been called to the attention of the Committee on Public Buildings and Grounds, and that committee, owing to the demands from the country for public buildings, was unable to take this matter under consideration.

We waive our rights in this matter and are perfectly willing, owing to the necessities of the case, that the Committee on Appropriations should take care of this building. A fire in that building recently destroyed valuable maps and records and instruments. Such a fire in the fire trap in which it is located now might occur at any moment and any day, and millions and millions of damage might be done to the Government by Congress refusing in time to provide for a fireproof building for that important bureau.

However, there is one section in this paragraph regarding which I would like to ask the chairman of the committee a question. It provides that the Superintendent of the Capitol Building and Grounds shall prepare plans for this building.

Mr. TAWNEY. No. To be constructed under his direction.

Mr. BARTHOLDT. I might as well say it now before the point of order is taken up and decided, that my idea about these matters is that we should somewhere in some department have an official with a sufficient force to prepare the plans for all the government buildings we are constructing. I should like to consolidate all that work into one particular bureau. We have no department of public works. I think we ought to have. The Treasury Department has been the department which has taken care of these matters, and I do not see why the Supervising Architect of the Treasury Department should not be charged with the execution of these plans.

Mr. TAWNEY. I will explain to the gentleman. There was no malice aforethought or anything of that kind that prompted the committee in putting this paragraph in the bill. The Supervising Architect is the executive officer of the so-called "Fine Arts Commission." Now, we have undertaken to locate this building on government land. We have also attempted to decide the character of architecture.

I assume that the Supervising Architect would be more or less under the influence of the commission, and I also believe that with the amount of work that he has on hand now, and with the success that Mr. Woods has achieved in the architecture and construction of these two buildings here, it could be done just as well by Mr. Woods under the direction of the Secretary of the Interior. We do not want to make this building for the Interior Department. The Superintendent of the Capitol Building and Grounds is an officer under the Secretary of the Interior, and we thought it would be better to leave the whole thing to the Interior Department.

Mr. BARTHOLDT. I yield to no man in my admiration for the Superintendent of the Capitol. I think he is one of the most efficient and competent officials of the Government. But I do not like to see two drafting rooms—two forces employed by this Government that are doing exactly the same work. I should like to see all that work done in one place and under the supervision of one officer. Whether it is the Superintendent of the Capitol or the Supervising Architect, I do not care. I am sure in each case the work would be done to the satisfaction of the House and of Congress.

Mr. MANN. I have not but a word to say. The gentleman from Missouri [Mr. BARTHOLDT] does not like this item, and I have a great deal of confidence in his opinion. It does not satisfy me the way it stands. There is no fair chance——

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN (continuing). Therefore, I make the point of order.

Mr. SULZER. I suggest that the gentleman withhold his point of order for a few minutes.

Mr. MANN. We have held the point of order now for twenty-five to thirty minutes, listening about something else.

Mr. SULZER. I ask for a little time.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois [Mr. MANN] reserves the point of order?

Mr. MANN. I will withhold it for five minutes for the gentleman from New York.

The CHAIRMAN. The Chair will recognize the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, no point of order should be made against the provision in this bill for a new, adequate, and fireproof building for the Geological Survey. This is a matter of necessity. In my opinion there is no department of the Government doing so much to-day to develop the material resources of the country as the Geological Survey. I think we all appreciate the value of the work and the importance of preserving it in a fireproof building. The work of the Geological Survey is a monumental one, and we appropriate hundreds of thousands of dollars every year to prosecute it all over the land, and after the work is done and the data collected we allow it to be stored in an old fire-trap building here in Washington, liable to catch fire at any time, and if it burns down all of these valuable records will be destroyed. If they are destroyed, the loss would be incalculable. These maps and records and data never can be duplicated without the expenditure of millions and millions of dollars by the Government. A new building for the Geological Survey is absolutely necessary. It should be a modern, up-to-date fireproof building with all conveniences for this great and important work. Very recently there was a fire in this old building occupied at present by the Geological Survey and where it has been for a number of years, and over $18,000 worth of invaluable property was destroyed before the fire was put out.

Suppose that fire had occurred in the nighttime and had not been put out quickly. All of the building, with its contents, would have been consumed and the loss would have been a national and irreparable loss to all the people.

The constant danger of fire presents the most urgent ground for consideration of this proposition. An inventory of the public records and other property exposed to this danger at the present time aggregates over four and a half million dollars, with the following items:

Manuscript maps, reports, illustrations, notes, and records in process of preparation for publication	$1,514,000
Permanent records, including stream-gauging records, mine maps, and other data not replaceable	1,250,000
Library and catalogue	520,000
Maps in process of engraving	380,000
Engraved plates	634,000
Instruments and apparatus	157,000
Engraving and printing equipment and supplies	75,000
Publications—reports and maps	196,000
Miscellaneous office equipment	114,000
	4,840,000

This estimate is conservative and can not express the actual loss that the public would suffer, inasmuch as the second item includes many records, extending through a quarter of a century, which can not be replaced.

Scientists and engineers who have occasion to use the survey library or to examine the public records have freely expressed their appreciation of the danger to this property. A recent published statement is that of the city engineer of San Francisco:

> In examining many of the buildings in Washington occupied by the various departments, buildings in which are stored data and documents of almost incalculable value, I find that they are mainly structures which would not rank higher than San Francisco's third-class buildings. It is astonishing that the Government faces such risks. Note the Geological Survey. The floors in that building are of wood, so are the doors and file cases and furniture, and in that building are data many times the value of the structure. Now, a building of that kind is not safe. I would suggest for economy that the government buildings be put in better shape to resist possible fire.

The Engineering and Mining Journal of December 26 last, in an editorial, states:

> The Geological Survey on December 16 had a fire in its headquarters in Washington, whereby many maps, photographs, and other records of value were destroyed. About three years ago the Journal forecast that this would happen sooner or later, the building rented for the Geological Survey being a dangerous fire trap. We urged then that Congress should provide the Geological Survey with suitable headquarters.

The Engineering News of December 24 calls attention to the narrow escape of the "entire building, with priceless records, from complete destruction," and the Mining and Scientific Press offers "congratulations to the Geological Survey on escape from a great disaster."

To remedy this critical situation and to provide adequate quarters for not only the Geological Survey, but also the General Land Office, the Office of Indian Affairs, and the Reclamation Service—the bureaus of the Interior Department which have to do with the public lands—it is now recommended that there be erected a fireproof building with sufficient floor space for these four bureaus.

Mr. Chairman, I know of no more important work to be done to-day for the best interests of the people, and I sincerely trust my friend from Illinois [Mr. MANN] will not insist on the point of order. If he does, it will amount to little less than a national calamity in case of a fire. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. The point of order is sustained.

The Clerk read as follows:

> Repairs of buildings, Interior Department: For repairs of Interior Department and Pension buildings, and of the old Post-Office Department building, occupied by the Interior Department, including preservation and repair of steam-heating and electric-lighting plants and elevators, $20,000.

Mr. GAINES of Tennessee. I move to strike out the last word. Mr. Chairman, we have just lost a paragraph in this bill that I wish to have retained in it. Now, we are paying out by actual calculation $471,000 a year for rent of private buildings in which to do the public service in the District of Columbia.

Mr. SULZER. Mr. Chairman, I am glad the gentleman from Tennessee is making that point. I intended to make it, but did not have the time.

Mr. GAINES of Tennessee. I developed that a long while ago.

Mr. TAWNEY. Mr. Chairman, there is a great deal of this bill on which we have got to act to-night, and I must insist upon the rule that requires gentlemen to speak to the paragraph under consideration.

Mr. GAINES of Tennessee. I wanted to bring that matter home to the chairman. Now, we are paying $471,000 a year for private buildings for conducting the public business.

Mr. TAWNEY. I make the point of order that the gentleman is not addressing himself to the paragraph under consideration.

The CHAIRMAN. The Chair sustains the point of order. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Improving the Capitol grounds: For the care and improvement of the grounds surrounding the Capitol and House of Representatives Office Building, pay of one clerk, mechanics, gardeners, for fertilizers, repairs to pavements, walks, and roadways, $27,500.

Mr. MANN. Mr. Chairman, on line 2, page 104, I move to strike out the words "of Representatives."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On line 2, page 104, strike out the words "of Representatives."

Mr. MANN. The reason for that is, by a joint resolution that was passed by Congress at the last session we adopted the technical name "House Office Building," and it is a much shorter title.

Mr. TAWNEY. You mean "of Representatives" should be stricken out?

Mr. MANN. Yes.

Mr. TAWNEY. That is right.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Lighting the Capitol and grounds: For lighting the Capitol and grounds about the same, including the House of Representatives Office Building, Botanic Garden, Senate and House stables, and engine house, Maltby Building, and folding and storage rooms of the Senate and House of Representatives; for gas and electric lighting; pay of superintendent of meters, at the rate of $1,600 per annum, who shall inspect all gas and electric meters of the Government in the District of Columbia without additional compensation, lamplighters, gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, $78,500.

Mr. MANN. Mr. Chairman, I move to strike out, in line 8, the words "of Representatives."

The Clerk read as follows:

Line 8, strike out the words "of Representatives."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the exchange of typewriters, $295,000: *Provided*, That this appropriation shall be available for the payment of per diem, in lieu of subsistence, not exceeding $3 per day, of clerks detailed to examine the books and management of district land offices and to assist in the operation of said offices, and in the opening of new land offices and reservations, while on such duty, and for actual necessary traveling expenses of said clerks, including necessary sleeping-car fares: *Provided further*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out, of lines 9 and 10, the words "two hundred and ninety-five thousand" and insert in lieu thereof the words "three hundred and forty-five thousand."

Mr. MONDELL. Mr. Chairman, I trust that the chairman will accept this amendment. It increases the appropriation for contingent expenses of land offices by $50,000. It is not my thought to increase the general appropriation of the land service; and if this amendment is adopted I would at the proper time move, or would hope and expect the chairman of the committee would move, that out of the million dollars in the next page this amount should be taken.

Mr. TAWNEY. Let me suggest to the gentleman from Wyoming that a better and more satisfactory way would be for him to insert it somewhere in the paragraph commencing in line 4, page 106, that the sum of $50,000 to be expended for the purpose of this appropriation be taken out of that million dollars.

Mr. MONDELL. Mr. Chairman, I offered the amendment here because I was of the opinion that the committee would not care to have the appropriation under this item divided.

Mr. TAWNEY. The reason I make this suggestion is this: The $500,000, together with the $250,000 we appropriated the last session over and above the amount previously appropriated, is for the purpose of bringing up the work of the General Land Office so as to make the work current. Now, in connection with and as one of the necessary incidents of bringing the work up to date will be an increased number of hearings and increased expense on account of hearings, all of which should come out of this million dollars we now propose to appropriate to clean the work up.

Mr. MONDELL. Mr. Chairman, I have no objection to the amendment proposed by the chairman of the committee.

Mr. TAWNEY. Another advantage, I will say to the gentleman, if this is done, is this: Hereafter the appropriation that is usually carried for the expense of the hearings will remain the same, whereas if we increase it $50,000, we will never be able to get it out again when this work has been brought up current. My idea is if we take this out of the total expense to bring the work up current, when we get it up current we can go back to normal conditions again.

Mr. MONDELL. I should like to ask the chairman of the committee if he would have any objection to an amendment which would make the $750,000 appropriation which is to be used to bring the work current available for the purposes provided for in this section, and also in the section on page 107, for expenses of hearings in land entries?

I desire to remind the gentleman that the Secretary of the Interior suggested in the hearings that this item under the head of "Expenses of hearings in land entries" might be provided for out of the lump appropriation.

Mr. TAWNEY. What do you estimate will be necessary for that?

Mr. MONDELL. I estimate that at the very least $50,000 will be needed for each of these purposes; they will probably need more.

Mr. TAWNEY. Will the increasing of these appropriations for that service advance or facilitate the work of cleaning up these land cases, in your judgment?

Mr. MONDELL. Mr. Chairman, it seems to me absolutely essential, if we are to clean up the land cases, that we shall grant the funds for cleaning them up. Now, the $750,000 of additional appropriation is simply for investigation. The final settlement of the land cases comes at the hearings. I do not desire to criticise the committee in regard to this matter, because the importance of it does not seem to have been impressed upon them, yet there is no increase whatever in the appropriation for hearings, and if the cases are to be closed there must be many hearings.

Mr. TAWNEY. We gave the full amount estimated. So if there is any criticism, it is not on the committee.

Mr. MONDELL. I have no desire to criticise the committee, and I do not think it is subject to criticism in the matter. The Secretary, however, seems to have overlooked the fact that while there are only a thousand hearings now set, and he estimates $35 as the average cost of a hearing, there are 2,771 coal cases where final receipts have been issued, but patents withheld until there shall have been a hearing, at least in cases in which the special agent shall report adversely to the entryman. There are 3,697 coal cases where final proof has been made and final receipt withheld, and in a large number of such cases no final decision can be had except through a hearing.

[The time of Mr. MONDELL having expired, by unanimous consent it was extended five minutes.]

Mr. TAWNEY. I will say to the gentleman from Wyoming that the committee propose to accept the gentleman's amendment; so it will not be necessary for him to take the five minutes.

Mr. MONDELL. I will take the time of the committee for just a moment further, to indicate the necessity for this provision. An investigation by a special agent will bring out certain facts with regard to entries. The investigation will clear up many cases, because, in my opinion, in a great majority of the cases the report of the special agent will be favorable to the entrymen.

Mr. TAWNEY. The department puts it at 50 per cent.

Mr. MONDELL. My opinion is that in nearer 75 or 80 per cent of the cases the report of the special agent will clear the case up; but I am of the opinion there must be at least from 1,000 to 1,500 additional cases tried this year, besides those cases already set. With that doubling of the number of cases the cost of trying them must increase in the same proportion.

Mr. FINLEY. What is the cost of trying each case?

Mr. MONDELL. The Land Office estimates that the cost of a hearing to the department—that is, the additional cost entailed by a hearing—is about $35. The cost to the entryman is very much greater.

Mr. FINLEY. About how many cases are there?

Mr. MONDELL. There are a thousand cases set, but I have called the attention of the committee to the fact that there are 2,771 cases where the entryman has been challenged, but in which he has his final receipt; that there are 3,697 cases where the entryman has been challenged and no final receipt issued, and there must be hearings in a great many of those cases. If we are to clear up the cases, a part of this appropriation should be used for cost of hearings before the registers and receivers; there must be additional clerks and there will be other expenses to be met.

Now, I understand the chairman of the committee is willing to accept an amendment whereby $100,000 of the $1,000,000 carried on the next page may be used for the purposes contemplated in the item of contingent expenses of land offices and in the item of expenses of hearings in land cases.

Mr. TAWNEY. I have the amendment prepared, and when that paragraph is reached I will insert it. I want to say that the proposition of the gentleman from Wyoming is necessarily incident to facilitating the work for which we make an appropriation of $1,000,000. If these cases must be heard they will have to have the money with which to conduct the hearings, and the more money they have the more cases they can hear.

The CHAIRMAN. Does the gentleman from Wyoming insist on his amendment at this point?

Mr. MONDELL. No; I will withdraw the amendment in view of the fact that the chairman will offer an amendment that accomplishes the purpose I had in view in the amendment I offered, and another I had intended to offer to increase the sum available for hearings before registers and receivers.

The Clerk read as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, $1,000,000, to be immediately available, of which sum $750,000 is for the purpose of bringing up the work of the General Land Office hereunder so as to make the same current, and not exceeding $10,000 of this appropriation may be used for the payment, in the discretion of the Secretary of the Interior, of fees of witnesses and of the actual expenses of witnesses summoned before the state grand jury to indict persons guilty of violation of the law in connection with the execution of deeds covering lands allotted in Oklahoma to the Mexican Kickapoo Indians, or before state courts at the trial of persons so indicted: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares, except when agents are employed in the district of Alaska, they may be allowed not exceeding $6 per day each, in lieu of subsistence.

Mr. MANN. Mr. Chairman, I make a point of order to lines 24 and 25, page 106, on the words "selected by the Secretary of the Interior and," so that it will read "shall be allowed per diem."

Mr. FITZGERALD. What is the object of the gentleman from Illinois?

The CHAIRMAN. Will the gentleman from Illinois state his point of order?

Mr. MANN. The point of order is that this is pure legislation where it provides that the agents and others employed under this appropriation shall be selected by the Secretary of the Interior.

Mr. FITZGERALD. Does the gentleman from Illinois wish to discontinue the men in the employ of the department?

Mr. MANN. It would not discontinue the service. They are in the employ of the department. It is a matter for the Executive to determine how they shall be appointed. Under this the Executive does not have any discretion about it. I do not wish to argue the question; I will argue the point of order. I did not reserve the point of order, or offer to.

Mr. FITZGERALD. Does the gentleman object to giving the information?

Mr. MANN. I make the point of order.

Mr. TAWNEY. I do not know that there is anything that can be said on the point of order. I was hoping that the gentleman from Illinois would appreciate the necessity of carrying this language. It is not the language of the committee, but it is the language of the department under which the estimate was submitted, and the character of this service is such that I do not believe that the most efficient results——

Mr. MANN. If the gentleman from Minnesota asks me to reserve the point of order, I will do it.

Mr. TAWNEY. I will ask the gentleman to withdraw his point of order in the interest of the public service. He has always been good-natured enough to do that on every occasion when this provision was considered in previous sessions of Congress, and I was really depending on his good nature to do so now.

Mr. MANN. This is by unanimous consent. I would like to know whether I am asked to reserve the point of order? I want to know whether it is the wish of the committee to waste the time of the commitee?

Mr. TAWNEY. I will ask the gentleman to reserve the point of order.

Mr. MANN. I will reserve it.

Mr. FITZGERALD. Is the gentleman from Illinois going to insist on the point of order?

Mr. MANN. I am.

Mr. TAWNEY. The current law provides for the special agents that are appointed in the classified service, with two or three exceptions.

The CHAIRMAN. Does the Chair understand that the point of order is made or reserved?

Mr. MANN. At the request of the chairman in charge of the bill I reserve the point of order.

Mr. MONDELL. I trust that the gentleman from Illinois will not insist on the point of order if the effect would be to put these employees under the civil service in such a way that the Secretary would have no discretion. Does the gentleman understand that that would be the effect?

Mr. MANN. In the first place, striking out these words does not put them under the civil service unless the President so classifies them. In the second place, if it did and the Secretary of the Interior should ask the President to take them out of the classified service and the next President followed the precedent of the existing President, he would take them out at the request of the Secretary of the Interior.

I will say to the gentleman that I am opposed to compelling the executive department to appoint people to office in violation of the standing precepts they are preaching to Congress. When we have a bill one day vetoed by the President of the United States because it does not provide for the appointment of every clerk in the Census Office through the Civil Service Commission permitting the appointment after competitive examination, and the next day having a bill at the request of the department itself insisting that Congress shall require them to make appointments in violation of the spirit of the veto message, I stand here to protect the name of the President of the United States against this unjustifiable assault. [Laughter.]

Mr. FITZGERALD. If the gentleman will permit me, I wish to say that this matter was not called to the attention of the committee in the forceful way it has been by the gentleman from Illinois [Mr. MANN], and in keeping with the spirit that seems to animate him, if he does not insist on the point of order——

Mr. MANN. Oh, I shall insist upon it.

Mr. FITZGERALD (continuing). I shall be inclined to do so myself. [Laughter.]

The CHAIRMAN. The Chair wishes the committee to understand that discussions of this kind under a reserved point of order are by unanimous consent.

Mr. MONDELL. I ask unanimous consent that I may discuss the matter for three minutes?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, since listening to the forceful remarks of the gentleman from Illinois, I do not know whether I desire him to make the point of order or not. The present practice under the language carried in this paragraph is to hold that the special agents are under civil service. However, the department makes a few exceptions in the case of the men who have special qualifications as timber men and mining experts. Now, I think the present practice an excellent one.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MONDELL. I will be glad to.

Mr. MADDEN. Can he tell the committee how the department ascertains the special qualifications of these men if they do not give them an examination in the classified service?

Mr. MONDELL. They do give them a special examination.

Mr. MANN. I can tell the gentleman how to ascertain the special qualifications. They see somebody—where I could see now, if I were looking down this corridor—in the other end of the Capitol. [Laughter.]

Mr. MONDELL. Mr. Chairman, these appointments, as I understand it, are made from the classified service, and after examination. I recommended several gentlemen whom I thought were well qualified, and I was told they could not be appointed because they were not on the eligible list of the classi-

fied service. If I had my way about it, none of these new special agents would be under the classified service, because I believe we would have much better service if these men were appointed by the Secretary on account of their qualifications for the work, instead of being appointed after civil-service examination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN (Mr. OLMSTED). The Chair understands that it is conceded that under the law these men are appointed from the classified service. This language to which the point of order is made provides for a different manner of selection. It changes existing law and the point of order is therefore sustained.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I hold the Attorney-General's report for 1907 in my hand and am reading under the head, "Prosecutions of land-fraud cases." He says:

The essential feature common to all of them is evasion of the several provisions of law limiting the amount of public lands to be acquired by any one individual or corporation and providing safeguards against the purchase of such lands, at the prices fixed by the Government, by persons and for purposes not authorized by law. The usual expedients adopted to evade these provisions have been fictitious entries made by persons employed and furnished with funds for that purpose by a person or corporation desirous of acquiring large tracts of land, these fraudulent entrymen conveying their titles, as soon as practicable with safety, to the real purchasers. All such transactions are necessarily fraudulent and involve numerous false oaths and either gross deception practiced upon public officials or the corrupt connivance of the latter. Nevertheless, in some localities they appear to have been practiced so long and with such impunity that their essential immorality, no less than their illegality, has been very generally lost sight of.

The department has caused the institution of a considerable number of criminal prosecutions in cases of this character, and has also brought many civil suits for the recovery of the lands thus fraudulently obtained. A number of tracts have been also reconveyed to the Government by those holding illegally acquired titles.

The department has received, in connection with these cases, many requests for indulgence to the parties concerned, founded upon the alleged ignorance of the latter that they were offending against the federal laws.

In Ellis *v.* United States (206 U. S., 246), decided May 13, 1907, the Supreme Court said: "If a man intentionally adopts certain conduct in certain circumstances known to him and the conduct is forbidden by the law, under those circumstances he intentionally breaks the law in the only sense in which the law ever considers intent."

The department has consistently acted in accordance with the foregoing statement of the law, and has found the less reasons for sympathy with offenders in cases of this character because it is difficult to believe that anyone can doubt the wrongfulness of false oaths and systematic deception.

I wrote to Secretary Garfield and asked him about some land-fraud cases in New Mexico, and asked him why he did not have criminal prosecutions instituted, and so forth, and on May 4, 1908, he gave me this excuse, as he said in his letter:

After a conference with the Attorney-General concerning the nature of suits to be brought, no criminal intent, other than the intentional evasion of the law, appeared in the evidence at hand either against the territorial officials or the purchasers and timber contractors.

No criminal prosecutions were instituted because the evasion was "intentional."

Yet the Attorney-General, in his report of 1907, a year before, quoting the Supreme Court, says:

If a man intentionally adopts certain conduct in certain circumstances known to him and the conduct is forbidden by the law, under these circumstances he intentionally breaks the law in the only sense in which the law ever considers intent.

Then the Attorney-General goes on, as I have read, to say that the department has consistently acted in accordance with the foregoing statement of the law.

Now, Mr. Chairman, I am not here to trap the Secretary of the Interior. I like Mr. Garfield. Nor am I here to trap the Attorney-General, Mr. Bonaparte. But here is the Attorney-General's report of 1907, and here is Mr. Garfield's letter of 1908, after that Supreme Court decision of 1907, and after they had found all these frauds, and they went along and filed an injunction suit as to these fraudulent purchases and possessions, but they instituted no criminal prosecutions, because the evidence did not show anything else than "an intentional evasion of the law."

That is the most remarkable statement that ever was writ or read in any court or read in this House—found "an intentional evasion" of the law, and therefore there was no criminal prosecution begun. How in heaven can we stop "depredations on timber;" how can we stop the fraudulent taking of land; how can we stop these great railroad corporations setting up dummies and hiring creatures to live around and settle on the public lands and then sell out to the corporations, with such an administration of the criminal law in this country? [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out the last word. I desire to call the attention of the chairman of the committee to an omission, I think, in line 19, page 106, with reference to the prosecutions with reference to lands allotted to the Kickapoo Indians. It reads this way:

In the discretion of the Secretary of the Interior, of fees of witnesses and of the actual expenses of witnesses summoned before the state grand jury.

I think it should state there "court or grand jury," because there is no use of having witnesses go before the grand jury unless they go before the court.

Mr. TAWNEY. This is the language the department has submitted to the committee, and we gave no attention to the matter in the hearing, but accepted their language, and we would not like to change their phraseology.

Mr. STEPHENS of Texas. But the gentleman can see at once it is more necessary to have the witnesses appear before the courts than the grand jury.

Mr. MANN. It says so; it says here:

Or before state courts at the trial of persons so indicted.

That is in line 22.

Mr. STEPHENS of Texas. Mr. Chairman, I withdraw my amendment.

Mr. TAWNEY. Mr. Chairman, I desire to offer the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 106, in line 23, after the word "indicted," insert:
"And not exceeding $50,000 additional for clerk hire, rent, or other incidental expenses of the district land offices, and not exceeding $50,000 additional for expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law."

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, this paragraph contains a most extraordinary increase of the appropriation for the protection of the public lands. In my opinion the sum provided, $1,000,000, is much more than is necessary for that purpose. In my opinion it can not be expended judiciously or in a way that will be helpful in the protection of the public lands. For years the appropriation under this item was about $200,000. It was considered sufficient. About three years ago the appropriation was increased to $250,000. Last year an additional appropriation of $250,000 was made to bring the work current. The effect of that appropriation has been not to bring the work current, but to make new cases; and while a year ago there were only something like 20,000 cases before the department, if I recollect rightly, there are said to be some 32,000 cases before the department now.

The result of the increased appropriation has been not to settle the cases, not to close the cases, but to create new cases, and the effect of this appropriation, I fear, will be not to close the cases, not to settle the cases that are now before the department, but to create new cases. Special agents oftentimes, without any particular qualifications to prepare them for investigations of this character, selected under civil-service rules, are sent into the western country to make investigations relative to the character of lands claimed by entrymen and as to whether or not entrymen have complied with the law.

In many cases these well-meaning but woefully inexperienced agents have little conception of their duties or of the character of the lands they examine. They are not geologists. They can not judge as to its coal or noncoal character. In the majority of cases they are not acquainted with timber, and they can not pass intelligently upon the question of timber or nontimber. Most of the new men are likely to have no idea of the difficulties under which entrymen labor.

Mr. FLOYD. Will the gentleman yield for a question?

Mr. MONDELL. I have only five minutes, but I will yield.

Mr. FLOYD. I would like to ask about a special case that happened to affect my district. By executive order a forest reserve was created covering a large portion of my district, embracing in the neighborhood of 801,000 acres. I am informed that the forest director who examined it under the authority of the Forest Service has suspended the entrance of nearly, if not all, of the homesteaders who had previously made entries in that territory, and they can not get hearings. They claim they have not inspectors to examine the lands and see whether or not the entries are proper, and I would like to know if this bill provides for that character of cases.

Mr. MONDELL. There is an additional appropriation of $770,000 in addition to the amount heretofore granted for investigations of the character referred to by the gentleman, and under the appropriation I join him in the hope that some of those cases will be cleared up. In all probability many of the charges against his constituents have little merit.

Mr. FLOYD. Will the gentleman yield further?

Mr. MONDELL. I am afraid I have not the time.

Mr. FLOYD. I want to state that some of these entries have been suspended for more than a year, and I do not know that any of them have been investigated or whether the homesteaders have had an opportunity for hearing upon them.

Mr. MONDELL. The gentleman's constituents are lucky. If their entries are not suspended for more than one or two or three years they are fortunate. There are many public land entries that have been suspended for two, three, and four years. I hope they will be cleared up under this appropriation, but I am not oversanguine.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may continue for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. As I was saying, in many cases the special agents appointed are not particularly well qualified for their work, and the temptation is to report new cases rather than to settle old ones. My opinion is that we can appropriate a million dollars this year, and a million and a half next year, and two millions the year after, and after having done all that we would have more cases than we have now. It is the easiest thing in the world to create a land case—an alleged fraudulent case. Let any sort of an anonymous communication, from anywhere, blow through the open doors of the Land Office, relating to a land entry, calling it in question in any way, and immediately that land entry is suspended, is put under suspicion, and it is a case for investigation.

Mr. FINLEY. Will the gentleman state that entries are suspended on the faith of anonymous communications to the Interior Department?

Mr. MONDELL. I do. Entries have been so suspended. There is no controversy on that point. The land officials hold that if they receive suggestions or communications or charges from any sources, it is their duty to assume that there is some basis for such charges, and investigate and learn whether or no there is a base for the charge.

Mr. FINLEY. To what extent does a procedure of that character cost the Government?

Mr. MONDELL. It would involve an investigation by a special agent, which might cost the Government a comparatively small sum, if the tract to be examined was in the vicinity of other tracts to be examined, or very much more if the tract was at some distance from other tracts to be examined.

Mr. FINLEY. About what would be the average cost of an investigation?

Mr. MONDELL. I have no sort of an idea.

Mr. FINLEY. As much as a hundred dollars?

Mr. MONDELL. Well, I think perhaps not. I think it does not cost a hundred dollars on the average to examine cases in the field. Perhaps $50, probably less. But that is only a guess.

Mr. FINLEY. To what extent are cases originated by anonymous communications?

Mr. MONDELL. Oh, I have no idea, Mr. Chairman. I know that cases have been so originated. Cases have come to my attention that have originated by anonymous communications. Of course, they are comparatively few compared with the great number of cases. I simply refer to that fact to show how easily a cloud can be thrown on a land claim. For instance, there are thousands of cases now where entries are challenged for this reason: In July, 1906, an executive order was issued and every tract of public land in the United States in a township within which a coal declaratory statement had ever been made was withdrawn from all forms of entry, filing, or selection; that action challenges every entryman on such lands, and the department refuses to issue patents to nonmineral entrymen until there has been a field examination and a hearing.

Mr. FINLEY. If the gentleman will permit me, who is it that has authority in such matters, the Commissioner of the General Land Office or the Secretary of the Interior?

Mr. MONDELL. Nobody has the authority; the President has the power, and he exercises it.

Now, Mr. Chairman, there are approximately 23,000 acres of land in a township, and some fellow may have come along and put a coal declaratory statement on a 40-acre lot, with a view of prospecting some cropping he may have found on it, with the hope that it may prove to be valuable for coal. Or some one may have wanted to hold a tract for a few months for a lambing ground for his sheep, may have desired to shoo off some other fellow for a short time, and so filed a declaratory statement, and wherever a coal declaratory statement had been made anywhere at any time the entire township is withdrawn from entry.

Now, every land entry of any sort or kind within a township where this condition arises is now clouded, and ultimately they will have about 20,000 cases of that character. Some of these cases have been and will be cleared by the examination of the Geological Survey or of special agents; many of them can only be cleared, however, after a hearing. And it is because of that fact that I suggested that a part of this appropriation should be used for these hearings.

Mr. Chairman, my opinion is that most of the cases now before the department could have been taken care of, could have been examined and disposed of, under the exceedingly liberal appropriation of this year. In my opinion the tendency of this constant increase of appropriation is not to dispose of the cases so much as it is to make new cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FINLEY. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman from Montana have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Now, Mr. Chairman, I do not desire to be misunderstood in this matter. The western people must not be misunderstood. There is a strong, healthy sentiment in the West for the enforcement of the land laws. It is that strong, healthy sentiment that is the best protection of the public lands. The right to contest is a right that protects the public domain better than all the appropriations that Congress can make for protecting the public lands. If there are public lands of any considerable value and any entryman or locator or claimant is not complying with the law, some other entryman or locator is likely to insist on his complying with the law and contest him, and in doing so secure the preference right to enter the land.

Mr. FINLEY. Now, when a declaration is made as to coal, does that cut out all other entrymen?

Mr. MONDELL. Oh, no; any number of coal declarations may be made on the same tract. Five hundred may be made on the top of each other on the same tract.

Mr. FINLEY. But supposing one wishes to enter the land for a homestead; can he go on and do so?

Mr. MONDELL. He can go right on and homestead the land. A coal declaration does not withdraw the land from entry in any way. They simply constitute a declaration of intention.

Mr. FINLEY. Are the prosecutions for cutting timber large or small; I mean in number?

Mr. MONDELL. Some are very large, but the most of them are small. They are against small mill owners or farmers who have in some way transgressed the rules and regulations.

Mr. FINLEY. To what extent are the prosecutions for fraudulent entries?

Mr. MONDELL. The general public considers all these cases fraudulent. The department does not so designate them; but, unfortunately, whenever a statement of the number of cases before the Land Office goes out to the world, it goes out as a statement of fraudulent cases.

Now I want to call attention to a document which I understand was to a certain degree responsible for this increased appropriation.

Mr. FINLEY. What document is that?

Mr. MONDELL. It contains a letter signed by the chief of the Special Service Division of the General Land Office. It is the most highly colored, extravagant, exaggerated statement, in my opinion, ever issued from a public office.

Mr. MANN. Tell us what that is. We want to see it.

Mr. MONDELL. It was published widely. Here is a copy of it.

Mr. MANN. Nobody would know it without the gentleman's advertisement. I have never heard of it.

Mr. MONDELL. It is the most inflammatory document of the kind I have ever seen. In that document the claim is made that this appropriation is necessary for the purpose of reclaiming $100,000,000 worth of property, or restoring it to the Government.

Mr. FITZGERALD. I think the gentleman is mistaken.

Mr. MONDELL. No; I am not mistaken.

Mr. FITZGERALD. Let me state what it is.

Mr. MANN. He is mistaken. It is $110,000,000.

Mr. FITZGERALD. That they have discovered fraudulent entries or operations which will result in the return of $110,000,000 worth of public lands to the public domain; and

having done that with $500,000, they want this additional appropriation to see how much more they can get.

I think the gentleman ought to state that the reason the committee gave this additional money, making a million dollars available, is this, that the Secretary stated that if it were not given at this time the statute of limitations of six years would run against most of these cases and the Government would be unable to recoup.

Mr. MONDELL. I am not objecting to the appropriation simply because there are not votes enough here to reduce it. That is the only reason why I am not objecting to it.

Mr. FITZGERALD. I would vote with the gentleman.

Mr. MONDELL. But I started to say that that was the most exaggerated, highly colored, inflammatory statement—I might almost say the most unjustifiable statement—that I had ever read issued from a government bureau. It places a value of hundreds of dollars an acre upon lands that, if the particular claimant now claiming them should be proven not to hold them in accordance with law, would be transferred to another claimant, and that other claimant would acquire them at all the way from $1.25 to $5 an acre.

If they were not homesteaded. Yet this document refers to them as lands worth $300 an acre and more, which the Government is proposing to reclaim and restore to whom? Why, to some other claimant or entryman. For instance, there are some mineral lands, estimated as of the value of $25,000,000. Nobody knows just what they are worth, but if they are all good coal lands, and the present claimants lose their cases before the department, other claimants can acquire them for from $10 an acre upward; and if not coal lands, can be homesteaded or acquired for much less.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. FINLEY. This is very interesting. I request that the gentleman have five minutes more.

Mr. SMITH of Iowa. I do not want to object to that, but I do want that this shall end. I suggest that after five minutes more we proceed with the reading of the bill.

Mr. MONDELL. I do not want to take up the time of the committee, but I should like five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FINLEY. What is the comparative cost of reclaiming an acre of land, or a dollar's worth of land, under the system carried on by the department?

Mr. MONDELL. It is very difficult to answer that. We are appropriating a million dollars, and the probability is that the Treasury will not receive anything like a million dollars for lands which, through this appropriation, may be taken from one claimant and transferred to another; or, having been taken from one claimant, another claimant may assert his right and claim to. So, as a matter of fact, this appropriation will not in the majority of cases return anything to the Treasury of the United States. If it be a case of a coal entry, the coal entryman has already paid the price; and in the majority of cases, if he loses his entry, the money will be returned to him and another coal entryman will then purchase the land at the same price, or possibly, in some cases, at a slightly increased price, but at no such increase as that suggested in this report.

Mr. MADDEN. The gentleman's contention, then, is that if the present occupant of the land is found to be illegally in possession, some other person who has filed a claim would have the right of entry?

Mr. MONDELL. If it is land subject to homestead entry, and the present homesteader is unlawfully in possession, another homesteader could take it. If it is mineral land and the Government recovers it, some other entryman could take it. If it is coal land, and the present coal claimant shall lose the tract, another coal claimant has an opportunity to purchase.

Mr. MADDEN. What price would he have to pay?

Mr. MONDELL. Well, we are now classifying the coal lands. In some cases they would pay $10 or more more than the original purchaser.

Mr. MADDEN. What is the average price fixed for coal lands?

Mr. MONDELL. The law fixes it at $10 and $20 as a minimum. The department has gradually increased the price until the highest price is $75 an acre. In some few cases there would be an increase.

Mr. MADDEN. Then there would be a vast amount of revenue come into the Treasury of the United States if the Government receives $10, $20, or $75 per acre.

Mr. MONDELL. But if the actual entryman had already paid the coal-land price, and it shall be taken by the Government, it would have to be paid back by the Government again, unless fraud were proven.

Mr. MADDEN. But it is only fair to assume that they would not sell it at the same price.

Mr. MONDELL. Oh, in some cases there would be an increase. If it was mineral land, the price is $2 to $5 an acre. And homesteads are free, so that there is no income to the Government from the recovery of these lands.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. I will yield, although my five minutes are fast going.

Mr. MANN. Yes; but the gentleman has had twenty minutes, The gentleman has furnished a valuable report here in which one case is stated where 300 acres of mineral land of the value of $15,000,000 is involved. Does the gentleman state under existing law if the Government should prevail in that suit against the Central Pacific Railroad Company and deprive the railway company of these 300 acres of land, valued at $15,000,000, that Jim Smith and John Jones could take title to it on the payment of these small amounts?

Mr. MONDELL. If it is metalliferous mineral land, there are only two laws——

Mr. MANN. It is an easy question to answer. Is it a fact——

Mr. MONDELL. I propose to answer it in my own way.

Mr. MANN. I want the gentleman to answer it so that I can understand; the gentleman has consumed twenty minutes and I have not understood him yet.

Mr. MONDELL. I am not responsible for the gentleman's lack of understanding.

Mr. MANN. But the gentleman is responsible for the lack of explicitness in statement.

Mr. MONDELL. Now, Mr. Chairman, there are two laws under which lands known to contain metalliferous mineral are acquired. One is the lode law and the other is the placer law. The placer locator pays $2.50 an acre and the lode locator pays $5 an acre. I hope that is clear.

Mr. MANN. It is not clear at all. Here are 300 acres of land which this report says are valued at $15,000,000, and does the gentleman state that under existing law that 300 acres of land can be taken by anybody at a total cost of $1,500?

Mr. MONDELL. If it is mineral land; yes.

Mr. MANN. Then, the gentleman's committee had better get busy and change the law. I think it is subject to severe criticism. If there is a law on the statute book under which we can take title from a railway company of land valued at $15,000,000, which John Jones can get for $1,500, the committee of which the gentleman is chairman ought to report a bill to change it.

Mr. MONDELL. The mineral-land laws have been in force for many years and have been upheld by public sentiment everywhere. If the land the gentleman refers to is coal land—and I do not know whether it is coal land or not or whether it is metalliferous mineral land—if it is, it is subject to entry at $2.50 to $5 per acre and would bring from $750 to $1,500. If it is coal land, the law allows the Secretary of the Interior to increase the price at his discretion. He could sell that coal land for more than it sold for originally, but to talk about that land having a value of $300 an acre is ridiculous.

Mr. MANN. Fifteen million dollars for 300 acres.

Mr. MONDELL. You can buy better coal land than any in that region in Virginia, Tennessee, or Kentucky, or anywhere, where they have coal lands for $25 or $30 an acre, but, as I said, if this is mineral and not coal land that they refer to Uncle Sam will sell it for $2.50 or $5 per acre.

Mr. WILSON of Pennsylvania. Mr. Chairman, is it not a fact that not only the quality of the coal has to be taken into consideration in determining the price, but the availability of the markets?

Mr. MONDELL. Yes; and the market is very limited there, as the gentleman knows. We mined 6,000,000 tons in my State last year. We could just as well mine 200,000,000 tons per annum if we had a market.

Mr. WILSON of Pennsylvania. And the Secretary of the department would have the right to take those things into consideration in fixing the price?

Mr. MONDELL. He does take them into consideration in fixing the price.

Mr. WILSON of Pennsylvania. And if a claimant on these lands settling upon them is required to vacate, would he not also have the right to enter, just as any other one would have the right to enter, those as coal lands?

Mr. MONDELL. Yes.

Mr. WILSON of Pennsylvania. And purchase the same.

Mr. MONDELL. Mr. Chairman, I hope this appropriation will prove valuable and effective in closing the many cases now before the department. We of the West hope and trust that the department will use this appropriation, not for the creation of new cases, but for the settlement of old cases.

Mr. MADDEN. The gentleman would not object to having new cases opened if there were cases to be discovered.

Mr. MONDELL. Certainly not; but we do object to having new cases where the facts do not warrant.

The CHAIRMAN. The gentleman's time has again expired.

The Clerk read as follows:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file, and other plats constituting a part of the records of said office, and to furnish local land offices with the same, $3,500.

Mr. FINLEY. Mr. Chairman, I move to strike out the last word. I would like to inquire of some gentleman on the committee, or the gentleman from Wyoming [Mr. MONDELL], about what is the cost for furnishing an official plat of surveys where they have been defaced? My information is that the cost is sometimes quite large.

Mr. SMITH of Iowa. This appropriation is simply a loan, and this money, when the plats are sold, is refunded to the Treasury.

Mr. FINLEY. I understand that; but what are the charges? Are not the charges exorbitant in many cases?

Mr. MONDELL. I understand a transcript of the township plats costs from $2.50 to $4.

Mr. FINLEY. That is for each township?

Mr. MONDELL. Yes.

Mr. FINLEY. Would that cover every plat of land in that township?

Mr. MONDELL. That would cover all the subdivisions of the township, but the department is now preparing photolithographic maps of the townships, which are sold for 25 cents each, and they prepare those plats from an appropriation carried somewhere in this bill of those townships where there is any considerable demand for plats.

Mr. FINLEY. I withdraw the pro forma amendment.

The Clerk read as follows:

Examinations of desert lands: To enable the Secretary of the Interior to examine, under such regulations and at such compensation as he may prescribe, the desert lands selected by the States under the provisions of section 4 of the act of Congress approved August 18, 1894, $1,000: *Provided*, That if such examinations be made by detailed clerks or employees of the department, they shall be entitled to actual necessary expenses for transportation, including necessary sleeping-car fares and not exceeding $3 per day in lieu of subsistence.

Mr. FINLEY. I reserve the point of order on that proviso. I would like to ask the chairman of the committee if that is a change in existing law.

Mr. SMITH of Iowa. It is not a change.

Mr. FINLEY. Is it new law?

Mr. MANN. It is in the present law.

Mr. FINLEY. Has the gentleman any information as to what the annual expenditure is?

Mr. MANN. It says not to exceed $3 per day.

Mr. FINLEY. What is the total of the amount?

Mr. MANN. It is limited to $1,000 for the year.

Mr. SMITH of Iowa. The whole appropriation is limited to $1,000 for the year.

Mr. FINLEY. I withdraw the point of order.

The Clerk read as follows:

Transcripts of records and plats, General Land Office: For furnishing transcripts of records and plats, to be expended under the direction of the Secretary of the Interior, $18,720: *Provided*, That persons employed under this appropriation shall be selected by the Secretary of the Interior, at a compensation of $60 per month each, and shall be entitled to the same leave of absence or leave for sickness with pay as is allowed by law to other employees of the executive departments: *Provided further*, That not more than one-twelfth of this appropriation shall be expended in any one month of the year for which it is available.

Mr. MANN. Mr. Chairman, I make the point of order on the first proviso. I believe I gave notice last year that I would.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. SMITH of Iowa. These are people that are not in the classified service down there, but maintained as a temporary force, but maintained through several years.

Mr. MANN. I may say to the gentleman that I think it was the second year I was in the House, and I have been here now for twelve years, I had that struck out on a point of order. It has been a permanent force for that length of time, to my certain knowledge, now made permanent by the second provision.

Mr. SMITH of Iowa. The gentleman means the proviso?

Mr. MANN. "That not more than one-twelfth of this appropriation shall be expended in any one month of the year for which it is available."

Mr. SMITH of Iowa. That was in it last year?

Mr. MANN. Yes.

Mr. SMITH of Iowa. Mr. Chairman, it is subject to the point of order if the point of order is made.

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. And I also move to strike out the word "further" in the second proviso.

The CHAIRMAN. Without objection, that amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Opening Indian reservations (reimbursable): The appropriation of $25,000, act of Congress approved May 31, 1906, to meet the expenses of opening to entry and settlement during the fiscal years 1906, 1907, 1908, and 1909 the ceded lands within Indian reservations, is hereby continued and made available to meet the expenses pertaining to the opening to entry and settlement of such Indian reservation lands as may be opened during the fiscal year 1910: *Provided*, That the expenses pertaining to the opening of each of said reservations and paid for out of said appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively.

Mr. HACKNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all of lines 23, 24, and 25, on page 108; also lines 1, 2, 3, 4, 5, 6, and all of line 7 except the word "provided" on page 109, and insert in lieu thereof the following: "to meet the expense of opening to entry and settlement ceded lands within Indian reservations, $25,000, or so much thereof as may be necessary."

Mr. HACKNEY. Mr. Chairman, the purpose of that amendment is to make this appropriation effective. By an oversight, it seems to me, in the language of the appropriation as made it is practically nugatory. It comes in a very peculiar way. In 1906 an urgent deficiency appropriation of $25,000 was made to pay the cost of entry and settlement of certain Indian reservations—the Flathead, the Crow, the Yakima, and Shoshone, Then next year, they not having consumed all of this appropriation, Congress provided it might be expended to cover Indian reservations that would be opened up next year, and so on from year to year they have kept it in force.

I find from the hearings that of that $25,000 they expended something like $18,000 on the Crow Reservation and over $6,000 on the Rosebud Reservation, so that there is practically none of the original appropriation left. Now, then, a number of reservations will be opened up during the next fiscal year, and there ought to be an appropriation available to meet the expenses of opening the land to entry and settlement. In order to make it effective, I have offered the amendment making the appropriation in better form. I see from the Book of Estimates the Secretary recommended that this appropriation be made a continuing appropriation. The amendment will simply put it in proper form.

Mr. SMITH of Iowa. Mr. Chairman, I see no objection to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For engraving and printing the geological maps, $100,000.

Mr. COOPER of Pennsylvania. Mr. Chairman, I want to call the attention of the chairman of the committee that I propose to offer an amendment after line 4, page 116, and as there are some items of dispute on the Geological Survey, that will come in a different place. I ask that this item be passed without prejudice.

Mr. MANN. Which item?

Mr. COOPER of Pennsylvania. I want to offer an amendment, after line 4, page 116, to provide for fuel tests.

Mr. NORRIS. Is that the place for fuel tests?

Mr. SMITH of Iowa. I think it ought to be offered at the end of line 9, but in order to perfect the text before it is passed, I desire to offer the following amendment, and then let the next paragraph be read.

Mr. COOPER of Pennsylvania. Then, I will offer my amendment at line 9.

The CHAIRMAN. The Chair would ask the gentleman from Iowa whether in line 3 there is a word missing, as there seems to be a space.

Mr. SMITH of Iowa. There is nothing the matter there.

The Clerk read as follows:

For the continuation of the investigation of the structural materials belonging to and for the use of the United States, such as stone, clays, cement, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, $70,000.

Mr. SMITH of Iowa. Now, I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 116, line 6, insert, after the word "materials," the word "both."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Now, the gentleman from Pennsylvania offers an amendment.

Mr. COOPER of Pennsylvania. Just before that, Mr. Chairman, please, I think, I want to offer an amendment there to change the word "seventy" to "one hundred," before that is passed.

Mr. NORRIS. I was going to offer that amendment myself.

Mr. COOPER of Pennsylvania. And consider it as pending?

Mr. SMITH of Iowa. Let the gentleman from Nebraska offer his amendment and let it be pending.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

Mr. NORRIS. Mr. Chairman, I offer the following amendment: In line 9, page 116, strike out the word "seventy" and insert the words "one hundred and twenty-five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 116, line 9, strike out "seventy" and insert "one hundred and twenty-five," so that it will read "$125,000."

The CHAIRMAN. Now the Chair understands the gentleman from Pennsylvania to ask unanimous consent that the paragraph with that amendment pending may be passed without *prejudice*. Is that correct?

Mr. CAMPBELL. Mr. Chairman, reserving the right to object to unanimous consent, I should like to ask the purpose of passing this over.

Mr. SMITH of Iowa. The purpose of passing this over is manifold. We are anxious to get the reading of this bill completed as rapidly as possible, and the second reason is that Mr. DALZELL, whom I had in mind, is absent, who desires to be heard, and there are others in that situation.

Mr. NORRIS. Quite a number have gone away with that understanding.

Mr. CAMPBELL. If any Member interested is unavoidably absent I have no objection to passing the matter over.

Mr. MACON. With that understanding, I object. If gentlemen can not stay here and attend to their business I object to matters going over to wait for them.

Mr. SMITH of Iowa. Mr. Chairman, I move that the item be passed without prejudice.

Mr. MACON. Mr. Chairman, I make a point of order against the motion.

The CHAIRMAN. It requires unanimous consent.

Mr. NORRIS. Will the gentleman from Arkansas [Mr. MACON] withhold his objection?

Mr. MACON. No, sir; under no circumstances will I do it on the ground that Members are away from their post of duty.

Mr. NORRIS. It is not on that ground.

Mr. MACON. Mr. Chairman, that is what the gentleman stated.

Mr. NORRIS. Will the gentleman withhold it until I can explain what I know about it?

Mr. MACON. No, sir; I will not, unless it can be shown that Members who are away from the House and want this matter carried over for their accommodation can furnish a good reason for their absence.

Mr. STANLEY. I think my good friend from Arkansas misapprehends. The gentleman is sick and necessarily absent. The gentleman from Pennsylvania [Mr. DALZELL] is usually most faithful in his attendance.

Mr. MACON. I have been advised that the gentleman is attending a dinner party.

Mr. COOPER of Pennsylvania. I want to call the attention of the gentleman from Arkansas to the fact that the chairman of the committee was requested to consent that these items be passed over without prejudice, and it was with his consent——

Mr. MACON. While I have a very high regard for any consent that the chairman of the committee may have given the gentleman, still, there are other Members in this House who are entitled to some consideration along that line themselves, and one consent does not carry the consent of the House, by any manner of means.

Mr. COOPER of Pennsylvania. I agree with the gentleman that that is true, but I do not feel that it is necessary for any Member to take upon himself the responsibility for legislation.

Mr. MACON. I do not think any Member is doing that.

Mr. MADDEN. There is no reason why the men who are not here should not be here as much as we are.

Mr. MACON. I want to ask the gentleman from Pennsylvania [Mr. COOPER] what he means when he says that "he does not feel that it is necessary for any Member to take the responsibility for legislation?"

Mr. COOPER of Pennsylvania. Every Member has an equal right to be here when he can. And the gentleman from Pennsylvania [Mr. DALZELL] is not well.

Mr. MACON. I do not want the gentleman to insinuate that because I object to passing this matter I am endeavoring to take the responsibility for legislation upon myself. I am simply exercising the right that I have under the law and the rules of this House, and the gentleman has no right to question my action.

Mr. KEIFER. I make no reflection on the gentleman.

Mr. COOPER of Pennsylvania. I make no reflection, so far as that is concerned.

Mr. KEIFER. Allow me to make this suggestion. The gentleman from Pennsylvania [Mr. DALZELL] was quite ill.

Mr. MACON. I have understood so, and is attending a dinner somewhere now.

Mr. KEIFER. No; he was hardly able to be here. He stayed as long as he could, and then said he was obliged to go home and go to bed, and then he talked to the chairman of the committee——

Mr. MACON. The chairman of the committee has not said to the Committee of the Whole that the gentleman from Pennsylvania [Mr. DALZELL] came to him and told him he was sick and had to go home and go to bed.

Mr. KEIFER. If he was here, he would tell the gentleman. The chairman is temporarily out of the hall. I think the gentleman from Iowa [Mr. SMITH] knows about that arrangement.

Mr. COOPER of Pennsylvania. This has been a long session. It began at 10 o'clock this morning——

Mr. MACON. And I have been right here since 10 o'clock this morning.

The CHAIRMAN. Is there objection?

Mr. MACON. I object.

Mr. SMITH of Iowa. Mr. Chairman, I think perhaps there is one matter that has not been called to the gentleman's attention, and I am satisfied that he does not want to interfere with the carrying on of the business of the House. Now, if this matter is brought up again, it is doubtful whether there is a quorum of the committee here. It is doubtful if he can proceed to-night without unanimous consent. A week from this noon this Congress adjourns. It is of the utmost importance to the public welfare that this bill should be passed, go to the Senate, and get into conference if it is to become a law before next Thursday noon.

It seems to me that if the gentleman will reflect upon this he will see that his duty to the country requires, whatever personal feeling he may have, he should surrender that feeling in order to expedite this business and let these disputed items go over until to-morrow.

Mr. MACON. I desire to state to the gentleman that I have been here all day long, and I have not disturbed the deliberations of the committee one time during its session.

Mr. SMITH of Iowa. That is right.

Mr. MACON. Out of deference to the fact that we are close to the end of the session and all of us want to get through with this bill, and hence I have not taken up a single moment of the time of the committee. So when Members tell me we ought to delay the progress of this bill for the purpose of awaiting the return of some one who has deliberately absented himself from the House and is not here to discharge his duties as a Representative, I say that it is unreasonable, and that is why I object.

Mr. TAWNEY. Let me interrupt the gentleman from Arkansas. It was not Mr. DALZELL's purpose to leave the House deliberately. Mr. DALZELL has not left the House because of any social engagement or anything of that kind, but because of his physical condition, which made it impossible for him to *remain*. He was in hopes, if the items were postponed until the end of the bill, that he would be able to be here and assist in the consideration. His constituents are deeply interested in these three items, and it was out of respect for that gentleman that I said if I could, in so far as I was able, I would have the consideration of the items postponed.

Mr. MACON. Does the chairman of the committee state that Mr. DALZELL was sick, and is not here because of that fact?

Mr. TAWNEY. Mr. DALZELL said: "I am physically unable to remain."

Mr. MACON. That he was sick, and is not here for that reason?

Mr. TAWNEY. That is the reason he is not here.

Mr. MACON. And that is the only reason?

Mr. TAWNEY. And that is the only reason he gave; and it is in the hope that he may be here in the consideration of the items that we ask that they be postponed.

Mr. MACON. That puts a different phase on the matter. If he had deliberately absented himself from the discharge of his duties, under no circumstances, Mr. Chairman, would I have withdrawn the objection; but his being sick makes it entirely different. I appreciate that fact thoroughly, and will very gladly withdraw my objection.

The CHAIRMAN. The objection is withdrawn. The paragraph is passed without prejudice.

Mr. COOPER of Pennsylvania. Mr. Chairman, how far will this agreement go? How far will it carry over this bill?

The CHAIRMAN. Nothing further has been read. There is no agreement as to any other paragraph.

Mr. SMITH of Iowa. Let the agreement go as to the paragraph including fuel tests, which will be offered immediately following the paragraph which we have just been discussing.

Mr. DOUGLAS. Let it go to the item at the bottom of the page.

Mr. COOPER of Pennsylvania. Let it also cover the item for mine disasters. Let us pass that, and make an agreement.

The CHAIRMAN. When a paragraph is passed without prejudice, there is no hindrance to offering as many amendments as gentlemen desire to.

The Clerk read as follows:

For continuing the investigations as to the causes of mine explosions with a view to increasing safety in mining, to be immediately available, $100,000.

Mr. DOUGLAS. Mr. Chairman, I move to amend by striking out the words "one hundred" and inserting the words "one hundred and fifty," so that it will read "one hundred and fifty thousand."

Mr. TAWNEY. Pending that amendment, I ask that this paragraph be passed without prejudice.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that this paragraph and pending amendments be passed without prejudice.

Mr. MACON. I would like to know the reason for this paragraph being passed.

The CHAIRMAN. Is there objection?

Mr. OLLIE M. JAMES. Reserving the right to object, I would like to ask what is the necessity for passing it?

Mr. SMITH of Iowa. That has already been detailed to the House. The gentleman from Pennsylvania [Mr. DALZELL] and a number of other gentlemen who are interested in these three items desire that they be passed.

Mr. MACON. Mr. Chairman, I want to say to the gentleman from Iowa we do not want him to enlarge too much upon the reason for the passing of the paragraph to-night.

Mr. SMITH of Iowa. I do not want to enlarge it. These three items all stand on the same footing.

Mr. MACON. I am willing to withhold objection, because Mr. DALZELL is sick; but if it is to be passed for some one else that is away and not sick, I will object.

Mr. OLLIE M. JAMES. Of course, if any gentleman is unavoidably absent, and it is passed over for the purpose of enabling him to be here later, I shall not object.

Mr. GARRETT. I will ask the gentleman from Iowa if it is expected to finish this bill to-night?

Mr. SMITH of Iowa. Not these items, but we want to go as far as possible, and get through with the undisputed matters to-night if we can.

The Clerk read as follows:

In all, for the United States Geological Survey, $1,162,390.

Mr. SMITH of Iowa. Mr. Chairman, that being a total, I ask that it be passed with the other items to which it belongs.

The CHAIRMAN. Is there objection to the request?

There was no objection.

The Clerk read as follows.

MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR.

Supreme Court reports: To pay the publishers of the decisions of the Supreme Court for 270 copies of volumes 214 to 218, inclusive, official edition, at $2 per volume, $2,700.

Mr. STANLEY. I should like to ask the gentleman in charge of the bill what these 270 volumes are, and for whom they are?

Mr. SMITH of Iowa. They are for the judges and other parties entitled to copies of the decisions of the Supreme Court, in accordance with express statutes.

A MEMBER. What Supreme Court?

Mr. SMITH of Iowa. There is but one Supreme Court that is recognized in connection with the Government of the United States.

The Clerk read as follows:

Care and custody of the insane of Alaska: For the care and custody of persons legally adjudged insane in the district of Alaska, including transportation and other expenses, $50,000.

Mr. GAINES of Tennessee. What provision is made for the insane in Alaska?

Mr. SMITH of Iowa. They are brought to the United States and cared for by contract.

Mr. GAINES of Tennessee. Has the Government made no provision whatever for taking care of the insane in Alaska?

Mr. SMITH of Iowa. No; except to bring them home to continental United States.

Mr. MANN. And taking care of them.

Mr. GAINES of Tennessee. I am surprised that no insane asylum has been erected in Alaska.

Mr. SMITH of Iowa. There is no place where an asylum could be built up there where they would be comfortable through the long darkness and cold of winter.

Mr. MANN. I will suggest to the gentleman that they could not very well build a big enough asylum, for it would have to include the entire population. No one goes there who is sane. [Laughter.]

Mr. GAINES of Tennessee. The President-elect is going there next summer. Now, as to the climate, I understand there are places in Alaska where flowers and vegetables grow——

Mr. GARRETT. And onions.

Mr. GAINES of Tennessee. Yes; everything that is good.

Mr. MANN. They grow luxuriantly—in the government reports.

Mr. SMITH of Iowa. I will say to the gentleman that we have a contract to take care of the Alaska insane here in the United States.

Mr. GAINES of Tennessee. There are a great many of our own people in Alaska. We have owned that country ever since Andrew Johnson was President, and yet we have never built an insane asylum up there. We have built railroads and towns, and sent deer up there—reindeer—and the real dear goes there, and made appropriations to take care of the Indians and other people otherwise, and yet we have no insane asylum there. We bring those unfortunate people away off down here at great expense. It seems to me in that country of trees and sawmills and railroads and diamonds——

Mr. ROBINSON. And Eskimos.

Mr. GAINES of Tennessee. And Eskimos. We ought to build at least a temporary insane asylum. I hope it will be done. It ought to be done.

Mr. MACON. Does not the gentleman think it would be cruelty to keep helpless people up in that cold climate through the long winters?

Mr. GAINES of Tennessee. Well, I do not know about that.

The Clerk read as follows:

Protection of game in Alaska: For carrying out the provisions of an act approved May 11, 1908, entitled "An act for the protection of game in Alaska, and for other purposes," including salaries, traveling expenses of game wardens, and all other necessary expenses, $5,000, to be expended under the direction of the governor of Alaska.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 119, line 10, strike out "five" and insert "ten," so that it will read "$10,000."

Mr. HUMPHREY of Washington. Mr. Chairman, I do not desire to take up the time of the committee very long.

Mr. MANN. I had intended to make a point of order against that provision, but I will not.

Mr. SMITH of Iowa. I will say that the committee acquiesces in this amendment and recommends its adoption.

Mr. MACON. Mr. Chairman, I was on my feet for the purpose of reserving a point of order.

The CHAIRMAN. The Chair did not observe the gentleman from Arkansas.

Mr. MACON. I understand that, but I was trying to attract the attention of the Chair, nevertheless.

The CHAIRMAN. If the gentleman says he was on his feet, endeavoring to secure recognition——

Mr. MACON. Yes; as soon as the amendment was read.

The CHAIRMAN. Oh, to the amendment.

Mr. MACON. Yes.

The CHAIRMAN. But it was not the gentleman's purpose to make a point of order to the paragraph in the bill?

Mr. MACON. Yes; to the paragraph in the bill as well as the amendment.

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. MACON. I want to reserve the point of order to ascertain the reason for the paragraph. I do not care to make a point of order captiously.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. The Chair will state that the gentleman from Arkansas has the floor. Does the gentleman from Arkansas yield?

Mr. MACON. I will yield to the chairman of the committee to state the reason for this appropriation.

The CHAIRMAN. The first question is on the point of order.

Mr. MACON. Then I will ask the gentleman from Iowa to state the reason for this provision.

Mr. SMITH of Iowa. There is a statute providing for the protection of game in Alaska, and this is in pursuance of that statute, which provides for issuing licenses, the fixing of a closed season except for the natives for actual consumption; and this is a provision to carry out the law.

Mr. HUMPHREY of Washington. I have the law here, and it says "the amount necessary for the enforcement of this act shall be estimated for annually by the Agricultural Department and appropriated for, including the employment and salary to be paid to the game wardens herein authorized.

Mr. MACON. And this appropriation is made under that law for the protection of game?

Mr. HUMPHREY of Washington. Yes.

Mr. MACON. Then this is authorized by existing law?

Mr. HUMPHREY of Washington. Yes.

Mr. MANN. How did it come in this bill, if it is to be estimated for by the Agricultural Department?

Mr. SMITH of Iowa. Because it is expended by express statute by the governor of Alaska and not by the Secretary of Agriculture.

The CHAIRMAN. Does the gentleman from Arkansas withdraw the point of order?

Mr. MACON. I do.

Mr. GAINES of Tennessee. I renew the point of order.

Mr. SMITH of Iowa. It is not subject to a point of order.

The CHAIRMAN. Does the gentleman from Tennessee desire to discuss the point of order?

Mr. GAINES of Tennessee. I reserved it.

Mr. SMITH of Iowa. I want the point of order made.

Mr. GAINES of Tennessee. Very well; I will make the point of order.

The CHAIRMAN. The Chair is ready to rule, and the Chair overrules the point of order.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I want to be heard on the amendment.

The CHAIRMAN. The Chair will hear, first, the gentleman from Washington.

Mr. HUMPHREY of Washington. Mr. Chairman, as I started to say, I do not desire to take but a very few moments, because when the matter was called to the attention of the committee they agreed with me that an appropriation of $5,000 to cover this vast territory, that contains over 586,000 square miles, was simply absurd. I have asked them to make this slight increase so that we could put 1 warden at Fairbanks, where they are killing a great many caribou. I have had letters saying that they are killing unlawfully a large number and that one man had killed over 300. Then, there ought to be 2, at least, on the Kenai Peninsula, 1 on the east side and 1 on the west side. This is the chief game portion of Alaska, where the great moose are. Then, there ought to be 1 on Kadiak Island, where there are many bear, and 1 out on the Alaskan Peninsula, where there are a good many caribou and bear and where a great many hunters go.

This would still leave unprotected southeast Alaska, where there is a great deal of game, but for $10,000 we can only make a start. If you enforce the law, it will be economy. Unless the law is enforced hunters will discover that it is cheaper to evade the law than to pay a license. If the law is enforced, it will pay all expenses necessary for this purpose.

Mr. MANN. To whom is the license paid?

Mr. HUMPHREY of Washington. It is paid into the National Treasury. That is the reason why this provision was inserted.

Mr. MANN. That is certainly a very proper thing to do.

Mr. HUMPHREY of Washington. I will say that after talking with the chairman of the Appropriation Committee I consented that that change might be made in the bill that became a law.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Yes.

Mr. COX of Indiana. If I remember correctly, the law on which this appropriation is sought to be based was introduced by the gentleman from Washington himself?

Mr. HUMPHREY of Washington. Yes.

Mr. COX of Indiana. The appropriation bill carries $5,000 for the support and maintenance of the law?

Mr. SULZER. That is correct.

Mr. HUMPHREY of Washington. That is for the enforcement of that law; yes.

Mr. COX of Indiana. How much do these game inspectors cost?

Mr. HUMPHREY of Washington. We have not had any yet.

Mr. SULZER. The governor of Alaska has not appointed any yet.

Mr. COX of Indiana. Can the gentleman give some idea of about how much they cost?

Mr. MANN. They will cost $10,000 if the gentleman's amendment prevails; and if it does not, they will cost $5,000.

Mr. COX of Indiana. I want to know how much is paid to each individual inspector per year.

Mr. HUMPHREY of Washington. The department estimates it will cost about $2,000 to pay for an inspector, and probably $300 a year for traveling expenses. I have a letter from the Department of Agriculture in which they say for $5,000 they can procure two.

Mr. COX of Indiana. Then this $10,000, if it obtains, will employ five inspectors?

Mr. SULZER. At least that.

Mr. HUMPHREY of Washington. At least that; and that would cover the main points that ought to be protected.

Mr. COX of Indiana. All to protect some moose out there?

Mr. OLLIE M. JAMES. That will be two more than the gentleman wants. I understand him to say he just wants three.

Mr. HUMPHREY of Washington. The gentleman did not understand me correctly.

Mr. MADDEN. How much do they pay them?

Mr. HUMPHREY of Washington. They have not appointed any yet.

Mr. MANN. The gentleman may be sure there will be no money covered into the Treasury.

Mr. HUMPHREY of Washington. Well, why should there be?

Mr. MANN. I do not think there ought to be.

Mr. HUMPHREY of Washington. Why take money belonging to Alaska to pay the general expenses of the Government?

Let me make a comparison between Alaska and a few of the States in regard to game protection: Wyoming has 97,800 square miles. It employs 28 game wardens and expends about $50,000 annually in the enforcement of its game law. Michigan has 58,000 square miles and 41 game wardens. Montana employs 14 game wardens. Alaska with its thousands of miles of shore line and 586,400 square miles of territory, the last great game preserve this Nation possesses, is given the pitiful sum of $5,000 to enforce its game law. The people of Alaska have a right to feel that they are not justly treated in this matter. The appropriation should have been $50,000. I trust, however, that if the increase is given that, with this $10,000, a sufficient sum may hereafter be collected to properly enforce this law. The enforcement of this law means not only the preservation of the game, but it will tend to prevent the extermination by starvation of the natives of that Territory. I insert in the RECORD a statement upon this question that I have received from Doctor Merriam, Chief of the Biological Survey, Department of Agriculture:

MEMORANDUM REGARDING GAME-WARDEN SERVICE IN ALASKA.

Alaska has an area of 586,400 square miles and a population of nearly 100,000. It is obviously impossible to enforce game laws adequately over such an immense expanse of territory with its people so widely scattered and at points so difficult of access. All that can be done is to protect the game in certain exposed localities and to regulate shipment of game from the Territory.

(1) One warden should be stationed throughout the year on the Kenai Peninsula, which, owing to its accessibility and the variety of its game, is the favorite hunting ground of visitors to Alaska. In addition there should be one warden for each of the three divisions into which the judicial district of Alaska is divided. Competent men must be paid a salary of at least $1,500 and probably $2,000 each. The traveling expenses will be at least $1,000 per year per warden, as each warden will have a large territory to cover and as transportation is difficult and expensive. An appropriation of $5,000 will provide for but two wardens, and if one of these is stationed on the Kenai Peninsula, there will be practically but one warden available for the rest of the Territory. An appropriation of $10,000 will provide a warden for the Kenai Peninsula and three additional officers who can each have a definite part to watch and a special district to patrol.

(2) Five thousand dollars is less than the sum appropriated by most of the States which maintain a warden service. Following are the amounts provided for warden service in a few of the States which have big game:

Michigan, with an area of 58,915 square miles and a population of about 2,600,000, provides 1 game, fish, and forestry warden, at $3,000

and expenses; 1 chief deputy, at $1,500 and expenses; and 1 general deputy, at $1,200 and expenses. In 1908 it employed (on a per diem basis) 41 deputy wardens, at a total cost of $21,000, and paid for their expenses, approximately, $14,000. The total cost of the warden service in Michigan for the past year was, approximately, $46,000.

Montana, with an area of 146,000 square miles and population of about 305,000, provides 1 game and fish warden at a salary of $2,400 and $2,000 for expenses. It also provides for 12 special deputies at $1,500 each and $300 each for expenses.

Wyoming, with an area of 97,890 square miles and a population of about 105,000, provides 1 state warden at a salary of $1,500 and an allowance of $200 for traveling expenses; 3 assistant wardens, at $900 each; and 1 or more special wardens for each of the 13 counties; in all, at least 17 wardens. In 1908 the number of special wardens employed was 24, making a total warden force of 28 officers.

(3) Attention is called to the fact that the present bill carries an appropriation of $12,000 for maintenance of the domesticated reindeer in Alaska, but only $5,000 for the protection of the enormous herds of wild reindeer or caribou, moose, sheep, deer, and goats, all of which are immensely valuable as a permanent food supply for the natives and settlers in Alaska. Alaska is the only region in the United States where big game is absolutely necessary for food and clothing. It has, therefore, more urgent necessity than any other for preserving its big game. Laws must be enforced to be effective, and enforcement is impossible without adequate warden service.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman has not taken occasion to state that a single one of these murderers of the caribou has been indicted. [Laughter.]

Mr. SULZER. These are not cari-bow; they are cari-boo.

Mr. GAINES of Tennessee. Well, cari-boo, then. [Laughter.] Does the gentleman go on the idea that if we will get some men up there to look around after the caribou, these people up there will cease to disobey the law? Now, I want to say to him that I helped to make the jury laws of that Territory and its code; that I have voted to give you three or four district judges up there to enforce the laws, and I have always helped Alaska in every way I could with propriety, although the Delegate is not here to ask for this.

Mr. CAMPBELL. His representative is here.

Mr. GAINES of Tennessee. And yet, Mr. Chairman, we do not find that a single one of the violators of the law of Alaska has been indicted for invading the very severe criminal laws of that Territory. They simply want more salary, they want more political gifts, more loaves and fishes to deal out to somebody to go up there and sit around and let the law go to sleep on the statute books, and permit the same depredations, perhaps, that are now being committed. Where are the district judges, that they have not charged the grand jury to enforce the law? Are we to go along here and buy people not to disobey the law, or shall we see it faithfully enforced? [Applause.]

Mr. HUMPHREY of Washington. That is what I want to get the inspectors for—so that we can enforce the law.

Mr. GAINES of Tennessee. Why didn't you see that the district courts and the grand juries and the district attorneys have done their duty instead of coming here and begging us, with a deficit in the Treasury, for $5,000? [Applause.] You do not practice what you preach, gentlemen. [Applause.] I want to say to you gentlemen that that sort of child's play does not deter me from pointing out to you your delinquencies and your sins—not the least. Mr. Chairman, I say that this appropriation ought not to be allowed. They have not showed a single reason for it. All they are killing up there is this immense animal, the caribou; and yet the Delegate himself has not asked for it; Secretary Wilson has not asked for it; the President has not asked for it; the Attorney-General nor the judges nor anybody has asked for it except the gentleman who lives in Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. You are mistaken about that.

Mr. GAINES of Tennessee. You did not state they did.

Mr. HUMPHREY of Washington. I could not state everything in five minutes, especially when you were taking up part of my time.

Mr. GAINES of Tennessee. I did not take up any of your time. I always give you all the time and all the rope you want, and in this case you have hung yourself, and you have given no reason—— [Laughter and applause.]

Mr. HUMPHREY of Washington. Mr. Chairman——

Mr. GAINES of Tennessee. Mr. Chairman, I decline to be interrupted by anybody who purposely treats me discourteously.

Mr. HUMPHREY of Washington. I want to apologize——

Mr. GAINES of Tennessee. I decline to accept your apology. It was willful, sir—as many times as I have been courteous to you throughout your congressional career.

Mr. MANN. Mr. Chairman, I call both gentlemen to order.

The CHAIRMAN. The gentleman from Tennessee must not address Members of the House in the first person directly. The time of the gentleman has expired.

Mr. CHANEY. Mr. Chairman, I desire to ask the gentleman from Washington a question. I see that the appropriation last year was $9,000.

Mr. HUMPHREY of Washington. No; there has not been an appropriation before; this is the first appropriation.

Mr. CHANEY. I see in the hearings they ask an appropriation of $3,000 less than it was last time.

Mr. HUMPHREY of Washington. I do not know what it was; there has not been an appropriation. The gentleman must be thinking of reindeer in Alaska. You are on the wrong paragraph.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Washington.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. GARRETT and Mr. OLLIE M. JAMES. Mr. Chairman, a division.

The committee divided, and there were—ayes 74, noes 32.

Mr. OLLIE M. JAMES. Mr. Chairman, tellers.

Mr. GAINES of Tennessee. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. One hundred and six Members have voted. The gentleman from Kentucky demands tellers.

Tellers were ordered.

The committee again divided, and the tellers (Mr. SMITH of Iowa and Mr. OLLIE M. JAMES) reported—ayes 85, noes 34.

So the amendment was agreed to.

The Clerk read as follows:

Yellowstone National Park: For the administration and protection of the Yellowstone National Park, $5,500.

For procuring feed for buffalo, salaries of buffalo keepers, $2,500.

Mr. OLLIE M. JAMES. Mr. Chairman, I should like to ask the chairman of the committee what is the necessity for the appropriation here of $2,500 for feed of buffalo and salary of buffalo keepers? I would like to know what the salary of a buffalo keeper is and what the feed costs, to see whether or not the Government is getting "buffaloed" in this matter.

Mr. SMITH of Iowa. The salary of the buffalo keeper is $1,200 a year and that of the assistant keeper is $720.

Mr. OLLIE M. JAMES. What is the necessity?

Mr. SMITH of Iowa. I do not know how the gentleman can expect them to take care of the buffalo and protect them from destruction in that great park, which is one of the great places where we still have a number of buffalo preserved.

Mr. OLLIE M. JAMES. And $1,200 is the salary of the keeper?

Mr. SMITH of Iowa. For the chief keeper, and $720 for the assistant.

Mr. OLLIE M. JAMES. And there are two men up there?

Mr. SMITH of Iowa. Two men there in charge.

Mr. GARRETT. What do the buffalo get?

Mr. MANN. They get taken care of.

Mr. SMITH of Iowa. They get care and food.

Mr. OLLIE M. JAMES. How many buffalo have we there?

Mr. SMITH of Iowa. I can not give the exact number; but a year ago the number increased so that it was considered to be too large to keep in one portion of the park and they had to divide the herd, so there must be quite a number.

Mr. OLLIE M. JAMES. Mr. Chairman, I move to strike out lines 15 and 16, providing "for procuring feed for buffalo, salaries of buffalo keepers, $2,500."

Mr. SMITH of Iowa. Well, vote on that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 119, strike out lines 15 and 16.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Government Hospital for the Insane: For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States who have been admitted to the hospital and who are indigent, including purchase, maintenance, and driving of necessary horses and vehicles and of horses and vehicle for official use of the superintendent, $322,300; and not exceeding $1,500 of this sum may be expended in defraying the expense of the removal of patients to their friends; not exceeding $1,000 may be expended in the purchase of such books, periodicals, and papers as may be required for the purposes of the hospital, and not exceeding $1,500 for actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. Now, in the utmost seriousness, this item carries an increase of $96,500 over last year's appropriation.

Mr. SMITH of Iowa. Mr. Chairman, I do not understand to what the gentleman refers as carrying an increase of $96,000.

Mr. GARRETT. Ninety-six thousand five hundred dollars.

Mr. SMITH of Iowa. For what?

Mr. GARRETT. The increase of appropriations over last year.

Mr. SMITH of Iowa. For what?

Mr. GARRETT. For the Government Hospital for the Insane.

Mr. SMITH of Iowa. The item now under consideration is increased from $305,800 to $322,000.

Mr. GARRETT. The statement in the report is it is increased $96,500.

Mr. MANN. It must be a mistake, because the appropriation for last year was only $305,000.

Mr. SMITH of Iowa. The gentleman is taking improvements and everything else under consideration.

Mr. GARRETT. I am taking the report of the gentleman's committee.

Mr. SMITH of Iowa. I know, but the gentleman ought to analyze that report. The figures he takes are the figures including the improvements.

Mr. GARRETT. The report does not say anything about the improvements.

Mr. SMITH of Iowa. The bill shows what the improvements are, and that part will be reached in a few minutes.

Mr. GARRETT. We have reached it now, have we not?

Mr. SMITH of Iowa. We have reached now the ordinary support fund, which is increased exactly in the ratio of the growth of the population in the hospital, neither more nor less.

Mr. GARRETT. What does it cost per patient out there?

Mr. SMITH of Iowa. Two hundred and twenty dollars.

Mr. GARRETT. Per annum?

Mr. SMITH of Iowa. Per annum; yes.

Mr. GARRETT. How is it as compared with the cost in the various States?

Mr. SMITH of Iowa. It is below some and higher than some.

Mr. GARRETT. How about the State of Iowa?

Mr. SMITH of Iowa. It is about the same.

Mr. GARRETT. They have not many in Iowa.

Mr. SMITH of Iowa. We have not a great many in the State of Iowa. The gentleman is correct.

Mr. GARRETT. They never send any of them here if they have them. And this increase, then, does include improvements?

Mr. SMITH of Iowa. Oh, yes; there is only about $17,000 of an increase, and that is based entirely upon the percentage of growth of population in the hospital.

Mr. GARRETT. There is no increase per patient?

Mr. SMITH of Iowa. None whatever.

The Clerk read as follows:

For centralizing the power, heating, and lighting plant, remodeling the electric lay out, and substituting electrically-driven for steam-driven machinery, and for certain other purposes, $100,000, which sum shall be paid from money in the Treasury arising from arrears of pension and pension money retained from pensioners in the hospital under the act approved August 7, 1882.

Mr. SMITH of Iowa. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 122, strike out after the word "treasury," in line 3, down to and including line 6, and insert in lieu thereof the following:

Which has accrued to the hospital from pensions, under the act of February 20, 1905.

Mr. SMITH of Iowa. That is put in to perfect the text and correct a clerical error.

Mr. COX of Indiana. I wish to reserve a point of order.

Mr. MANN. It is too late for that.

Mr. SMITH of Iowa. Let this amendment to perfect the text be adopted first.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

The question was taken, and the amendment was agreed to.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. Can the gentleman inform the committee how many soldiers there are in this hospital?

Mr. SMITH of Iowa. I can not.

Mr. COX of Indiana. Can the gentleman inform the committee about how much money belonging to the soldiers is now in the Treasury of the United States?

Mr. SMITH of Iowa. A larger amount than the amount necessary for this improvement.

Mr. COX of Indiana. Can the gentleman tell about how much larger it is?

Mr. SMITH of Iowa. I can not recall.

Mr. COX of Indiana. Approximately, how much?

Mr. SMITH of Iowa. I can not tell at all accurately, but it is about $160,000, and more than enough to make this improvement.

Mr. COX of Indiana. Now, does the statute in force governing this institution authorize or give power to retain or withhold a part of the soldiers' pensions for this purpose?

Mr. SMITH of Iowa. This fund is composed of pension money left to the credit of deceased inmates.

Mr. COX of Indiana. Is it not a fact that this hospital retains part of the pensions of the soldiers and sailors that are now in the hospital?

Mr. SMITH of Iowa. Not for hospital use.

Mr. COX of Indiana. Then, do I understand the gentleman to say that the whole of this fund that it is proposed to appropriate from the soldiers and sailors' pensions is derived from deceased soldiers?

Mr. SMITH of Iowa. As I understand it.

Mr. COX of Indiana. No part of this fund appropriated here comes from soldiers and sailors in the institution and now drawing pensions?

Mr. SMITH of Iowa. I think not.

Mr. OLLIE M. JAMES. After detailing for what the money is to be used, these indefinite words are used: "And for certain other purposes." What does that include?

Mr. SMITH of Iowa. It is meant to include similar purposes, namely, the perfecting of the heating and power system. This institution is one that has been built at different times, with old buildings on one side of the road and new buildings upon the other side of the highway. The newer part has been built on the cottage plan, and has required a vast amount of construction of steam pipes, that are carried under the earth in conduits.

Mr. OLLIE M. JAMES. I know, but the section provides specifically for heating and lighting purposes, and then it uses the language——

Mr. SMITH of Iowa. It is for automatic stokers, and everything of that kind.

Mr. OLLIE M. JAMES. After specifying that this is for heating and lighting purposes, it says, "for certain other purposes." That does not include heating and lighting, because you have already specified that.

Mr. SMITH of Iowa. The language reads:

For centralizing the power, heating, and lighting plant, remodeling the electric lay out, and substituting electrically driven for steam-driven machinery, and for certain purposes——

Mr. OLLIE M. JAMES. "For certain other purposes;" not for "certain purposes."

Mr. SMITH of Iowa. They are supposed to be merely auxiliary to the same purpose.

Mr. OLLIE M. JAMES. You have already specified for heating and light, and then you have "certain other purposes" not for such purposes. For what purpose does this mean? You might use all this appropriation for the other purposes and leave out the heating and lighting entirely.

Mr. SMITH of Iowa. I think it is plain under the ordinary rules of construction.

Mr. OLLIE M. JAMES. You might use an infinitesimally small part of it for the heating and lighting and the remainder of it for "certain other purposes."

Mr. SMITH of Iowa. We could not use it except for some kindred purpose.

Mr. OLLIE M. JAMES. Then, I think that the gentleman ought to give to the House some other information except the broad specification for "certain other purposes."

Mr. SMITH of Iowa. I do not think so, or I would give it.

Mr. OLLIE M. JAMES. I know the gentleman would; but I was just trying to find out if you knew anything about it.

Mr. SMITH of Iowa. This involves the power, heating, and lighting plant; and of course there are a great many incidentals to that which can not be specified; but it all refers to similar work.

Mr. CLAYTON. May I ask the gentleman a question in that connection?

Mr. SMITH of Iowa. I will yield to the gentleman from South Carolina, who rose first.

Mr. JOHNSON of South Carolina. I want to ask the gentleman if it was intended for the purpose of covering another appropriation for buying land at $2,000 an acre that the superintendent thinks can be used for this purpose?

Mr. SMITH of Iowa. It certainly was not.

Mr. OLLIE M. JAMES. I would like to know if the gentleman does not think an amendment, after the word "purposes," in line 2, "incident thereto," would improve it?

Mr. SMITH of Iowa. I do not think so.

Mr. CLAYTON. I suggest this, which would perhaps clear it up: Instead of saying for "certain other purposes," let it read for "like purposes."

Mr. SMITH of Iowa. I am sure that that is what it means now.

Mr. CLAYTON. That would make it more easily understood.

Mr. SMITH of Iowa. I think by legal construction that is what it means now.

Mr. CLAYTON. That would make it certain.

Mr. SMITH of Iowa. I do not think that it would be more certain than it is now.

Mr. OLLIE M. JAMES. Mr. Chairman, I offer an amendment. After the word "purposes," in line 2, page 122, insert the words "incident thereto."

The Clerk read as follows:

Line 2, page 122, after the word "purposes," insert the words "incident thereto."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

Mr. KEIFER. Mr. Chairman, I offer for adoption the following amendment as a continuation of the paragraph just read.

The Clerk read as follows:

At the end of line 6, on page 122 of the bill, add the following:

"And to enable the Secretary of the Interior to pay the National Automatic Fire Alarm Company, of Washington, D. C., for the maintenance of the automatic fire-alarm system now in certain buildings of the Government Hospital for the Insane, placed there by said company under act of Congress March 3, 1903, and a contract between said company and the said Secretary of the Interior, acting for the United States, dated September 17, 1903, there is hereby appropriated out of said sum of $100,000 the sum of $4,634.50, the bills for the same to be rendered by said company and paid monthly: *Provided*, That such changes are made in the installation of said system as have been recommended to the Secretary of the Interior in the report of date of August 18, 1908, of the committee on inspection heretofore appointed by him under said contract, the same to be made before July 13, 1909, to the satisfaction of said committee: *And provided*, That said system is maintained by said company as provided in said contract."

Mr. MANN. Mr. Chairman, I make the point of order on the paragraph. It is not germane to the paragraph to which it is offered as an amendment; it is not an appropriation authorized by law, and it is a change of existing law.

The CHAIRMAN. The gentleman from Illinois makes the point of order.

Mr. KEIFER. Well, Mr. Chairman, if the gentleman will reserve the point of order——

Mr. MANN. I reserve the point of order.

Mr. KEIFER. Although I do not consider that the point of order is well taken.

Mr. MANN. Then let us dispose of the point of order first.

Mr. KEIFER. We have had a little freedom——

Mr. MANN. I will do whatever the gentleman desires to do.

The CHAIRMAN. Does the gentleman from Ohio desire to discuss the point of order?

Mr. KEIFER. I desire to discuss both.

Mr. MANN. I reserve the point of order.

Mr. KEIFER. But I will have a word or two to say as to its being in order. The amendment indicates, if attention were given to it, that there was a contract made, I believe in the year 1903, between the National Automatic Fire Alarm Company and the Government, through the Secretary of the Interior, for the installation in the insane asylum of an automatic fire-alarm system. There was a contract made, and quite a careful one, under which the National Fire Alarm Company installed in this hospital the fire-alarm system now there at a cost of something over $30,000. I have the contract here, and it provides that "after it was installed"—and, Mr. Chairman, on the point of order, as well as stating the history of the matter—"after it was installed it must be maintained by the installing company for a year."

Now, it is conceded that this time would expire on the 13th of July next, after the fiscal year commences. There was to be paid after that time $4,800 annually as a rental for this fire-alarm system. It was a system that was established exactly in accordance with one established in the Treasury building, for which we appropriate in this very bill for its maintenance and care. We have passed the paragraph without objection making an appropriation of $2,625 to maintain the automatic fire-alarm system in the Treasury and Winder buildings in this city.

This same was installed in the hospital for the insane. Some controversy arose about its improper installation, and the Secretary of the Interior conditionally accepted it, but appointed a committee to investigate and see whether or not it was installed in accordance with the contract.

Mr. DAWSON. Will the gentleman yield for a question?

Mr. KEIFER. Let me go a little further along. I want it understood that the Secretary of the Interior made his acceptance under this contract, and made it in pursuance of existing law. He made his acceptance after he had a report from a committee appointed by him to investigate and see whether the fire-alarm system was duly installed.

Mr. DAWSON. I wanted to ask what was the period of this original contract.

Mr. KEIFER. Nineteen hundred and three, as I recollect; but the installation was not completed until some years later.

Mr. DAWSON. What was the length of time it was to run?

Mr. KEIFER. I can not tell how long it is to run, but it has never yet run against the Government. This automatic fire-alarm company has been put to all the expense in establishing it and, so far, in maintaining it. The hospital is now protected by that fire-alarm system without any expense to the Government. The Government has never incurred any expense up to the present time, and it is not to incur any until this contract becomes effective, and after a year's maintenance at the expense of the company, which will not be until the 13th day of July next, and after the next fiscal year has begun.

Mr. MANN. Will the gentleman yield for a question?

Mr. KEIFER. Oh, yes.

Mr. MANN. Does the gentleman claim that the bill for this work has been audited?

Mr. KEIFER. It is not audited, because it has not accrued. The Government's liability will not commence until after the 13th day of July, 1909, and then under a written contract, by which there was to be paid $4,800 a year after the system was established and maintained one year.

Mr. DAWSON. For how many years?

Mr. KEIFER. I was going to say that there is some provision about that, but I can not for the moment answer it. Perhaps some member of the committee can. But that explains why this appropriation does not call for $4,800. A full year's rent will not accrue in the next fiscal year.

Mr. FINLEY. Has the gentleman from Ohio any information as to whether or not this is an efficient system?

Mr. KEIFER. Undoubtedly it is. I am coming to that. The system is efficient. It is used in nearly all the principal cities in this country. It is now in full operation in the Treasury Department in this city, and entirely satisfactory. But there was some claim that this fire-alarm system was not carefully installed in this hospital building, and the Secretary of the Interior appointed a committee consisting of A. B. James, of Baltimore; J. B. Hench, of the Signal Service, and M. R. Woodward, electrical engineer, of the Navy Department, accomplished engineers, and they made a report which is dated August 18, 1908.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KEIFER. I should like to have five minutes more in which to explain this.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEIFER. I wanted to read the latter paragraph of that report to the Secretary of the Interior. It says:

In conclusion, your committee report that the installation performs the required functions, and respectfully recommend that after compliance with the foregoing recommendations it be accepted.

This shows the efficiency of the system.

Now, Mr. Chairman, if you have the amendment before you, you will see that it shows that the Secretary did accept it only subject to complying with certain provisions recommended in this report made to him by a commission of his own; and it also provided in the amendment that the rental is not to be paid until the fire-alarm system is perfected, and that must be done, as the amendment recites, before the 13th day of July, 1909, and in accordance with that report. That is carefully provided for in this amendment.

In other words, the rental is not, as the amendment provides, to be payable unless this installation is made to the satisfaction of the Secretary of the Interior.

Mr. FINLEY. I wish to ask the gentleman from Ohio if he remembers the statement of Doctor White, on page 534 of the hearings, where he says:

So far as I know, nobody has accepted it; and whether it has been accepted or not, it is not of any use to us at all.

Mr. KEIFER. We understand that perfectly.

Mr. BUTLER. Who is Doctor White?

Mr. KEIFER. Doctor White is the man who has got into some trouble with one of these parties, and he made the statement, as the gentleman says. But let me read from a communication to the National Automatic Fire Alarm Company a single paragraph. This is from the Secretary of the Interior, James R. Garfield, a communication dated November 25, 1908.

After speaking of various things, he says:

I have therefore to advise you that the plant will be accepted as of July 13, 1908, subject to the year's maintenance provided by contract, during which time the company will be required as a condition of such

acceptance to complete, with the recommendation of the committee, that portion of the wiring in the tunnel which is now weatherproof in wooden molds and junction boxes throughout the system by replacing by more substantial installation.

There is the written acceptance of the Secretary of the Interior, and this amendment has in view that this was accepted as of July 13, 1908. Under the contract, however, the National Automatic Fire Alarm Company was to have no pay for the first year after the system was installed. The company is to maintain it for nothing, and now this amendment is to give them up to the expiration of the year referred to in the acceptance, which is July 13, 1909, and the proposition is to pay the rental which would accrue from that date to the end of the fiscal year.

The CHAIRMAN. Does the gentleman from Ohio think that this is in order on the sundry civil bill?

Mr. KEIFER. I do. Perhaps the clause to which this is proposed to be attached would not be in order, but no objection was made to that, and therefore it becomes in order to amend it. It belongs here, because it is a proper provision to carry out the existing law and the existing contract made in pursuance thereof; and it would be exceedingly unjust to this company, after it has expended of its own money over $30,000 in installing this system, after it has protected these people in this asylum up to the present time, and will up to the 13th of July, at no expense to the Government—I say it would be unjust not to make this provision. It is proposed to simply pay, provided that the Secretary of the Interior is satisfied and his conditional acceptance is complied with; the amendment puts it upon the Secretary of the Interior to see that it is complied with in the perfecting of the installation, but the money is not payable until that time. So I claim on all grounds it is in order.

Mr. MANN. I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to rule.

Mr. MANN. I would like to call to the attention of the Chair that the amendment is not germane to the paragraph. The paragraph provides for the centralizing of the power, heating, and lighting plant, and so forth, and has no relation whatever to a fire-alarm system.

Mr. KEIFER. This paragraph does relate to the remodeling the electric lay out, and it is fairly in order in pursuance of law.

Mr. MANN. This is no part of the electric lay out of the hospital; and in addition to that fact, the amendment is not only for a claim which has never been allowed under a contract where there has been no acceptance of the work, but it contains a number of legislative provisions in reference to that claim.

Mr. KEIFER. Mr. Chairman, I can not allow that statement to go unchallenged, because the Secretary of the Interior, in a written letter already mentioned, has accepted the installation of this system, and now, after having a full report by the board of his own appointment, he recommends that it should be accepted, and it has been done, and the time has not come to present a claim. There is no claim.

Mr. MANN. If there is a contract and it has been approved and accepted, then if it is anything it is a deficiency appropriation and has nothing to do with the sundry civil appropriation bill.

Mr. KEIFER. It can not possibly be a deficiency, because there is not a dollar of it due, and will not be due until after the expiration of the present fiscal year.

The CHAIRMAN (Mr. WATSON). The Chair is entirely satisfied on this proposition. The Chair does not believe the amendment proposed by the gentleman from Ohio is in order. It is in the nature of a claim that has not been allowed.

Mr. MADDEN. Mr. Chairman, I rise for the purpose of making a motion to reconsider the vote by which the paragraph on page 119, from line 5 to line 11, was adopted with an amendment making an appropriation of $10,000 for the payment of game wardens in Alaska. The purpose I have——

Mr. SMITH of Iowa. Mr. Chairman, I want to make a point of order against that motion before the gentleman states his purpose.

Mr. MADDEN. I will ask the gentleman to withhold his point of order.

Mr. SMITH of Iowa. I reserve the point of order.

Mr. MADDEN. My purpose, Mr. Chairman, in making the motion for reconsideration of this vote is this: When the discussion of the question was up before the committee I suggested it might be proper to postpone its consideration because of the absence of the Delegate from Alaska.

The suggestion was not concurred in by the committee. The Delegate from Alaska is here now; and because of the fact that he can not make a motion to reconsider and does wish to state the facts as he understands them to the committee, I ask the committee to give the Delegate from Alaska an opportunity now to do so. I ask unanimous consent that the Delegate from Alaska be given an opportunity to state his side of this case for ten minutes.

Mr. TAWNEY. Oh, make it five.

Mr. MADDEN. The committee was very solicitous to postpone the consideration of other matters in this bill because of the absence of other members of the House, and there is no reason why the Delegate from Alaska should not be given similar consideration.

Mr. SMITH of Iowa. Mr. Chairman, everybody agrees to ten minutes provided we do not go back to that portion of the bill.

Mr. MADDEN. But we have a right to make a motion to reconsider.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that it is not in order to move to reconsider in Committee of the Whole House on the state of the Union, proceeding on the theory stated in Jefferson's Manual, that this will not be the last opportunity to amend, because, after we get back in the House, if there is anything in the bill that ought not to be there, it can be stricken out in the House.

Mr. MADDEN. I ask unanimous consent that the Delegate may proceed for ten minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the Delegate from Alaska may address the committee for ten minutes. Is there objection? [After a pause.] The Chair hears none. The Delegate from Alaska is recognized. [Applause.]

Mr. CALE. Mr. Chairman, I expected to be present at the time this question came up, but I happened to be away, and for that reason I was not here, of course. [Laughter.]

Mr. BONYNGE. The gentleman had a long distance to come—from Alaska.

Mr. CALE. Yes; but here is the idea: There is a game law enacted especially for Alaska. It is a law that never ought to have disgraced the statute books of the United States. It is a foolish law to begin with, but still we have that law. Now, the question is this: Can we by $5,000 enforce that law? I say no, you can not; nor can you enforce that law with $10,000 nor with $50,000. Increasing the amount from $5,000 to $10,000 simply means that we are squandering $10,000 instead of $5,000. [Applause.] We have a coast line there of over 2,000 miles to police in order to enforce that game law, and it is because of that, by increasing the appropriation from $5,000 to $10,000, that I assert that it is simply squandering $10,000 instead of $5,000. It ought not to be so. You are placing in the hands of the governor of Alaska this $10,000, and he can appoint one single, solitary individual and give him $10,000 a year.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. CALE. Yes.

Mr. HUMPHREY of Washington. I would like to ask the gentleman if the discovery of the fact in the law that the governor had the power to appoint these game wardens is not what caused the gentleman to oppose this amendment?

Mr. CALE. Largely that is true; yes, that is true.

Mr. HUMPHREY of Washington. I want to ask the gentleman another question. I will ask the gentleman if he did not talk to me, not later than to-day, and at that time state that he was in favor of the amendment, and if he did not say to me that he would speak in favor of it?

Mr. CALE. Oh, no; I beg the gentleman's pardon. I told him to-day that I was opposed to the amendment as long as the governor had the expending of this $10,000.

Mr. HUMPHREY of Washington. The gentleman's opposition to the bill is not because he does not think the money ought to be appropriated, but because he does not think the governor will use it properly?

Mr. CALE. Both ways. Let me say to the gentleman from Washington, whom the people in Alaska have always regarded as one of our best friends—and I say that with all sincerity—that the reason why I oppose the increase in the appropriation is because, whether it is $5,000 or $10,000, it is money squandered and wasted.

Mr. HUMPHREY of Washington. May I ask the gentleman another question? I desire to ask the gentleman if he does not think that the amount of $10,000 could get a game warden at Fairbanks, Seward, Seldovia——

Mr. CALE. The gentleman knows, under the provision here, there is no limitation as to how many game wardens you are going to appoint.

Mr. HUMPHREY of Washington. But will the gentleman let me finish my question?

Mr. CALE. If the gentleman will hurry up, I will.

Mr. HUMPHREY of Washington. I want to ask whether or not the gentleman does think with $10,000 you could appoint

a game warden, so as to give one to Fairbanks, one to Seward, one to Seldovia, one to Kodiak, and one at Sand Point, so as to cover the main points where people come in and out?

Mr. CALE. What assurance has the gentleman that they will be appointed at those places?

Mr. HUMPHREY of Washington. I mean if the money be properly used.

Mr. CALE. But there comes the question. I understand that the governor of the Territory went before the Committee on Appropriations and made the statement that $5,000 was sufficient to enforce the law.

Mr. TAWNEY. I will say the governor of Alaska was never before the Committee on Appropriations——

Mr. CALE. Then, I beg pardon. I was misinformed.

Mr. TAWNEY. The estimate was for $10,000, as I now recall, and the Committee on Appropriations reduced it to $5,000 without any information at all.

Mr. CALE. I understood the governor went before the committee. I was misinformed and beg pardon.

Mr. KIMBALL. I would like to ask the Delegate from Alaska if it is not a fact the governor of Alaska spends practically all of his time in Washington when Congress is in session?

Mr. CALE. I wish to say to the gentleman—I do not remember what State he is from——

Several MEMBERS. Kentucky.

Mr. CALE. I wish to say to the gentleman from Kentucky if the governor of Alaska stayed in the Territory and attended to the executive duties of his office instead of coming down here and being a lobbyist and fighting and opposing every measure that the Delegate proposes, whom the people of Alaska elected to come down here and speak for them, he would be thought a great deal more of and not be held in such disrepute in the Territory as he is. [Applause.] He has come down here and simply settled down as a sort of third-grade lobbyist. [Laughter and applause.] Now, the reason why I oppose this increase in the appropriation is from the fact that instead of placing $5,000 in the hands of a man who has always misrepresented and who has maligned the people of Alaska Territory, you are placing $10,000 in his hands, and I am opposed to it.

Mr. ROBINSON. Will the gentleman yield for a question?

Mr. CALE. Yes.

Mr. ROBINSON. I would like to ask the Delegate from Alaska, in his opinion what amount would be necessary to enforce this game law?

Mr. CALE. Upon my word, to be honest and sincere and candid with the gentleman, it would take $100,000 to do it. You have a coast of over 2,000 miles to protect and enforce the game law. You might as well talk about how much it would take to protect the coast from Florida to the State of Maine.

Mr. ROBINSON. And even the appropriation of $10,000 is totally inadequate, in the gentleman's opinion, to accomplish any good purpose?

Mr. CALE. It certainly is.

A MEMBER. Doubly useless.

Mr. GAINES of Tennessee. Was this law enforced better when Secretary Wilson enforced it than since the governor took charge of it?

Mr. SULZER. It was not enforced before, and it is not enforced now. If the law is to be enforced, this appropriation of course is entirely inadequate.

Mr. GAINES of Tennessee. Wait a minute; I have heard enough from people here who did not know anything about this. [Laughter.] I want to hear those who really know.

Mr. SULZER. Of course it is impossible to give the gentleman from Tennessee any information.

Mr. GAINES of Tennessee. The Secretary of Agriculture had it in charge for sometime, and then we changed the law and gave it to the governor.

Mr. CALE. I beg your pardon; this law was enacted only a year ago.

Mr. GAINES of Tennessee. About a couple of years, I think; all right, a year ago. Now, can you compare the two administrations?

Mr. CALE. Yes.

Mr. GAINES of Tennessee. Which is the better?

Mr. CALE. The one prior to this late law.

Mr. GAINES of Tennessee. Of course old man "Honest Jim" Wilson enforced it all right.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. CALE. I certainly will.

Mr. SHERLEY. I have understood that some of the natives have been arrested and imprisoned—or at least fined, if not imprisoned—for shooting game, where they depended upon it for their means of sustenance?

Mr. CALE. That is true.

Mr. SHERLEY. It seems to me a very cruel policy for the National Government to imprison or fine natives, situated as they are, for getting food to live on by killing wild game.

Mr. CALE. The gentleman is entirely correct. Let me state further, for the information of the gentleman and the committee, that, under the law, a person can go out prospecting on the hills and when in need of meat he can kill a moose.

He can take a slice or two off of it, but he can not take the balance of it down in order to sell it in the market. The result is that after slaughtering the moose all he can get is one or two meals out of it, when if he were permitted, which he is not, to take the carcass down, he could get $500 or $600 for it. But under the law he is prohibited from doing that. If a prospector who is in the hills was permitted to take it down, he could get $500 or $600 out of it, which he could put in an outfit which would enable him to pursue his prospecting——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask that the gentleman be allowed ten minutes in which to finish his speech.

Mr. CALE (continuing). But he lets it lie there and rot.

The CHAIRMAN. The time of the gentleman from Alaska has expired.

Mr. MACON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] has asked unanimous consent that the gentleman from Alaska be permitted to proceed for ten minutes. Is there objection?

Mr. TAWNEY. The gentleman from Alaska himself does not ask for it. So I object.

Mr. MACON. I move to strike out the last word.

Mr. OLLIE M. JAMES. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. OLLIE M. JAMES. I understood that unanimous consent had been requested, and the Chair was to put that question to the House, to return to this section, in order to perfect it, and in order that we might pass upon that question in the light of the information we now have.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky [Mr. OLLIE M. JAMES] that it is not in order to move to reconsider in the Committee of the Whole House on the state of the Union.

Mr. OLLIE M. JAMES. The point of inquiry I made was whether or not it was in order to ask unanimous consent.

The CHAIRMAN. It is in order to ask unanimous consent.

Mr. OLLIE M. JAMES. Then I ask unanimous consent that we return to that section to which the amendment was adopted, in order that the committee, in the light of the information it now has from the Delegate from Alaska, may pass upon that question intelligently. [Applause.]

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that at the outset the gentleman from Iowa [Mr. SMITH] objected to returning to the proposition in question. The Chair will again state, however, the proposition to the committee.

Mr. GRAHAM. It was objected to.

Mr. HUMPHREY of Washington. I objected, too.

The CHAIRMAN. The gentleman from Washington objects. Does the gentleman from Iowa [Mr. SMITH] object now to the gentleman's motion?

Mr. HUMPHREY of Washington. I object.

Mr. CALE. I hope the gentleman from Washington will not object.

Mr. HUMPHREY of Washington. I have already objected.

The CHAIRMAN. The gentleman from Washington objects, and the Clerk will read.

Mr. MACON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The last word of what?

Mr. MACON. Of the last paragraph read.

Mr. Chairman, the increase of this appropriation from $5,000 to $10,000 is another evidence of the disposition of the membership of this House to raid the Treasury of the United States without proper information as to what they are raiding it for.

The other day when we were considering bills upon the Private Calendar, with a right to object, some of us saw fit to object to some of those bills, and some of the Members of this House criticised us because we did it. They even criticised us because we tried to find out the merits of the measures then under consideration. During that very day, when we were criticised for our action in trying to find out the particular merits of each bill as it was presented here, we passed a bill appropriating more than $4,000 for payment for cotton that was taken from a citizen of my own State just after the war.

It was a Senate bill, and it was permitted to pass without proper investigation as to the facts in connection with the case; and after the bill was passed and sent to the President it was disclosed that the owner of the cotton received pay for his loss more than forty years ago.

I only refer to this, Mr. Chairman, to show that we ought to be very careful about exploiting the revenues of the Government when they are so low without proper investigation. We ought to be very careful in our investigations and not hastily make or enlarge appropriations; not hastily make them simply because this or that gentleman thinks they ought to be made. I have no interest in the matter except in common with you all. I am only one of the 392 Members of this House. I call your attention to this, because it is a clear act of having increased an appropriation without proper information. The Delegate from the district that we are making the appropriation for says that it is absolutely unnecessary and a squandering of just that much money. I desire to emphasize the point as much as I can, that we ought to be careful about what we are doing when legislating for the good of the whole country.

Mr. CARTER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment.

The Clerk read as follows:

Page 122, line 6, insert after "improvement of Platt National Park," "payable out of the funds in the hands of the Secretary of the Interior to the credit of the park, $16,000, to be expended as follows: For repairs of roads and bridges, $500; for a stone culvert at Sulphur Run, near Pavillion Springs, $500; for construction of a sanitary sewer with laterals to connect with others, connecting with the sewer system of the city of Sulphur, $15,000; provided the municipality of Sulphur expend in the construction of said sewer system through the park an equal amount."

Mr. CARTER. I will state that this does not carry any additional appropriation. It simply sets forth the amount of money which shall be spent, now in the hands of the Secretary of the Interior. The funds of this park have not been handled just the same as other park funds. No appropriation has ever been made for this park, but it has been sustained by the proceeds of the sale of certain improvements located on the land when the park was purchased; consequently, it has not been necessary to submit the expenses to the Committee on Appropriations. This amendment will exhaust the $25,000 now in the hands of the Secretary of the Interior to the credit of that park during the next fiscal year, which will include salaries of about $9,000, as I understand it. It necessitates no new appropriation, but simply puts the park on the same basis as other national parks. I hope there will be no objection to the amendment.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Oklahoma.

Mr. TAWNEY. Where is this amendment offered? As I understand, it is not offered at the proper place.

Mr. CARTER. After line 6, page 122.

Mr. TAWNEY. We have not reached the parks.

Mr. CARTER. We have reached the parks under the Department of the Interior, and I presume this would come under the Interior Department. If the chairman of the committee would like to have me wait until items for "Improvements of parks" under the War Department is reached, I should be very glad to follow his suggestion.

Mr. TAWNEY. You will have to put it in on page 120.

Mr. MANN. This would come into the insane asylum, and that would be a crazy thing to do.

Mr. TAWNEY. It should be in line 21, page 120.

Mr. CARTER. I ask unanimous consent to withdraw the proposed amendment at this point and insert the same language after line 21, page 120, and as a new paragraph.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment be considered as coming after line 21, page 120. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Howard University: For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance of which shall be paid from donations and other sources, of which sum not less than $1,500 shall be used for normal instruction, $49,000.

Mr. BARTLETT of Georgia. I desire to reserve a point of order on this paragraph, to make an inquiry in reference to it. I notice that the estimates for this institution are only $45,000. I notice also that we have appropriated $49,000, and also that on the next page we appropriate $90,000 for a building. Now, I should like to inquire of the gentleman from Minnesota [Mr. TAWNEY], chairman of the committee, what is the authority of law for the appropriation of $49,000, or of $90,000 carried in this bill for the new building?

Mr. TAWNEY. I will say to the gentleman that I do not know that there is any authority of law for the appropriations that have been made by Congress for a great many years for the maintenance of this institution.

Mr. BARTLETT of Georgia. About fifteen years, I think.

Mr. TAWNEY. The institution was founded in 1867.

Mr. BARTLETT of Georgia. Not by the Government.

Mr. TAWNEY. Under the Freedmen's Bureau. The original farm, together with the buildings of Howard University, are now valued at a million dollars. This institution was founded by Gen. O. O. Howard, after whom it was named. It is sustained and supported almost entirely from the Federal Treasury and private donations made by philanthropic people throughout the country. It is the only institution in the United States where the people of the colored race have an opportunity of acquiring a medical education. They are not admitted to any medical school either in the North or in the South, and it has been the general policy of Congress for many years, or ever since the institution was founded, to contribute from year to year from the General Treasury to the maintenance of this institution.

Mr. BARTLETT of Georgia. I should like to ask the gentleman whether or not there is an institution of like kind in this city for the education of white people for which we appropriate money?

Mr. TAWNEY. This is not for the education of the colored people of the District of Columbia, but the colored people of the United States. People are admitted to this school from all over the United States. They here obtain their education in medicine and surgery; and, as I said before, it is the only institution of the kind in the United States where the colored people have an opportunity of acquiring this education.

Mr. BARTLETT of Georgia. I reserved the point of order to get the information that I have obtained from the gentleman from Minnesota. Having gotten it, I want to say that I realize that this is a mere gratuity, beginning in small amounts, and I am not disposed to make the point of order against a part of the appropriation.

Mr. TAWNEY. I want to say to the gentleman from Georgia further that the institution was incorporated by act of Congress and is nominally under the control of the Secretary of the Interior.

The institution reports annually to the Secretary of the Interior, and the estimates for appropriations are submitted by the Secretary of the Interior.

Mr. BARTLETT of Georgia. But the gentleman will observe that the committee have appropriated more than was asked for. On page 535 of the hearings the estimate was made for $45,000, and you have appropriated $49,000. There is something plaintive in the appeal that the chairman of the committee made to the witness before the committee, on page 537 of these hearings, in which he says:

This committee is embarrassed very much on account of the present condition of the Treasury. In order to meet this appropriation, if it is allowed, the Government will probably have to borrow the money. The Government unquestionably will have to borrow money, we hope not before the end of this fiscal year, but by that time, to meet the ordinary expenses; and I want to ask whether, under those circumstances, it would be possible for your institution to get along without serious detriment during the next fiscal year and to postpone this science hall for one year?

Now, there is a suggestion of economy in the air, economy everywhere, but this institution, it appears, gets nearly $5,000 more than the estimates; and in addition——

Mr. TAWNEY. The total estimate is $165,800.

Mr. BARTLETT of Georgia. I am speaking about this item.

Mr. TAWNEY. That includes the estimates for Science Hall. The total amount recommended in this bill is $162,200. The gentleman will therefore see that we recommend less than the actual estimates.

Mr. BARTLETT of Georgia. But the gentleman will realize that this is nearly $100,000 more than this item in the appropriation bill of last year. I am not going to make a point of order on this provision, but I am going to make it against the $90,000 building.

Mr. EDWARDS of Georgia. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the paragraph beginning on line 15 down to and including line 21.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

Mr. GARDNER of Michigan. Mr. Chairman, I hope the Members in this House will not indorse that proposition. This is the only institution of its grade for a people numbering 10,000,000 souls. This institution has grown from 500 to now

almost 1,200 pupils. We can not afford to deprive the colored man of this opportunity to develop leaders for his race. We have one leader of that race of whom it was said the other night in New York by the man who will be officially the first citizen of the Republic a week from to-day, "If it took one hundred years to educate one Booker Washington, it would pay to educate the colored race." [Applause.] That man is a leader.

Howard University is the one institution receiving support from the Government that is designed to educate men who will lead out and encourage and inspire these unfortunate people to a higher and better future.

During the last forty years the graduates of the colored institutions of collegiate grade in this country have numbered, on an average, but 75, giving 7 or 8 graduates of that race to a million of people.

We can not pay the debt in dollars and cents that the negro race has put us under obligation for in the centuries of the past in this country.

Let us not deprive these people of this institution when we are doing three times as much for the education of the Indian, per capita, as we are giving for the education of the colored man. These people are among us, they are of us, we can not eliminate them. They are a part of our civilization; they are a part of our society; they are a part of our Government; they are a part of our politics; they are a part of our religion. They come into our homes as nurses for our children, as cooks in our families, and as servants generally; they mingle with us in various relations in life. Let us lift them up and do what we can for them. I hope the amendment will not prevail. [Applause.]

Mr. MADDEN. Mr. Chairman, the Howard University, the institution against which this amendment is directed, is one of the greatest educational institutions in America. Many of the men who are graduates of this institution live in the State from which I hail. They are among the most brilliant men in the professions; they are a credit to their race. They do credit to their American citizenship. They are liberty loving and patriotic. A vote to eliminate this appropriation would be a vote against giving an opportunity for the education of a people which it should be our highest duty to assist. We should give them every possible opportunity for advancement, help them in every way we can to meet their responsibilities as citizens and enable them to compete with their fellow-citizens in the struggle for existence. Every lover of liberty will agree that this country should do what it can to elevate to the highest plane of citizenship every man, woman, and child under the protection of our flag, no matter what the color of their skin may be. I sincerely hope that no vote will be cast to-night for the adoption of this amendment. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. It is important that the House should understand the relation that this institution bears to the Freedmen's Hospital, and also its importance not only to the colored people of the country, but also to the white people of the country. The testimony before the committee is to the effect that tuberculosis is making terrible ravages among the colored race of this country. Not only is it important to the people of that race that everything possible be done to check the ravages of this disease, but it is of the utmost importance to the people of the white race, wherever the colored people reside, that the colored people shall have this disease checked for the protection of the whites.

The Howard University was started in 1867. It has an endowment, invested, of $173,000. The graduates of the medical school receive their further training and instruction in the Freedmen's Hospital, which is entirely under the control of the Secretary of the Interior. The training that these colored physicians receive there is of immense benefit to the people of both races. I believe that it would be a great misfortune to the people of the country, regardless of race, if anything were done to prevent either the hospital or the university carrying out the work that can be carried out to the fullest extent possible.

Mr. BARNHART. Will the gentleman yield for a question?

Mr. FITZGERALD. I will.

Mr. BARNHART. Mr. Chairman, It seems to me by way of introduction to my question that the air can easily be cleared in this matter if some member of the committee would answer the question which has been asked repeatedly, as to why the amount of this appropriation is raised from what was originally asked, $45,000, to $49,000.

Mr. FITZGERALD. Mr. Chairman, I think that is an error in connection with the two appropriations. The next item carries $90,000 for a new hall of science. During the past few years the colored students have been driven out gradually from the medical schools and the preparatory schools throughout the country. Within the past two years the number of students has increased from 212 to 469. This hall of science, with its equipment, it is expected will cost, not $90,000, but from $120,000 to $130,000, and those who are actively occupied with the work of the institution expect that if Congress appropriates the $90,000 it will be possible, by the donations made by private individuals, to make up the additional sum required. Mr. Chairman, this is not the only institution in the District of Columbia not under government control where the Government contributes to maintenance and support. The Garfield Hospital and Providence Hospital both have been beneficiaries of the Government's generosity.

Mr. BARNHART. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. I do.

Mr. BARNHART. Mr. Chairman, I insist that my question has not been answered. I hope to make myself clear when I say that I want the question answered for my own information as well as for many about me. We want to know why it is that the appropriation originally asked for, $45,000, has been raised to $49,000?

Mr. WEBB. Mr. Chairman, I think I can answer the gentleman's question, if the gentleman from New York will yield. That is because the college wants three new professors to do increased work, as shown by the hearings, and these three new professors will cost $1,500 each.

Mr. TAWNEY. I would say to the gentleman from Indiana [Mr. BARNHART] that the estimate was $49,200, and the amount recommended is $49,000.

Mr. FITZGERALD. Mr. Chairman, an error was made in stating that the appropriation is larger than the estimate. The appropriation for the current year is $45,000. The estimate for the next fiscal year is $49,200, and the committee recommended an appropriation of $49,000, less, not more, than the estimate.

Mr. BARNHART. Mr. Chairman, that is a satisfactory explanation.

Mr. FITZGERALD. The detailed statement submitted to the committee shows that additional instructors are required in order to carry on properly the work of the institution. In this connection the explanation that was made convinced me of the necessity for the increase. I have no prejudice against or bias in favor of the institution. The explanation convinced me that the work was one that should be carried on in the interests of the people of both races. It is an unfortunate thing that gradually the members of the colored race are being excluded from all institutions, which prevents their being educated either as physicians or pharmacists. They are required throughout the country, and I think it would be ill advised to do anything that would prevent the education of them along these lines.

Mr. CAMPBELL. The Chairman——

The CHAIRMAN. The gentleman from Kansas.

Mr. EDWARDS of Georgia. Mr. Chairman——

The CHAIRMAN. The Chair has recognized the gentleman from Kansas.

Mr. TAWNEY. Mr. Chairman, I understand the gentleman from Georgia withdraws his amendment.

Mr. EDWARDS of Georgia. Mr. Chairman, I have gotten the information I desired and I withdraw the amendment.

Mr. SIMS. Mr. Chairman, I renew it simply to make a statement.

Mr. CAMPBELL. But I have the floor.

Mr. SIMS. This is a new motion.

The CHAIRMAN. Regardless of whether it is a new motion or not, the Chair has recognized the gentleman from Kansas.

Mr. WILLIAMS. What question is before the House?

The CHAIRMAN. There is no question before the House.

Mr. WILLIAMS. Then the Chair can not recognize the gentleman from Kansas.

Mr. CAMPBELL. Mr. Chairman, I yielded to the gentleman from Georgia for the purpose of withdrawing his motion to strike out the amendment.

The CHAIRMAN. And the gentleman withdrew his amendment.

Mr. WILLIAMS. There is now no question before the House, as I understand.

Mr. CAMPBELL. I am glad the gentleman has seen fit to withdraw his motion.

Mr. SIMS. Mr. Chairman, I move to strike out the last word simply to make a statement in this connection. I was very sorry, until the gentleman from Georgia explained himself, that he made the motion. This motion gives gentlemen who want to do so an opportunity to make impassioned speeches, so that it will appear to the colored people in the North that their

defenders are all on the other side, and that those who attack them are all on this side.

I am very glad the gentleman from New York rose to straighten out the matter. The facts are, as we all know who have investigated the matter, that one-half of all the public-school charges in the District of Columbia are paid out of the National Treasury. One-half of all colored public school expenses are paid by the general taxpayers of the United States—the North, South, and all alike—and we are making no complaint about it. Down South 75, 80, or, perhaps, 90 per cent of all the taxes to educate the negro race are paid by the white people. They do it cheerfully, they make no complaint about it, they are making no kick and certainly get no political capital out of it. I say such a motion coming from this side is always unfortunate; it is taken advantage of by some gentlemen on the other side, when, in fact, there would not have been a half dozen votes in favor of it if the gentleman himself had not withdrawn the motion as soon as he understood the matter.

Mr. MANN. I think we all would have voted for it. [Laughter.]

Mr. SIMS. Now, let me read a letter to the committee while gentlemen are talking about discrimination against the colored man. I want to read you a letter I received a few days ago, and I suppose you all received a similar one, and as it is a public letter I am giving out no secret:

[Maj. Gen. J. Franklin Bell, U. S. Army, grand marshal; Brig. Gen. John A. Johnston, chief of staff; and Maj. Samuel D. Sturgis, General Staff, U. S. Army, adjutant-general. Committee on civic organizations: Thomas P. Morgan, chairman, marshal civic division; William T. Galliher, first vice-chairman; Walter H. Klopfer, second vice-chairman; and Alan O. Clephane, secretary, Adams Building, 1335 F street NW.]

INAUGURAL PARADE, MARCH 4, 1909.
HEADQUARTERS OF THE GRAND MARSHAL,
ROOM No. 221, WAR DEPARTMENT,
Washington, D. C., January 26, 1909.

Hon. THETUS W. SIMS,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to this committee, permit me to tender to you the privilege of nominating a suitable (white) person for the position of mounted aid to be assigned to the civic division of the inaugural parade, with the understanding that the horse equipment used will conform to that required by the regulation, which will be issued by the grand marshal.

Mr. MANN. Did the horse have to be white, too?

Mr. SIMS. No; but it limits the rider to a "white person."

Mr. MANN. Then, that means a red horse.

Mr. SIMS. No; there is not a word about the color of the horse.

It will also be a part of the regulation that each aid furnish his own mount without expense to the inaugural committee.

Kindly inform us at your earliest convenience whether or not it is your desire to present a name for such appointment.

Very truly, yours,

THOS. P. MORGAN, *Chairman.*

Mr. BUTLER. I want to ask the gentleman a question——

Mr. SIMS. In a moment. This is an invitation by the inaugural parade committee to inaugurate a Republican President from Ohio, from the State of Salmon P. Chase, William McKinley, and last, but not least, of William H. Taft, in which it does not want and will not permit a Member of this House to designate a colored man to ride in that procession. [Applause on the Democratic side.]

Mr. CAMPBELL. Does the gentleman from Tennessee want to name one from his district?

Mr. SIMS. I do not.

Mr. CAMPBELL. Then, why does the gentleman complain?

Mr. SIMS. I suppose they meant this to apply to all gentlemen to whom it was sent. I know they did not intend it for me specially. [Applause.]

Mr. CAMPBELL. The "gentleman from Kansas" does not remember having received that letter.

Mr. SIMS. Here it is, and I had supposed that all Members got one exactly like it.

Mr. Chairman, I am not intending any criticism of the inaugural parade committee. I commend it for the boldness shown and good taste manifested.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. Mr. Chairman, I will ask for five minutes to answer questions that have been asked me.

Mr. TAWNEY. Mr. Chairman, I demand the regular order.

Mr. MANN. If the gentleman has finished his speech——

Mr. SIMS. I have.

The CHAIRMAN. The gentleman from Minnesota demands the regular order, which is the reading of the bill.

The Clerk read as follows:

For scientific building and equipment, in addition to donations therefor, $90,000.

Mr. BARTLETT of Georgia. Mr. Chairman, I make the point of order upon the paragraph contained in lines 3 and 4, page 123.

The CHAIRMAN. The gentleman from Georgia makes the point of order. The gentleman will state his point.

Mr. BARTLETT of Georgia. That there is no authorization for any such construction of the building.

Mr. TAWNEY. Mr. Chairman, I do not intend to make any argument against the point of order; the Chair will have to decide the question.

Mr. BARTLETT of Georgia. I will reserve the point of order if the gentleman wishes it.

Mr. TAWNEY. This building is a part of this institution which the Government of the United States is maintaining or has contributed to its maintenance for a number of years. The necessity for it has been stated by the gentleman from New York, and if that is not sufficient to satisfy the gentleman from Georgia, I can not add anything to it that will convince him that this appropriation ought to be made.

Mr. FITZGERALD. This university ceded to the Government 11 acres of ground upon which is erected a freedman's hospital. Both institutions are conducted together and are essential to each other.

Mr. BARTLETT of Georgia. I desire to say that I have the hearings in reference to that, and that does not appear, as I now recall it, in the hearings.

Mr. FITZGERALD. I will read from the report of the university.

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio [Mr. KEIFER] desire to be heard on the point of order?

Mr. BARTLETT of Georgia. I make the point of order.

The CHAIRMAN. Does the gentleman from Ohio want to be heard on the point of order?

Mr. KEIFER. I do. As I understand, the point of order is made on the claim that this is new legislation.

Mr. BARTLETT of Georgia. Not authorized by law.

Mr. KEIFER. That this provision is not authorized by law. It is one paragraph of a number of paragraphs in the bill that are all connected together. If it is in order in part of it, and a point of order is made against any other portion, this is in order; but it is in order on another ground, namely, that this Howard University was established and put in operation more than forty years ago. What is proposed by this appropriation of $90,000 for a science hall is to add something to what we have already commenced, to wit, the establishment of Howard University. Originally this university was conducted in smaller buildings, and from year to year it has been improved and enlarged. Originally there were but a few students. While at first it had less than three hundred, now it has about twelve hundred, and we are simply providing for the institution everything that was authorized by law in the beginning.

We are increasing, it is true, the expenditures. The university desires and needs additional room, and that is the object of the appropriation of $90,000. It is in a sense a work we have already commenced, and we are simply adding to it. The apparatus that is there, the various provisions for equipment, are not sufficient for the twelve hundred students now in that institution, and now we are going to say that we will strangle the university by refusing to carry out the enterprise of building up a great university for medical students and others. We have furnished now to that great institution of the South, that one established and built up by Booker T. Washington, about all of his teachers. They come principally from Howard University. We have established there a president and professors, and they have gathered, as authorized, a large number of students, and now we say that we can not improve the institution by enlarging it to meet its requirements at all, for the reason that we did not provide by law forty years ago that at this time we could enlarge the institution. It is a work that we commenced long ago, and we are now only supporting and simply building it up. We have as much right to increase the size of the buildings, to improve the halls, and all that, as we had to start it, and we are simply carrying out the object of the institution.

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. KEIFER. Certainly.

Mr. OLLIE M. JAMES. Do I understand the gentleman from Ohio to take the position that because Congress authorizes the building of a house worth, say, $3,000, that therefore you might empty the Treasury to make additions to it and it would not be subject to a point of order?

Mr. KEIFER. I never made any such suggestion. I say that we authorized the president and the faculty to gather students together to the number now of almost twelve hundred. We have over 400 medical students there. We have gathered them together, and now the proposition is to take care of them after we have them. It is as essential that the institution should have a good science hall and other buildings as it is that it should have professors in their faculty.

Mr. OLLIE M. JAMES. I do not dispute that. Why do you not proceed in a parliamentary fashion to do that?

Mr. KEIFER. We are doing that. Under the rules we have a right to appropriate to carry on the institution we have established to the extent that we have built it up by our previous legislation.

The CHAIRMAN. The Chair is ready to rule on the proposition. If the present occupant of the chair could strain a point and declare this section or paragraph in order, he would do so. But the rule is so clear that it is not possible to do it and maintain the rules of this House. There are many precedents and decisions upon which the decision now about to be made by the Chair is based.

On the 23d of February, 1908, the army appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, and this paragraph had been read:

For the construction and completion of a building for the post headquarters, engineer school, engineer library, and engineer museum, $350,000.

The point of order having been made, Mr. SHERMAN, of New York, being Chairman of the Committee of the Whole House on the state of the Union, held that it was obnoxious to the rule, because it was a new building, and was not a continuation of a work in progress within the meaning of the rule, and therefore sustained the point of order.

On the 23d of April, 1908, the naval appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, and Mr. SPARKMAN, of Florida, offered an amendment providing for the construction of one or more buildings. This was for a navy-yard and, of course, authorized previously or in the beginning by law; but yet it has been held, as it was held in that case, that a new building is not a continuation of a public work in progress, and Mr. MANN, of Illinois, Chairman of the Committee of the Whole House on the state of the Union, sustained the point of order with respect to the buildings under those circumstances. The Chair thinks it is clearly obnoxious to the rule, and reluctantly sustains the point of order.

The Clerk read as follows:

For scientific building and equipment, in addition to donations therefor, $90,000.

Mr. BUTLER. I move to strike out the last word. I have no desire to interrupt this orderly meeting, but this is the first chance I have had, having been shut out by the demand of the chairman for the regular order. I want to make an inquiry of my friend from Tennessee. Whose name was attached to that letter?

Mr. SIMS. I have given the letter in, and the letter is the best evidence.

Mr. BUTLER. I could not hear the name.

Mr. SIMS. He is the chairman of the committee, and signed it, as the chairman of the committee, as the action of the committee.

Mr. BUTLER. I could not hear the name.

Mr. FITZGERALD. I demand the regular order.

Mr. BUTLER. Will the gentleman answer what was the name? [Cries of "Morgan!"]

Mr. FITZGERALD. I demand the regular order.

The CHAIRMAN. The committee must be in order.

Mr. BUTLER. Mr. Chairman, I think my friend will answer the question.

Mr. FITZGERALD. I demand the regular order.

The CHAIRMAN. The Chair must ask gentlemen to be seated. The Chair must insist upon the rules of the House being observed. The gentleman from New York has demanded the regular order.

Mr. BUTLER. Does the Chair rule that I am out of order?

The CHAIRMAN. The Chair believes the gentleman is not discussing the motion to strike out the last word.

Mr. BUTLER. I ask unanimous consent that I may ask the gentleman from Tennessee the name of the gentleman who signed the letter.

Mr. FITZGERALD. I demand the regular order.

Mr. BUTLER. I would like to know the politics of the gentleman who signed that letter.

The CHAIRMAN. The gentleman asks unanimous consent——

Mr. FITZGERALD. I rise to a question of order. I called for the regular order, and I object to any unanimous consent.

The CHAIRMAN. The Chair was endeavoring to state the question. All gentlemen will be seated. All gentlemen occupying the floor are out of order. The Chair will state the request of the gentleman from Pennsylvania.

Mr. BUTLER. I ask unanimous consent that I may be permitted, if I have time enough, to ask the gentleman from Tennessee a question.

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. I object.

The CHAIRMAN. The gentleman from New York objects. The Clerk will read.

The Clerk read as follows:

For improvement of grounds and repairs of buildings, $3,000.

Mr. FITZGERALD. I offer an amendment, Mr. Chairman.

The Clerk read as follows:

Line 5, page 123, strike out the words "repairs of" and insert in place thereof "for," and, after the word "buildings," insert the word "ninety," so that the paragraph shall read:
"For improvement of grounds and buildings, $93,000."

Mr. BARTLETT of Georgia. I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Georgia makes the point of order against the amendment. Does the gentleman from New York desire to be heard upon the point of order?

Mr. FITZGERALD. What is the point of order?

Mr. BARTLETT of Georgia. That it is for buildings not authorized by law.

The CHAIRMAN. Does the gentleman from New York desire to discuss the point of order?

Mr. FITZGERALD. I have not been able to get the particular point of the point of order.

Mr. BARTLETT of Georgia. May I have the amendment read again?

The amendment was again reported.

Mr. FITZGERALD. What is the point of order, Mr. Chairman?

The CHAIRMAN. Will the gentleman from Georgia state his point of order?

Mr. BARTLETT of Georgia. I make the point of order against the amendment that it is not authorized by existing law.

Mr. FITZGERALD. I desire to be heard on that. The paragraph itself is not authorized by existing law, but this is a germane amendment. No point of order having been reserved against the paragraph, this amendment is in order. That is all I desire to say.

Mr. BARTLETT of Georgia. I do not desire to discuss it any further, Mr. Chairman.

The CHAIRMAN. On what ground does the gentleman from New York claim that the paragraph itself is not in order?

Mr. FITZGERALD. It is not authorized by existing law. This is a private institution, not a government institution. The appropriation for the purpose stated in the paragraph is not authorized. The paragraph having been read and no point of order having been reserved, an amendment that is germane can be offered and is not subject to a point of order.

The CHAIRMAN. Does the gentleman claim that because there was not a statute originally authorizing this institution, but it having been appropriated for during all of these years, that it is not a public work?

Mr. FITZGERALD. It is not. It is a private institution. I can cite the charter.

Mr. MANN. I wish also to make the point of order that the amendment that the gentleman offers is not germane to the paragraph, in that the paragraph provides for the repairing of buildings, while the gentleman's amendment in effect provides for the construction of buildings; and that a paragraph for the repairing of a building can not be amended by a proposition to build a new building.

Mr. FITZGERALD. I do not propose to build a new building. I say nothing about the construction of a building. This paragraph affects grounds and buildings, and there is nothing in the language of the amendment to justify the inference, outside of what may be in the gentleman's mind, that this is for the construction of a building.

Mr. MANN. The mere fact that the amendment itself contains nothing does not make any difference, because there are rulings to the effect that striking out a portion of a paragraph is subject to a point of order, because when stricken out it would authorize an expenditure not provided for by law.

Mr. FITZGERALD. It has been repeatedly held that a point of order can not be made against the striking out of words on the ground that the amendment is not germane.

The CHAIRMAN. That it is not germane—that is quite true.

Mr. FITZGERALD. It can not be on the ground that it changes existing law, for there is no existing law.

The CHAIRMAN. But suppose the contention of the gentleman be true, that the original paragraph was not in order. Does the gentleman contend that because the original paragraph was not in order he can introduce a new substantive paragraph not in order, simply because it may be germane?

Mr. FITZGERALD. Certainly, if it be germane. There is no question about it.

The CHAIRMAN. But, after all, it is an entirely new substantive proposition.

Mr. FITZGERALD. No; it is not a new subject, I submit to the Chair. It simply changes the wording, and this money can all be used for the purpose mentioned in the original paragraph, for repairs and anything else that may be germane. The entire appropriation can be used for the improvement of the grounds.

Mr. KEIFER. Mr. Chairman, I think the amendment was understood as simply increasing the amount of the appropriation.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

Mr. MANN. It had better be read for the information of the gentleman from Ohio. He has not heard it.

Mr. KEIFER. I have heard it, and the gentleman from Illinois is the only man here who does not understand it. [Laughter.] The amendment is for the improvement of grounds and repairs of buildings, and the proposition is to make it $93,000 instead of $3,000 for the improvement and repair of buildings; but the gentleman from Illinois seems to think it is an absolutely different proposition, whereas it is the same thing, only the amount is increased.

Mr. MANN. The gentleman, as usual, is wrong. [Laughter.]

Mr. KEIFER. Let it be read for the benefit of the gentleman from Illinois.

Mr. MANN. It does not need to be read for the benefit of the gentleman from Illinois.

Mr. BUTLER. Regular order!

The CHAIRMAN. If there be no objection, the amendment will be reported for the third time.

The amendment was again read, as follows:

Line 5, page 123, strike out the words "repair of" and insert in place thereof "for;" and after the word "buildings" insert "ninety," so that the paragraph shall read "for improvement of grounds and for buildings, $93,000."

The CHAIRMAN. The Chair is awaiting the pleasure of the gentleman from New York, if he desires to continue.

Mr. FITZGERALD. I supposed that perhaps the Chair was getting information from a more authoritative source.

The CHAIRMAN. The Chair is well satisfied in his own mind, and is only waiting on the gentleman from New York for further light.

Mr. FITZGERALD. If the Chair has been completely satisfied from the other source, there is no need to spend the time of the committee.

The CHAIRMAN. The Chair is well satisfied, in accordance with the proposition that the Chair stated in the beginning, that even though the original paragraph were out of order, yet it could not be amended by a new substantive proposition. In other words, here is the rule:

In an appropriation bill a paragraph embodying legislation may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation.

And the Chair submits that this adds additional legislation. The Chair thinks it is clearly subject to the point of order.

Mr. FITZGERALD. I move to insert the word "ninety" after the word "building."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 123, line 5, after the word "building," insert the word "ninety" and a hyphen, so that it will read "$93,000."

Mr. MANN. Mr. Chairman, it seems to me a ridiculous proposition, and it will do no good to try and inject partisanship into a little matter of this kind, thinking you will get the best of it by proposing to increase this item of $3,000 for the improvement of grounds to $93,000. It is absolute ridiculousness run mad. They could not expend the money for a new building. What is the use when we have the Treasury in this condition? Of course the other side of the House would like to see us appropriate a hundred million dollars more than we can ever pay or raise.

A MEMBER. That is what you are doing.

Mr. MANN. Yes; and we are getting assistance for every extravagant proposition from the gentleman who made the remark. [Laughter.]

Mr. MACON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MACON. I want the gentleman to except one Member on this side of the House. [Laughter.]

Mr. MANN. I was only referring to the gentleman who made the remark.

Mr. MACON. I do not want to be included in the gentleman's remark.

Mr. MANN. As a rule, I say frankly and fairly that the gentleman from New York does not come within it; he is one of the best Members of the House. I would not be understood as making any reflection upon him because he was misled long enough to offer such an amendment as this. Ninety-three thousands dollars for improvement of grounds! We might be led into voting for it. [Laughter.]

Mr. FITZGERALD. I hope the gentleman will vote for it.

Mr. MANN. The gentleman from New York may vote for it, but the gentleman from Illinois will not.

Mr. FITZGERALD. Mr. Chairman, this is not a ridiculous amendment. If I did not hope that before the bill was enacted into law the $90,000 would be made available for the science hall that is so much needed by this institution, I would not have offered the amendment. It is all very well to characterize such an amendment as "ridiculous," and talk about the diminished surplus, but this is the wrong place to economize when we are squandering millions for many purposes under this administration. It might have been well to have taken this small pittance of $100,000 or $90,000 from the appropriation for the army or navy, where it is not needed, and give the facilities for the education of these men which are so much needed for the colored and the white races.

I have not made this motion from any standpoint of partisanship nor to play cheap politics. I do it because I believe that this is imperative and should be done now. [Applause.] I will resort to any parliamentary expedient to get this appropriation if it can be had, and I hope this side of the House will do what I believe they will do, vote for this amendment, so that these colored men who are coming to Washington to complete their education may do so, and thus be of benefit to the people of their race and the people of the white race. They can not do so unless they have the facilities that everyone who has investigated this question knows are required.

I do not advocate appropriations which I believe are unnecessary, extravagant, or improper; but I think this is essential. It should be made now and had better be done now than to defer it until next year, when there will be no money.

Mr. TAWNEY. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. TAWNEY. I trust that before the gentleman takes his seat he will call attention to the fact that had it not been for a gentleman on that side of the House the provision as reported by the committee would be carried in the open.

Mr. FITZGERALD. It might and might not. I do not find fault with a man on either side of the House exercising his rights under the rule. It is immaterial to me from which side it comes. I desire to have the appropriation made. I hope there will be votes on both sides sufficient to adopt the amendment.

Mr. GAINES of Tennessee. Can not that side of the House make a rule to put in the proposed item, and thereby prevent it being subject to a point of order, and have they done so?

Mr. TAWNEY. Nobody on this side of the House took it out of the bill.

Mr. GAINES of Tennessee. The gentleman points to this side of the House.

Mr. FITZGERALD. One moment, please. I do not want the gentleman to make his speech in my time. I have repeated several times, and I hope the House will agree with me, that this is an important item. The appropriation should be made now. It is not intended that the $90,000 should be expended for repairs and improvements. The $90,000 is needed for the new science hall for this colored university, in order that the colored medical students may have the necessary facilities for their education. I hope the House will give it.

Mr. FINLEY. Mr. Chairman, I will ask the gentleman why did not the Committee on Appropriations report the amount of $93,000?

Mr. FITZGERALD. It did report the $90,000 in a separate item which was eliminated from the bill on a point of order.

Mr. FINLEY. Not here.

Mr. FITZGERALD. I did not say it was reported here, but on the page preceding; but I have stated that the object of this amendment is not to give $93,000 for repairs and improvements,

but it is offered in the hope that before the bill is finally enacted into law the $90,000 will be made available for the science hall.

Mr. FINLEY. The gentleman says that this is a private corporation.

Mr. FITZGERALD. It is.

Mr. FINLEY. Are there not hundreds and thousands of other private institutions in the country that are deserving also?

Mr. FITZGERALD. Yes; but not occupying the same relation to this Government that this institution does.

Mr. FINLEY. They could occupy the same relation if the same action was taken, could they not?

Mr. FITZGERALD. They could, but they have not. I know several that I am particularly interested in myself that I should be glad to have the Government support. I have no special interest in this institution.

Mr. GAINES of Tennessee. Will the gentleman from New York tell us whether these colored people are going to be taught how to plow and how to make machinery, like Booker Washington is doing, or are they going to teach them how to read and write and be doctors and lawyers?

Mr. FITZGERALD. This particular hall is intended and needed for the medical department of the university. They have a large number of medical students. They need additional facilities in order that these men may work among the people of the colored race. I believe that it is necessary, and they should have these physicians.

Mr. GAINES of Tennessee. Are they going to teach them how to be farmers and mechanics, and so forth, like Booker Washington is doing?

Mr. FITZGERALD. Not out of this appropriation. There is a manual department in the university. I am not discussing that now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of Georgia. Mr. Chairman, it will be recalled that I called attention to the first part of this item, Howard University, and reserved a point of order on it for the purpose of ascertaining what reason there was for Congress to appropriate any money at all, and when I heard the statement of the gentleman from Minnesota [Mr. TAWNEY], which admitted that this was a mere gratuity, giving the history of the appropriation, I did not make any point of order on the first appropriation. The gentleman from Illinois [Mr. MANN], in a colloquy with me, stated that this appropriation would be $90,000 less than reported before the bill got through. I presume from that that he himself would have made the point of order.

Mr. COOPER of Pennsylvania. Will the gentleman permit a question?

Mr. BARTLETT of Georgia. Yes.

Mr. COOPER of Pennsylvania. Do I understand the gentleman to say that he now does not wish to make a point of order against lines 3 and 4?

Mr. BARTLETT of Georgia. No; I have not said so.

Mr. COOPER of Pennsylvania. I thought that was the effect of the gentleman's statement. If the gentleman would do that, I would like to offer that as an amendment following line 6.

Mr. BARTLETT of Georgia. I did not so state.

Mr. MANN. Mr. Chairman, I do not propose to shirk the responsibility for making the point of order. I will say that if the gentleman from Georgia [Mr. BARTLETT] had not made the point of order I should have made it. The Treasury is in no condition to put up new buildings for this institution. It has gotten along for years without it, and all this talk about the necessity for it is pure rot.

Mr. BARTLETT of Georgia. Mr. Chairman, I know the gentleman from Illinois [Mr. MANN] would have made the point of order, but I do not care whether anyone shares with me the responsibility or not. I am responsible for making the point of order and I do not offer any apologies to the gentleman from Minnesota or anyone else for doing so.

It was my right to make it, and the gentleman from Minnesota [Mr. TAWNEY] would have risen upon his feet in his place in the consideration of this bill if any of us on this side or on that side had offered to appropriate money to erect a public building of any sort in our districts. In fact, the gentleman from Minnesota [Mr. TAWNEY] and this committee have refused to appropriate money recommended for buildings for which there is existing law, and here we are asked to appropriate money for buildings that are not authorized by law.

I have no objection to the education of the negro. My State, and the States of the South, expend millions and millions of dollars every year in their education. There are colleges in various States. I know one in North Carolina and one in my own State, particularly aided by state appropriation, where these people are educated in the higher branches, in the professions, so that it is not necessary that the money should at this time be taken from the Treasury to complete a building which is not authorized by law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman—— [Cries of "Vote!"]

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio desire to be recognized?

Mr. KEIFER. Yes; just for a moment. This amendment is now exactly as, in the confusion that existed, I understood it to be in the first place. I want to say that we are taking pains about economy in this bill. There seems to be very little trouble about appropriations much larger for Indian schools for the Indians.

We have about 250,000 Indians, savage and all classes, and we have something like 10,000,000 colored people. I suppose there is in this bill, according to the estimates, an appropriation of $200,000 for the education of the Eskimo—is that right—way up in our northern country or territory of Alaska. We are getting very liberal in some directions but not in regard to our 10,000,000 colored people and citizens. Some gentlemen seem to think that it is time to exercise economy when these unfortunate people are involved.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

Mr. KEIFER. I will try; yes, I will yield.

Mr. GARRETT. The education of the Indians is a matter concerning which the Federal Government has taken special charge.

Mr. KEIFER. It took special charge of this institution long ago; more than forty years ago we commenced this good work, and we are now trying to carry it out according to the spirit in which we entered upon it.

Mr. GARRETT. The education of the 10,000,000 colored people is a matter in which the States have taken care and are now taking care.

Mr. KEIFER. The States have not in this instance, and we are providing the States and their institutions with teachers from Howard University.

Mr. GAINES of Tennessee. Will the gentleman permit me to make an inquiry of him? Have we not taken the Indians' lands from them and sold them and held the funds in trust and educated them with the proceeds?

Mr. KEIFER. No.

Mr. GAINES of Tennessee. Have we not at any time?

Mr. KEIFER. In some instances—I think not.

Mr. GAINES of Tennessee. I am glad to be enlightened, because my impression was that we sold their lands and held their funds in trust and sent them to schools to teach them this, that, and the other thing, among other things, how to be farmers, a thing you do not propose to do in this case. [Cries of "Vote!"]

The CHAIRMAN (Mr. OLMSTED). The question is on the amendment proposed by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. BARTLETT of Georgia) there were—ayes 88, noes 17.

So the amendment was agreed to.

The Clerk read as follows:

Freedmen's Hospital: For salaries and compensation of the surgeon in chief, not to exceed $3,000, and for all other professional and other services that may be required and expressly approved by the Secretary of the Interior; in all, $28,500. A detailed statement of the expenditure of this sum shall be submitted to Congress.

Mr. ROBINSON. Mr. Chairman, I move to strike out the last word. I would like to ask some gentleman in charge of this bill the reason for the requirement that a detailed statement of expenditures of this sum shall be submitted to Congress when the same requirement is not made as to other expenditures in a subsequent paragraph?

Mr. TAWNEY. This is a lump-sum appropriation, Mr. Chairman, for personal services, and it is for the purpose of giving Congress information as to the compensation paid to individuals employed and paid from this appropriation, which is required of a great many of the various departments of the Government for which appropriations are carried in this bill.

Mr. ROBINSON. The statement is to be submitted, of course, after the service is performed; it could not be submitted before.

Mr. TAWNEY. The service is a continuing service, and we require a report every session of Congress.

The Clerk read as follows:

For repairs to bridge connecting Rock Island Arsenal and the city of Davenport, $60,000.

Mr. OLLIE M. JAMES. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of

this bill what part of the amount necessary to repair this bridge does the railroad pay that operates these cars across the bridge.

Mr. TAWNEY. The railroad company does not pay any part of the expenses now, under a ruling of the Comptroller of the Treasury, I think two years ago. The revenue that the company pays is paid into the Treasury of the United States to the credit of the general fund, and the Government of the United States pays——

Mr. OLLIE M. JAMES. What revenue do they pay?

Mr. TAWNEY. There is a specific contract between the railroad company and the Government.

Mr. OLLIE M. JAMES. I would like to ask the gentleman if it is not true——

Mr. TAWNEY. The gentleman is speaking about the steam railroad?

Mr. OLLIE M. JAMES. I am speaking about this bridge on which the railroad crosses.

Mr. TAWNEY. The railroad company owns half of that bridge.

Mr. OLLIE M. JAMES. How do they come into the ownership of half of that bridge?

Mr. TAWNEY. Because the Government of the United States——

Mr. HULL of Iowa. The law fixes it.

Mr. TAWNEY. The law passed by Congress fixes it.

Mr. OLLIE M. JAMES. But is it not true that the Government itself built all of that bridge except the laying of the ties and the placing of the rails upon it when it was erected?

Mr. SMITH of Iowa. That is not true.

Mr. OLLIE M. JAMES. I will call the attention of the gentleman from Iowa to the testimony of General Crozier, who says he thinks the Government built it. "My impression is that the railroad company only paid for the ties and rails" is the language of General Crozier in his testimony.

Mr. SMITH of Iowa. The trouble is that the gentleman confuses the railroad and the street railroad.

Mr. OLLIE M. JAMES. The street railroad?

Mr. TAWNEY. The street railroad the gentleman is referring to in his first question.

Mr. OLLIE M. JAMES. Does not the street railroad run across this bridge?

Mr. SMITH of Iowa. It does.

Mr. OLLIE M. JAMES. Does it not charge people to carry them across it?

Mr. SMITH of Iowa. It does.

Mr. OLLIE M. JAMES. And these repairs that are being made you are having the Government pay for? Why do you not have the street car railroad pay it?

Mr. SMITH of Iowa. The railroad paid for half the bridge.

Mr. OLLIE M. JAMES. The street railroad company?

Mr. SMITH of Iowa. The street railroad has a contract with the Government which has been variously modified both by statute and otherwise, and which we can hardly determine the justice of to-night, but which provides generally that the street railroad company shall furnish the power to turn the draw of this bridge; that it shall furnish the electric light, not only on this bridge and the other bridge at the same general location, but the lighting of the street connecting the two bridges. But, in further consideration of its crossing this bridge, it shall haul all passengers through Rock Island, from Davenport, Moline, or the city of Rock Island, for 2½ cents at certain hours of the day, in place of 5 cents.

Mr. HULL of Iowa. It applies especially to the employees of the arsenal?

Mr. SMITH of Iowa. It applies to everybody. In addition to that, the street railway company built a stub line extending up to the arsenal, and contracts to carry the arsenal employees at 1 cent below the regular rate.

Mr. OLLIE M. JAMES. I call the attention of the gentleman to the item for the maintenance and operation of the power plant of $12,500.

Mr. SMITH of Iowa. That is again a case of misapplication. The Rock Island is one of the greatest power plants in America. It has nothing whatever to do with the power that turns the draw span in the Mississippi River bridge.

Mr. OLLIE M. JAMES. If I understand the gentleman correctly then, all that the street car company does for the bridge which the Government built, according to General Crozier——

Mr. SMITH of Iowa. Half built.

Mr. OLLIE M. JAMES. I am taking his testimony.

Mr. SMITH of Iowa. His testimony is that it was half built by the Government. Do not misstate his testimony.

Mr. OLLIE M. JAMES. I have read his testimony absolutely correctly.

Mr. SMITH of Iowa. The gentleman read an extract from it that does not show what he meant at all.

Mr. OLLIE M. JAMES. The street railway company uses the bridge all the time?

Mr. SMITH of Iowa. It uses the bridge, and gives a 2½-cent fare in place of a 5-cent fare from Rock Island, Davenport, and Moline, and gives a 4-cent fare on this line, including the stub, to carry laborers up to the arsenal, lights the bridge, and lights the street connecting the two bridges, and furnishes the power to turn the span.

Mr. OLLIE M. JAMES. That is for the benefit only of those few people out there. Does not the gentleman think that, as this street railway company did nothing to build the bridge, and it is only giving the benefit of a 3-cent fare to the few people that use it out there, the street railway company ought to do something to help repair the bridge?

Mr. SMITH of Iowa. I am not going to determine to-night whether this street railway company, running back through years, was as liberal to the Government as it ought to have been. I do not see any connection between that question and the question of whether we are going to repair this bridge when the floor has rotted out.

Mr. OLLIE M. JAMES. Well, the street car company I am calling the gentleman's attention to is getting most of the benefit of it, and when it is doing that it ought to repair at least between its tracks.

Mr. SMITH of Iowa. As a matter of fact, they have got a contract partly by statute and partly with the War Department, and they are complying with it.

Mr. SHERLEY. How much of government ground do the tracks of the street railway run over?

Mr. SMITH of Iowa. I can not answer that question. They run up to the arsenal, and do so at the request of the government authorities.

Mr. SHERLEY. And also across the island, making the connection between the two cities.

Mr. SMITH of Iowa. I do not believe the street belongs to the Government.

Mr. SHERLEY. The right of way is a very valuable one, and I think they are paying very little for it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. GARRETT. I move to strike out the last two words.

The CHAIRMAN. The gentleman moves to strike out a couple of words.

Mr. GARRETT. I think, even at this hour of the night, the gentleman from Iowa ought to be willing to give us information about that.

Mr. SMITH of Iowa. I gave you all I had.

Mr. GARRETT. It is very voluminous, so far. Now, what are the relations between the steam railway and the electric street car company and the Government in this bridge?

Mr. SMITH of Iowa. Why, as I understand the facts, when this bridge was first built, forty years ago, it was built one-half by the railway company and one-half by the Government. When it was rebuilt a few years ago the same rule applied.

Mr. GARRETT. The steam railway?

Mr. SMITH of Iowa. The Rock Island Railroad.

Mr. GARRETT. Now, where does the street car company come in?

Mr. SMITH of Iowa. Now, subsequently, the street car company wanted to cross this bridge, and they made a contract with the Government, varying at different times. At one time there was a payment of $2,500 in cash for the privilege of crossing over, and certain other things, to the Government. But, finally, the contract has been reduced—I will not state whether it is fair or not—but under the contract now the Government is to be free from the expense of turning this draw in this bridge, and this is done by the power furnished by this motor company. The government employees—and they are about 1,500 in number—shall go to and from these works at the arsenal on a fare of $30 a day, as I remember the figures.

Mr. GARRETT. The government employees on what?

Mr. SMITH of Iowa. At the Rock Island Arsenal, which is situated on the island, in the middle of the Mississippi River.

Mr. CLARK of Missouri. I think if the gentleman from Iowa will take a minute or a minute and a half and explain the geographical situation out there, he would have no further difficulty.

Mr. SMITH of Iowa. I do not know that I can explain it better than to say that this Government acquired Rock Island and has on it its most important arsenal; that it is operated by water power, the water power referred to in the next item; that these 1,500 employees going back and forth to this arsenal

come from Davenport, Moline, and the city of Rock Island; that in order to get across this bridge they carry all the people, employees and others, during certain hours of the day for 2½ cents to and from these other places.

Mr. GARRETT. That is pretty good for those people who live there, but where does it come in for the benefit of the general public?

Mr. SMITH of Iowa. There are no people living on Rock Island, practically speaking; it is principally government employees; but some people go over there sometimes. The great body is the government employees, and this is to enable them to go backward and forward to this arsenal.

Mr. CLARK of Missouri. The geographical situation is this: Rock Island is in the middle of the Mississippi River, and that is where the arsenal is, and these people that work at that arsenal live in Davenport, Iowa, Rock Island and Moline, Ill. There are three towns right around there where these employees live, and they can not get to that arsenal except they go over this bridge.

Mr. GARRETT. Was the electric road built for the benefit of these employees?

Mr. CLARK of Missouri. Why, the three towns were composed practically of government employees and the people who have to support the government employees.

Mr. DAWSON. My good friend from Missouri has an entirely inadequate conception of the importance of this great industrial center. [Laughter.]

Mr. CLARK of Missouri. There never would have been any industrial center around there if this arsenal had not been established on Rock Island.

Mr. DAWSON. I am not so sure about that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT. I ask unanimous consent that the gentleman from Iowa may have five minutes——

Mr. TAWNEY. I move that all debate on this paragraph be now closed.

Mr. WILLIAMS. I hope the gentleman from Minnesota will allow five minutes at any rate.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this paragraph be closed.

Mr. WILLIAMS. I should like five minutes for the gentleman from Iowa to elucidate the question.

Mr. TAWNEY. There is no amendment pending.

The motion of Mr. TAWNEY was agreed to.

Mr. OLLIE M. JAMES. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After the word "dollars" on line 23, page 124, insert the following: "*Provided*, That the street railway company operating and running the street cars across said bridge shall pay one-third of the expense for repairing the same."

Mr. TAWNEY. I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. GARRETT. I move to strike out the paragraph.

The question being taken on the motion of Mr. GARRETT, on a division (demanded by Mr. GARRETT), there were—ayes 14, noes 65.

Accordingly the amendment was rejected.

The Clerk read as follows:

Picatinny Arsenal, Dover, N. J.: For extension of filling house, $10,000.

Mr. DRISCOLL. Mr. Chairman, I do not know whether these are separate paragraphs, or that they are all a single paragraph, but I desire to reserve a point of order on each of them separately.

Mr. GARRETT. Which one?

Mr. DRISCOLL. Well, on Picatinny. If that and several others all go in one paragraph, I will reserve my point until we get them all read.

Mr. TAWNEY. They are all separate paragraphs.

Mr. DRISCOLL. Then I reserve a point of order against this.

Mr. TAWNEY. Do not reserve it. Make it. Let us see what it is.

Mr. DRISCOLL. I make the point of order that it is new construction, and is not authorized by law.

The CHAIRMAN. The Chair will state that this appears to be an extension of a filling house.

Mr. GAINES of Tennessee. That is exactly what it is.

The CHAIRMAN. And unless there is a limitation on the cost of the same it would be in order.

Mr. GAINES of Tennessee. It is a continuation of a project already in progress.

Mr. DRISCOLL. If the building is 50 feet long, and they want to make it 150 feet long, that is new construction.

The CHAIRMAN. The Chair will ask the gentleman from New York if there is any legal limitation on the cost of that filling house?

Mr. DRISCOLL. I do not think it is authorized at all.

Mr. TAWNEY. There is no limitation. This is the house in which the cartridges are filled. Therefore it is called the "filling house." This is for the purpose of enlarging it.

The CHAIRMAN. The Chair is ready to rule. The paragraph appears on its face to be for an extension of an existing house. It seems, therefore, to be a continuation of a government work in progress, and the point of order is overruled.

Mr. DRISCOLL. It is not in progress. There is no appropriation for it in the present law.

The CHAIRMAN. The point of order is overruled.

Mr. GAINES of Tennessee. I should like to inquire of the gentleman from Minnesota where he gets the estimate for $10,000? In other words, is that enough?

Mr. TAWNEY. The estimate comes from the War Department, from the bureau of which General Crozier is the head.

Mr. GAINES of Tennessee. How much powder is it proposed to make there?

Mr. TAWNEY. Oh, I do not know. Ask me something easy.

Mr. GAINES of Tennessee. I thought nothing was hard to the distinguished gentleman.

Mr. TAWNEY. It depends upon the necessities of the service. If we have a war with Japan, why, we may need a great deal more than we otherwise would.

Mr. GAINES of Tennessee. I ask the question because I know that two years ago General Crozier had some doubt as to how much money he needed. The fortifications bill carried an item of about $160,000 to put up a factory at Sandy Hook.

Mr. TAWNEY. I would say to the gentleman that we have doubled the capacity for the manufacture of powder.

Mr. GAINES of Tennessee. How much does that mean; what amount in a day or a year?

Mr. JOHNSON of South Carolina. Will the gentleman from Tennessee allow me to interrupt him?

Mr. GAINES of Tennessee. Yes, indeed.

Mr. JOHNSON of South Carolina. The present capacity is 1,000 pounds a day. This enlargement will make it 3,000 pounds a day. That is the testimony.

The Clerk read as follows:

For enlargement of the powder factory, including the necessary accessories and buildings for housing employees, $175,000.

Mr. DRISCOLL. Mr. Chairman, I make the point of order against that paragraph on the ground that it is new construction not authorized by law.

Mr. GAINES of Tennessee. It is a continuation of a work already in progress.

The CHAIRMAN. This appears to be for the enlargement of an existing building. It is therefore within the exception of the rule as being in continuation of a government work already in progress. The Chair overrules the point of order.

Mr. GAINES of Tennessee. Just a word about Indianhead. I want to ask the gentleman from Minnesota if he knows that in the estimate of the cost of making powder at Indianhead, 43 cents, they take into consideration about a thousand acres of land deteriorating at the rate of 10 per cent a year, says Mr. Waddell in the Senate hearings, 1906–7? They have 800 acres which is used as a proving ground and 200 acres as a powder-plant territory. They also charge in the expense of policing the whole premises, which, we all know, is not a legitimate charge in making up the cost of powder made by the Government down there at Indianhead. Of course that is absurd.

I am stating this from the testimony of Colonel Dieffenbach, a navy officer, in his letter in these Senate hearings. Mr. Waddell is an expert powder man at Peoria, Ill. He used to work for the powder trust and was an expert government witness in this case against the octopus—this full-stomach affair that has gobbled up money from the Government for nearly a century, but is now harnessed up in the federal court, thank the Lord—Waddell, Roosevelt, and a few others. He states that it costs 34 cents to make the powder, and everything above that is profit, and yet we are paying 64 cents for a part and 84½ cents for powder for arms of small caliber. That is what we are paying this octopus, and I am glad to see that the Government is coming to the rescue of the Treasury and turning its face against this great octopus that has been prowling around in the Treasury of the United States for more than a century [laughter] and is making this octopus behave like a law-abiding citizen, which it never has done before. [Applause.]

The Clerk read as follows:

BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON.

That the application of the rules and regulations heretofore prescribed or that may be hereafter prescribed by the Chief of Engineers, United States Army, under the authority granted by section 6 of an act

of Congress approved July 1, 1898, for the government and proper care of all public grounds placed by that act under the charge and control of the said Chief of Engineers, is hereby extended to cover the sidewalks around the public grounds and the carriageways of such streets as lie between and separate the said public grounds.

Mr. MANN. Mr. Chairman, to that I reserve a point of order. Under this provision, which extends the jurisdiction of the Chief of Engineers to sidewalks and streets, I want to ask whether that will oust the jurisdiction of the police officers of the District?

Mr. TAWNEY. It does not at all; their jurisdiction is coextensive.

Mr. MANN. I think not. Do the police officers of the District have jurisdiction within the parks?

Mr. TAWNEY. Yes; inside the parks and around the parks.

Mr. MANN. The Chief of Engineers now has police jurisdiction over the parks themselves?

Mr. TAWNEY. Within the parks.

Mr. MANN. And the District officers do not have the jurisdiction?

Mr. TAWNEY. The District police officers have jurisdiction within the parks.

Mr. MANN. Concurrent jurisdiction?

Mr. TAWNEY. Yes; concurrent jurisdiction.

Mr. MANN. They have police officers for the park?

Mr. TAWNEY. Yes; the city police make arrests within the park; they have jurisdiction; but the park policemen have no jurisdiction to make arrests on the sidewalks.

Mr. MANN. The gentleman says that the District police and the park police have common jurisdiction within the parks?

Mr. TAWNEY. Yes.

Mr. MANN. I think the gentleman is wrong, although I do not wish to put my opinion against his.

Mr. TAWNEY. When the request for the extension of the jurisdiction of the park police was requested, inquiry was made as to whether or not the jurisdiction of the city police was coextensive with that of the park police, and we were informed by the Superintendent of Public Buildings and Grounds that their jurisdiction was coextensive.

Mr. MANN. And concurrent?

Mr. TAWNEY. Yes.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For improvement, care, and maintenance of various reservations, including purchase, maintenance, and driving of horse and vehicle for official use of the officer in charge of public buildings and grounds, and of other necessary vehicles, for official use, $26,000.

Mr. LLOYD. Mr. Chairman, I move to strike out the last word, in order to make some inquiries.

Mr. OLLIE M. JAMES. Mr. Chairman, I reserve the point of order to the section.

The CHAIRMAN. The gentleman from Kentucky reserves the point of order.

Mr. TAWNEY. Mr. Chairman, the reservation of the point of order comes too late. The gentleman from Missouri has moved to amend the paragraph.

Mr. CLARK of Missouri. Mr. Chairman, when this bill was first reported to the House all points of order were reserved, and we do not have to make points of order individually to the section.

Mr. OLLIE M. JAMES. Certainly; because the gentleman from Missouri had said he wanted to strike out the last word——

Mr. TAWNEY. He moved to strike out the last word, and commenced to talk about the paragraph.

Mr. OLLIE M. JAMES. The committee seems to resolve itself into a fierce rivalry as to who can get out the first word and as to who the Chairman hears uttering the first word. I do not think the gentleman from Minnesota ought to depart from the usual rule.

The CHAIRMAN. The Chair thinks that the gentleman from Kentucky was on his feet to reserve the point of order, and that the reservation does not come too late.

Mr. WILLIAMS. Unless there has been debate the gentleman has a right to make the point of order.

Mr. TAWNEY. The point of order does not lie to the section, anyway.

Mr. LLOYD. I refer to the section from lines 9 to 13, inclusive, on page 129. I wish to inquire how much is for vehicles and how much for horses?

Mr. TAWNEY. I do not know how much is for maintenance of the dray horses and the express wagons and horses used in the express wagons. There is none of it for carriages—that is, for the accommodation of the Superintendent of Public Buildings and Grounds.

Mr. LLOYD. Is there any carriage provided for anybody in this paragraph excepting the carriage for the Superintendent of Public Buildings and Grounds?

Mr. TAWNEY. I asked Colonel Bromwell these questions:

What other necessary vehicles do you use outside of those used by yourself?

Colonel BROMWELL. The assistant engineer has a buggy and the landscape gardener has a buggy.

The CHAIRMAN. These are all? Those are the only vehicles outside of your own that are provided for in this appropriation?

Colonel BROMWELL. Yes.

Mr. LLOYD. Then there are three buggies provided for three officers?

Mr. TAWNEY. Yes; they are used in going around and superintending the work in these different parks.

Mr. LLOYD. How many horses are used?

Mr. TAWNEY. Only three.

Mr. GARRETT. Will the gentleman permit a question? Would it not be a good idea to substitute automobiles?

Mr. TAWNEY. I do not think so, until these horses die, anyway.

Mr. LLOYD. Have they not any two-horse carriages in this connection?

Mr. TAWNEY. I have given the gentleman all the information I have. The Superintendent of Public Buildings and Grounds says that he has this horse and carriage of his own, and then the superintendent and the landscape gardener each has one.

Mr. LLOYD. Did he give the gentleman any information as to the number of vehicles necessary to be purchased during the year?

Mr. TAWNEY. No; he does not ask for any. He is going to use the old ones for another year.

Mr. GARRETT. Suppose that horse dies?

Mr. LLOYD. Then if he does not need to purchase any during the year, is not the appropriation too large?

Mr. TAWNEY. The appropriation is not for vehicles and horses alone. The principal amount of this money is expended for the improvement, care, and maintenance of the various reservations or parks in the city under the jurisdiction of the Superintendent of Public Buildings and Grounds.

Mr. LLOYD. I beg the gentleman's pardon. That is an entirely different paragraph in which that appropriation is made. This is for the improvement, use, and maintenance of certain reservations, including the purchase and maintenance and care of vehicles and horse.

Mr. TAWNEY. The paragraph to which the gentleman refers is lines 9 to 13, inclusive, on page 129.

Mr. LLOYD. Yes; and I am trying to find out how much is for the use and care and maintenance of the reservations and how much is for the vehicles and how much for horses.

Mr. TAWNEY. There is no separate amount stated by the Superintendent of Public Buildings and Grounds.

Mr. LLOYD. Then we must vote on this matter without knowing how much is necessary.

Mr. MANN. Will the gentleman yield for a question?

Mr. GARRETT. Let me ask the gentleman from Minnesota a question in all seriousness. Ought not half of this to be paid out of the revenues of the District?

Mr. TAWNEY. It is.

Mr. GARRETT. It does not say so here.

Mr. MANN. It does, on page 131.

Mr. TAWNEY. There is a general provision as to all these items.

Mr. MANN. Does not the gentleman from Missouri think there is some discrimination? This provides for the care and maintenance and purchase and driving of horses and vehicles for official use of officer in charge of public buildings and grounds, and then only provides for other necessary vehicles for official use. It does not provide for a horse at all. There may be a dozen vehicles and only one horse. Is not this rather working the horse too much? [Laughter.]

Mr. GARRETT. That depends on the horse.

Mr. MANN. Is this a horse on the officer who gets the horse or a horse on the officer who only gets a vehicle without a horse?

Mr. LLOYD. I am sorry I can not answer the question of the gentleman.

Mr. GARRETT. Mr. Chairman, I ask unanimous consent that this paragraph may go over without prejudice, as we are not able to get the information.

Mr. TAWNEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. OLLIE M. JAMES Mr. Chairman, I move to strike out the word "twenty," so the paragraph will read "$6,000" instead of "$26,000." I think that is enough for one horse.

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 13, page 129, strike out the word "twenty," so that it will read "$6,000."

The question was taken; and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. OLLIE M. JAMES) there were—ayes 45, noes 71.

Mr. OLLIE M. JAMES. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. TAWNEY and Mr. OLLIE M. JAMES) reported that there were—ayes 53, noes, 62.

So the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. COX of Indiana. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. COX of Indiana. For the purpose of offering an amendment. Strike out, in line 13, the word "six" and insert the word "five," so as to make it read "$25,000."

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 129, line 13, strike out the word "six" and insert the word "five," so that the amendment will read "$25,000."

The CHAIRMAN. The question is on the amendment.

Mr. TAWNEY. Mr. Chairman, just a moment. I do not think the gentleman from Indiana will make his motion or insist upon it if he understands the facts. This appropriation has been increased to the extent of $1,000 on account of the number of new reservations that have been made and brought under the jurisdiction of the Superintendent of Public Buildings and Grounds, which must be improved and will be improved during the coming fiscal year.

That is the reason for this additional $1,000. The appropriation heretofore has been $25,000 for all the reservations under the control of the Superintendent of Public Buildings and Grounds. Next year there will be several reservations which will come under his control, and they will continue to come under his jurisdiction, which will necessitate an additional amount.

Mr. COX of Indiana. Mr. Chairman, I listened to the discussion between the gentleman from Missouri and the gentleman from Minnesota as to the reason why this appropriation was increased $1,000, and I could not gather any reason for it.

Mr. TAWNEY. The gentleman from Missouri was not asking why the appropriation was increased, but he was asking about horses and carriages.

Mr. COX of Indiana. I understood that, and I was waiting patiently for the gentleman from Minnesota to explain the reason why, and I turned back to the current appropriation bill and I found the language of the last appropriation was practically the same as it is in this bill; but the reason for the increase of $1,000 I did not know, but I do believe, Mr. Chairman, that $25,000 is enough for this work anyhow.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. To ask unanimous consent to go back to page 128, line 9, "for ordinary care of Lafayette Park, $2,000."

Mr. TAWNEY. What for?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 128 for the purpose indicated.

Mr. MANN. There has been no purpose indicated.

Mr. TAWNEY. I object.

Mr. GAINES of Tennessee. I ask unanimous consent to make an inquiry.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to make an inquiry. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, I was very busy at the time.

A MEMBER. Regular order!

Mr. GAINES of Tennessee. The regular order is to get information whenever I can and where I need it. Now, Mr. Chairman, I ask the committee the reason why that park is named "Lafayette?"

Mr. TAWNEY. To what part of the bill does the gentleman refer?

Mr. GAINES of Tennessee. Line 9, on page 128. It is named "Jackson Park;" and while I would not for a moment deprive Lafayette of any homage we can pay him, I say there is no law, or I have been unable to find any, to justify calling it "Lafayette Park," and I intended to call it to the attention of the chairman of the committee when we reached it; but I was diverted at the time, and we passed over it. That is why I asked to go back. It ought to be "Jackson Park."

I have unanimous consent to proceed.

Mr. TAWNEY. The gentleman has unanimous consent to ask a question.

Mr. GAINES of Tennessee. My question is, now, What objection has the gentleman to calling it "Jackson Park?"

Mr. TAWNEY. Simply because the park is called "Lafayette Park" and was known in the appropriations for the last half century as "Lafayette Park."

Mr. GAINES of Tennessee. It was not. It was first called "Jackson Park" and it is now called "Lafayette Park," and there is no law for that that I can find.

Mr. TAWNEY. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Regular order is demanded, and the Clerk will read.

The Clerk read as follows:

For laying cement and other walks in various reservations, $2,000.

Mr. ROBINSON. Mr. Chairman, I move to strike out the last word. I would like to ask what reservations are referred to there?

Mr. TAWNEY. Government reservations in the District of Columbia.

Mr. ROBINSON. In the District of Columbia exclusively?

Mr. TAWNEY. Yes, sir.

The Clerk read as follows:

And the jurisdiction over the portion of north B street required for said roadway, now under the control of the Commissioners of the District of Columbia is hereby transferred to the Chief of Engineers, United States Army.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on that. Has that matter been submitted by the District Committee?

Mr. TAWNEY. No; it has not, nor has the District Committee any jurisdiction over the subject.

Mr. GARRETT. It has not any?

Mr. TAWNEY. No.

Mr. GARRETT. The Committee on the District of Columbia has no jurisdiction over B street?

Mr. TAWNEY. Over B street? Of course it has jurisdiction over B street.

Mr. MANN. That is the proposition.

Mr. TAWNEY. I thought the gentleman was referring to the park.

Mr. CAMPBELL. Referring to the paragraph beginning on line 10 and ending on line 16, on page 130.

Mr. GARRETT. That is it.

Mr. TAWNEY. Does the gentleman refer to the paragraph beginning with line 22 and ending with line 25?

Mr. GARRETT. Yes, sir.

Mr. TAWNEY. If the Government of the United States improves this street as part of the park improvement, the jurisdiction of the street will have to be transferred to the Superintendent of Public Buildings and Grounds, who is in control of all the parks and streets.

Mr. GARRETT. Now, is not that a District matter? Is not that a matter that ought to go before the District Committee?

Mr. TAWNEY. No.

Mr. MANN. This street, as I understand it, is a street that is now being improved as a part of the park system. I was up there Sunday and walked all over it. I wish the gentleman had been along. It would have added very greatly to my company.

Mr. GARRETT. The pleasure would have been mine. But after all——

Mr. MANN. It is quite essential, I should say, that if that street were to be improved as a part of the park system, the engineer should have jurisdiction over it as a part of the park or alongside of the park.

Mr. GARRETT. I am not entering into the merits of the matter. The thing I am trying to get at is whether that is not a matter that ought to be referred to the District Committee.

Mr. LLOYD. I want to ask the gentleman from Illinois [Mr. MANN] why it is that the District of Columbia has no jurisdiction, when one-half of the expense of it is to be paid by the District of Columbia?

Mr. MANN. One-half of the expense of all of these parks is paid by the District of Columbia.

Mr. LLOYD. Yet the District Committee, which controls the affairs of the District, has no jurisdiction whatever over the parks?

Mr. MANN. I did not say anything about comparative jurisdiction of the committee.

Mr. LLOYD. I beg the gentleman's pardon; he did not. It was the chairman of the committee, the gentleman from Minnesota [Mr. TAWNEY].

Mr. MANN. I apprehend that a bill for that purpose would have been referred to the Committee on the District of Columbia, but as this bill carries the appropriation for the improvement of the park and the street, I think it quite proper that the transfer of the jurisdiction should be made in connection with the appropriation for the improvements.

Mr. GARRETT. In other words, it was excusable, but can not be justified under the rule.

Mr. MANN. If it were a bill introduced, it would be subject to the point of order, and the bill introduced, I think, would go to the Committee on the District of Columbia.

Mr. GARRETT. I make the point of order on that.

The CHAIRMAN. The paragraph is plainly a change of existing law, and the point of order is sustained.

The Clerk read as follows:

For commencing the improvement of the interior portions of section 1 of Potomac Park, grading, soiling, seeding, planting, and laying out walks, $15,000.

Mr. GARRETT. I reserve or make the point of order on that paragraph.

Mr. OLLIE M. JAMES. I ask the gentleman to reserve the point of order, so that we may have an explanation of it.

Mr. TAWNEY. I insist that the gentleman make the point of order if there is to be a point of order.

The CHAIRMAN. Will the gentleman from Tennessee state his point of order?

Mr. GARRETT. There is no law for it; it is new legislation; there is no authority of law for the appropriation.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. GARRETT. I have made it, but the gentleman from Kentucky asked me to reserve it. I would like to hear from the chairman as to the necessity for it. It is new legislation.

Mr. TAWNEY. It is a public work in progress; the United States controls this park.

The CHAIRMAN. It is an appropriation for commencing the improvement of the interior portions of Potomac Park, in continuation of a public work in progress, and as such excepted from the rule.

Mr. GARRETT. How can it be a continuing if it is just commencing?

The CHAIRMAN. The park is there and the improvement of the park in its exterior portions has apparently commenced, and this provision continues the improvement to the interior. The Chair overrules the point of order.

Mr. GARRETT. I understand the Chair to say that commencing is continuation?

The CHAIRMAN. The park was commenced and the improvement of the park is a continuation of the improvements already in progress.

Mr. GARRETT. Then the Committee on Appropriations is very unfortunate in the use of language. [Cries of "Regular order!"]

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

Under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than $1.85 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with a base of not less than 6 inches in thickness.

Mr. GAINES of Tennessee. I move to strike out, on page 131, line 13, the word "laid," which is clearly a limitation.

The Clerk read as follows:

Page 131, line 13, strike out the word "laid."

Mr. GAINES of Tennessee. That is a limitation, because it requires for this purpose in the future that you make it of a quality equal to the best that we have already "laid" here. Now, there is a new kind of street material. It is a vita-lithic process. If this bill passes with this limitation in here, it will exclude the commissioners from adopting the vita-lithic process or any new and better process, because none of it has been "laid" in this city. And yet this is to get the very best "laid."

Mr. MANN. This is what is called the asphaltum here. It is a limitation and only applies in this case.

Mr. GAINES of Tennessee. It bars a new and better kind.

Mr. MANN. It is only a limitation.

Mr. GAINES of Tennessee. I will ask the gentleman to read it, then.

Mr. MANN. I have been reading it for the last twelve years, and we have been making appropriations every year.

Mr. GAINES of Tennessee (reading):

No contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than $1.85 per square yard for a quality equal to the best laid.

Mr. MANN. That is already laid in the District, and it only applies to the making of repairs to the concrete and asphalt pavement, and is the same provision carried in the District of Columbia bill and carried in this bill every year that fixes the standard according to a pavement laid in 1888, and done in accordance with that standard.

Mr. TAWNEY. I would say to the gentleman from Tennessee that the standard for this pavement referred to the pavement that was laid in 1886 in Franklin square, and it was considered as the best pavement in the District of Columbia. This has been carried in the District appropriation bill and the sundry civil bill for a great many years. That pavement was personally supervised and superintended by General Ketchum, for many years a Member of this House. It was at his instance that this provision was put in and kept in, so as to keep the standard up to that which was laid in this particular street.

Mr. GAINES of Tennessee. Mr. Chairman, I ask for five minutes, so that I can make myself plain.

Mr. WALDO. I move that all debate——

Mr. GAINES of Tennessee. I move to strike out the last word. The gentleman from New York seems to be very much adverse to my giving information or getting information.

The CHAIRMAN. Does the gentleman withdraw his pro forma amendment?

Mr. GAINES of Tennessee. No; I do not.

The CHAIRMAN. Then the gentleman can not move to strike out the last word. There is an amendment already pending.

The question is on the amendment proposed by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

Mr. WILSON of Pennsylvania. I move to strike out, in lines 13 and 14, after the word "Columbia," in line 13, down to and including "eighty-six," in line 14.

The Clerk read as follows:

Lines 13 and 14, strike out the words "prior to July 1, 1886."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 131, lines 13 and 14, strike out "prior to July 1, 1886."

Mr. WILSON of Pennsylvania and Mr. GARRETT rose.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

The affirmative vote was taken.

Mr. GARRETT. Mr. Chairman, I submit that the gentleman from Pennsylvania [Mr. WILSON] is on his feet, desiring to address the House.

The CHAIRMAN. The gentleman from Pennsylvania did not ask recognition. He is entitled to be heard on the amendment if he desires.

Mr. WILSON of Pennsylvania. I was on my feet seeking recognition from the Chair and had secured recognition.

The CHAIRMAN. The Chair recognized the gentleman to offer the amendment.

Mr. WILSON of Pennsylvania. This is a limitation relative to the quality of asphalt. It provides that the standard shall be the best that existed prior to 1886. I submit that the standard should be the best existing at any time, either prior to 1886 or since that time. Hence I offer my amendment. That is all I have to say.

The question being taken, on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 49, noes 63.

Mr. WILSON of Pennsylvania. I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. TAWNEY and Mr. WILSON of Pennsylvania.

The committee again divided; and the tellers reported—ayes 48, noes 52.

Accordingly the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to offer an amendment to strike out the words "laid in the District of Columbia prior to July 1, 1886, and."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Lines 13 and 14, page 131, strike out beginning with the word "laid" and ending with the word "and."

The question being taken, the amendment was rejected.

Mr. SABATH. Mr. Chairman, I move to amend by striking out, in line 12, the words "eighty-five" and inserting in lieu thereof "sixty-five."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 12, strike out "eighty" and insert "sixty."

Mr. SABATH. That will make it $1.65.

The question being taken, the amendment was rejected.

The Clerk read as follows:

Executive Mansion: For ordinary care, repair, and refurnishing of Executive Mansion, and for purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, $35,000.

Mr. WILLIAMS. Mr. Chairman, I should like to interrogate the chairman of the committee a moment. I notice that this is for "ordinary" care, repairing and refurnishing of the Executive Mansion. May I ask the gentleman why, under an extraordinary administration like this, we provide for only "ordinary" care and repairs?

Mr. TAWNEY. Well, this appropriation is for the next administration.

Mr. GARRETT. The gentleman misunderstands. He speaks of the present administration.

Mr. WILLIAMS. Yes.

Mr. GARRETT. The present administration is extraordinary; the next administration is to be ordinary.

Mr. WILLIAMS. Both administrations are extraordinary.

Mr. GARRETT. Why?

Mr. WILLIAMS. Because I saw a solemn announcement in a New York paper to the effect that upon the 4th of March next the American people were to experience a great revolution; that under the auspices of the Republican party they would upon that day change a President who could lick his weight in wildcats for a President who could eat his weight in possums. [Laughter.] Now, I submit that both are extraordinary administrations, and I move to insert the word "extra" before "ordinary."

Mr. SMITH of Iowa. Pardon me, but the next item carries the extraordinary appropriation.

Mr. WILLIAMS. No; that is for—

re-covering walls, reupholstering, and re-covering furniture, painting, decorating—

Now, neither administration needs any decorating.

Purchase of draperies.

They do not need draperies.

Mr. GARRETT. Yes; but the gentleman has overlooked the "and so forth."

Mr. EDWARDS of Georgia. And upholsteries.

Mr. WILLIAMS. I move to insert the word "extra" immediately preceding the word "ordinary."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 9, page 132, before the word "ordinary," insert the word "extra."

Mr. WILLIAMS. I offer this solemnly to the American people and the American Congress, as my homage of reverence to these two Republican administrations.

The question being taken on the amendment of Mr. WILLIAMS, on a division (demanded by Mr. GAINES of Tennessee and Mr. WILLIAMS) there were—ayes 45, noes 67.

Accordingly, the amendment was rejected.

Mr. OLLIE M. JAMES. Mr. Chairman, I move to strike out the last word. I do so for the purpose of making an inquiry about the expenditure of this $35,000. My understanding the other day was that we provided the President of the United States with an automobile, at a cost of $12,000, and it looks like from this section we have the same amount for horses and vehicles as before. I want to ask the chairman in charge of the bill if this section is necessary in view of the fact that the other day we appropriated $12,000 for automobiles. I think that was too much. I do not think you ought to appropriate anything for automobiles. I am in favor of horses as far as I am concerned, because Kentucky produces them. I have no antipathy to this section because it provides for horses, but I want to find out whether the $35,000 is necessary.

Mr. MADDEN. I understand that Kentucky horses are retrograding.

Mr. OLLIE M. JAMES. Not at all; they are progressing and not retrogressing.

Mr. BARTLETT of Georgia. Mr. Chairman, when the question of appropriating for automobiles was before the committee I asked the gentleman from Minnesota if they would not require all of this money for horses and carriages notwithstanding we appropriated the $12,000 for autombiles. I call his attention to the fact that there was appropriated last year $35,000 for this purpose, and he said only $25,000.

Mr. OLLIE M. JAMES. That is the point I was making and which I desire to ask the chairman about.

Mr. BARTLETT of Georgia. The gentleman from Minnesota stated that if they got the appropriation of $12,000 they would not require this $35,000.

Mr. OLLIE M. JAMES. It was urged on the House that it was a matter of economy to provide the President with $12,000 for an automobile, and here they come along with the same old section as before, taking $35,000 of the people's money from an almost empty Treasury to provide the vehicles and horses. [Laughter.]

Mr. TAWNEY. If the gentleman from Kentucky had his way it would be empty now.

Mr. OLLIE M. JAMES. Not at all. If the gentlemen on that side voted for economy like I do, there would be a surplus instead of an empty Treasury. [Applause on the Democratic side.] The gentleman from Illinois drew the attention of the committee to the fact that this side of the House did not care how much you appropriated; but if we were actuated by partisan motives, of course we would want you to do what you always have done—empty the Treasury when you got a chance. [Laughter.] But we are in favor of economy; we want to save the people's money. [Laughter and applause on the Democratic side.]

I call the attention of the House to the warning of the gentleman from Illinois [Mr. MANN] that you must cut down expenses. The Treasury is empty now. You should not appropriate $12,000 for automobiles and then come in here for $35,000 for horses and vehicles for the President, the amount heretofore appropriated. How many horses does it take, and how many vehicles does it take, to run the President? Mr. Chairman, I move to strike out the word "thirty-five" and insert the word "twenty-three," so that it will read "$23,000."

Mr. BEDE. Twenty-three is "skidoo." [Laughter.]

Mr. TAWNEY. Mr. Chairman, I move that all debate now close on this paragraph and amendments.

Mr. CLARK of Missouri. I want to ask the gentleman from Minnesota a question. When we had this squabble about an automobile for the President, did not I ask the gentleman from Minnesota if we would not appropriate this same $35,000, and did he not tell me that it would be an economical performance, and that the appropriation for horses and vehicles would be cut out?

Mr. TAWNEY. I did say it.

Mr. CLARK of Missouri. Then why do not you cut it out?

Mr. OLLIE M. JAMES. I have offered an amendment to cut it down.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the paragraph and amendment be now closed.

The question was taken, and on a division (demanded by Mr. GAINES of Tennessee and Mr. CLARK of Missouri) there were 75 ayes and 57 noes.

So the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Kentucky.

The question was taken, and on a division (demanded by Mr. OLLIE M. JAMES) there were 58 ayes and 77 noes.

Mr. OLLIE M. JAMES. Tellers, Mr. Chairman.

Tellers were ordered. The Chair appointed as tellers Mr. OLLIE M. JAMES and Mr. TAWNEY.

The committee again divided, and the tellers reported that there were 49 ayes and 61 noes.

So the amendment was lost.

Mr. COX of Indiana. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Insert, at the end of line 13:

"*Provided*, That not more than $13,000 of the above appropriation shall be used in the purchase of horses and vehicles.

Mr. COX of Indiana. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, debate has been closed on this paragraph and all amendments thereto.

The CHAIRMAN. Debate is closed on this paragraph and all amendments. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. Cox of Indiana) there were—ayes 49, noes 63.

So the amendment was rejected.

The Clerk read as follows:

For extraordinary repairs of the White House, for re-covering walls, reupholstering and re-covering furniture, painting, decorating, purchase of drapery, etc., to be expended by contract or otherwise, as the President may determine, $15,000.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word. I want to say, Mr. Chairman, that there are but five legislative days remaining of this session. This is the most important appropriation bill the Congress of the United States

has to enact. It is absolutely necessary, if we are to perform our duty and enact this bill, that we act upon it at this session in time for the Senate to give some consideration to the bill. I have given every reasonable opportunity for legitimate debate, and I have not complained of the levity that has been indulged in for the last two hours, but I want to call to the attention of the members of this committee the fact that unless we go on with the consideration of this bill as Representatives ought to do, and give consideration to it, we will not be able to pass this bill in time to reach the Senate so that that body can give any consideration to it whatever, and the responsibility for that will fall upon the House of Representatives. I trust that during the remainder of the session we may now go on with the consideration of the bill and such amendments only will be proposed as are proposed in good faith, and that there will be no more delay than possible.

Mr. WILLIAMS. Mr. Chairman, I have listened to the lecture of the gentleman from Minnesota [Mr. TAWNEY] with very much attention, and with a great admiration for his versatility. [Laughter on Democratic side.] It is the first time I have ever seen him playing that peculiar rôle. If there is any fault for having this bill in here at this late hour it rests upon the Republican party in this Congress. If there shall be any fault in not getting it out of the Senate, it will rest with the Republican party there. We propose to consider this bill with diligence, with industry, with attention, with vigilance, and offer all necessary amendments in order that it may be carefully and deliberately considered. We propose to see to it that the requisite amount of money necessary is provided for the running of this Government, and in that view I now propose, in line 18, on page 132, to strike out the word "fifteen" and insert the words "twenty-five" therefor.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will read.

The Clerk read as follows:

Line 18, page 132, strike out "fifteen" and insert "twenty-five."

Mr. WILLIAMS. Mr. Chairman, that is a provision which provides for the "cleaning up" at the White House. [Laughter on the Democratic side.] I am an economist, but when it comes to providing money enough for this administration to clean itself, if it can, I am in favor of not being parsimonious. [Laughter on the Democratic side.] Mr. Chairman, if it were not for fear that the amendment might be misunderstood, I would also move that, in line 14, on page 132, the words "white washing" be inserted between the words "for" and "recovering." The strenuous life——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "for," in line 14, insert the words "white washing."

Mr. WILLIAMS. Hold on, Mr. Chairman. I said if it were not for fear of being misunderstood I would offer that amendment. I have not offered it. Mr. Chairman, I have always tried to be, as you all know, to the highest degree dignified and respectful in all my political conduct toward the Chief Executive and the legislators of the opposite party, whom I love so much individually, and therefore I do not want to use those words.

I am willing to stand by "re-covering and reupholstering," both of which words appear in "the cleaning up" provision of this bill. I now move, Mr. Chairman, the amendment which I have already offered; and just to show how anxious I am to hurry up the public business and not to consume the time of the House needlessly, I ask unanimous consent that there be no further debate on the paragraph and amendments thereto, and that we vote at once upon the amendment I offer.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and amendments be closed. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000.

Mr. COOPER of Pennsylvania. Mr. Chairman, I move to strike out this paragraph.

Mr. OLLIE M. JAMES. Mr. Chairman, I reserve the point of order.

Mr. COOPER of Pennsylvania. Mr. Chairman, if I understand it, we made provision on the legislative bill which will wipe out the necessity for this paragraph, and while it has not yet been enacted into law, I think in all probability it will be, and there will be no necessity for this paragraph.

The CHAIRMAN. The question is on the motion to strike out the paragraph.

Mr. TAWNEY. I consent, Mr. Chairman.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

For lighting arc electric lights in public grounds, as follows: For 7 in grounds south of the Executive Mansion, 32 in Lafayette, Franklin, Judiciary, and Lincoln parks, 14 in grounds south of Executive Mansion and in Monument Park, and 27 in Potomac Park driveway, at not exceeding $80 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said lights; in all, $6,400, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the word "Lafayette," in line 17, page 134, and insert in lieu thereof the word "Jackson."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 17, page 134, strike out the word "Lafayette" and insert the word "Jackson."

Mr. GAINES of Tennessee. Mr. Chairman, I want to say that I have spent all the time that I possibly could during the last ten days, and I have had the kind assistance of experts to aid me, in trying to find the existing laws of the United States on this subject, but I find no statute—"existing law"—authorizing the naming of this park "Lafayette Park." My information is that it was originally named "Jackson Park" many, many years ago, possibly about the time the equestrian statue of Jackson was placed in this park just opposite the front of the White House yard. We have done very little in this city to what we should have done to show we respect and honor the memory of Andrew Jackson, and I see no reason why we should brush aside his name, in an appropriation bill or in a general law, or otherwise, and substitute the name of the other patriotic man, Lafayette. About fourteen years ago an effort was defeated in Congress to place the Lafayette statue (now on the corner of this park) in front of the Jackson statue (also in this park), facing the White House door, thereby excluding, practically, the sight of the Jackson statue from the White House door, where I have seen hundreds stop and say: "That is Jackson's statue over there in the park. There he is on the horse," and then discuss Jackson. This effort was strenuously opposed by the lamented Senator William B. Bate, and the Lafayette statue remained where it was.

There is always some one trying to change the name of this park from "Jackson" or "Lafayette" to something else. There has been recently a bill introduced in this House to call this place "Independence Park." I wish to say that Jackson's mother was a heroine in the war for independence, and her grave is unknown to-day and was unknown to General Jackson himself, though he tried to find it. She died from disease contracted while attending to sick soldiers, who had been fighting for independence. One of her sons was a hero in the war for independence, and his dust rests in an unknown grave. Another son was a like hero; his ashes were buried in a soldier's grave, but the place is unknown. The father of Jackson is buried in a known graveyard, but the exact grave is unknown, while Andrew Jackson, a soldier in this great war for independence, God spared to serve and save his country. From the time he was a boy, at the beginning of his teens, he was struggling for his country, and on down until the very last hours of his life—but you are familiar with these facts.

Mr. Chairman, pardon a personal allusion. I have the profoundest love for the memory of Lafayette. I was in Paris a few years ago with my little son, and after many inquiries at the leading places, covering several days, we finally went into an old bookstore and were informed of the whereabouts of his grave. We immediately visited the spot. I shall not describe its unkempt appearance, but loving the memory of the man as I did and do, I was deeply humiliated at the appearance of the monument—a marble box, to be brief—over his grave.

I thought then and still think our Government should ask the honor of aiding in preserving this tomb in a more appropriate manner. Overcoming the most adverse circumstances, together my little son and myself finally succeeded in purchasing a very handsome bouquet of flowers, and we carried these flowers back to this tomb and placed them about it, leaving a little card, on which was inscribed only these words:

In the name of the people of the Hermitage district.

[Applause.]

Mr. WILLIAMS. Make the point of order on the word "Lafayette."

Mr. GAINES of Tennessee. But, Mr. Chairman, let us render to Lafayette the things that could be Lafayette's and unto Jackson the things that should be Jackson's. He is one of the four great Presidents. Jackson is the only American, the only man,

who ever drove the English army from American soil, and in that driving taught them, for all time, they could never come within the jurisdiction of this Republic with an armed force, and they have not.

His name is known to every citizen of the land. The fruits of his national work have never been fully gathered; they never will. Every good Democrat and every good Republican, in the course of his political life, and very often social, quotes from Andrew Jackson. He was a chivalric citizen, a great soldier, an unconquered general, one of the greatest Presidents the world ever saw, and a man who loved his wife as his own life, and his neighbor as himself. [Applause.] He stood for right and justice and cut from right to left into where right and justice dwelt and set both up—to stay. He did as much to make that flag that now adorns this Chamber as any man whoever put his foot upon American soil, and I submit that Jackson is entitled to have this park named for him. We owe it to ourselves and to our posterity to see that justice, though tardy, is done to that great hero in this particular and in others. [Applause.]

Mr. MANN. Mr. Chairman, I hope that the gentleman from Tennessee, if he does not intend to return to Congress, will move to Chicago, where we have the most beautiful park in the world, named "Jackson Park." [Applause.] You could throw a hundred Lafayette parks into it and never know they were there, either by reason of size or beauty, and it seems to me that the gentleman is making a mistake in endeavoring to name this little piece of ground up here, ill kept and unkempt, Jackson Park, when we have the magnificent park, known throughout the world, the site of the World's Fair at Chicago, as "Jackson Park." [Applause.]

Mr. WILLIAMS. Mr. Chairman, the words which we have just heard from the gentleman from Illinois [Mr. MANN] would impress us very much but for the fact that we recognize that Chicago is not the political capital of the United States, whatever else it may be. Jackson Park, in Washington, the political capital, was long since named for the old hero of the Volunteer State of Tennessee, and the name ought to be kept. I suggested to the gentleman from Tennessee a moment ago that he make the point of order upon the word "Lafayette," because it was contrary to what existing law there is in the shape of maps and plats of the city.

The House having debated the question, he is, perhaps, too late to do that. It may not be out of place now, Mr. Chairman, at this early morning hour, when everybody ought to feel patriotic, if I were to rise to give a brief history, biography, and eulogy of Andrew Jackson, of the State of Tennessee.

Mr. Chairman, there has been some doubt about where he was born. North Carolina and South Carolina have both contended for the honor of his birthplace. That great mooted question has never been settled. In the early history of the country there was a legend—a tradition—to the effect that Andrew had risen up one day when a callow youth and mere boy in the proud spirit of western North Carolina and eastern Tennessee and had refused to black a British officer's boots. I do not know whether that legend be based upon fact or not.

Mr. GAINES of Tennessee. He carried the scar to his grave that that coward put upon him.

Mr. WILLIAMS. I am informed by the gentleman from the Hermitage district that it is not only true, but that he carried a scar to his grave. Later on, at Horseshoe Bend and at various other places, Andrew Jackson showed himself a worthy successor of "Nollichucky Jack," who had aready written the name of Tennessee, the "Volunteer State," in the history of the world as one of the illustrious breeding places of heroes and brave men.

Still later, Andrew Jackson won the only great victory on land that blessed American arms in the war of 1812, when, commanding Kentuckians and Tennesseans and Mississippians, he beat back the British hosts under Packenham, although they had been veterans in fighting Soult and Napoleon and all the balance of the great marshals down in Spain and various parts of the world, whose names I have now for a moment forgotten.

I hope, Mr. Chairman, my time will be extended indefinitely so that I may give a history of the Jackson family as far as we know, ever since Jackson was born, including a slight sketch of his mother, some little description of the Hermitage, and my own opinion of the magnificent financial success of Andrew Jackson in dealing with the United States Bank. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent for five minutes more for the gentleman from Tennessee [Mr. BROWNLOW] in order to ask the gentleman from Tennessee [Mr. BROWNLOW] a few questions.

Mr. TAWNEY. I move that all debate on the paragraph and amendment thereto be now closed.

Mr. WILLIAMS. A parliamentary inquiry. Do I understand that I am forbidden to ask the gentleman from the Carter County (Tenn.) District [Mr. BROWNLOW] a few questions concerning Andrew Jackson? [Laughter.] Does the gentleman from Minnesota [Mr. TAWNEY] ask unanimous consent that all debate be now closed upon the pending paragraph?

Mr. TAWNEY. Mr. Chairman, I move that all debate be now closed upon the pending paragraph and amendment thereto.

Mr. BYRD. Mr. Chairman, I would like to ask unanimous consent for about five minutes on this question of Andrew Jackson.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota [Mr. TAWNEY]——

Mr. OLLIE M. JAMES. A parliamentary inquiry.

The CHAIRMAN (continuing). That all debate be now closed on the paragraph and amendments thereto.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. GARRETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 81, noes 62.

Mr. CLAYTON. Mr. Chairman, I demand tellers.

Tellers were ordered.

The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Alabama [Mr. CLAYTON] took their places as tellers.

The committee again divided; and the tellers reported—ayes 65, noes 38.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. GAINES].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GAINES of Tennessee. Division, Mr. Chairman.

The committee divided, and there were—ayes 51, noes 68.

Mr. GAINES of Tennessee. Tellers, Mr. Chairman.

Tellers were ordered.

The gentleman from Tennessee [Mr. GAINES] and the gentleman from Minnesota [Mr. TAWNEY] took their places as tellers.

The committee again divided, and the tellers reported—ayes 42, noes 60.

So the amendment was rejected.

The Clerk read as follows:

Grant memorial: For continuing work for the erection of the memorial to Gen. Ulysses S. Grant, $42,000.

Mr. BYRD. Mr. Chairman, I only desire to add a few words to the magnificent tribute to Andrew Jackson by the gentleman who has just spoken. Long have I regarded him as one of the greatest of our Presidents, as well as one of the greatest men of modern times; and if we had a Jackson now in the White House, the country would not witness the humiliating subordination of the great American people at the feet of an oriental king. [Applause.] A leader of his courage would at once declare to the world that this Republic belongs to the American people, and that they intend to rule it as they please, notwithstanding the wrathful protests of China, Japan, or any other country. One declaration of this character, coming from a leader who "said what he meant and meant what he said," would ring around the world and give the Republic more character among nations than it has enjoyed in many years. [Applause.]

In my opinion, the most humiliating shame that ever overshadowed our fair name as a nation is the obsequious senility characterizing the diplomacy of the party in power in the pending Japanese crisis. By this abortive and cowardly method of solving this dangerous problem, not only is the sacred right of local self-government being sacrificed to appease the supposed wrath of the cross-eyed Mongolian, but the contemptuous scorn and ridicule of all nations are being invoked upon this once proud and patriotic Republic. [Applause.]

But we are told to forbear and deal gently with this increasing horde scourging the Pacific coast, because they do not understand the machinery of our dual system of government; but it is their business to know. Of this fact they must take judicial knowledge. It is not for us to teach international law to the despotisms of the earth; nor should it be our policy to muzzle the conscience of a sister State and force her to tremble in the presence of racial degeneracy. [Applause.]

This is the opportune time for the exemplification of the patriotic courage of the fathers of the Republic—for that lofty conception of true Americanism that rises above party spirit, or the entangling environments of sordid wealth. A bold, conservative, but vigorous, state paper, notifying the Mongolian

that his presence is not longer desired in this Republic, and demanding the immediate passage of a Japanese-exclusion law would inspire a patriotic thrill in every true American heart. Let this be done, instead of burning up the wires making apologies to a heathen king. [Applause.]

But, Mr. Chairman, it seems that the mantle of the Elijahs of old has fallen upon timid and strange prophets—that the Monroes, Blaines, and Clevelands have all passed away—and there is no one to maintain our international prestige. These great leaders, in the face of dangers far more appalling than those now beclouding our horizon, did not swerve as fawning pigmies at the feet of any monarch or combined monarchs. They were made of "sterner stuff" than those who now clasp the helm. Can it be that American statesmanship is deteriorating into mere commercial flunkyism, or that American patriotism has been paralyzed by the machinations of wealth? [Applause.]

In the dawn of our history—while we were still weak—President Monroe defied the allied monarchs of Europe, who were banded together under the oath-bound stipulation of the Holy Alliance to restore the emasculated throne of Ferdinand of Spain, and to return by force of arms the South American Republics that had been severed from the Spanish Crown by the sword of liberty. He boldly stated to these tyrants, whose hands were still red with the blood of outraged Poland and Hungary, that they could not molest these weak and defenseless republics, and that their presence on either of the western continents would be deemed by this Nation as a just cause for war. He said:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the colonies or the dependencies of any European power we have not interfered, and shall not interfere. But with the governments who have declared their independence and maintain it, and whose independence we have on great considerations and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

He further said:

It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference.

Later, President Monroe defied the Russian Empire to prevent European colonization in America, stating to Congress that—

The occasion has been deemed proper for asserting as a principle in which the rights and the interests of the United States are involved that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

A few years after this famous doctrine was announced, and while the European nations were still breathing threats against the American institutions, President John Quincy Adams, supported by the powerful statesmanship of Mr. Webster, forced through Congress a proposition to send commissioners to Panama to meet the representatives from the Republics of South America, for the avowed purpose of forming an alliance of all the American Republics to reinvigorate and revitalize the Monroe doctrine.

What a contrast between the bulldozing policy of the President in throttling the legislative will of Nevada and California and that pursued by Mr. Blaine in dealing with the controversy growing out of the Italian massacre at New Orleans. The former boldly announces in substance that the States have no rights that are not subservient to the will of the President, while the latter politely notified the Italian premier that the Federal Government disavowed the right to interfere in the local affairs of Louisiana, and would not assume responsibility for injuries occurring within a jurisdiction over which the Federal Government had no control.

Further, in this connection, Mr. Blaine, quoting Mr. Webster, said:

And these private individuals, * * * coming voluntarily to reside in the United States, have certainly no cause of complaint if they are protected by the same laws and the same administration of law as native-born citizens of this country.

This declaration embodies the limit of our duty to protect resident aliens; and let me ask my Republican friends, how does this language compare with the statement made on the floor of the House a few days ago by the brilliant gentleman from Alabama [Mr. HOBSON], that the Japanese aliens, under the direct instructions of a federal official, were granted in San Francisco immunities and privileges not accorded native-born citizens—that they were permitted to run "grog" shops without a license, which privilege is denied to all other dealers? Is there one who believes that such an innovation upon the rights of a State would have been attempted by any administration of the past, or that the arrogant audacity of these foreigners would have been tolerated for a moment?

But, more than this, it was left to Grover Cleveland, the Ajax of American statesmen, to "sweep the cycle" of courageous diplomacy, when he spoke the heart of the Nation and said to England, whose empire encircles the earth and whose navies float on every sea, that she could not dismember Venezuela. That famous message, giving new life to the Monroe doctrine, brought England to her knees and terrified the other nations of Europe. Let me here read his closing paragraph:

In making these recommendations I am fully alive to the responsibility incurred, and keenly realize all the consequences that may follow.

I am nevertheless firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

This is the language of a great statesman whose mind was broad enough to compass the exigencies of the hour and strike a blow for the honor of the Nation. His thrilling words touched every chord of the American heart and rolled back the avalanche of ungenerous calumny that was fast sweeping him into innocuous oblivion. He abated the wrath of his enemies, encouraged the hopes of his friends, and taught the kingcraft of Europe that a giant ruled in the West. Yet by the sycophantic statesmanship of this administration we are advised that no other than a policy of subserviency will suffice in the present crisis. In reply to this contention, let me say that if asserting our rights while Japan is weak, with her credit exhausted, and when Russia is ready and anxious to renew the combat by which she lost her prestige in the Orient, will bring war, how can we hope to escape a conflict by waiting to act until Japan waxes strong, with an increasing navy completed and with the vast army of her treacherous subjects now here ready and anxious to wage war for their king? We should act, and act at once. Expel the little demons now here and forbid others to come.

As surely as night follows day there will be war if we much longer permit the coming of this army of scavengers. And when the conflict does come it will blacken the pages of our history with appalling cruelties. The members of our own race who labor for food and raiment for their families will never submit for their own blood to face starvation, forced upon them by these pauperized heathens. Search all history, and nowhere will you find the Caucasian bowing his head in supine submission at the feet of any other race. Deep down in the soul of every white man that walks the continent is the lasting conviction that no race save his own shall ever dominate this Republic.

Mr. Chairman, it is in evidence before this House that hordes of these people, fresh from the army that conquered Russia, are invading the Western States from Mexico and Canada; that many of them are of the most intelligent class of the Japanese soldiers, who are now spending their time in mapping the topography of that section. For what purpose is this being done? Is it not in perfect keeping with the treacherous conduct that has always characterized this insidious race? Also, we are informed that in the city of San Francisco alone there are 22,000 white laborers idle, while the oriental laborers have employment. [Loud applause.]

A city paper of February 7, reporting the speech made at a recent banquet by a Member from California [Mr. MCKINLAY], quoting his speech, says:

The speaker told of a valley where fruit could be matured earlier than anywhere else in the State. There the Japanese had driven out the white civilization, and American customs and American businesses were obliterated. This valley included a town large enough to support two banks.

"The question," he said, "is how long are the people of California to tolerate this?"

RIGHT TO RUN SCHOOLS.

Speaking of the constitutionality of the proposed school laws, he said: "I believe the State of California has the supreme right to regulate her schools, just as have the States of Louisiana and Mississippi."

Speaking of the action bringing on a war, he asked why a war scare between Japan and England was not started when Australia put a head tax of $500 on each Asiatic settler, or when Canada taxed each of them $50.

"It is because," he said, "England has been in the habit of enacting her own laws without consulting any other country."

The speaker said that war with Japan was an impossibility. Japan had only finished her first skirmish with Russia. She wanted Korea and Manchuria, but did not want the Philippines. Should Japan now go to war with even a much inferior power than the United States, Russia would again take up her march toward the Pacific that was begun by Peter the Great.

Unless we check this horde of Orientals, they will continue to come until the whole Mississippi Valley is infested with a

plague more appalling than that visited upon sinful Egypt. They will usurp the rights of our toiling millions to earn bread and, like parasites, will leech themselves to that fertile soil that should be transmitted as a heritage to the children of our blood yet to be born. This condition shoud never be; it can not be without seething our soil in blood.

Mr. Chairman, there is no surer guaranty of peace than prompt retaliation for every encroachment on our national honor. We have not existed thus long by the grace of monarchs, but in spite of them. Our institutions are hated by every despotism of the earth, and long since would have been destroyed but for our brave and determined resistance in every crisis. When this Republic, announcing the new birth of freedom to man, rose like a flaming meteor from the shores of the Western Continent, the tyrannical kings of earth first beheld it with envious rapture, and then with malicious hate. "Liberty anywhere is a menace to despotism everywhere."

The scepter of state will soon pass to another, and may his first act be to wipe away this blemish on the nation's honor, even though the worst should come, for "Rather let the pillars of the Republic shake to their foundations, and her lofty battlements be overwhelmed bearing with them the last hope of liberty on earth, than that she should falter in the terrible hour, or swerve from the bloodiest path she may be called to tread." [Loud applause.]

Mr. CAMPBELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 20, page 135, insert:
"*Provided*, That no part of the money appropriated in this paragraph shall be available until the four bronze lions at the base of the monument are removed, and four cavalry horses with a soldier by his side, removing a cavalry saddle and putting on a plow harness, are placed in their stead."

Mr. MANN. I make the point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. CAMPBELL. I should like to be heard on the point of order.

The CHAIRMAN. Under ordinary circumstances, the Chair would be glad to hear the gentleman; but the point of order is so clear that the Chair does not need to hear any argument upon it.

Mr. CAMPBELL. It is a limitation upon the appropriation.

Mr. WILLIAMS. Mr. Chairman, in order to be able intelligently to discuss even the point of order, as the House was in such great disorder——

The CHAIRMAN. The point of order has been ruled upon.

Mr. WILLIAMS. But we desire to know—where does the amendment come in?

Mr. MANN. It does not come in at all. It is ruled out.

Mr. WILLIAMS. Mr. Chairman, in order that the House may know whether or not the amendment ought to go out, the House is entitled to know where it tried to come in. I make the point of order that the House is in such confusion that nobody knows where the Clerk is reading.

The CHAIRMAN. The Chair thinks the House is in very good order. The Clerk will read.

The Clerk read as follows:

For fuel, lights, oil, waste, packing, tools, matches, paints, brushes, brooms, lanterns, rope, nails, screws, lead, electric lights, heating apparatus, oil stoves for elevator car and upper and lower floors; repairs to engines, boilers, dynamos, elevator, and repairs of all kinds connected with the Monument and machinery; and purchase of all necessary articles for keeping the Monument, machinery, elevator, and electric plant in good order, $3,000: *Provided*, That hereafter no advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, except upon the written authority of the Secretary of War.

Mr. KEIFER. Mr. Chairman, I have a little amendment here——

Mr. BARTLETT of Georgia. I want to reserve a point of order against the proviso.

Mr. KEIFER. I have an amendment to this paragraph.

The CHAIRMAN. The gentleman from Georgia was on his feet, and he states that he desires to reserve a point of order against the proviso.

Mr. BARTLETT of Georgia. I want to reserve a point of order against the proviso and to inquire of the gentleman from Minnesota if that proviso is now existing law. I do not know that it is, and I do not think it is.

Mr. MANN. It is, except as to the written order.

Mr. TAWNEY. The proviso is not existing law.

Mr. BARTLETT of Georgia. I will say to the gentleman from Minnesota that I saw in the paper the other day a matter that struck me very forcibly, that sometimes permission had been given to certain people to sell articles down there for the benefit of the blind, and that they had been deprived of that privilege.

Mr. TAWNEY. Let me state to the gentleman from Georgia what the facts are. Prior to the passage of the current sundry civil appropriation act this was substantially the law; that is, so far as there was any law on the subject at all. The Superintendent of Public Buildings and Grounds, having control of the grounds, had authority to issue or not issue licenses, as he saw fit, and did issue a permit at one time to sell a guidebook. It seems that, for some reason or other, the pressure on the superintendent for the same privilege was very great, and at the last session of Congress he represented to the committee that he would like to have a prohibition carried in the sundry civil act that would prohibit the sale of any articles of merchandise or anything of that kind around the Washington Monument. That provision was carried in the sundry civil act, and was the law up to the passage of the urgent deficiency appropriation bill at this session, when that provision was modified so as to give the right to sell a guide of the Washington Monument.

There is only one guidebook that is published which gives all the information regarding the history of the Monument and the inscriptions on the stones on the interior of the Monument. Now, it transpires that in doing that we have deprived a certain institution for the blind here of some profits that it formerly received from the sale of postal cards there through a vending machine. That fact was never brought to the attention of the committee until this session.

Mr. BARTLETT of Georgia. The sole purpose of my inquiry is to reach that.

Mr. TAWNEY. And this is put in here for the purpose of giving the Superintendent of Public Buildings and Grounds authority to issue a permit or license.

Mr. BARTLETT of Georgia. The Secretary of War.

Mr. TAWNEY. This provides that the written authority shall be by the Secretary of War.

Mr. BARTLETT of Georgia. The thing I saw complained of was that Mr. Bingham, Superintendent of Public Buildings, revoked the license of the people who engaged in this laudable business of selling postal cards for the benefit of the blind. The gentleman says this provision is put in for the purpose of giving these people that opportunity. That is all I want to accomplish.

Mr. TAWNEY. This was put in on account of the appeal made by them and in their behalf.

Mr. BARTLETT of Georgia. Will this accomplish the purpose?

Mr. TAWNEY. It will.

Mr. BARTLETT of Georgia. Then I withdraw the point of order.

Mr. WILLIAMS. Mr. Chairman, I shall make the point of order to the words "except upon the written authority of the Secretary of War," lines 18 and 19. The point of order is that the words change existing law.

Mr. MANN. I submit that the point of order comes too late. The amendment has been discussed for five minutes.

Mr. WILLIAMS. I beg the pardon of the gentleman from Illinois; he is badly misinformed. The gentleman from Georgia had reserved the point of order, and therefore I could not make it until he withdrew it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. I do not think the point of order can be taken in that form. The paragraph is subject to a point of order, but the gentleman can not make a point of order to that part of the paragraph.

Mr. MANN. Oh, yes, he can.

Mr. WILLIAMS. I did make it and the Chair has sustained it. If the Chair wants to change his opinion, I would like to be heard.

Mr. MANN. The point of order was to be reserved on the proviso.

Mr. FITZGERALD. It ought all to go out if anything goes out.

Mr. WILLIAMS. I do not want to make a point of order on all of it. If the Chair is not with me, I want to be heard on the point of order. If the Chair is with me, I do not want to be heard.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. WILLIAMS. The language which is new in the bill is this:

Except upon the written authority of the Secretary of War.

Heretofore advertisements of any kind could be displayed and articles of any kind could be sold in and around the Monument, including a guide to the Monument. It did not

require the written authority of the Secretary of War. We have already centralized power in the Executive of this Government far enough. This is a change of existing law, a change of existing law depositing with the Secretary of War, who is busy all the time with highly important duties, supervisory power over the character of advertisements in and about the Washington Monument.

It is highly difficult to suppose that the Secretary of War, who must take care of the Philippines and Hawaii, and at odd intervals of Cuba, and then all of the balance of the world, including the army and the criminal charges against the officers in it, could or should have time in which to acquaint himself with the character of advertisements down and about the Washington Monument. I am attempting partially to save the Secretary of War.

That is not all, Mr. Chairman; a very important question suggests itself here, to which I direct the attention of the House. If the very important advertisements of the President of the United States, published in the report of the President's Home Commission, and referred to the Committee on the District of Columbia and ordered to be printed with illustrations, pages 378, at bottom, and 379 of that document, should be displayed by presidential authority in the neighborhood of the Washington Monument, I humbly submit that they would be contrary to the preservation of the public health and of the public morals, because of the encouragement of race suicide by criminal methods advertised by the President in a way which could not have gone through the ordinary mails because of obscenity.

The point of order is that the words "except upon the written authority of the Secretary of War" constitute new legislation and a change in existing law.

Mr. FITZGERALD. Will the gentleman yield for a moment?

Mr. WILLIAMS. Yes.

Mr. FITZGERALD. I wish to call the attention of the gentleman to what the situation is. As the law exists to-day, the only thing that can be sold at the Washington Monument is a certain guidebook. It seems that there has been there in the Monument a machine——

Mr. WILLIAMS. Mr. Chairman, I understand that. I do not want to lose my time, and I will reply to the gentleman now because I have understood his question before he has finished it. I am as much opposed as he is to the monopoly of that guidebook.

Mr. FITZGERALD. Mr. Chairman, I doubt if the gentleman does know what I have in mind.

Mr. WILLIAMS. But if the language I still leave in the bill were retained in the bill that monopoly would be gotten rid of, and that language would be:

Provided, Hereafter no articles shall be displayed or no articles of any kind shall be sold in or around the Monument.

The CHAIRMAN. The Chair will hear the gentleman from Illinois. The Chair does not care to hear further argument on the side of the question advocated by the gentleman from Mississippi [Mr. WILLIAMS].

Mr. MANN. Mr. Chairman, the proviso is one proposition. Now, it is quite true that ordinarily you can make a point of order on the whole paragraph subject to a point of order, or you can make a point of order on a part of a paragraph subject to a point of order, and we have an illustration here, it seems to me, of what can be done and what can not be done in that respect. The proviso is subject to a point of order. It reads:

That hereafter no advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, etc.

I take it that no one would claim that you could make a point of order on the word "no" and stop there, so that you would strike out the word "no" and make the paragraph read:

That hereafter advertisements of any kind shall be displayed, etc.

So that the question is whether you can strike out on a point of order a word or a specific clause in an entire paragraph subject to a point of order which, when stricken out, entirely changes the meaning of the paragraph.

If you could not strike out the word "no" on a point of order, then you can not strike out the exception on the point of order. The entire paragraph, being subject to a point of order, could go out, and a separate clause not related to the rest of the paragraph could go out, but this clause is not separate. It depends entirely on the paragraph, and if it should be ruled that you can strike out "except upon the written authorization of the Secretary of War," then it seems to me the point of order might have been held upon the two words "no" that appear in the proviso, and with them stricken out make the paragraph read directly contrary to what is intended. It may be said that you can correct that by amendment. Very well; then it follows that if you strike out this exception under the same conditions it could immediately be offered as a germane amendment, and, query, Can you strike out on a point of order a proposition which is immediately in order if offered identically in the same language as an amendment? It seems to me that would be the reduction of parliamentary refinement to almost an absurdity.

The CHAIRMAN. The Chair is informed that there has been a precedent covering this and is waiting in hopes that it might be found. Except for that, the Chair is ready to rule. The Chair would ask that this may go over until the precedent, if there be one, may be found.

Mr. TAWNEY. I ask unanimous consent that the paragraph may be passed without prejudice.

The CHAIRMAN. The gentleman from Minnesota asks that the paragraph be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

Improvements, Wakefield, Va.: For repairs to fences and cleaning up and maintaining grounds about the monument, $100.

Mr. WILLIAMS. Mr. Chairman, I desire to ask the gentleman in charge of the bill to explain this item.

Mr. TAWNEY. Mr. Chairman, I will explain that to the gentleman from Mississippi. If he was as familiar with the birthplace of George Washington as he is with the birthplace of Andrew Jackson, he would not ask for an explanation. This is for repairs to the fences around the monument.

Mr. WILLIAMS. Then, Mr. Chairman, I understand that this Republican Congress——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word. I do so for the purpose of saying that I understand that this Republican party, a few days after the 22d of February, the birthday of George Washington, the Father of his Country, the great hero of the Revolutionary war, is devoting the magnificent sum of just exactly $100 per annum for repairs to the fences and cleaning up and maintaining the grounds about the monument erected to George Washington at his birthplace.

For four or five years the Republican party refused to read George Washington's Farewell Address on the 22d of February. The other day it read it in order to rebuke its own administration.

Mr. TAWNEY. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

Mr. WILLIAMS. Why, I am in order; I am talking to the point. Here is an appropriation for repairs at George Washington's birthplace, and I am talking about George Washington, his importance to the country, his significance to the world, all of which is absolutely related to the amount of money that ought to be appropriated to preserve properly his birthplace.

The CHAIRMAN. The gentleman will proceed in order; the Chair thinks he is not speaking to the amendment.

Mr. WILLIAMS. I am not speaking to what?

The CHAIRMAN. To the gentleman's amendment.

Mr. WILLIAMS. I am speaking to the paragraph to which my amendment was offered, and nobody can understand the amendment without first understanding the paragraph, and the paragraph relates to Wakefield, Va., the birthplace of George Washington.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. Mr. Chairman, I suppose it would be hardly necessary for me to ask for five minutes more in order to explain why Wakefield occupies a peculiar position and ought to have more than $100.

Mr. WATSON. Mr. Chairman, I object.

Mr. RANSDELL of Louisiana. Mr. Chairman, I wish to submit some general remarks on the subject of rivers and harbors, and not desiring to inflict them upon the House at this late hour, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Chairman, I will be very glad indeed to hear the gentleman from Louisiana speak, but I am forced to object to extending remarks in the RECORD at this early hour, when we have just begun the next day.

The Clerk read as follows:

Improving Ohio River below Pittsburg, Pa.: For continuing improvement in completion of contract authorization by the construction of Dams Nos. 13 and 18, $40,000.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word, in order to ask a question of the chairman of the

committee. Will the chairman of the committee please explain what Dams 13 and 18 are, when they were authorized, and how much money has been invested in them?

Mr. TAWNEY. They are two dams authorized on the Ohio River.

Mr. WILLIAMS. When were they authorized?

Mr. TAWNEY. I do not know.

Mr. MANN. They were authorized in 1899.

Mr. TAWNEY. The amount is the amount estimated by the War Department to be expended for the next fiscal year.

Mr. WILLIAMS. Mr. Chairman, with that explanation I am perfectly satisfied.

The Clerk read as follows:

For works authorized by the river and harbor act of 1902, as follows:

Mr. BOOHER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BOOHER. For the purpose of asking a question of the chairman of the committee. I move to strike out the last word. I want to ask the chairman of the committee how large a river or stream is the Arthur Kill?

Mr. TAWNEY. I do not know.

Mr. BOOHER. I never heard of it before, but I have read——

Mr. TAWNEY. The gentleman from New York can probably answer that question.

Mr. BOOHER. I have read the bill with a great deal of interest, and I have failed to find an appropriation of a single dollar in this whole bill for the improvement of the longest river in the world and the greatest river in the world.

Mr. TAWNEY. That is not the fault of the Committee on Appropriations, I would say.

Mr. BOOHER. I am afraid it is.

Mr. TAWNEY. There has been no authorization.

Mr. BOOHER. I can not help that. There is not an appropriation of a single dollar for the improvement of the Missouri River from its mouth to its source. You know it rises way up in the mountains and empties into the Gulf of Mexico.

Mr. RODENBERG. Empties into the Mississippi.

Mr. BOOHER. No; it does not; the gentleman is mistaken. People generally think the Missouri empties into the Mississippi, but the Mississippi empties into the Missouri. If you are acquainted with the Missouri River at all, you will know that from the time it strikes the Mississippi River at St. Charles it entirely changes its course and is almost too thick to run.

Mr. GARRETT. Where is the Missouri? [Laughter and applause.]

Mr. BOOHER. I want to say to the gentleman that I can not locate the Missouri River from the bill or by a bill introduced in this House that came from the River and Harbor Committee. It is absolutely impossible to find it.

Now, Mr. Chairman, I am asking this question in perfectly good faith. I have searched this bill through and through and find no provision for the protection of the people living along the Missouri River or for the protection of the harbors along that river, and there is not a single dollar for a single place along the river, yet you may find every little stream that you can jump across in the North and East provided for in this bill. [Applause.]

Mr. CALE. Will the gentleman permit an interruption?

Mr. BOOHER. Yes, sir.

Mr. CALE. I would like to say to the gentleman that while he is talking about the longest river, there is not a dollar in this appropriation for the longest navigable stream there is in North America.

Mr. BOOHER. That is the gentleman's misfortune, just as it is mine.

Mr. CALE. And that river discharges more water than the Mississippi.

Mr. WILLIAMS. Mr. Chairman, we have not yet received any information about Arthur Kill. Somebody from New York ought to know something about Arthur Kill, and ought to satisfy the curiosity of the gentleman from Missouri [Mr. BOOHER].

Mr. BURTON of Ohio. Seriously, I would state that the Arthur Kill and the Kill van Kull are connecting channels between New York Harbor and Raritan Bay. They are located between Staten Island and the State of New Jersey. There is an enormous traffic on the two, perhaps twenty-five times as great as on the Missouri River, and the total amount appropriated for it has been about one-tenth as much.

Mr. BOOHER. That does not prove anything, because the money that has been spent upon it has kept it in shape. Probably you have expended a hundred times as much on that river as on any western river.

The Clerk read as follows:

Improving Hay Lake and Neebish channels, St. Marys River, Michigan: For continuing improvement in completion of contract authorization, $395,000.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. For the purpose of getting information, I move to strike out the last word. I would like to ask the gentleman from Minnesota [Mr. TAWNEY], in charge of the bill, or the gentleman from Iowa [Mr. SMITH], to give me some specific information about the Neebish channels, referred to on page 138, line 14, of the bill.

Mr. TAWNEY. What information does the gentleman desire?

Mr. WILLIAMS. I want the gentleman to give me any information upon Neebish Channel.

Mr. MANN. That is a channel constructed by the Government, running out of Lake Superior, which is just finished, the channel through which all of the commerce from Duluth, and so forth, on Lake Superior comes east. It is a long way from Duluth. It is on this end of Lake Superior.

Mr. WILLIAMS. The explanation is entirely satisfactory, Mr. Chairman. [Laughter.]

The Clerk read as follows:

Improving Black Warrior, Warrior, and Tombigbee rivers, Alabama: For continuing improvement by the construction of locks and dams, $1,000,000.

Mr. CLAYTON. Mr. Chairman, I move to add, after the words "one million dollars," in line 6, page 140, the following words:

For continuing the improvement of the Choctawhatchee River in Alabama and Florida, $25,000.

Mr. BURTON of Ohio. Mr. Chairman, I make a point of order on that. The authorization has not been made.

Mr. CLAYTON. That is a worthy project down there.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 6, insert:
"Continuing the improvement on the Choctawhatchee River, Alabama and Florida, $25,000."

The CHAIRMAN. On that the gentleman from Ohio [Mr. BURTON] makes what point of order?

Mr. BURTON of Ohio. I take it that there is no necessity for discussing that. These amounts are merely in pursuance of authorizations made in the river and harbor act. This is an entirely independent, outside item.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Improving Mississippi River from mouth of Ohio River to Minneapolis, Minn.: For continuing improvement of Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River, $250,000.

Mr. RUSSELL of Missouri. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding on page 143, after the word "dollars," in line 14, the following:
"For the improvement of the Mississippi River at Birds Point, Missouri, for protection from caving banks, $50,000."

Mr. BURTON of Ohio. Mr. Chairman, I raise the same point of order on that as on the other. It is plainly objectionable, and on the same grounds.

The Clerk read as follows:

For continuing construction of Lock and Dam No. 8, $364,000.

Mr. OLLIE M. JAMES. I move to strike out the last word for the purpose of getting some information. I would like to know if the gentleman in charge of the bill can inform me what is provided in this bill, if anything, relative to the 9-foot channel from Pittsburg to the mouth of the Ohio River?

Mr. TAWNEY. Nothing.

Mr. OLLIE M. JAMES. No provision at all?

Mr. TAWNEY. There is no provision carried in this bill for the object referred to by the gentleman from Kentucky.

The Clerk read as follows:

Improving St. Marys River, Michigan: For continuing improvement at the falls by the construction of a new lock, with a separate canal, $425,000.

Mr. BEDE. Mr. Chairman, I desire to offer an amendment, on page 146, after line 6.

The Clerk read as follows:

Page 146, between lines 6 and 7:
"Duluth-Superior Harbor: Continuing the work of dredging inside the Duluth entrance, commenced under authority of the act approved May 28, 1908, the sum of $150,000."

Mr. BURTON of Ohio. Mr. Chairman, I make the point of order on that.

Mr. BEDE. I would like a ruling on that point. I would like to make a statement. On the adoption of the bill approved May 28, 1908, an appropriation of $200,000 was made for this improvement, in accordance with the report of the engineers previously made. That plan was adopted. Now, the gentleman from Ohio, who is objecting, is really in favor of this amendment, I think, although he will, because of being on the Rivers and Harbors Committee, speak against it. We would have had a general river and harbor bill if the gentleman from Ohio had not been trying to raise the standard of the United States Senate. [Laughter.]

He had many duties to perform, so that we could not get together early enough to frame up a general river and harbor bill for this short session. Therefore this item is not included. When the representative of the dredgers came to see us a year ago he was promised that this work would be attended to this winter. Every man within the sound of my voice went on the platform last fall and told the laboring men that they would have a square deal.

The CHAIRMAN. The Chair is quite ready to rule.

Mr. BEDE. I am not quite ready, if I have five minutes.

The CHAIRMAN. The gentleman can talk upon the point of order.

Mr. BEDE. We have in the act of Congress approved May 28, 1908—section 4 of that little pony bill provides:

SEC. 4. That the Secretary of War may, in his discretion, apply the whole or any part of the unexpended balance of the amount heretofore appropriated for the improvement of the Duluth-Superior Harbor, Minnesota, to dredging inside the Duluth entrance thereto, as recommended in House Document No. 221, Sixtieth Congress, first session.

That bill, I think, adopts this plan, and therefore this amendment can properly come in under the sundry civil bill.

The CHAIRMAN. The Chair will ask if the work is under contract?

Mr. BEDE. Not the whole project, but about $200,000 was appropriated for this improvement, and we want to continue it. There was an estimate of $550,000 for dredging Duluth Harbor. That work is now in progress. The present contract will expire on the 1st of July. The whole plan was adopted by the act of last Congress.

The CHAIRMAN. The Chair would like to hear from the gentleman from Ohio as to the point of order.

Mr. BURTON of Ohio. I was surprised to hear the gentleman's remarks. This project is the same as hundreds of others for which there is no contract. I think the gentleman has got a little outside of his sphere. I feel like quoting Hamlet slightly altered:

Let your humorist say no more than he is set down for.

[Laughter.]

Mr. BEDE. Mr. Chairman, the gentleman from Ohio himself promised, when the men who represented the dredging interest appeared before our committee a year ago, that this winter this work should be done. That has nothing to do with the point of order, but it has a little to do with the point of honor. We should have had a general river and harbor act and kept faith with the American people, but as two or three members of our committee had to run for the United States Senate, the committee did not have time.

Mr. MANN. Was the gentleman one of them?

Mr. BEDE. Not at all.

You stood by the action of the committee. I know that the gentleman from Ohio [Mr. BURTON] himself would be glad to have this item go in. He can not concede it, but he would like to have it go in; and I assure you that the times are harder for the laboring men of the United States than they were a year ago. We have oftentimes said that the Republican party was the only party that could have a panic and prosperity at the same time; but it is getting to be a little hard all around.

The CHAIRMAN. The Chair is ready to rule.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. I happened to be in the cloakroom at the time when this amendment was offered. Everything of interest to the gentleman from Minnesota [Mr. BEDE] is a question of vital interest to me. I would like to ask the gentleman to indicate to me the subject of his amendment—the character of it.

The CHAIRMAN. The Chair is ready to rule. The Chair finds, from the statement of the gentleman from Minnesota [Mr. BEDE], that this work is not under contract.

Mr. BEDE. Not wholly under contract; it is, partly.

The CHAIRMAN. The work for which this appropriation is asked is not under contract.

Mr. BEDE. No.

The CHAIRMAN. The Chair thinks, therefore, that this amendment is not in order upon the sundry civil appropriation bill, although it would be in order, of course, on a river and harbor bill.

The Chair will state that this point has been squarely ruled upon in the Fifty-second Congress.

Mr. BEDE. I hope the gentleman from Ohio will withdraw his objection and let the thing go through.

The CHAIRMAN. The Clerk will read.

Mr. CLAYTON. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Alabama moves that the committee do now rise.

Mr. CLAYTON. It is now a quarter after 1 o'clock in the morning.

The question being taken on the motion of Mr. CLAYTON, on a division (demanded by Mr. CLAYTON) there were—ayes 44, noes 60.

Mr. CLAYTON. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. TAWNEY and Mr. CLAYTON.

The committee again divided; and the tellers reported—ayes 27, noes 61.

Accordingly the motion was rejected.

The Clerk read as follows:

Headstones for graves of soldiers: For continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places, under the acts of March 3, 1873, and February 3, 1879, also for continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906, $75,000, to be immediately available.

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry. Where is the Clerk reading?

The CHAIRMAN. On page 148, and he stopped at line 15 on that page.

Mr. WILLIAMS. I thank the Chair for the information he has so courteously extended.

The Clerk read as follows:

Bringing home the remains of officers and soldiers who die abroad: To enable the Secretary of War, in his discretion, to cause to be transported to their homes, or to such national cemeteries as may be designated by proper authorities, the remains of officers and enlisted men of the army who die in line of duty, including civilian employees of the army in the employ of the War Department who die abroad (inclusive of Alaska) and officers or enlisted men or civilian employees of the army who die on army transports, $50,000.

Mr. WILLIAMS. I move to strike out the paragraph that has just been read.

Soon after the war between the States the matter was brought to the attention of Robert E. Lee, a Southerner, and one of the greatest Americans who ever lived, that a great many southern soldiers were buried upon the battlefield of Gettysburg, and the question was being agitated as to their being brought home to be buried there. Robert E. Lee replied that he knew of no better resting place for a soldier than the place where he had lost his life in behalf of his State or his country. I know of no better resting place for a soldier. I think there is a lot of Chinese superstition and maudlin sentimentality about this business. When a man dies, he is dead. If he dies as a sailor, the best place to put him is in the ocean, where he died fighting the enemy.

If he dies on land as a soldier, the best place to put him is where he dies, and let the battlefield be his monument. I have been making a good many motions to-night that were intended, I will say really and frankly, to take up time, but this particular motion is not intended for that purpose. I do think it is about time that the most enlightened nation in the world should overcome this superstition as to where it should bury the dead after the soul has departed from it and after the spirit that enlivens the body has done its best in order to illustrate his country's record and to distinguish himself as a servant of the country.

I have a boy of my own in the United States Army, and he was not appointed as a cadet by me, either. I would consider it no disgrace, if he died on Chinese or Japanese soil, to have him buried there.

Mr. TAWNEY. I do not think the gentleman understands this paragraph. If his son was in the army and in a time of peace he died in the Philippine Islands, this would enable the Government to bring his body home.

Mr. WILLIAMS. I remember one of the most pathetic things in my recollection as a Member of Congress during the Spanish-American war. Down in my district there was a brave and true man who had been a colonel in the Eighteenth Mississippi Regiment in the war between the States. He had a son, who volunteered, and served in Cuba in the United States Army.

He was killed there. Some time after this man received a letter from a Washington undertaker, saying that he would send his son's body home for so much. The man sent me a check for $250 to pay the expense. I wrote to him that Congress had passed a law providing for bringing home the remains of the United States soldiers killed on the field of battle or who died in the service, and that I thought that this Washington undertaker was attempting to cheat him. I went down to the War Department and found that that was so. I reindorsed his check to him and sent it home, and his son's body came in due time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask for five minutes more.

Mr. TAWNEY. I shall have to object.

Mr. WILLIAMS. I move to strike out the last word.

The CHAIRMAN. The gentleman has an amendment pending.

Mr. WILLIAMS. I move to amend the motion which I have already made by striking out the last word of the amendment.

The CHAIRMAN. The gentleman can not take the floor to amend his own amendment in that way.

Mr. WILLIAMS. I will withdraw my amendment.

Mr. OLLIE M. JAMES. I move to strike out the last word.

Mr. MANN. The gentleman from Mississippi has a motion to strike out the paragraph.

The CHAIRMAN. The gentleman from Kentucky is in order.

Mr. OLLIE M. JAMES. I would like to hear the gentleman from Mississippi along the lines that he has been speaking.

The CHAIRMAN. The gentleman from Kentucky can not yield time to the gentleman from Mississippi in that way.

Mr. WILLIAMS. Now, Mr. Chairman, having withdrawn my amendment in order to get more time I will renew it for the consideration of the House.

The CHAIRMAN. The gentleman from Mississippi moves to amend by striking out the paragraph.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were 17 ayes and 76 noes.

Mr. WILLIAMS. I make the point that there is no quorum.

The CHAIRMAN. The gentleman from Mississippi makes the point of no quorum. The Chair will count.

Mr. MANN. While the Chair is counting I want to say to the gentleman from Mississippi that if his point of no quorum is sustained it will prevent the adoption of the paragraph for taking care of the confederate mounds in Chicago, one of the precious things to my heart.

Mr. WILLIAMS. The gentleman is mistaken; this bill is going to pass. That point is not worthy of the gentleman from Illinois.

Mr. MANN. That would be the effect of the gentleman's proposition.

The CHAIRMAN. One hundred and one gentlemen; a quorum. The Clerk will read.

The Clerk proceeded to read.

Mr. WILLIAMS. Mr. Chairman, I demand tellers.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. I ask for tellers.

Mr. TAWNEY. Mr. Chairman, I make the point of order that the request for tellers comes too late.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman made the request as soon as he could.

Mr. OLLIE M. JAMES. And as loudly as he could. If there is a quorum present, let us proceed; and if not, let us find it out.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from Mississippi had a right to make his speech. Let us not be discourteous.

Mr. MANN. Oh, we could not be discourteous to the gentleman from Mississippi or to the gentleman from Tennessee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Camp Butler National Cemetery, near Riverton, Ill.: For the construction of a lodge for use of the superintendent of the Camp Butler National Cemetery, near Riverton, Ill., $7,000.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi be allowed to finish his speech.

Mr. WILLIAMS. Mr. Chairman, even if that request were granted, I should refuse to make a speech. I ask the gentleman from Tennessee to withdraw his request. I merely wanted to proceed in order, under my rights, and not by the favor of the House.

Mr. GAINES of Tennessee. I will withdraw the request.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Chalmette National Cemetery, Louisiana: The Secretary of War is hereby authorized to accept a conveyance of the lands and servitudes described in articles of agreement entered into the 31st day of July, 1905, between J. B. Bellinger, major and quartermaster, United States Army, acting for and on behalf of the United States of America, of the first part, and the New Orleans Terminal Company, a corporation existing under the laws of the State of Louisiana, of the second part, for the enlargement of the Chalmette National Cemetery, and in consideration thereof to permit the closing of the roadway to said cemetery, known as the "River road," which was constructed and maintained by the United States, upon the terms and conditions specified in said articles of agreement.

Mr. GAINES of Tennessee. Mr. Chairman, I think since the Chair counted the quorum three or four Members have gone out of the Chamber.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MISCELLANEOUS OBJECTS, WAR DEPARTMENT.

Military posts: For the construction and enlargement at military posts of such buildings as, in the judgment of the Secretary of War, may be necessary, $800,000, including the installation therein of plumbing, and of heating and lighting apparatus; but no part of this sum shall be used for the purchase of land, for construction of buildings at coast artillery posts, nor for the establishment of any military prison: *Provided*, That no money appropriated for military posts shall be expended for the construction of quarters for officers of the army, or for barracks and quarters for the artillery, the total cost of which, including the heating and plumbing apparatus, wiring and fixtures shall exceed in the case of quarters of a general officer, the sum of $15,000, of a colonel or an officer above the rank of captain, $12,000, and of an officer of and below the rank of captain, $9,000.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I would like to ask the gentleman to explain the origin, the necessity, and the nature of this proviso.

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman from Mississippi that this proviso means exactly what it says, that no money appropriated for military posts shall be expended for the construction of quarters for officers of the army, or for barracks and quarters for the artillery, the total cost of which, including several things, shall exceed the sum of $15,000, and so forth.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like to ask the chairman of the committee a question.

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from South Carolina?

Mr. WILLIAMS. I yield, if the gentleman will not take up all of my time.

Mr. JOHNSON of South Carolina. Mr. Chairman, in the subsequent paragraph I notice that the bill limits the cost of these officers' quarters to the amounts named in some previous act of Congress. What I wish to know is, Is the amount named in that previous act of Congress in excess of or less than the amount named in the preceding paragraph?

Mr. TAWNEY. It is the same amount.

Mr. WILLIAMS. Now, Mr. Chairman, I believe my time has not quite expired——

Mr. SABATH. Mr. Chairman——

Mr. WILLIAMS. Mr. Chairman, I can not yield to another colloquy.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The gentleman from Illinois has the floor.

Mr. WILLIAMS. Then I move to amend my previous motion by striking out the last two words, in order that I may have an answer to my question.

The CHAIRMAN. That is not in order except by unanimous consent. The gentleman from Illinois is recognized.

Mr. SABATH. Mr. Chairman, I move to strike out the proviso, for the purpose of inquiring of the gentleman who has charge of this bill what this appropriation is for. I see this provides for an appropriation of $800,000 for the erection of some new buildings. Now, it has been stated during the session this evening by different gentlemen here that we are willing to vote for any and all appropriations. I am not, and I believe in a large item like this we should commence to investigate whether it is absolutely necessary to expend at this time nearly $1,000,000. This appropriation calls for $800,000. Now, what is it for?

Mr. JOHNSON of South Carolina. To build houses for officers of the army.

Mr. SABATH. I am sincere in this inquiry.

Mr. TAWNEY. Let the gentleman read the paragraph and it will tell him what the appropriation is for, or let him listen to the Clerk when he is reading it.

Mr. SABATH. Are these buildings really necessary?

Mr. TAWNEY. They would not be appropriated for if they were not.

Mr. FITZGERALD. Mr. Chairman, I will state to the gentleman from Illinois that these are buildings necessary in various military posts throughout the United States.

Mr. OLLIE M. JAMES. Some explanation ought to be made.

Mr. FITZGERALD. I am endeavoring to make an explanation.

Mr. SABATH. Where are these buildings to be erected—in what part of the United States?

Mr. FITZGERALD. I have not the list right at hand, but it is in a great many of the barracks in the United States. Is there any place in Chicago where we could put one?

Mr. SABATH. No; we are not asking for any at the present time.

Mr. FITZGERALD. If you do, I hope the gentleman's colleague will come to his assistance and help him to get it if he wants it.

Mr. SHERLEY. If the gentleman really is desirous to know where these various barracks are to be erected, he will find a detailed statement in the hearings. It would take too much time now to read them, but I will hand the gentleman a list of them all if he desires it.

The Clerk read as follows:

For completing the reconstruction, on land owned by the United States, of the military prison in San Francisco Harbor, $100,000. The sum hereby appropriated shall be so expended as to give the maximum amount of employment to the inmates of said institution.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. I wish the Chairman would instruct the Clerk when a gentleman arises and respectfully addresses the Chair that the Clerk should stop the reading. I move to strike out the last word for the purpose of asking the gentleman from Minnesota, in charge of the bill, a question.

Mr. TAWNEY. Let me suggest to the gentleman that there would be less occasion to criticise the Clerk if the gentleman would wait until the Clerk concluded the reading of the paragraph before addressing the Chair.

Mr. WILLIAMS. "The gentleman" did wait until the Clerk concluded the reading of the paragraph——

Mr. TAWNEY. I beg the gentleman's pardon.

Mr. WILLIAMS (continuing). And had started off with the next, and he paid no sort of attention to the voice of the "gentleman from Mississippi," which is not a sweet one.

Mr. MANN. Not sweet to us at this time.

Mr. WILLIAMS. Now, I would like to ask the gentleman from Minnesota a few questions about lines 23, 24, and 25 on page 152, and lines 1 and 2 on page 153. Does this appropriation of $100,000 for completing the reconstruction on land owned by the United States of the military prison at San Francisco Harbor exceed the original appropriation made for that purpose?

Mr. TAWNEY. No; it does not.

Mr. WILLIAMS. I note here a proviso that the sum shall be expended so as to give the maximum amount of employment to the inmates of said institution. Will the gentleman explain to me whether or not this is intended to put convict labor in the utmost possible manner in competition with free labor?

Mr. TAWNEY. It is intended to use the labor within the prison to construct the prison just as we are doing at Atlanta, Ga., and Leavenworth, Kans.

Mr. WILLIAMS. Mr. Chairman, the explanation is entirely satisfactory.

The Clerk read as follows:

Johansen mill site, south of Mission Creek, Alaska: For the purchase from Carl M. Johansen all his right, title, and interest in and to a certain tract of land and the buildings thereon, consisting of eighteen and three hundred and four one-thousandths acres, more or less, and known as Johansen's mill site, covered by amended survey No. 350, and situated at the mouth of Mission Creek, on the left bank of the Yukon River, in the district of Alaska, lying within the limits of the military reservation of Fort Egbert, Alaska, $2,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, I desire to make the point of order against that paragraph.

Mr. OLLIE M. JAMES. Mr. Chairman, I hope the gentleman will reserve it until we get some information. [Cries of "Rule!"]

The CHAIRMAN. Unless the gentleman from Minnesota or some gentleman in charge of the bill says there is authority for the purchase, the Chair will be compelled to sustain the point of order.

Mr. TAWNEY. I do not think there is——

Mr. OLLIE M. JAMES. Mr. Chairman, I hope the gentleman from South Carolina will reserve the point of order until we hear from the Delegate from Alaska.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. CALE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The whole paragraph has been stricken out.

Mr. CALE. I move to strike out the paragraph.

The CHAIRMAN. That is already done.

Mr. CALE. I beg pardon.

The Clerk read as follows:

Water supply, Presidio of San Francisco: For the purchase of land and acquirement of water rights on Lobos Creek, California, to protect the water supply of the Presidio of San Francisco and to provide an independent water supply for military purposes in San Francisco Harbor, California, $100,000.

Mr. OLLIE M. JAMES. Mr. Chairman, I reserve the point of order upon this paragraph.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. OLLIE M. JAMES. I will reserve the point of order for the purpose of hearing an explanation.

The CHAIRMAN. Unless the gentleman from Minnesota or some member of the committee can show the authority for this paragraph, the Chair will be compelled to sustain the point of order.

Mr. FITZGERALD. Suppose this is on land adjoining the present reservation; what will the Chair say?

Mr. TAWNEY. The appropriation here is for the purchase of land and the acquirement of water rights on Lobos Creek, California to protect the water supply of Presidio of San Francisco and to provide an independent water supply for military purposes in San Francisco Harbor.

This is represented to the committee as being absolutely essential to the health and sanitary condition of that post. It is a part of the military establishment and is just as essential to the maintenance of the military establishment as an artesian well or any other expenditure pertaining to the sanitary conditions or to the health of those who are stationed at that post.

Mr. MANN. There is no auhority of law for this, Mr. Chairman.

Mr. TAWNEY. The present water supply is part of it from running water and part of it from artesian wells.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, this land adjoins the reservation. [Cries of "Regular order!"]

With the exception that there is a stream which runs between this place and the government reservation, I think this adjoins it. It is a creek. The Government owns one side. This is to purchase the adjoining land on the other side.

The CHAIRMAN. The Chair would suggest that the paragraph contains a further provision for an independent water supply for military purposes in San Francisco Harbor. It seems that, as the point of order is made, it will have to be sustained.

Mr. FITZGERALD. The Presidio is in San Francisco Harbor. Either the Chair's geography or mine is wrong, and I think the Chair is wrong.

The Clerk read as follows:

Target range, Sparta, Wis.: The unexpended balance of the appropriation of $150,000, for the purchase of 7,600 acres of land, more or less, near Sparta, Monroe County, Wis., as a site for a target range, under the provisions of the sundry civil act, approved May 27, 1908, be, and is hereby, made available for the purchase of such additional land contiguous to the land already purchased as in the opinion of the Secretary of War may be necessary.

Mr. TAWNEY. Mr. Chairman, I desire to offer an amendment.

Mr. BEALL of Texas. I desire to reserve a point of order on that paragraph.

Mr. OLLIE M. JAMES. I reserve the point of order to that section.

The CHAIRMAN. The gentleman from Texas [Mr. BEALL] has already reserved the point of order.

Mr. MANN. I make the point of order, Mr. Chairman.

Mr. TAWNEY. This amendment is to reduce the amount of land which we have heretofore authorized to be purchased for the rifle range at Chickamauga.

The CHAIRMAN. Unless there can be shown authority for the purchase of the land, the Chair will have to sustain the point of order.

Mr. TAWNEY. Mr. Chairman, the purchase of the land was authorized two years ago. This is for the purpose of diverting the appropriation for the purchase of so much of the additional land as was included in the original authorization.

Mr. ESCH. I call the chairman's attention to the provision in the sundry civil act——

The CHAIRMAN. The Chair on turning the page finds provision for additional land contiguous to the land already purchased, and it seems from the statement of the chairman of the Committee on Appropriations that the purchase was authorized by an act heretofore passed. That being the case, this would seem to be a continuation of public work in progress, and therefore in order. The Chair overrules the point.

The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The Clerk read as follows:

On page 154, after line 3, insert:

"The appropriation of $16,500 made in the sundry civil appropriation act for the fiscal year 1909 for the purchase of 924 acres of land adjoining Catoosa tract and target range at Fort Oglethorp, Ga., is hereby made available for the purchase of 724 acres of said land."

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. WILLIAMS. Reserving the point of order, I desire to make a parliamentary inquiry. I would like to ask the Chair whether I am correct or not in the opinion that a few minutes ago the Chair ruled that a provision in a previous sundry civil bill was an authorization of law for a project?

Mr. TAWNEY. Under the existing law.

Mr. MANN. Mr. Chairman, this paragraph is subject——

Mr. WILLIAMS. I beg the gentleman's pardon, but I have the floor.

Mr. MANN. I made the point of order, and I have the floor.

Mr. WILLIAMS. I made the point of order.

Mr. MANN. I beg the gentleman's pardon; I made the point of order. Now, Mr. Chairman, if this matter can be agreed to without further consideration, I am willing to withdraw the point of order.

Mr. WILLIAMS. I make the point of order for the entire business.

Mr. FITZGERALD. The Chair is now considering the point of order made by the gentleman from Illinois [Mr. MANN], upon which he will rule presently.

Mr. MANN. Upon the amendment that comes in subsequent to the paragraph the gentleman is talking about.

Mr. WILLIAMS. Prior to that, I made a parliamentary inquiry for the purpose of securing a ruling by the Chair.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Military camp, Pine Plains, N. Y.: For the purchase of about 11,000 acres of land known as "Pine Plains, N. Y.," for use as a permanent military camp of instruction and concentration, $75,000.

Mr. MACON. Mr. Chairman, I make the point of order on that paragraph.

Mr. KNAPP. I ask the gentleman to reserve his point of order. I ask the gentleman to extend me that courtesy.

Mr. MACON. I will extend the gentleman the courtesy.

Mr. KNAPP. Mr. Chairman, I desire to make a brief statement in reference to that item, and ask permission to do it.

Mr. Chairman, this item of $75,000 is for the purchase of about 11,000 acres of land, known as "Pine Plains," and situate in Jefferson County, N. Y., for the purpose of army field drills, and is favorably recommended by the War Department.

The plan of concentrating the army in different sections of the country for the purpose of field drills and maneuver purposes was instituted by Secretary Root when Secretary of War. This plan has been followed as one of the most effective in the proper discipline and field drills, not only of the Regular Army, but also of the national guard of the several States. The plan as known to most of the Members has been to concentrate the troops of the Regular Army within a certain radius or section of the country for drill purposes and in alternate years to invite the state militia located within the same radius or section of the country to join with the Regulars in these field drills.

While these concentration camps or field drills have been held for the past several years, the necessity and importance for them has been increased by reason of the recent action of Congress. By the law passed at the last session of Congress, known as the "Dick law," the militia or national guard becomes a part of the regular force of the United States, so that hereafter these two branches of the service will be in closer relationship, and these maneuvers or field drills will necessarily include both branches of the service, thus necessitating more extensive maneuver grounds and making such concentration camps and field drills more important and necessary than heretofore.

This was emphasized in the statement made by General Oliver before the Appropriations Committee, speaking relative to the purchase of Pine Plains, when he said:

It will have to be the policy. There is no other way of teaching the national guard except by bringing them in contact with regular troops and giving them the benefit of their experience and instructing them in large bodies.

Further than all of this, the plan has been approved by Congress. At the first session of the present Congress there was appropriated the sum of $1,000,000 for this purpose, and at the present session of Congress there was included in the act making appropriations for the army the sum of $400,000, so that the plan or policy has received the approval of the department and the Congress and has become permanent.

Now, with reference to this item for the purchase of Pine Plains. In carrying out this plan of field instruction, it has been the policy of the department, where there are no reservations that can be advantageously used, to select a point contiguous to several army posts, and this is made the center for concentration of troops, and it has further been the policy to select locations as inexpensive as possible, so that the sites may be purchased, if satisfactory. The controlling reason for this has been that it is very expensive to fit up these sites, running up to from $15,000 to $30,000. The department believes that it is the part of economy to select those that can be purchased at a reasonable cost rather than continue the initial cost of fixing up the encampments, so that the betterments that are put on will be the property of the United States and become permanently useful.

In New York and New England, which constitutes a radius where, in the opinion of the department, one of these camps should be located, there are no reservations which can be advantageously used without added purchase of land which would cost far more than that at Pine Plains.

Therefore, in 1904 the department, through a board of officers duly appointed, inspected various locations throughout this section of the country to see if land suitable for this purpose could be obtained at reasonable cost, and among other sites that board inspected Pine Plains and made report. Subsequently a second board of officers made a special inspection of this tract of land, and also made report. The department through these investigations and reports became convinced that this was a most suitable and desirable location and took steps to secure options on a sufficient amount of land at this point. These options, however, aggregated in value $388,000 for about 20,000 acres of land. This was by the department considered excessive. Subsequent to this the Third Brigade of the National Guard of the State of New York had its annual encampment and field drill here, which proved in every way successful, and demonstrated that the location was a desirable one for such purposes. In 1907 the war board again assembled and again went over this tract and again arranged for options, and the department arranged to have the United States troops stationed at Buffalo, Niagara, Oswego, Madison Barracks, Plattsburg, and Burlington go into camp at that point; and it also invited the organized militia of the States of New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and Maryland to unite in this encampment and field instruction.

This encampment, constituted of regular troops and state militia, was under the command of Gen. Frederick D. Grant, and the troops numbered in the aggregate about 10,000, and was held from about the middle of June to the middle of July, 1908. This encampment proved in every way successful and demonstrated to the entire satisfaction of the War Department and the officers and men encamped there that Pine Plains was in every way, so far as area, soil, water, climate, and healthfulness, a most satisfactory location for a permanent summer encampment, and reports which will be hereafter referred to were submitted to the department by General Grant, the commanding general, and also by the war board. The department again arranged for options on the lands which were necessary for such maneuver purposes. These options were filed in the department and aggregated about $70,000 for nearly 11,000 acres of land, which is, in other words, about $6.30 per acre. This the department considers most reasonable, and that it would be in the interests of both the service and economy to the Government to purchase this land for permanent annual encampments, and has so reported and recommended to Congress, on which reports and recommendations the Appropriations Committee has included this item.

Of the requisites of Pine Plains for a drill camp for the purposes indicated, I will speak but briefly, rather submitting the reports of General Grant, who commanded the camp in 1908; also the war board which reported to the War Department, and also Acting Secretary of War, General Oliver, all of which substantiate the statement that it is the most suitable location in the country for a drill camp. Pine Plains is situate, as stated, in the county of Jefferson, N. Y., about 25 miles from the city of Watertown, a city having a population of nearly 30,000, about 30 miles distant from the St. Lawrence River and 6 miles from Carthage, having a population of about 4,500.

The area upon which options have been obtained constitutes nearly 11,000 acres, and there is situated adjacent to this several thousand acres which could be obtained at practically the

same price per acre as the options now held should there be necessity for such addition.

The topography of the country is level; the soil sandy, easily absorbing the rainfall; sanitary conditions are unsurpassed; water supply bountiful and excellent; and the climate in that section excellent, most suitable for a summer camp (these camps being held at that season). In fact, the camp has been proven both by the field drills of the Third Brigade of the New York National Guard and the field drills of the Regular Army and the national guard to be an ideal one.

As to the healthfulness of the camp, it may be stated that during the field drills of 1908, during part of which time there were 10,000 men encamped there, there was not a single case of camp sickness reported, and officers and men agree in the statement that it was one of, if not the most healthy camp ever experienced in army life.

The requisite most important, the water supply, is all but unlimited, one spring alone being sufficient to supply 30,000 men. The purity of the water has been proven by numerous tests made before the camp site was selected and during the encampment of 1908, and was found in each and all cases to be of an exceptionally pure and desirable quality.

It is convenient of access for the troops which would be concentrated there, the site being reached from the eastern section of the United States by three lines of railroad running from the south and connecting at Utica, Rome, and Syracuse with the main line of the New York Central and Hudson River Railroad from all points east and west; also a direct line of railroad westerly to Oswego and Niagara Falls; and also a line of railroad running directly eastward reaching northern New England. The railway facilities for reaching the camp are reasonably satisfactory; but should the Government purchase the land, assurances are given by railway officials that the railway facilities will be materially added to and improved.

But not to continue in detail as to the requisites of Pine Plains as a camp, permit me to submit, as more conclusive than any statement that I might make, certain portions of reports of military authorities specially qualified and authorized to speak. Gen. Frederick D. Grant, who commanded the camp at Pine Plains in 1908, in his report to the War Department as to the desirability of purchasing this site, in part said:

From a "sanitary standpoint" I should say that Pine Camp is practically perfect. Thirty thousand soldiers could be camped here and their health maintained as well as it is in this camp, and by the same methods. I know of no location in the northeastern part of the United States more available and suitable for a permanent location of an instruction camp than this place, and I ask for immediate consideration, in view of the disposition of government property now installed at Pine Camp.

The war board especially commissioned by the War Department to make investigation and report as to the desirability of purchasing Pine Plains as a permanent camp reported, in part, as follows:

That climatically the site is good for a summer camp of instruction, as the nights are cool and the days not sufficiently hot to cause serious trouble during marches; that in these respects it is far superior to a more southern location; that the sandy soil absorbs the rain at once, and there is a total absence of muddy roads; that flies are absent, owing to the remoteness of habitations and the absence of fly-breeding places; it is out of the malarial and yellow fever zones; that ample water is available through driven wells, as the sands are underlaid by impervious strata, making a natural reservoir, discharging through numerous subterranean streams and springs; that the absence of camp disease leads to the conclusion that nothing need be feared in a larger camp for longer periods.

These reports are approved by Acting Secretary Oliver in the following words:

What is desired is a tract of land which can be purchased for a moderate price, large enough for the concentration for instruction of the mobile force of the United States Army stationed in the State of New York, and the Militia of the State of New York and the New England States, exclusive of those assigned to coast defenses. The number of these troops will at no time reach 30,000. The land in question is ample for such force, and its location—as regards the Regular Army—the natural concentration point for troops stationed at Forts Porter, Niagara, Madison Barracks, Ontario, Plattsburg, and Ethan Allen. The force at New York City is inconsiderable, and will probably be concentrated at a camp of instruction in Pennsylvania or Maryland.

The location in question is quite remarkable for its unlimited supply of pure water, its admirable climate, and its lack of flies and mosquitoes; and it fulfills all the requirements of the best sanitary conditions. In fact, there has been no place occupied as yet that equals this locality for these purposes.

The railroad companies are prepared to make any additions that may be necessary to handle promptly and efficiently at least 30,000 men.

From my personal knowledge, no locality that I have seen possesses equal advantages; at least no locality which Congress would be willing to purchase, by reason of enormous cost.

This property may be obtained for from $70,000 to $75,000, and additional land may be rented at a nominal rate for further maneuver purposes. A large expenditure has been made on this property for piping the same and for various other necessities, and I am thoroughly convinced that it would be advantageous to the United States to secure it.

These reports by the general in command of the camp, the board specially appointed to report upon the same, and the War Department, through the Acting Secretary, all emphatically indorse and recommend the purchase of Pine Plains, and demonstrate that such action on the part of the Government would be for the advantage of the military service.

But, further, the purchase of Pine Plains would be economy on the part of the Government. United States Army maneuvers or field drills have become a part of the regular training and discipline of the army. Last year eight of them were held in various sections of the country. They have, so to speak, come to stay. The Government, where reservations can not advantageously be used, must either purchase or rent sites, and these in either event must be fixed up for the encampment and drills of the army. This necessitates in each case where the sites are not permanent an expenditure of from $15,000 to $30,000, so that the expense connected with the renting of two temporary sites nearly aggregates the total cost of Pine Plains, where the betterments are already made and suitable for permanent use. These betterments consist of the laying of pipes and the putting in of tanks and engines to pump the water, building the incinerators and crematories for getting rid of the garbage, and building the roads, etc. It is clearly in the interest of economy to purchase this site and save to the Government what would be the cost of continuous betterments and rentals in the case of temporary sites.

This is manifest by the fact that these betterments at Pine Plains have already been made and utilized, so that the only additional expense necessary is that connected with the purchase of the site. This fact of economy was clearly established by General Oliver on hearing before the Appropriations Committee in response to questions by the chairman. He answered as follows:

The CHAIRMAN. What additional amount will have to be expended on this land if it is purchased?

Mr. OLIVER. I should imagine none at all of any consequence. It will be necessary to improve it in the way of building a few permanent roads and a few storehouses. We will not have to pull down and throw away the equipment we have there. There is no reason for any special expenditure being made over and above what we have already provided for. If we should choose another place next year, we would probably have to spend $20,000 or $30,000, and here we would not spend $5,000.

The CHAIRMAN. If this land is purchased, it does not mean that you will come to Congress later on for extensive improvements?

Mr. OLIVER. No, sir. It is not land that you could make a park of. The department wishes the land to remain as wild as it is for maneuvering purposes. There is no desire to do anything except to own the property, so that we will not throw money away on property that does not belong to the Government. I do not believe in appropriating very large sums of money for big camps of concentration. I think it is better to buy a small amount where the property is high and depend on renting the adjoining farms for maneuvering practice, but to have at least enough to camp a corps, so that any improvements you make there will remain our property.

Here, then, is a site concededly reasonable in cost, concededly possessing very desirable requisites for maneuvers and field drills, a site where the Government already has an investment for betterments which can not be used elsewhere aggregating from $20,000 to $25,000, and which would be of permanent service and value in case of purchase, but practically useless in case of no purchase. An investment which would have to be duplicated in each case of rental elsewhere, and, finally, a site the purchase of which has been earnestly recommended by the War Department after every necessary test has been made.

What more is needed to justify a government appropriation? I submit and urge that the best interests of the military service and true economy on the part of the Government not only justify, but emphasize the necessity for passing this appropriation and the purchase of Pine Plains as a permanent maneuver and drill camp for the United States Army.

Mr. GAINES of Tennessee. Where is this land located?

Mr. KNAPP. It is situated in Jefferson County, northern New York.

Mr. GAINES of Tennessee. How much money does the gentleman ask Congress to appropriate?

Mr. KNAPP. Seventy-five thousand dollars.

Mr. GAINES of Tennessee. Have you an option on this property?

Mr. KNAPP. Yes; aggregating $70,000 to $75,000 for 11,000 acres of land.

Mr. GAINES of Tennessee. I presume it is a written option, so that it is binding?

Mr. KNAPP. Yes; filed in the department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask unanimous consent that the time be extended five minutes.

Mr. CHANEY. Regular order!

Mr. KNAPP. The Government already has an investment here in betterments of $24,000, which become available if the land is purchased.

The CHAIRMAN. The regular order is demanded.

Mr. SHERMAN. If I can have the attention of the gentleman, I should like to say to him——

Mr. WILLIAMS. Mr. Chairman, both sides of the question ought to be discussed, and one gentleman from New York has been heard in opposition to the point of order already. I should like to have somebody heard in favor of it.

The CHAIRMAN. The point of order has not been discussed. The gentleman from Arkansas [Mr. MACON] reserved the point of order, and the gentleman from New York [Mr. SHERMAN] is recognized.

Mr. SHERMAN. Mr. Chairman, I wish to say——

Mr. WILLIAMS. I insist that both sides have a right to be heard. One gentleman has already spoken in opposition to the point of order. Somebody now has the right to be heard in favor of it.

The CHAIRMAN. The Chair will state that there has been no argument made upon the point of order. The gentleman from Arkansas reserved it, in order that there might be an explanation of the paragraph.

Mr. WILLIAMS. If there has been no point of order made, it was the fault of the Chair, because the Chair did not insist upon it.

Mr. MACON. I have reserved the point of order, and yield to the gentleman from New York [Mr. SHERMAN].

The CHAIRMAN. The gentleman from Arkansas reserves the point of order, in order that the gentleman from New York [Mr. SHERMAN], who has been recognized, may be heard.

Mr. SHERMAN. Mr. Chairman, it is doubtful if anywhere in any of the Eastern States could there be found 11,000 acres of land suitable for this purpose that could be bought for twice, thrice, or even more times the amount of this appropriation; 11,000 acres of land, with a sandy soil, which is drained within sixty minutes after a rain; with a large navigable river running through it, railroads surrounding it on three sides, specially well adapted for the purpose. It has been tried, options have been obtained upon all of it for prices less than they ever could be obtained again. The entire community have become interested in the project, have brought to bear pressure upon all the owners of the land, have shown them that it would be to their advantage to sell at a low price, because every year it would bring a large body of men there who would buy the products of the adjoining property, and thereby make it an advantage to their people to sell at a reasonable price.

In that way the price has been obtained for this land less than any other land can be obtained in any of the Eastern States or anywhere in the country, and it does seem to me as though it would be a great mistake for us to fail to take advantage of the situation now existing and make an appropriation to purchase this land on the options already obtained. I sincerely trust the gentleman from Arkansas will withdraw his point of order.

Mr. MACON. Mr. Chairman, I oppose this proposition because I think we have enough invested in war and armament and so on, and that was why I made the point of order to the paragraph. We have appropriated a great many dollars this year for war purposes in time of peace, and I dislike very much to give my consent to adding additional amounts day by day, and I might say from hour to hour, but I do not see how I am powerful enough to resist the importunities that have been made here, and I will withdraw the point of order.

Mr. WILLIAMS. I reserve the point of order.

Mr. GAINES of Tennessee. I renew the point of order and reserve it.

The CHAIRMAN. The gentleman from Mississippi has already reserved the point of order.

Mr. WILLIAMS. Mr. Chairman, I renew it and reserve it for the purpose of making a few remarks myself. I have noticed that the Chair has not held anybody down on the point of order; all the gentlemen thus far have spoken on the merits of the proposition and not on the point of order. I shall therefore take it for granted that the Chair will permit me to speak on the merits of the proposition.

Mr. Chairman, unless the great town of Bucatunna, in Wayne County, Miss., can be substituted for Pine Plains, N. Y., I shall oppose the paragraph in the pending bill. I want to say that the gentleman could go down in the neighborhood of Bucatunna and buy land for $5 an acre, and instead of buying 11,000 acres he could buy a great many more acres, and then would have a perfectly healthy place for the United States troops to remain in—pleasant in the winter, comfortable all the time, and with a magnificent opportunity for great military camps about it.

I am informed by the gentleman from Massachusetts who stands by my side that it is too far for his Massachusetts folks to go to. The gentleman from Massachusetts must remember that it is just as far from Massachusetts to Mississippi as it is from Mississippi to Massachusetts.

Mr. ROBERTS. But your people do not come to the camp.

Mr. WILLIAMS. It is precisely the same distance. If the gentleman will give me an opportunity to offer an amendment after a while to substitute Bucatunna, Miss., for Pine Plains, I will withdraw the point of order, with the understanding that after the point of order is withdrawn I can move to substitute the great undeveloped site of Bucatunna for the hitherto unknown site of Pine Plains. Mr. Chairman, I withdraw my point of order.

Mr. WILSON of Pennsylvania. Mr. Chairman, I renew the point of order.

Mr. GAINES of Tennessee. I would like to ask the gentleman from New York a question. I was in the cloakroom when the paragraph came up, and I do not know the merits of it, and I want light on the subject.

Mr. SHERMAN. Provision has been made for the use of military camps for the purpose of combining the National Guard with United States troops. We propose to purchase a piece of land well adapted for this purpose, and options have been had, so that the purchase price is more than reasonable; it is absolutely cheap.

Mr. GAINES of Tennessee. Does the gentleman from New York think it is absolutely needed?

Mr. SHERMAN. Absolutely needed for this purpose.

Mr. GAINES of Tennessee. And it is a bargain?

Mr. SHERMAN. It is more than a bargain.

Mr. GAINES of Tennessee. I withdraw the point of order.

Mr. WILSON of Pennsylvania. Mr. Chairman, I have not withdrawn the point of order I made.

Mr. DAWSON. I would like to ask the gentleman from New York if this is the only concentration camp in this section?

Mr. SHERMAN. It is. Mr. Chairman, if the gentleman makes the point of order, I will discuss the merits of the point of order. The act of January 21, 1903, especially authorizes this sort of an appropriation. That act provides that the Secretary of War is authorized to provide for the participation by any part of the organized militia of any State or Territory on the request of the governor thereof—and such request has been made in this instance by the governor of the State of New York—for the encampment, maneuvers, and field instruction of the Regular Army with the troops at a point at or near a military reservation. Now, this point is near a military reservation at Cape Vincent, and I claim that under this act of January 21, 1903, this appropriation is not obnoxious to the rules. If the Chair would like to see the act, I have it here.

Mr. WILSON of Pennsylvania. Mr. Chairman, I have made the point of order because there is no existing law for an appropriation of this kind, and in addition to that I am one of those who are opposed to any method of increasing our military force.

I will go with you as far as any Member on the floor of this House in building up a navy, because I look upon battle ships and cruisers as being but the weapons of war, that take a long time to build up. In addition to that, I never believed in destroying the liberties of the people, and a great standing army is a thing of that kind, and this is simply tending to building up a large standing army. However, I realize that for the small army we have we need some grounds for training purposes, and for that reason I withdraw the point of order.

Mr. WILLIAMS. Mr. Chairman, I move that in line 6, on page 154, the words "Pine Plains, N. Y.," be stricken out and the words "Bucatunna, Miss.," be substituted therefor.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "Pine Plains, N. Y.," and insert "Bucatunna, Miss."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 13, noes 79.

So the amendment was rejected.

Mr. WILLIAMS. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and eleven gentlemen present—a quorum. The Clerk will read.

The Clerk proceeded to read.

Mr. WILLIAMS. Mr. Chairman, I do not doubt the accuracy of the Chair's count, but I call for tellers.

The CHAIRMAN. On what? The Clerk will read.

The Clerk continued to read.

Mr. WILLIAMS. Mr. Chairman, I demand tellers.

Mr. MANN. It is too late.

Mr. WILLIAMS. It is not too late. Let us not be unfair. I was yelling a demand for tellers while the Clerk was reading.

The CHAIRMAN. Tellers are not demandable on a point of no quorum.

Mr. CLAYTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CLAYTON. Not for the purpose of making any dilatory motion, but for the purpose of saying that this House met yesterday morning at 10 o'clock, and it is now after 2 o'clock a. m. of the day after, and I think we can get along with the public business of the country better if the committee will now rise and the House take a recess until 10 o'clock this morning. I therefore move that the committee do now rise.

Mr. MANN. And during that time we have read about 50 pages of the bill only, owing to the delay——

Mr. CLAYTON. The gentleman will bear me witness that I have not been guilty of consuming any time.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that in the midst of a paragraph his motion is *not in order*, but when it is concluded the Chair will recognize the gentleman.

Mr. CLAYTON. Very well. On the Chair's suggestion I will renew my motion at the end of the paragraph.

The Clerk read and concluded the paragraph, as follows:

Army supply depot, Fort Mason, Cal.: To continue the construction, on the military reservation at Fort Mason, Cal., of a general supply depot for the supply departments of the United States Army, and to construct thereon the necessary storehouses, offices, shops, stables, sheds, power houses, quarters, and other buildings, together with wharves for the accommodation of at least four ships of the army transport service, $400,000.

Mr. CLAYTON. Mr. Chairman, I now move that the committee rise.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama, that the committee do now rise.

The question was taken; and on a division (demanded by Mr. CLAYTON) there were—ayes 23, noes 68.

Mr. CLAYTON. Mr. Chairman, I demand tellers.

Mr. CLAYTON and Mr. TAWNEY were appointed tellers.

The House again divided; and the tellers reported—ayes 24, noes 62.

Mr. CLAYTON. Mr. Chairman, I make the point of no quorum.

Mr. TAWNEY. Mr. Chairman, I make the point of order that that is dilatory. The Chair has just counted.

Mr. CLAYTON. But the Chairman's count was not accepted. This count is a correct count.

Mr. MANN. The count has nothing to do with it.

Mr. CLAYTON. Then what are we going through with this performance for?

The CHAIRMAN. The Chair will count. [After counting.] One hundred and four gentlemen present—a quorum. The noes have it, and the motion to rise is rejected.

Mr. CLAYTON. Mr. Chairman, a parliamentary inquiry. Can we have tellers on that?

The CHAIRMAN. Tellers are not demandable on a count of a quorum.

Mr. CLAYTON. I think the Chair is in error.

Mr. WILLIAMS. How can a Member verify the count of the Chair, except by tellers or the yeas and nays?

Mr. HARRISON. Mr. Chairman, I heard the Chairman order the Clerk to continue the reading, and I want to make the point of order that in reading the bill the Clerk omitted to read the paragraph on page 154, from lines 9 to 12; the Clerk skipped that in proceeding to read, and did not read that paragraph at all.

The CHAIRMAN. He had previously read that paragraph.

Mr. LANGLEY. That ought to settle it.

Mr. HARRISON. I beg the pardon of the Chair; I was listening attentively and I heard him begin reading the next paragraph.

The CHAIRMAN. The Chair heard it read, and the Clerk will read.

The Clerk read as follows:

Fort Bayard, N. Mex.: For the construction of a cold-storage and central power plant at the United States Army General Hospital, Fort Bayard, N. Mex., and the installation therein of an ice-making and refrigerating plant, and a power pumping plant for water supply, and for generating electricity to light the post, $80,000.

Mr. OLLIE M. JAMES. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Kentucky will state his point of order.

Mr. OLLIE M. JAMES. I make the point of order that it is new legislation and not authorized by existing law.

Mr. TAWNEY. That is not the fact, Mr. Chairman. This is a tuberculosis hospital of the United States, and the only one we have, and if the gentleman from Kentucky can derive any satisfaction from trying to strike this out of the bill he is welcome to it.

Mr. OLLIE M. JAMES. Mr. Chairman, I do not expect to derive any satisfaction by trying to strike out anything of the sort, but what you put in this bill you must do it by parliamentary law. I am as much in favor of a tuberculosis hospital as the gentleman is, but I insist that when you come to make your points of order to other meritorious propositions you do not hesitate to do it.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota if there is authority for this construction?

Mr. TAWNEY. Absolutely, there is authority for the construction. The Government of the United States established this hospital there a number of years ago, and this cold-storage plant, the first item, is to take the place of one that is there now; so with the power plant. There is no limit of cost with respect to the buildings, and the establishment was authorized I do not know how many years ago.

The CHAIRMAN. On the statement of the gentleman from Minnesota, the Chair overrules the point of order.

Mr. CLAYTON. Mr. Chairman, I desire to be heard briefly before the Chair rules.

The CHAIRMAN. The Chair is satisfied, and the Clerk will read.

Mr. CLAYTON. Mr. Chairman——

The CHAIRMAN. The Chair does not desire to hear further argument upon the point of order.

The Clerk read as follows:

Fort Meade, S. Dak.: For building reservoirs on the timber reservation of Fort Meade, S. Dak., for impounding the water, and for the construction of a pipe line to bring the water down by gravity to the post mains, $100,000.

Mr. OLLIE M. JAMES. Mr. Chairman, a point of order.

Mr. BEALL of Texas. Mr. Chairman, a point of order.

Mr. OLLIE M. JAMES. Mr. Chairman, is there any way we can get the attention of the Chairman?

Mr. MANN. Mr. Chairman, I rise to a question of order. In the middle of the reading of a paragraph a half dozen gentlemen disturb the House by getting up and saying, "Mr. Chairman," "Mr. Chairman," "Mr. Chairman."

Mr. OLLIE M. JAMES. Mr. Chairman, a parliamentary inquiry. Members have to start in the midst of a paragraph to get the attention of the Chair, and then they are not successful.

Mr. MANN. Of course they are not successful when they rise in the middle of a paragraph; that is just the trouble with the gentleman.

The CHAIRMAN. The gentleman from Texas had already made the point of order.

Mr. OLLIE M. JAMES. Well, just so it is made.

The CHAIRMAN. The gentleman from Texas will state his point of order.

Mr. BEALL of Texas. Mr. Chairman, my point of order, which I would have stated if the Clerk had permitted, was that it was new legislation not authorized by existing law.

The CHAIRMAN. What is it that is new legislation?

Mr. BEALL of Texas. From lines 7 to 10, inclusive, page 155.

The CHAIRMAN. We have passed that.

Mr. BEALL of Texas. Mr. Chairman, if I am not to be permitted to make that point because of no interruption between the paragraphs in the Clerk's reading, I will make the point of order against the lines from 11 to 15, inclusive.

Mr. TAWNEY. Is that the Fort Meade paragraph?

Mr. BEALL of Texas. It is the Fort Meade paragraph.

Mr. TAWNEY. Does the gentleman know where Fort Meade is?

Mr. BEALL of Texas. In South Dakota.

Mr. TAWNEY. The gentleman gathers that from the bill, does he not?

Mr. BEALL of Texas. Yes.

Mr. TAWNEY. Well, Fort Meade was established a long time ago. The water supply at Fort Meade has heretofore been obtained from a city in the vicinity of the fort. This reservoir has been established and is there now. It is proposed to build a reservoir on government land for the purpose of supplying the fort with water, which can not be obtained from the city any longer, because the water supply of the city is not sufficient to supply both the fort and the city. It is an established part of the war institution.

The CHAIRMAN. The second paragraph of Rule XXI expressly makes an exception of appropriations in continuation of projects already in progress. This is undoubtedly for the continuation of work upon property already owned by the Government—a continuation of a public work already in progress—and therefore the Chair overrules the point of order.

The Clerk read as follows:

Presidio Military Reservation, San Francisco, Cal.: For continuing the improvement of the grounds within the Presidio Military Reservation, San Francisco, Cal., $7,500.

Mr. GAINES of Tennessee. Mr. Chairman, I make a point of order, or, rather, I reserve it.

Mr. TAWNEY. This is merely to continue the improvement previously authorized by law.

Mr. GAINES of Tennessee. When was it authorized?

Mr. TAWNEY. That is all I have got to say.

The CHAIRMAN. The point of order is overruled.

Mr. GAINES of Tennessee. I move to strike out the last word, Mr. Chairman.

The Clerk proceeded to read the next paragraph.

During the reading,

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] has been recognized and moves to strike out the last word.

Mr. GAINES of Tennesse. Mr. Chairman, I want to say, with the greatest respect for the Clerk, that he is not to blame.

The CHAIRMAN. The Clerk is under the direction of the Chair and is entirely in order.

Mr. GAINES of Tennessee. I want to say that the Clerk is not to blame for what he is doing. It is the confusion. I defend the Clerk from the criticism that has been made of him.

Now, will the Chairman please tell us why the Government has had to make this improvement?

Mr. TAWNEY. This is for continuing an improvement of the ground.

Mr. MANN. Does the gentleman really want information?

Mr. GAINES of Tennessee. I really do.

I yield to the gentleman from Illinois.

Mr. MANN. I understand the gentleman refers to the paragraph about water supplies. That has been stricken out an hour ago.

Mr. GAINES of Tennessee. Which paragraph was that?

Mr. MANN. The one the gentleman has referred to is on page 153, and has gone out.

Mr. GAINES of Tennessee. Well, Mr. Chairman, the paragraph I allude to.

The Clerk read as follows:

Fort Riley Military Reservation, Kans.: For the preservation of the bank line of Republican River in front of the Fort Riley Military Reservation, by revetment and such other work as may be necessary to protect the said reservation from damage by erosion, $25,000, to be immediately available.

Mr. GARRETT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GARRETT. It was my intention to move to strike out the last word.

The CHAIRMAN. Does the gentleman make that motion?

Mr. GARRETT. A few paragraphs ago I wanted to make the motion to strike out the last word.

Mr. OLLIE M. JAMES. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. OLLIE M. JAMES. I rise for the purpose of offering an amendment. I am perfectly willing to wait until the gentleman from Tennessee is heard.

The CHAIRMAN. The gentleman will state his amendment.

Mr. OLLIE M. JAMES. I shall do so if the Chair will be kind enough to give me an opportunity. My amendment is this: After the word "available," in line 10, page 156, insert "to prevent damage by erosion of the Mississippi River in front of Columbus, Ky., $25,000."

Mr. TAWNEY. I make the point of order on that amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Fort Monroe, Va.: Wharf, roads, and sewer: For repair and maintenance of wharf, including all necessary labor and material therefor, fuel for waiting rooms, and water for flushing urinals and closets, painting, repairs, brooms, shovels, etc., $980; repairs to apron of wharf, including all necessary labor and material therefor, $4,155; wharfinger, $900; 2 laborers, $900; in all, $6,935; for one-half of said sum, to be supplied by the United States, $3,467.50.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, in the September number of the Taylor-Trotwood Magazine there appeared an article written by my colleague from Tennessee [Mr. BROWNLOW], with whom I have never agreed upon anything, on the life and character of Andrew Johnson. I am anxious to show my colleague a courtesy. This article is valuable from a historical standpoint. I do not mean to say that I would agree with all the conclusions that are drawn, but it is a valuable article, written from exact knowledge, based upon personal observation and experience, and I want an opportunity to insert that article in the RECORD. I want the article, together with a memorandum in addition to it, prepared by the gentleman from Tennessee, not in the original article, but which was prepared by him, printed in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The article and memorandum are as follows:

DEFENSE AND VINDICATION OF ANDREW JOHNSON.

[By W. P. BROWNLOW.]

This article, by Hon. WALTER P. BROWNLOW, the Republican Congressman who has represented for many years the same congressional district once represented by Andrew Johnson, will be read with interest by all who have read ex-Senator Stewart's sensational and untrue attacks on Mr. Johnson. Of those qualified to write, Mr. BROWNLOW'S knowledge of the facts and his intimate acquaintanceship with the "tailor who became President" have a first call on those who would know the truth.

Following is the magazine article of Hon. WALTER P. BROWNLOW, of Tennessee:

In the book recently published on the Personal Recollections of William M. Stewart, ex-United States Senator from Nevada, gross injustice is done to the character of a former President of the United States, who was a Tennessean and a citizen of the district which I have the honor to represent in Congress.

It would be difficult for the most ingenious member of the "Ananias Club" to compress in the same space as many erroneous statements as Mr. Stewart has in regard to Andrew Johnson. There are but three statements in his article which can not be successfully contradicted.

First in importance is that the assassination of President Lincoln was a great calamity to the whole country.

This nobody doubts, and so would it have been had any other man than Johnson succeeded him. The assertion that Mr. Johnson's election as Vice-President was a calamity may be true, and it may not. If we could know who would have succeeded Mr. Lincoln if Johnson had not, we could then have an intelligent opinion on that subject.

Gen. Simon Cameron, of Pennsylvania, favored the nomination of Gen. Benjamin F. Butler, and it was his opinion that Butler would have been the nominee for Vice-President if Johnson had not. Probably there is not an intelligent citizen of the whole country, except Mr. Stewart, who believes the country would have been better off with Butler in the White House than it was with Johnson.

It is true, as Mr. Stewart says, that before Mr. Johnson became President, and for a short time thereafter, he was "bitter in denunciation of the southern leaders, and the northern people supposed he was really patriotic."

While passionately exhorting his countrymen to prosecute the war for the preservation of the Union to a successful issue, Mr. Johnson did nothing inconsistent with his subsequent conduct when the Confederates laid down their arms and the responsibility devolved on him of restoring the revolted States to their normal relations to the Union.

Mr. Stewart is sorely grieved over Johnson's alleged inconsistency. Better be inconsistent and right than consistent and wrong. And yet nothing is more common in our political history than the changes that have taken place in the opinions of the greatest of our public men. Daniel Webster and John C. Calhoun went from one side to the other of the tariff question, and most of our eminent statesmen have followed their example, although few men have had an opportunity to change their minds on a question of such importance as the tariff. Not only do political leaders change, but the people change. For ten years Andrew Johnson represented the First District of Tennessee in Congress by about 1,000 majority as a free-trade Democrat. For eleven years I have represented the same district as a protectionist Republican by an average majority of 10,000.

PRESIDENT LINCOLN'S CHANGE OF MIND.

In his first inaugural address, President Lincoln declared that he had no authority as President to interfere with the institution of negro slavery in the States where it existed, and solemnly pledged himself not to do so. Within less than two years he said he had this authority, and issued his proclamation abolishing it, and he did right when he did so.

A change of mind, after due deliberation and on convincing evidence, is not evidence of vacillation and weakness, but of strong character and sound judgment. Even ex-Senator Stewart and myself have had sense enough to change our minds. I was an advocate of the free coinage of native American silver and never realized the beauty and beneficence of the gold standard until it was incorporated into the platform of the national Republican party in 1896.

After more than twenty-five years of strenuous advocacy of the free and unlimited coinage of silver, at 16 to 1 or 32 to 1, by which means he secured several elections to the United States Senate, Senator Stewart as suddenly abandoned his shibboleth of "The crime of '73," as he charges Johnson with having done in his treatment of the honestly mistaken advocates of the hapless southern confederacy.

It is doubtful if any candidate for office in this country was ever defeated on the sole ground that he had once given expression to views antagonistic to those that he afterwards professed. Instance the career of the lamented William McKinley. Before his nomination to the Presidency in 1896, on a gold-standard platform, he said in a speech in Congress: "I arraign Grover Cleveland as being unfriendly to one of America's great products—silver." The intelligent people of the country know it is more praiseworthy to be right than to be consistent. That man is a moral coward who through pride of opinion and love of consistency continues to advocate erroneous opinions when the God who made him has given him the light to see it.

JOHNSON WAS PATRIOTIC.

Mr. Stewart complains that when Andrew Johnson was nominated for Vice-President in 1864 "the northern people supposed that he was really patriotic."

In this the northern people were right. Few men gave greater evidence of love of country than did Andrew Johnson. He risked all on

the issue "Fortune, life, and sacred honor." He was the only Senator from the Southern States who was loyal to the Union when the war of 1860–61 began and the only Democratic Senator, North or South, except Stephen A. Douglas, of Illinois, who was for the unconditional maintenance of the Federal Union. The entire fortune of Mr. Johnson, all invested in Tennessee, amounting to about $60,000, the fruit of forty years of economy and honest toil, was staked on the issue, for by virtue of the laws enacted by the confederate congress it would all have been confiscated as that of an alien enemy had the seceding States succeeded in the conflict. In fact, much of it was seized early in the war and the remainder libeled for confiscation in the confederate court. Nay, more, Mr. Johnson on an hundred occasions imperiled his life in advocacy of the Union and in denunciation of its dismemberment, surrounded and threatened as he was by the armed enemies of his flag and country. He gave evidences of patriotism far more exalted than did Mr. Stewart, who denounced secession from the safe retreat of the sagebrush in Nevada or a seat in the Senate Chamber.

In his "History of the War Between the States," A. H. Stephens, vice-president of the confederate states, says it is doubtful if any speech ever delivered in the world's history had so tremendous an effect in its results as did the impassioned and able speeches of Andrew Johnson in the United States Senate at the beginning of our civil war in denunciation of secession and for the preservation of the Union of those States, and very largely as a result of these speeches Tennessee contributed to the Union Army 40,000 as brave soldiers as ever enlisted under the flag.

STEWART'S ASSERTIONS ARE FALSE.

The chief feature of Mr. Stewart's tirade against Mr. Johnson may be likened to the opening of a clogged sewer. He charges that Mr. Johnson was addicted to the excessive use of intoxicating liquors; in fact, that he was a brutish sot.

The charge is false. In proof of his assertion he gives what he alleges to be details of Mr. Johnson's conduct in this regard when he was sworn into office as President of the United States, and he calls to the aid of his poverty stricken memory an exuberant imagination.

For example, he says that the first information Mr. Johnson had that Mr. Lincoln had been shot on the night of April 14, 1865, was conveyed to Mr. Johnson by himself, after Mr. Lincoln's death at 7.22 the next morning, when in company with Senator Foote, of Vermont, and Chief Justice Chase he went to Mr. Johnson's rooms at the Kirkwood House, awakening him out of a drunken sleep, and that then Chief Justice Chase administered to him the oath of office as President.

The facts are that on the night of the assassination, ex-Governor Farwell, of Wisconsin, was among the spectators in the theater. He was domiciled in the same hotel where Johnson was; he was well acquainted with him; and as soon as the President was shot, he hastened to the Vice-President's rooms, which were within five minutes' walk of the theater. He aroused Mr. Johnson from sleep, whose habit it had always been to go to bed early and get up early. He testified that when he conveyed the awful news to Mr. Johnson, he evinced the greatest emotion and deported himself with the dignity befitting his station and the gravity of the situation.

After Governor Farwell, at the request of Johnson, had gone to the house where the President was lying and to Secretary Seward's to obtain information of their condition, they went together to see Mr. Lincoln, who was still insensible. After the wholly false statement that he, Stewart, first conveyed to Johnson news of Lincoln's assassination, he proceeds to tell how he aroused him out of a drunken sleep by kicking the door of his bedroom.

"In a few minutes," he says, "Johnson came in, putting on a very rumpled coat. He was dirty, shabby, and his hair was matted, while he blinked at us through squinting eyes. As he came down into the room we were all standing. Johnson felt for a chair and sat down. Chief Justice Chase said very solemnly:

"'The President has been assassinated. He died this morning. I have come to administer the oath of office to you.' Johnson seemed dazed at first. Then he jumped up, thrust his right arm up as far as he could reach, and said, 'I'm ready,' in a thick, gruff, hoarse voice. The Chief Justice administered the oath. Johnson—President Johnson—went back to his bedroom and we retired."

Then romancer Stewart says he went to the house of Secretary of War Stanton, and "I told him of the condition of Johnson"—that is, he told Stanton that Johnson was drunk, "and that he must be taken care of"—the man who had just taken the oath of office as President of the United States. "Stanton and I were driven back to the Kirkwood House, and, accompanied by the coachman, we went directly to Johnson's rooms. He was lying down. We aroused him, led him downstairs, and put him into Stanton's carriage.

"We took him to the White House and Stanton sent for a tailor, a barber, and a doctor. He had a dose administered, and the President was bathed and shaved, his hair cut, and a new suit of clothes was fitted to him. He did not, however, get into a presentable condition until late in the afternoon, when a few persons were admitted to see him to satisfy themselves that there was a President in the White House."

Of course, if there were a word of truth in the foregoing it would have been published before and during Johnson's trial by the Senate on the impeachment charges, when the bitter hostility of Benjamin F. Butler and others of Johnson's enemies led them to send hired detectives all over Tennessee in the hope of finding something injurious to his reputation.

Mr. Stewart represents Johnson as taking possession of the White House on the day of President Lincoln's death. As a matter of fact, he did not go to the White House until after President Lincoln had been dead six weeks and until it suited Mrs. Lincoln's convenience to return to her home in Illinois.

OTHER FALSE STATEMENTS.

As further evidence of the falsity of Stewart's statements I quote from "Men and Measures of Half a Century," written by Hon. Hugh McCulloch, of Indiana. He was Secretary of the Treasury in the Cabinet of Mr. Lincoln when he was assassinated, and later held the same position under Presidents Johnson and Arthur, and a more honorable, truthful man never served in the Cabinet of any President. Be it remembered that Stewart says that when the oath of office as President was administered to Johnson by Chief Justice Chase that the Vice-President was drunk, and that no one was present except Senator Foote and himself. Chief Justice Chase was a consistent member of the church, and it is a defamation of his character to say that he would have consented to administer to Johnson the oath had he been in the condition Stewart falsely says he was.

The following truthful account is given by Mr. McCulloch in his book referred to, published twenty years ago:

"It was at his hotel, on the morning of the 15th of April, that the oath of office as President was administered to Mr. Johnson by Chief Justice Chase, in the presence of the members of the Lincoln Cabinet (except Mr. Seward) and two or three Senators who happened to be in the city. Mr. Lincoln's body, from which life had departed but a few hours before, had just been conveyed to the White House."

Mr. Seward's absence is explained by the dangerous wound he had received from an accomplice of the assassin of Mr. Lincoln. The absurdity of Stewart's story about going with the Chief Justice to Johnson's rooms at an early hour in the morning, waking him out of a drunken sleep, etc., is apparent.

Mr. Lincoln was shot on the evening of April 14, but did not die until 7.22 the next morning. Immediately thereafter the Cabinet wrote to Mr. Johnson officially, relating the melancholy occurrence, and saying: "By the death of President Lincoln the office of President has devolved under the Constitution upon you. The emergency demands that you should immediately qualify according to the requirements of the Constitution and enter upon the duties of President of the United States. If you will please to make known your pleasure, such arrangements as you may deem proper will be made."

Mr. Johnson accordingly expressed a wish that the ceremony should take place at the Kirkwood House, at 10 a. m. There were present at that time all the members of the Cabinet except Mr. Seward, a number of Senators, and a few other gentlemen.

With all due solemnity, his hand resting upon an open Bible, at Proverbs 22:23, Mr. Johnson took the oath prescribed and was inducted into his high office.

SECRETARY M'CULLOCH'S STATEMENT.

In contrast with Stewart's Munchausen account of Mr. Johnson's conduct on being sworn into office as President, I again quote from Secretary McCulloch:

"The conduct of Mr. Johnson favorably impressed those who were present when the oath was administered to him. He was grief-stricken, like the rest, and he seemed to be oppressed by the suddenness of the call upon him to become President of the great nation which had been deprived by an assassin of its tried and honored chief; but he was, nevertheless, calm, and self-possessed."

Stewart says as soon as the oath was administered to Johnson "he went back to his bedroom."

Secretary McCulloch says, "He requested the members of the Cabinet to remain with him after the Chief Justice and the other witnesses of the ceremony had retired, and he expressed to each and all of us his desire that we should stand by him in his difficult and responsible position. This desire was expressed in the language of entreaty, and he appeared to be relieved when he was assured that while we felt it to be our duty to him to place our resignations in his hands, he should have the benefit of such services as we could render until he saw fit to dispense with them. Our conference with him was short, but when we left him, the unfavorable impression which had been made upon us by the reports of his unfortunate speech when he took the Vice-President's chair had undergone a considerable change. We all felt as we left him, not entirely relieved of apprehensions, but at least hopeful that he would prove to be a popular and judicious President. The hopes of none of us were fully realized, as time went on, and controversies arose between him and Congress; but his first year's administration was cordially supported by every member of his Cabinet."

On the subject of Mr. Johnson's bearing when he was inaugurated as Vice-President, Mr. McCulloch says:

"I was not present when Mr. Johnson took the oath of Vice-President in the Senate Chamber, but the reports of his speech on that occasion amazed me. It was so different from what had been expected of him, so incoherent, so rambling, that those who listened to it thought that he was intoxicated. He had been ill for some days before he left his home, and on his way to Washington had taken brandy as an astringent. On the day of his inauguration as Vice-President he was really ill, and was so unwise as to resort to a stimulant before he went to the Senate Chamber. His appearance and speech on that occasion made a most unfavorable impression upon the crowded assembly, and fears were excited that, at the time when wise and sober counsels were especially required, an intemperate man had been elected Vice-President. These fears were groundless, but the report of his appearance and speech made an impression upon minds suspicious of all southern men that was never entirely removed. I had no personal acquaintance with him, and I shared in the distrust which generally prevailed. Meeting Mr. Lincoln a day or two after, I said to him that the country, in view of the Vice-President's appearance on the 4th of March, had a deeper stake than ever in his life. He hesitated for a moment and then remarked with unusual seriousness: 'I have known Andy Johnson for many years; he made a bad slip the other day, but you need not be scared; Andy ain't a drunkard.'"

MR. M'CULLOCH CONTINUES.

"This remark of Mr. Lincoln's came home to me when, a few weeks afterwards, I heard Mr. Johnson take the oath as President. Mr. Lincoln was right. Mr. Johnson was especially intemperate as a speaker when defending his policy and replying to the severe criticism to which he was subjected, but not in the use of liquor. I had good opportunity for observing his habits, and my fears made me watchful. For six weeks after he became President he occupied a room adjoining mine, and communicating with it, in the Treasury Department. He was there every morning before 9 o'clock, and he rarely left it before 5. There was no liquor in his room. It was open to everybody. For nearly four years I had daily intercourse with him, frequently at night, and I never saw him when under the influence of liquor. I have no hesitation in saying that, whatever may have been his faults, intemperance was not among them. There was a marked difference between his carefully prepared papers and his offhand speeches. The former were well written and dignified; the latter were inconsiderate, retaliatory, and in a style which could only be tolerated in the heat of a political campaign; hence the opinion that they were made under the influence of liquor."

CHIEF JUSTICE CHASE AND BROWNLOW.

Similar testimony was borne by Chief Justice Chase. He inquired of William G. Brownlow, then a Republican Senator from Tennessee:

"What has been the reputation of Andrew Johnson in your State as to drinking intoxicating liquors?" Mr. Brownlow replied: "Mr. Chief Justice, we were all surprised in Tennessee to learn that Johnson was under the influence of liquor when he was sworn in as Vice-President, as I am sure he was from the statements made to me by various persons who were present."

To this Mr. Chase assented. Mr. Brownlow continued:

"As the editor of a Whig newspaper and a speaker in every political campaign we have had in Tennessee since Johnson's entrance into public life I have fought him so zealously that for twenty years we were not on speaking terms. I never failed to publicly denounce him for anything which I believed he did which I regarded as disreputable, as I certainly do the excessive use of liquor, but I never charged him with being a drunkard because I had no grounds for so doing. I do not mean to say that he was a total abstainer from the use of intoxicating drinks, as I have always been, and as I think every man should be, but I do mean that nobody in Tennessee ever regarded him as addicted to their excessive use."

Mr. Chase replied:

"I have asked you for information on this matter because I had heard that you and Johnson had never been personal or political friends." And he added, "Except when he was sworn in as Vice-President I never saw him under the influence of intoxicants. I knew him in the Senate before the war, and then I know he was not a dissipated man. While he was President I saw him very often, frequently late at night and sometimes on Sunday, but I never saw him under the influence of spirits in the slightest degree, and this is the testimony given me by members of his Cabinet and other gentlemen who were intimately associated with him while he was President. In reply to your statement, Mr. Brownlow, that Johnson was 'not a total abstainer,' I will say that I can't now recall the name of an Ohio politician I ever knew who was."

JOHNSON REALLY ILL.

I will add that Mr. Johnson had been so ill for weeks before the 4th of March, 1865, that he had determined not to go to Washington to have the oath of office as Vice-President administered to him, but to have that ceremony performed at Nashville, as it was in the case of Vice-President-elect William R. King, of Alabama, who was seriously ill at Habana, Cuba, on March 4, 1853, when the oath of office was administered to him by the United States consul-general. Having heard of Mr. Johnson's purpose in this regard, President Lincoln wrote and telegraphed him, urging him to come, if possible. He came to Washington on the 2d or 3d of March, and did not go to the Capitol until the 4th. Mr. Stewart says "he came to Washington in January or February, and was around the Capitol for some weeks previous to the inauguration of President Lincoln." Nor is it true, as Mr. Stewart says, that when sworn as Vice-President, "he was assisted to the chair by the Sergeant-at-Arms" or by anybody else.

JOHNSON'S NEATNESS OF DRESS.

To every person who ever knew Mr. Johnson, the statement of Mr. Stewart that he was slovenly in attire, filthy in person, and without dignity of bearing is known to be false. He was distinguished for exceptional neatness in person and dress, and dignity of bearing. Charles Dickens, in the English edition of his correspondence, described him as one of the most dignified, courtly men in his bearing he had ever met. In the piratical American reprint of his work the complimentary things said of Johnson are omitted out of deference to the prejudice existing in the North against him. The Hon. John Van Buren, of New York, who had met the leading statesmen of Europe as well as his own country, and himself a prince among gentlemen, said "he had personally known every President from Madison to Hayes, and that in dignity of bearing Andrew Johnson compared favorably with any of them, and was in that regard the superior of a majority of them."

I am here reminded that about thirty-five years ago a female correspondent, writing for the press from Washington descriptive of the then Members of the United States Senate, said that there were two Senators, both born in New York, Hon. Roscoe Conkling and Hon. William M. Stewart, who bore no similarity except that they were each 6 feet 2 inches tall and both red-headed, that Conkling was a man of great ability, and always elegantly dressed and of courtly bearing; that the Senator from Nevada was untidy and slouchy in dress and his manners were those of a cowboy and of the mining camp. It is evident that the question of dress and bearing is largely one of taste, about which there is a great diversity of opinion.

Ex-United States Senator William E. Chandler, of New Hampshire, and the very able Secretary of the Navy in the Cabinet of President Arthur, is a man of far more enviable distinction than Mr. Stewart. While Assistant Secretary of the Treasury under President Lincoln, Mr. Chandler became well acquainted with Mr. Johnson, and in the New England Magazine for May, 1907, he pictures Andrew Johnson "not as the drunken boor of the public fancy, but as a mild-mannered, earnest, quiet, kindly man, who did surprisingly well, in view of his antecedents and environments."

JOHNSON'S PERSONAL BRAVERY.

The culmination of the aspersions of the personal character of Mr. Johnson by Mr. Stewart is the wholly false and ridiculous one that he was a physical coward, and that he, Stewart, in 1875, in the office of the Secretary of the Interior, frightened Johnson into fleeing from him to escape a merited whipping.

Stewart says this happened "in the presence of the Secretary and four or five clerks, immediately after the return of Johnson to the United States Senate." The statement imputes to Mr. Johnson conduct so contrary to his well-established character for courage that nobody who ever knew him will believe one word of it. Mr. Stewart owes it to himself to produce the affidavit of at least one of the many persons who are alleged to have witnessed Johnson's disgraceful cowardice, to corroborate his own statement. It is extraordinary that not one of the lynx-eyed newspaper correspondents in Washington ever got hold of and published an incident so interesting and sensational as that an ex-President of the United States and a Member of the United States Senate should, in broad daylight, for most disgraceful conduct, have fled like a dastard to avoid a personal chastisement in the public office of a Cabinet minister. If Mr. Stewart should reply that his alleged witnesses are all dead, some one might be so uncharitable as to suggest that he waited thirty-three years after Johnson's death to make the charge, so that he could say that the Secretary and all the clerks about him were dead.

TRIED TO CARRY OUT LINCOLN'S IDEAS OF RECONSTRUCTION.

I will not attempt a discussion of the proposition Mr. Stewart raises that Johnson's plan of reconstruction was unconstitutional. That is a question about which the ablest lawyers have differed, and I dare not enter that field, as I know no more of the Constitution than does Stewart. Mr. McCulloch and other members of Mr. Lincoln's Cabinet who were intimately associated with the great President have testified that Johnson's plan of reconstruction was that determined upon by Mr. Lincoln. On this point Mr. McCulloch says: "The very same instrument for restoring the national authority over North Carolina and placing her where she stood before her attempted secession, which had been approved by Mr. Lincoln, was by Mr. Stanton presented at the first Cabinet meeting which was held at the Executive Mansion after Mr. Lincoln's death, and having been carefully considered at two or three meetings, was adopted as the reconstruction policy of the administration. Until a year after Mr. Johnson became President there was entire harmony between him and his Cabinet. In the work of restoring the relations between the Government and the States which had attempted to secede from the Union, which work was taken up where Mr. Lincoln had left it, and which was being prosecuted on the same lines, they were a unit. No objection was raised even to that part of the President's first message which treated of the suffrage question by any member of the Cabinet. It was, in fact, approved by all, and by none more heartily than by Mr. Stanton."

With his enormous prestige and popularity with the people and his great tact in dealing with public men, in and out of Congress, Mr. Lincoln would doubtless have succeeded in carrying to a successful issue the plan of reorganization he had outlined and which Johnson could not. But it is not just to denounce Johnson as a traitor to the Republican party, for he never was or claimed to be a member of that party. He was nominated for Vice-President largely through the influence of Mr. Lincoln, who desired a war Democrat as his running mate. Johnson was known by Mr. Lincoln, as he was by the convention which nominated him for Vice-President, to hold to the doctrine that all rights which were not clearly conferred upon the Government by the Constitution, or which were not fairly inferable from those which were expressly granted, were reserved to the States. He believed, with Andrew Jackson, that in these reserved rights the right of secession was not included, and he believed also that the Government had no authority to declare who should be citizens of the States, or what, within the States, should be the qualification of voters.

That Christian statesman, Hugh McCulloch, the friend and adviser of Lincoln, so thoroughly understood and so truthfully portrays the character of Mr. Johnson that I gladly quote further from him:

"No public man in the United States," said he, "has been so imperfectly understood as Andrew Johnson. He had many faults, but he abounded in admirable qualities. His love for the Union was a passion intensified by the dangers to which it had exposed him, and by his labors in its defense. It was his devotion to the Union which compelled him to oppose the reconstruction acts of Congress, which he thought would greatly retard, if it did not prevent, its perfect restoration. I differed from him upon some subjects, but I never had reason to doubt his patriotism, or his personal or official integrity.

"Mr. Johnson was a man of unblemished personal integrity. He was an honest man, and his administration was an honest and clean administration. In this respect it will bear comparison with any that preceded or has followed it. In appointments, money was not potent. Offices were not merchandise. The President never permitted himself to be placed under personal obligations to anyone. He received no presents. The horses and carriage which were sent to him soon after he became President were promptly returned. If he did not declare that public offices were public trusts, his actions proved that he so regarded them. In some matters I doubted the correctness of his judgment, but I never doubted his devotion to what he considered his duty to his country, and the whole country. He was a laborious, painstaking man. For him fashionable watering places had no attractions. Neither by him nor by any member of his Cabinet was recuperation sought at the seashore or in the mountains. His administration had little popular and no distinctive party support, but judged by its merits, as sooner or later it will be, it will cast no discredit on the national honor."

Mr. Stewart boasts that he voted to impeach him, and says "he would do it again."

James G. Blaine, in his great history "Twenty Years of Congress," says he voted to impeach him, but he rejoices that he was not impeached. John Sherman also voted for his impeachment, but years afterwards said he was glad it had failed. Perhaps the only Senator who voted for the removal of Johnson from office who "would do it again" is the Senator from the imperial State of Nevada.

After reciting that the ground for the impeachment of President Johnson was sought in his suspension of Mr. Stanton as Secretary of War and his extempore speeches denouncing his political opponents, Mr. McCulloch says: "Other causes for his impeachment were sought for. His bank account was examined. His private conduct in Washington was carefully scrutinized. Men were employed to investigate his public and private character in Tennessee, but nothing was found to his discredit. There were few public men whose characters and conduct would have sustained as severe scrutiny as Mr. Johnson's was subjected to in 1867. No one that knew anything of Mr. Johnson could doubt his ability, integrity, or patriotism. No one could truthfully say that he was intemperate, and yet a Methodist bishop, a few years after Johnson's death, in a speech which he made at Woodstock, Conn., on the Fourth of July, referred to him as having been a "drunken imbecile," and this expression, shameful and brutal and false as it was, was listened to by a crowd of intelligent and respectable people, without rebuke, and published in a religious newspaper without comment. Years ago a distinguished clergyman, in a historical sermon or address delivered in Washington, spoke at length of Tyler, of Fillmore, of Arthur, of all the Vice-Presidents who became Presidents by virtue of their office as Vice-President, except Johnson, whose name was not even mentioned. And yet, can you say that he served the country less faithfully than they did, or that his lifelong services were less valuable than theirs?

I am a Methodist myself, and I cordially approve of this criticism of a bishop of my church whose language was so unjust, false, and unChristian. In striking contrast to the reprehensible conduct of the bishop referred to, who personally knew nothing of Mr. Johnson, I take pleasure in quoting from another Methodist bishop, Rev. E. E. Hoss, of Nashville, Tenn., who was perfectly familiar with the character of Andrew Johnson. Bishop Hoss is an honor to his church and wholly abstains from participation in partisan politics. His sense of justice and love of truth have alone prompted the reply he has made through the Nashville Banner to Mr. Stewart's aspersions on Mr. Johnson:

BISHOP E. E. HOSS SAYS:

"The venerable ex-Senator from Nevada does not write dispassionately. On the contrary, he displays a spirit of personal malice, and of almost brutal coarseness in all his paragraphs. * * * That Andrew Johnson was born and reared in absolute poverty; that he passed the period of his youth without even the slightest educational advantages; that he contracted a sort of aversion toward those who were more fortunate in their circumstances than himself; and that to the end of his career his character bore some of the marks of his bitter

early years, all these things are to be freely admitted. * * * But that he was an ignoramus, a cheap demagogue, a time-serving politician, and a common sot is as false and slanderous as any allegation could be.

"Before he had passed his twenty-first year he had acquired a taste for the reading of books, and of such books as really count. It may surprise some persons to know that he bought and studied Plato's Republic. With the political history of the United States he made himself entirely familiar. No man kept up better with the newspapers, which all must agree are an invaluable vehicle of education. He sought from the beginning the society of intelligent men. His shop grew to be a center of debate and discussion. Naturally vigorous in intellect, and always eager for knowledge, he made the most of his opportunities and grew in strength and compass from the beginning. First and last he went upon the hustings with nearly every man of great prominence in Tennessee, and held his own with them all. With the possible exception of Thomas A. R. Nelson, who was a man of superb native gifts and of large and accurate attainments, it is doubtful if any of his antagonists ever fully measured up to him. John A. Aiken, William G. Brownlow, Nathaniel G. Taylor, Landon C. Haynes, Gustavus A. Henry, Meredith P. Gentry, and Horace Maynard, one after another, found themselves more than matched by this plain, straightforward tailor, whose power over popular audiences was due, not to the graces of oratory, but to the sledge-hammer vigor with which he drove home his points. Mr. Henry, 'the Eagle Orator,' once said of him: 'The harder you press him, the higher he is sure to rise.' Frequently chosen to the state legislature, five times elected to the lower House of Congress and twice to the United States Senate, and elevated in succession to the Vice-Presidency and Presidency of the United States, it is folly to intimate that he was lacking in intellectual force.

"The intimation that Mr. Johnson was in the habit of dressing like a tramp and behaving like a clown is pure fiction. He knew the value of good clothes, and it is doubtful whether anybody ever saw him when his garments were not of the best material and made to fit. He had also great dignity of manner. I was not brought up to admire him. My people were old-line Whigs of the straightest sect; and, as a boy, I had grave difficulty in believing that a Democrat could be the right sort of a man. But I shall never be able to forget the deep impression that Mr. Johnson made upon me. After his retirement from the Presidency I met him frequently in Greeneville, where I was then a young minister, and once I spent a pleasant afternoon in his own home. At that time, whatever may have been the case when he first came before the public, there was nothing lacking of the well-bred gentleman in his demeanor.

"It is a matter of common tradition that during his stay in the White House he bore himself with as much ease as if he had been born in the purple. Visitors from abroad never failed to carry away pleasant recollections of him. The late Doctor Wilman, editor of the best edition of Gibbon's Rome, was eulogistic in speaking of him, and Charles Dickens wrote that he had a commanding presence, a splendidly shaped head, and every sign of an extraordinary man.

"To those who knew Mr. Johnson, Senator Stewart's story about frightening him and causing him to make tracks in order to escape merited chastisement, have a Munchausenish sound. When did he ever show the white feather? His whole life was full of independence and courage. As a young man he dared to defy General Jackson, and to support Hugh Lawson White for the Presidency against Martin Van Buren. When Know-Nothingism swept over the land, he did not compromise with it for a single moment, but smote it full in the face. At the beginning of the civil war he put his life in frequent jeopardy by his devotion to the Union. I am old enough to have seen him show the most dauntless front in the face of crowds that were angry enough to have slain him. In all our history there is nothing finer than the stand he took against the reconstruction measures of the triumphant Republican party. Saying nothing at all about the wisdom of his course, it is at least certain that he did not bear himself in that great contest like a man that knew the meaning of fear.

"He has been called a demagogue, and such, in a certain sense, he was. But there is no ground for supposing that his profession of faith in the common people was insincere. He was one of them; he knew them; he sympathized with them. That he was a real patriot is true. The Union of the States was dear to him. To serve it, he was willing to break with his own party. And when the war was over, though he had indulged in unpardonable bitterness of speech toward the South, he was so solicitous to protect and preserve the Constitution that he once more risked everything, even the probability of removal from office by impeachment, rather than give in his adhesion to policies that seemed to him to be violative of the letter and spirit of that great compact between the States.

"Mr. Johnson's personal honesty was absolutely beyond question. He was simple in his way of living and thrifty in the management of his affairs, but he never soiled his fingers by handling a dirty dollar. As a public official he made it an invariable rule to receive no gifts, great or small. George Washington himself was not more scrupulous of his reputation in money matters. As his best biographer has said: 'His public policies were often challenged, but no man ever suggested aught against his personal integrity. He refused to use the patronage and prestige of his office when President to save himself from threatened impeachment. He even allowed an important member of his counsel—Judge Jere Black—to retire from the case rather than take a step which might be construed by some as favoritism. Costly gifts, when President, were returned to the donors with kind regards. The citizens of New York tendered him a handsome carriage and a splendid pair of horses, but these he politely declined.' I have written the foregoing, not because I am, or ever was, an apologist for the grave faults in Mr. Johnson's character, but because that I have felt it was not becoming in a Tennessean to sit still and see him assailed with reckless malice and without due regard for truth."

I am not an apologist for indulgence in strong drink. I have always totally abstained from the use of all intoxicating beverages, but I realize at the same time that thousands of men who do indulge are better men and better citizens than many who do not, not because of such indulgence, but in spite of it. There are men who—

Compound for sins they are inclined to,
By damning those they have no mind to.

The persistent misrepresentation of Andrew Johnson's habits in this regard ought to stop, whether indulged in by a political bishop or by a pot-house politician.

There is to-day an altogether different sentiment on the liquor question to that which prevailed generally in this country until within recent years. During the period of Mr. Johnson's public service it was not uncommon for even church members to keep a bottle and to invite their visiting friends to partake of the social glass. The habit was reprehensible, and I am rejoiced that it has been almost universally discontinued. But I resent the ignorant or malicious misrepresentations of Andrew Johnson in this matter because I believe it has its inspiration largely in partisan feeling and sectional prejudice. If Johnson had been a Republican and a northern man, the fact of his having been under the influence of a stimulant, taken medicinally, on the 4th of March, 1865, would not be regarded by his detractors as an unpardonable sin in consideration of the fact, as clearly established by the testimony of his Cabinet and all who were intimately associated with him, that while President he was absolutely temperate.

As a class the Presidents of the United States have been singularly abstemious in the use of intoxicating liquors, and in this respect compare most favorably with the rulers and statesmen of Europe.

SHOWS UP SCHURZ.

I will conclude this letter by reference to the "Reminiscences of Carl Schurz," which have recently been published in McClure's Magazine. Mr. Schurz, after telling how he drank a whole bottle of wine with Gen. Frank P. Blair, and also drank wine with the poet Longfellow, is greatly distressed in mind because he had heard that Andrew Johnson was not a teetotaler. He says he called frequently to see him at Nashville during the civil war, while he was military governor, and sometimes when he called Mr. Johnson was not in his office but was reported sick at his residence. He doesn't know that Johnson was drinking, but somebody in Nashville (name of author not given) intimated that such might be the case. He doesn't say that during the frequent times he did see him he ever saw any indication that he had been drinking. Unlike Stewart, Mr. Schurz describes him as being neatly dressed. Mr. Schurz also complains that Mr. Johnson's conversation with him evidenced a bitter, vindictive spirit toward the secession leaders and finally he speaks sneeringly of Mr. Johnson as having sprung from the "poor whites" of the South. In reference to the last-named objection to Johnson I will say that as Mr. Schurz's father was a German peasant it would have been in better taste if he had said nothing of Johnson's humble origin. The peasant of Prussia is the "poor white" of that monarchy, and is not respected by the nobility or wealthy classes a bit more than are the poor whites of the United States by our wealthy monkeys who give monkey dinners at Newport and who sell their daughters to bankrupt debauches of Europe for a title of nobility.

SCHURZ AN INGRATE.

Mr. Schurz visited Johnson, I suppose, very often, as he says, for he was "walking the floor" at the time. He does not tell why he became so much enamored of Johnson's society and the object and result of his visits because that would show what an ingrate he was, and I will supply that omission. I will also say that it would be impossible for Schurz to have felt or expressed greater contempt for Johnson than Johnson felt and expressed for Schurz after he became aware of his perfidy. I will premise by saying that Schurz, like Benjamin F. Butler and Nathaniel P. Banks, of the political generals on the Union side, was a dismal failure as a general. On the Union side the only splendid soldiers I can recall, who at the same time were politicians, were Frank P. Blair, John A. Logan, and Daniel E. Sickles. After the battles around Chattanooga Schurz was in disgrace. I do not mean that he was a coward, but that as a commander of troops he was as big a fraud as he was as a reformer.

He played on the piano and he sang, "I love Thee, oh! I love Thee," and no man ever lived who could do that who was capable of commanding an army. After the battles referred to, Schurz was relieved of command of his divison and ordered to Nashville in command of a recruiting station with three or four companies constituting his army. In a word, he was a major-general with two stars on each shoulder and having only a major's command. Schurz felt the degradation of his position. He lost no time in calling upon Military Governor Andrew Johnson. Metaphorically speaking, he got down on his marrowbones. With tears in his voice, if not in his eyes, he appealed to Johnson, whom, with reason, he believed stood high in the regard of President Lincoln. After referring to what he alleged to be the "injustice of his treatment" he told Johnson how "as a foreign-born citizen his heart had overflowed with gratitude to him since 1855 for the heroic and successful fight he had made in Tennessee against that hydra-headed monster know-nothingism or so-called Americanism, which had sought to ostracize persons of foreign birth, like himself," and he entreated Johnson to intercede with President Lincoln in his behalf. Johnson felt sorry for the fellow and probably was susceptible to Schurz's flattery, who assured him of his everlasting gratitude. Within a very short time Johnson came to Washington and made an earnest and successful appeal to President Lincoln for the restoration of Schurz to a command commensurate with his rank. After Johnson became President, Schurz called on him and after a lengthy interview the latter clearly intimated that he approved the policy of reconstruction President Johnson had outlined, and the President appointed him as a commissioner to visit the Southern States, meet the people who had been in rebellion—leaders and followers—and report to him whether they could be trusted to be loyal to the Union and whether they were fit for restoration to their civil and political rights. At the same time General Grant was also sent South on the same mission. The great soldier and warm-hearted, brave-hearted, and generous gentleman reported favorably on the spirit and temper of the southern people. To the amazement of Johnson, Schurz made a report directly the reverse of that of General Grant. The report of Grant so angered Charles Sumner that he viciously denounced it on the Senate floor as an effort to "whitewash the rebels of the South," and he cited Schurz's report in corroboration of his denunciatory characterization of Grant's report. And this man Schurz now criticizes Johnson for displaying toward the southern leaders in 1863, while war was flagrant, that spirit of hostility which he (Schurz) displayed after the war was over. Later Schurz warmly advocated Johnson's impeachment and removal from office. He was then casting a wistful look to a seat in the United States Senate from Missouri, and he knew there was no chance for that unless he out-Heroded Herod in radicalism. The party then dominant in Missouri had not only disfranchised all who had been active in rebellion against the United States but all who sympathized with them. By law it prohibited all such from practicing law or medicine, teaching school or preaching the gospel. If Schurz then disapproved of any feature of this proscription, he kept his opinions to himself.

After he secured his election to the Senate by "swimming with the tide" he flopped to the other side because he got mad at President Grant for not permitting him to control the federal appointments in Missouri, blossomed into a reformer, and opposed Grant's reelection in 1872.

There is a proverb that "A man can forgive a person who has injured him, but never one whom he has injured." Therefore Schurz's hostility to Johnson.

This "Swiss soldier," as Wendell Phillips called him, and this "D——d Hessian," as old Andy Johnson termed him, is a beautiful specimen to arraign Andrew Johnson on the charge of inconsistency. Schurz advocated McKinley's election in 1896 on the ground that free silverism "was public and private dishonesty." Because President McKinley failed to put that estimate on his importance which he had himself put on it, he earnestly advocated the election of Mr. Bryan in 1900, on the same free-silver platform.

In his "Memoirs" Schurz eulogizes General Grant, who always showed contempt for him, because, I suppose, he believed that would popularize and sell his book, and for the same reason he throws mud on Johnson, but mud thrown by such an ingrate as Carl Schurz won't stick.

There is no class of people who can change their political clothing so suddenly and so often as a professional reformer who is after an office or who has been refused that recognition in his recommendations of others for office as he deems his due.

The Clerk read as follows:

Repairs and operation of roads, pavements, streets, lights, and general police: For rakes, shovels, and brooms; repairs to roadway, pavements, macadam and asphalt block; repairs to street crossings; repairs to street drains; electric lights for streets; repairs and renewal to poles, wires, etc., $4,000; 4 laborers cleaning roads, at $480 each; in all, $5,920; for two-thirds of said sum, to be supplied by the United States, $3,813.23.

Mr. STANLEY. I move to strike out the last word. Mr. Chairman, we should remember, notwithstanding the lateness of the night or the earliness of the morning, the great necessity for deliberation. We are rushing through this bill without paying any particular attention as to whether or not points of order might be made. We are rushing through this bill without having the Clerk read in a formal way, and this bill carries millions of dollars of the people's money, and because it is a little late, because we have been up for some time, that is no reason why we should not give due attention and due deliberation to this measure. There is no reason why gentlemen should hesitate, if necessary, to make points of order or motions to strike out the last word, or move amendments, or take advantage of any of those things that are submitted in orderly debate. Here we are rushing this bill through this way without anybody feeling particular interest in or paying particular attention to it.

It may be that this bill might possibly be improved by such an amendment. I wish to suggest, Mr. Chairman, that in the face of an impending panic, in these strenuous times when we are liable to get into trouble before we know it, with a Japanese war threatened, we ought to be specially careful, especially diligent——

Mr. CHANEY. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

The CHAIRMAN. The point of order is made that the gentleman is not speaking to the amendment.

Mr. STANLEY. I should like unanimous consent to speak for five minutes, in response to the criticism of the gentleman that I am not speaking to the amendment and that my remarks are not germane.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to speak out of order for five minutes.

Mr. TAWNEY and others objected.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

Improvement of the Yellowstone National Park: For maintenance and repair of improvements, $65,000, to be expended by and under the direction of the Secretary of War; and to be immediately available.

During the reading,

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word, which is the word "dollars."

Mr. MANN. No; the last word is "available."

Mr. WILLIAMS. The last word is "available." I was not altogether mistaken either, Mr. Chairman, because, after all, dollars which are not available are not dollars at all. [Laughter.] I wish, therefore, to go back and speak about available dollars. This leads me, Mr. Chairman, into discussing the particular motion which I have made, and to notice the historic growth of the currency question.

I find by a particular examination of the history of those pets of the Republican party, the African tribes, that in the early history of their attempted growth toward civilization cattle were counted as money.

Mr. CHANEY. I make the point of order that the gentleman is not speaking to his amendment.

The CHAIRMAN. The point is made that the gentleman from Mississippi is not speaking to the amendment.

Mr. WILLIAMS. I am speaking about available dollars, absolutely in point, and I have made a motion to strike out the last word. I find that a little bit later on——

The CHAIRMAN. The gentleman is debating the word "available," not "available dollars."

Mr. WILLIAMS. What is the ruling of the Chair?

The CHAIRMAN. The gentleman's motion is not to strike out the word "dollars," but the word "available."

Mr. WILLIAMS. I understand, but I thought I had made plain to the Chair that dollars not available could not possibly be dollars.

Mr. CLAYTON. And in the same paragraph is the sum of $65,000.

Mr. WILLIAMS. Just above there is the word "dollars." I find that a little later on in the history of the world, Mr. Chairman, the Latins used the word "pecunia," and I am informed by the gentleman from South Carolina [Mr. JOHNSON] and by the gentleman from Arkansas [Mr. MACON] that that word also meant cattle. I find later on in the history of the world, Mr. Chairman, that Abraham bought a grave——

Mr. TAWNEY. I make the point of order that the gentleman from Mississippi is not speaking to his amendment.

The CHAIRMAN. The Chair is compelled to sustain the point of order.

Mr. STANLEY. I appeal from the decision of the Chair.

Mr. WILLIAMS. I am attempting to the best of my ability to give a history of the word "available" in connection with the word "dollars."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Mount Rainier National Park: For completion of the wagon road into said park from the west, heretofore surveyed and commenced, under the direction of the Secretary of War, to be immediately available, $25,000.

Mr. JOHNSON of South Carolina rose.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word, the word "dollars."

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] is recognized.

Mr. JOHNSON of South Carolina. On the preceding paragraph I want to ask a question in perfect good faith. I noticed in the hearing before the committee that considerable sums were asked for the laying out of additional roads, on the ground that the roads had become dusty and uncomfortable; and I wanted to know if, in the condition of the Treasury and the growing deficit, the committee have allowed those amounts that were asked for building new roads?

Mr. TAWNEY. The gentleman is now speaking——

Mr. JOHNSON of South Carolina. I am speaking of the testimony before the committee in regard to constructing some very expensive roads, and I wanted to know if they were included in this item.

Mr. TAWNEY. No; I will say to the gentleman that the committee has not recommended a single increase estimated for by the department for any of the national parks. We have given them their current appropriations and no more.

The Clerk read as follows:

Bridge across Mississippi River at Fort Snelling, Minn.: For payment of any and all expenses to be borne by the United States in connection with the construction and completion of a bridge and approaches across the Mississippi River between the Fort Snelling Military Reservation and the city of St. Paul, Minn., $20,000.

Mr. OLLIE M. JAMES. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I want to know what condition exists here that authorizes the Government of the United States to expend $20,000 to build a bridge across the Mississippi River from Fort Snelling Reservation to St. Paul, Minn.

Mr. TAWNEY. This is not that proposition. The bridge is already built. This is to construct the approaches to a bridge on land owned by the Government of the United States.

Mr. OLLIE M. JAMES. It does not say so. It says "completion of bridges and approaches." Now, if the bridge has been completed, this is an exorbitant amount to appropriate; and in view of the statement of the chairman in charge of the bill that the bridge has been completed, and in view of the further fact that the provision provides for the completion of the bridge, I think it is entirely too large an amount to appropriate for such a purpose. Therefore I shall move to strike out the word "twenty," in line 4, after the word "Minnesota," page 158, and substitute in lieu thereof the word "five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 4, page 158, strike out the word "twenty" and insert "five."

The question was taken; and on a division (demanded by Mr. OLLIE M. JAMES) there were 20 ayes and 68 noes.

So the amendment was lost.

The Clerk read as follows:

For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of two civilian commissioners, maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for state monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance; the purchase of small tracts of lands heretofore authorized by law, including $20,000 for continuing the improvement and maintenance of the road owned by the Government from Stevens Gap by way of Davis's Cross Roads to Crawfish Springs in the park; in all, $55,000.

Mr. WILLIAMS. Mr. Chairman, I rise to make a motion to strike out the last word in order to continue the lecture which I began a few moments ago. I find from an inspection of the Epistles to St. Paul that it is solemnly announced that the love of money is the root of all evil. A man may love money and be a tolerably good fellow, but the love of money is the root of all evil.

Mr. MILLER. Mr. Chairman, I want to suggest that the gentleman is not speaking on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Shiloh National Military Park: For continuing the work of establishing a national military park on the battlefield of Shiloh, Tennessee; for the compensation of three civilian commissioners and the secretary, clerical and other services, labor, historical tablets, maps and surveys, roads, purchase and transportation of supplies and materials, office and other necessary expenses, $27,000.

Mr. EDWARDS of Georgia. Mr. Chairman, it is now four minutes after 3 o'clock in the morning, and I move that the committee do now rise.

Mr. MANN. I make the point of order that that motion is dilatory.

Mr. EDWARDS of Georgia. It has been some time since it was voted down.

The CHAIRMAN. The Chair thinks the motion is dilatory, and the Clerk will read.

The Clerk read as follows:

Gettysburg National Park: For continuing the work of establishing the national park at Gettysburg, Pa.; for the acquisition of lands, surveys and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battlefield and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services; expenses and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, $75,000.

Mr. STANLEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. STANLEY. I move to strike out the last word, in order that I may avail myself of valuable information. There has been a most grievous oversight here, Mr. Chairman. Many of the gallant deeds at Gettysburg are commemorated in this bill. These tablets provided in the bill are intended, of course, to immortalize the glories of those who fell there, but there is one incident connected with Gettysburg——

Mr. TAWNEY. Mr. Chairman, I make the point of order that the gentleman is not speaking to his amendment.

Mr. STANLEY. Mr. Chairman, I am speaking directly to the bill. I want to offer an amendment.

The CHAIRMAN. The gentleman should offer his amendment.

Mr. STANLEY. I wish to have inserted that a tablet be erected at a cost of not less than $5,000 to commemorate the fact that the chairman of the committee was also born near the battlefield of Gettysburg.

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman has to send his amendment in writing to the Clerk's desk.

The CHAIRMAN. The Clerk will read.

Mr. STANLEY. Mr. Chairman, I want to send my amendment up.

The CHAIRMAN. But the gentleman can not take the time of the committee for that purpose. The Clerk will read.

The Clerk read as follows:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, including all necessary expenses for preparing, correcting, extending, printing, and issuing charts and bulletins, and of investigating lake levels, with a view to their regulation, to be immediately available, $125,000.

Mr. BEDE. Mr. Chairman, I offer an amendment at this point which I send to the desk and ask to have read.

Mr. MACON. Mr. Chairman, I make the point of order against the paragraph.

Mr. MANN. Is that for the survey of the northern and northwestern lakes?

Mr. MACON. Yes.

Mr. MANN. That has been authorized for a number of years.

Mr. MACON. How?

Mr. TAWNEY. By statutory law.

The CHAIRMAN. Does the Chair understand the gentleman from Minnesota to say that this is authorized by statute?

Mr. TAWNEY. Authorized by law, and it is work that has been in progress for many years.

Mr. MACON. I withdraw the point of order.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will read.

The Clerk read as follows:

Insert after line 17, page 160:

"Duluth-Superior Harbor: For continuing the work of dredging in the Duluth Harbor basin near the Duluth entry, commenced under the act of Congress approved May 2, 1908, $150,000."

Mr. FITZGERALD. I make the point of order against that amendment.

Mr. MANN. I make a point of order against the amendment.

Mr. GAINES of Tennessee. Mr. Chairman, it seems to be a continuation of public work, and I do not see how the point of order would lie.

Mr. MANN. I make the point of order that it is not germane to this part of the bill, and it is not authorized by law.

Mr. FITZGERALD. It is not authorized by law.

Mr. BEDE. It comes in under the dredging of the northwestern lakes.

Mr. FITZGERALD. It is not authorized by law nor is it germane to this paragraph.

The CHAIRMAN. The Chair thinks it is not germane to the paragraph and is not authorized by existing law, and the Chair sustains the point of order.

Mr. MURPHY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MURPHY. I move to strike out the last word. I want to get some information from the gentleman having the bill in charge. I would like to know what lakes are being surveyed, and for what purpose?

Mr. TAWNEY. These are the Great Lakes—Lakes Erie, Michigan, Superior, Huron, Ontario.

Mr. MURPHY. The description is "survey of northern and northwestern lakes."

Mr. TAWNEY. That is what they are called.

Mr. MANN. They are the big lakes. This is done by the Engineer Department of the Army.

Mr. SABATH. Is Lake Michigan included?

Mr. MANN. Yes. The Coast and Geodetic Survey do the survey of the sea.

Mr. MURPHY. How long has this work been continuing?

Mr. MANN. Oh, it has been continuing for many, many years. The gentleman gets charts sent to him continuously.

Mr. MURPHY. I understand that, but I do not understand the necessity for continuing this year after year at a cost of $125,000. I have looked into this to some extent. If the gentleman in charge of the bill can give me some idea as to when this work will be completed, I would like to know.

Mr. TAWNEY. It is impossible to tell.

Mr. MANN. The gentleman is sincere in his inquiry?

Mr. MURPHY. Yes.

Mr. MANN. For instance, let me say that recently the town of Gary, Ind., was laid out, and they have had to survey the lake on the approach to that locality, and there have been discovered, for instance, large areas at the bottom of the lake where the water was exceedingly shallow. They have had to resurvey a considerable portion of the lake in front of the city of Chicago, where there has been a change in the bottom of the lake. Now, the Hydrographic Office is doing that character of surveying on the lake and continuing the survey.

Mr. TAWNEY. Mr. Chairman, I will say that increased draft of vessels is another principal cause for the continuing of this work. There are obstructions to navigation being discovered all the time, and they have had in the last two years to begin a resurvey of the entire Lakes on account of the increased draft of vessels.

Mr. MURDOCK. And is it not true that this work will have to continue right along and it is very valuable?

Mr. TAWNEY. That is true.

Mr. FITZGERALD. I will say to the gentleman from Missouri that the surveys originally were upon the theory that a depth of 12 feet of water would be required. The increasing demands of commerce on the Great Lakes now require that the surveys be made so as to ascertain a depth of from 25 to 30 feet, and for that reason a large amount of work is being done over.

Mr. MURPHY. Does this include a survey of any of the smaller lakes? I represent a district on one of the northwestern.

Mr. FITZGERALD. I understand it is the Great Lakes; that is my recollection.

Mr. MURPHY. I do not understand these words in this paragraph, "and of investigating lake levels with a view to their regulation."

Mr. FITZGERALD. Well, it has been ascertained that there is some change in the lake levels due both to natural and artificial causes, and it was found highly important to have some record of the varying changes that are made, so as to make it possible to keep the charts accurate.

Mr. MURPHY. Does the gentleman consider this amount of $125,000 necessary for this purpose at this time when we are so crowded for money?

Mr. FITZGERALD. Last year the appropriation, if I recollect it correctly, was increased from $75,000 to $125,000, and it seems to be necessary because of the demands of the shipping interests on the Great Lakes.

Mr. MURPHY. I would ask the gentleman further if the demand for any portion of this is caused by the projected deep-waterways canal and other canals running into these lakes?

Mr. MANN. No; that has nothing to do with this work.

Mr. MURPHY. Then, if that is the case, I will move, Mr. Chairman, to strike out, in line 16, the words "one hundred and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 16 strike out the words "one hundred and;" so as to read "$25,000."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Artificial limbs: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, $132,000.

Mr. GAINES of Tennessee. Mr. Chairman, for anyone who is a cripple I feel sorry, and especially for those who have lost their limbs fighting for their country.

Mr. MANN. Has the gentleman a motion pending?

Mr. GAINES of Tennessee. Well, I move to strike out the last word.

Mr. MANN. Then the gentleman will move to strike out the appropriation for the supplying of these limbs.

Mr. GAINES of Tennessee. I will put it back. I do not mean to do that. I want to make an observation which I think is timely. I want to know how long we have had an appropriation of $132,000 for getting artificial limbs. Here it is forty-odd years since the civil war and we are still buying artificial limbs. Now, why does not the appropriation decrease as the old soldiers die?

Mr. TAWNEY. Unfortunately, artificial limbs do not last as long as the natural ones.

Mr. GAINES of Tennessee. I have never worn one and I presume the gentleman speaks from personal experience. [Laughter.] Now, Mr. Chairman, I am entirely serious in this and I want to know how long does the gentleman think we will continue to pay a hundred and thirty-odd thousand dollars in buying artificial limbs?

Mr. TAWNEY. That is nothing; we appropriated over $400,000 last year.

Mr. GAINES of Tennessee. I take it it is nearly forty-five years——

Mr. FITZGERALD. Nine years; that is my recollection.

Mr. GAINES of Tennessee. It has been here longer than that. I have been in Congress twelve years, and I ran across this when I first came, and I remember I made some inquiry about it. I assure you I am entirely serious.

Mr. CAMPBELL. We have added a large number of those who wear artificial limbs within the last twelve years. There are many Spanish-American war veterans.

Mr. GAINES of Tennessee. They did not lose their legs. They just lost their health, as a rule.

Mr. CAMPBELL. I know of many who are wearing artificial limbs.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to have this matter seriously considered.

Mr. STANLEY. Will the gentleman from Tennessee yield to a question?

Mr. GAINES of Tennessee. Yes.

Mr. STANLEY. Does the gentleman know whether there has been any appropriation made by the Department of Agriculture or a department of technology to discover tubercles and other dangerous insects that destroy wooden legs? It may be, Mr. Chairman, if the gentleman will excuse me, that these wooden legs are demanded on account of these boring insects that are now destroying the trees. I have reason to believe they also attack artificial legs.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out something else. [Laughter.] I really do want, gentlemen, to get to the bottom of this matter. It relates to cripples, and I want them to have relief.

The CHAIRMAN. The Clerk will read.

Mr. OLLIE M. JAMES. Mr. Chairman, I wish to offer an amendment.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise. If we can not consider a paragraph to buy artificial limbs for old soldiers of this country without filibustering, it is time for the committee to rise.

Mr. GAINES of Tennessee. Mr. Chairman, I deny that I am "filibustering."

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota that the committee do now rise.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. FINLEY. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 66, noes 20.

The committee accordingly rose; and Mr. MANN having taken the chair as Speaker pro tempore, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 28245, the sundry civil appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. FLOYD, by unanimous consent, was granted leave of absence indefinitely, on account of sickness in family.

RECESS.

Mr. TAWNEY. Mr. Chairman, I move that the House do now take a recess until 11 o'clock a. m.

The motion was agreed to.

Accordingly (at 3 o'clock and 20 minutes a. m.) the House took a recess until 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Smithsonian Institution, recommending legislation to provide room for certain models from the Patent Office (H. Doc. No. 1482)—to the Committee on Patents and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMILTON of Michigan, from the Committee on the Territories, to which was referred the bill of the House (H. R. 25553) for the relief of the Alaska Pacific Railway and Terminal Company, reported the same with amendment, accompanied by a report (No. 2247), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof, reported the same without amendment, accompanied by a report (No. 2248), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 26839) providing for an increase of salary for the United States marshal for the eastern district of Louisiana, reported the same with amendment, accompanied by a report (No. 2249), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2963) for the survey and allotment of lands now embraced within the limits of the Crow Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment, reported the same with amendment, accompanied by a report (No. 2256), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 6074) to provide for holding terms of the United States circuit and district courts at Springfield, Mass., reported the same with amendment, accompanied by a report (No. 2257), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 6986) for the relief of registers and former registers of the United States land offices, reported the same without amendment, accompanied by a report (No. 2259), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HARRISON, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. J. Res. 261) authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America, in the year 1912, reported the same without amendment, accompanied by a report (No. 2245), which said joint resolution and report were referred to the House Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 28137) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," reported the same without amendment, accompanied by a report (No. 2253), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 9067) to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers, reported the same without amendment, accompanied by a report (No. 2250), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 9242) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2251), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 9422) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2252), which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19123) to correct the lineal and relative rank of Granville Sevier, captain, Coast Artillery Corps, U. S. Army, reported the same with amendment, accompanied by a report (No. 2258), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 28337) to create in the War and Navy departments, respectively, a roll to be known as the "volunteer officers' retired list," to authorize placing thereon with pay surviving officers who served in the Volunteer Army, Navy, or Marine Corps of the United States in the civil war, and who are not now on the retired list, and for other purposes—to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 28338) to provide for standard packages, grades, and marks for apples in closed packages entering into interstate and foreign commerce, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HALE: A bill (H. R. 28339) to regulate the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WOODYARD: A bill (H. R. 28340) to authorize the Parkersburg Bridge Company to construct a bridge across the Ohio River, connecting Parkersburg, W. Va., with Belpre, Ohio—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: A bill (H. R. 28341) for the erection of a monument at Burlington, Vt., to the memory of Samuel de Champlain—to the Committee on the Library.

By Mr. GOULDEN: A bill (H. R. 28342) providing for the assembling, collecting, editing, and transmitting by the Secretary of War to Congress, for printing as a public document for distribution, the rolls of soldiers, sailors, and marines, and correspondence and reports relating to the war of the Revolution—to the Committee on Printing.

By Mr. BURTON of Delaware: A bill (H. R. 28343) to increase the efficiency of the Pay Department, United States Navy—to the Committee on Naval Affairs.

By Mr. HULL of Iowa: Resolution (H. Res. 592) providing for the consideration of Senate bill 5729—to the Committee on Rules.

Also, a resolution (H. Res. 594) providing for the consideration of Senate bill 5729—to the Committee on Rules.

By Mr. BURTON of Ohio: Joint resolution (H. J. Res. 262) extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. HUMPHREY of Washington: Concurrent resolution (H. C. Res. 72) asking the Secretary of War to cause an investigation to be made of wagon roads and trails, etc., in Alaska—to the Committee on the Territories.

By Mr. CALDER: Memorial of the legislature of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

By Mr. STANLEY: Memorial of the legislature of Wyoming, relating to creation of forest reserves and homestead laws—to the Committee on the Public Lands.

By Mr. GRONNA: Memorial of the legislature of Wyoming, relative to the creation of forest reserves—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEDE: A bill (H. R. 28344) for the relief of John E. Mulligan—to the Committee on Appropriations.

By Mr. CANNON: A bill (H. R. 28345) for the relief of Hector Demask—to the Committee on War Claims.

By Mr. GRONNA: A bill (H. R. 28346) to correct the military record of Rastus W. Crandall—to the Committee on Military Affairs.

By Mr. HUBBARD of West Virginia: A bill (H. R. 28347) for the relief of J. Walter Duncan—to the Committee on the Post-Office and Post-Roads.

By Mr. McHENRY: A bill (H. R. 28348) granting a pension to William H. Eonte—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28349) granting a pension to Alice Milliken Byerly—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 28350) granting a pension to James H. Rodgers—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 28351) for the relief of Garland & Bergh—to the Committee on Claims.

By Mr. BENNET of New York: A bill (H. R. 28352) granting an increase of pension to Patrick Oates—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of H. E. Owens and 12 other members of the Penfield Grange, of Pennsylvania; and Hugh Gillis and 17 other citizens of the United States, praying for the enactment of legislation creating a national highways commission—to the Committee on Agriculture.

Also, memorial of the First Presbyterian Church of Dayton, Ohio, praying for legislation to make inquiry as to immigration—to the Committee on Immigration and Naturalization.

Also, memorial of Henry F. Palmer and 21 other citizens of Norwich, Conn., praying for legislation to establish a children's bureau—to the Committee on Expenditures in the Interior Department.

Also, memorial of Evan T. Brown and 60 others, of Springbrook, Pa., praying for the passage of a law providing for instruction in agriculture in the common schools—to the Committee on Agriculture.

Also, memorial of William Lancer, of Brooklyn, N. Y., and other individuals, firms, and corporations in the United States, praying for the reduction of the duty on raw and refined sugars—to the Committee on Ways and Means.

Also, memorial of Mrs. T. B. Arnold and 19 other members of the Glen Ellyn Woman's Christian Temperance Union, praying for the passage of the so-called "antiopium bill"—to the Committee on Ways and Means.

Also, memorial of the Benevolent and Protective Order of Elks of Kankakee, Kewanee, and Alton, Ill., praying for legislation to establish a reserve in the State of Wyoming for the care and preservation of the American elk—to the Committee on the Public Lands.

By Mr. ALEXANDER of New York: Petition of Charles Lamy & Sons, of Buffalo, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Men's Club of Plymouth Methodist Episcopal Church, of Buffalo, N. Y., favoring legislation to prohibit shipment of liquor into prohibition States—to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY: Petition of citizens of Effingham, Atchison County, Kans., against shipping intoxicants into prohibition States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Topeka Lodge, No. 204, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. ASHBROOK: Petition of Ohio Bankers' Association against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BEDE: Paper to accompany bill for relief of I. W. T. Hyde—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of G. H. Crosman—to the Committee on Invalid Pensions.

Also, petition of New York Board of Trade and Transportation, favoring a national board of public works—to the Committee on Interstate and Foreign Commerce.

By Mr. BRODHEAD: Petition of Easton Typographical Union, No. 258, against printing the census at any but Government Printing Office—to the Committee on the Census.

Also, petition of A. R. Dunn and others, of Easton, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BROUSSARD: Paper to accompany bill for relief of heirs of Jean B. Pollingue—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of John Dority Grange, of Sullivan, Me., against parcels-post and postal savings bank legislation (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of International Brotherhood of Bookbinders, against census printing outside the Government Printing Office—to the Committee on the Census.

Also, petition of the Grand Army of the Republic of Kings County, N. Y., against erection of secession monuments on any government reservation—to the Committee on the Library.

By Mr. CHANEY: Petition of Bedford (Ind.) Lodge, No. 826, Benevolent and Protective Order of Elks, for legislation creating a reserve in the State of Wyoming for the care of the American elk—to the Committee on the Public Lands.

By Mr. COOK of Colorado: Petitions of Christ Methodist Episcopal Church, of Denver, Colo.; Twenty-third Avenue Presbyterian Church; Charles A. Campbell and others, of the Woman's Christian Temperance Union; and Eunice H. Emmons, on behalf of 3,000 women members of the Woman's Christian Temperance Union, favoring the Littlefield-Bacon bill and various other measures promotive of the cause of temperance—to the Committee on the Judiciary.

By Mr. DARRAGH: Petition of Erving Park and 36 other citizens of Grand Traverse County, Mich., against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of William Holcom and 50 other citizens of Osceola County, L. J. Maxam and 15 other citizens of Antrim County, and Atwood Grange, of Antrim County, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. FORNES: Petition of Veteran Association of Fifth New York Infantry, favoring S. 1045, to protect monuments erected on the Bull Run battlefield—to the Committee on Military Affairs.

By Mr. FULLER: Petition of J. M. Bradford, of Baxter, Tenn., praying for pension recognition of the Home Guards of Tennessee—to the Committee on Invalid Pensions.

Also, petition of Columbus (Ohio) Industrial Alliance, favoring retention of duty on steel and iron—to the Committee on Ways and Means.

By Mr. HASKINS: Papers to accompany bills for relief of Newton R. Persinger, Frederick E. Wilson, George W. Curry, Susan V. French, Andrew J. McPeck, George S. Hardenbrook, William H. Foreman, Martha A. Swain, Thomas W. Kinney, Allen F. Fort, George H. Rathbun, Andrew S. Weir, and Edwin A. House—to the Committee on War Claims.

By Mr. HAYES: Petitions of S. O. Fuller and 127 others, of Bates, Ark., and vicinity; Harry Sherman and 62 others, of Columbus, Ohio; Peter Rice and 80 others, of Coatesville, Pa.; Louis B. Schaerges and 47 others, of Carthage, Ohio, and vicinity; H. G. Cramer and 58 others, of Athens, Ohio; A. D. Goodrich and 43 others, of Atkinson, N. H.; H. P. Carter and 43 others, of Memphis, Tenn.; W. C. Martin and 43 others, of New Carlisle, Ohio; H. H. Wieschan and 47 others, of Cincinnati, Ohio; Charles H. De Clark and 48 others, of New York and Brooklyn; G. S. Davis and 47 others, of Nashville, Tenn.; C. T. Hannah and 30 others, of Clover Hill, Tenn., and vicinity; Joseph P. Schoenberger, jr., and 19 others, of Cincinnati, Ohio; M. Clark and 44 others, of Aberdeen, Wash.; W. O. Patch and 93 others, of San Francisco and Oakland, Cal.; and T. Hugh and 92 others, of Seattle, Wash., favoring an effective Asiatic-exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petitions of William H. Bauer and 47 others, of Pittsburg, Pa.; V. H. Cusman and 48 others, of Scranton, Pa.; William Dickinson and 20 others, of Pittston, Pa.; and Joe Semensky and 106 others, of Seattle Wash., favoring an effective Asiatic-exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of the board of regents of the University of California, favoring removal of duty on books—to the Committee on Ways and Means.

By Mr. HOUSTON: Paper to accompany bill for relief of Burkett F. Starnes (H. R. 24539)—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: Petitions of business men of Carlisle, Spring Hill, Van Meter, Dexter, Redfield, Adel, Nevada, Linden, Dallas Center, and Story City, all in the State of Iowa, against establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of S. A. Tomes and others, of Washington, for retention of duty on coal—to the Committee on Ways and Means.

By Mr. LORIMER: Petition of the New Orleans Progressive Union Company, against Senate joint resolution 130—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of business men of Turner, Arenac County, Mich., asking for parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. MACON: Paper to accompany bill for relief of James H. Rodgers—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of J. E. Johnson and others, favoring removal of tax on stills—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of Mrs. Alice Newton, president of the Woman's Christian Temperance Union, favoring interstate liquor measure now before Congress—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of residents of Arapahoe, Nebr., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Petition of Retail Druggists' Association, against the enactment of parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of superintendent of weights and measures, favoring the Mann bill, relative to weights and measures—to the Committee on Interstate and Foreign Commerce.

Also, petition of the board of directors of the Louisiana Purchase Exposition Company, for an appropriation to erect a monument to Thomas Jefferson on exposition site of 1904—to the Committee on Appropriations.

By Mr. VREELAND: Petition of oil producers of Allegany County, N. Y., and Bolivar, N. Y., opposing any change in duty on crude oil—to the Committee on Ways and Means.

SENATE.

FRIDAY, *February 26, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24834) for the protection of the surface rights of entrymen, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MONDELL, Mr. VOLSTEAD, and Mr. ROBINSON managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution (H. C. Res. No. 71) requesting the President to return to the House the bill (H. R. 17214) for the relief of Harry Kimmell, a commander on the retired list of the United States Navy, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 28304) granting certain obsolete ordnance for ornamental purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 7378. An act to extend the time for the completion of a bride across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company;

S. 9017. An act for the establishment of a subport of entry at Ranier, Minn.;

H. R. 8734. An act for the relief of Niels P. Larsen;

H. R. 26305. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 27363. An act to provide for improving the navigable capacity of the Sabine and Neches rivers, and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou;

H. R. 27419. An act to repeal an act of June 29, 1906, granting a pension to Jackson Adkins; and

H. R. 28104. An act to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908.

ALASKA CENTRAL RAILWAY.

Mr. KEAN. Mr. President, the other day when the bill (H. R. 27068) to extend the time for the completion of the Alaska Central Railway, and for other purposes, was reached upon the calendar I objected to its consideration. I have since examined it. I find that it is not a paper road but an actual road that is being constructed. I therefore withdraw my objection. The bill has been read and I hope it will be passed.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his objection to the consideration of a bill, which will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to extend the time for filing the map of definite location of the Alaska Central Railway, as required by the provisions of chapter 299 of the Laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898, for three years from the date of the passage of this act, and to extend the time for the completion of the Alaska Central Railway for three years from the expiration of the period provided for in the act entitled "An act to extend the time for the completion of the Alaska Central Railway, and for other purposes," approved June 30, 1906. But nothing therein contained shall be held or construed to affect any lawfully accrued rights.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Louisiana Purchase Exposition Company, of St. Louis, Mo., praying that the Federal Government authorize the use of its proportionate amount of any surplus from the proceeds of the exposition for the erection of a monument to Thomas Jefferson upon the site occupied by the government building during the exposition of 1904, which was referred to the Select Committee on Industrial Expositions.

He also presented a memorial of the Anti-Saloon League of America, of Washington, D. C., remonstrating against the enactment of legislation to create a commission on the alcoholic liquor traffic, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Hartford, Conn.; New York City, and of the Consumers League of Syracuse, in the State of New York, praying for the passage of the so-called "children's bureau" bill, which were ordered to lie on the table.

He also presented the petition of G. W. Sawyer, of Liberal, Kans., praying for the enactment of legislation relative to the rights of settlers in section 13 in that part of Oklahoma affected by the statehood bill, which was referred to the Committee on Territories.

He also presented a memorial of the National Business League of America, of Chicago, Ill., remonstrating against the adoption of any amendments to the diplomatic and consular appropriation bill relative to the establishment of a national consular school, which was referred to the Committee on Commerce.

He also presented a memorial of the Federated Trades Council of Waukesha, Wis., remonstrating against the decision of the supreme court of the District of Columbia in imposing a jail sentence on Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Georgetown, D. C., praying for the adoption of the so-called "Humphrey amendment" to the penal-code bill, which was ordered to lie on the table.

Mr. DICK presented a petition of sundry citizens of the Seventeenth Congressional District of the State of Ohio and a petition of the National Shoe Wholesalers' Association of the United States, of Boston, Mass., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

He also presented a petition of Mitchell Post, No. 45, Department of Ohio, Grand Army of the Republic, of Springfield, Ohio, praying for the enactment of legislation granting pensions of $30 per month to honorably discharged commissioned and noncommissioned officers or privates who served in the civil war and who have attained the age of 65 years, which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce and the Coal Exchange, of Pittsburg, Pa., praying that an annual appropriation of $50,000 be made for the improvement of the inland waterways of the country, which was referred to the Committee on Commerce.

He also presented a petition of the Central Trades and Labor Council of Zanesville, Ohio, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Cincinnati, Ohio, remonstrating against the enactment of legislation to prohibit the manufacture, sale, or transportation of adulterated, misbranded, or falsely graded naval stores, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of Local Lodge No. 1031, Benevolent and Protective Order of Elks, of Melrose, Mass., and a petition of Local Lodge No. 118, Benevolent and Protective Order of Elks, of Fall River, Mass., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PERKINS presented petitions of Local Lodge No. 3, of San Francisco; of Local Lodge No. 6, of Sacramento; of Local Lodge No. 439, of Fresno; of Local Lodge No. 832, of Napa; and of Local Lodge No. 559, of Vallejo, all of the Benevolent and Protective Order of Elks, in the State of California, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the

American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. STEPHENSON presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Joint resolution (S. R. 12) asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies.

Whereas it has come to the notice of the legislature of the State of Wisconsin that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 951,687 June 30, 1908), and as this number is likely to further increase owing to legislation affecting widows enacted April 19, 1908; and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interest and convenience: It is therefore

Resolved by the senate (the assembly concurring), That the legislature of the State of Wisconsin respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of this vast body of pensioners, who, owing to their services to the country as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

JOHN STRANGE,
President of the Senate.
L. H. BANCROFT,
Speaker of the Assembly.
F. E. ANDREWS,
Chief Clerk of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.

DEPARTMENT OF STATE.

Received February 9, 1909.

J. A. FREAR,
Secretary of State.

He also presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the adoption of certain amendments to the present interstate-commerce law to prohibit the taking effect of advances in existing rates of railway companies and giving the shipper the right to route freight through to destination, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the appointment of a commission to investigate the grain trade relative to the first handling at terminal markets and the exportation of grain and kindred matters, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Manitowoc, Berlin, and of the Retail Grocers' Association of Milwaukee, all in the State of Wisconsin, remonstrating against the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Northland, Wis., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Horticultural Society of Wisconsin, praying for the enactment of legislation to prohibit the manufacture, sale, or transportation of adulterated or misbranded fungicides and insecticides entering into interstate commerce, which was ordered to lie on the table.

He also presented petitions of Local Lodges Nos. 46, 299, 254, 403, 750, 252, and 887, of Milwaukee, Sheboygan, Janesville, Superior, Kenosha, Racine, and Oconto, all of the Benevolent and Protective Order of Elks, in the State of Wisconsin, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of sundry citizens of Fall Creek, Wis., and a memorial of sundry citizens of Boyceville, Wis., remonstrating against the repeal of the duty on barley, wheat, or other grains, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of New Richmond, Wis., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

He also presented a petition of the Political and Social Science Club of Waukesha, Wis., praying for the enactment of legislation to prohibit the importation and sale of opium in the United States, which was referred to the Committee on Finance.

He also presented the petition of Thad C. Pound, of Chippewa Falls, Wis., praying for the enactment of legislation providing for a national income tax, to the end that the property of individuals and corporations may share the expense of maintaining and advancing the National Government, which was referred to the Committee on Finance.

Mr. CURTIS presented a memorial of sundry citizens of Johnson County, Kans., remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Washington Section of the Council of Jewish Women, of Washington, D. C., praying for the passage of the so-called "children's bureau" bill, which was ordered to lie on the table.

He also presented a memorial of the Hillsdale Citizens' Association, of the District of Columbia, remonstrating against the enactment of legislation providing for the licensing of builders in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PENROSE presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to provide a permanent residence in the city of Paris, France, for the American ambassador, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Society of Friends, of Penns Grove, Pa., and a petition of the Woman's Christian Temperance Union of Apollo, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Methodist Episcopal Church, of Bellefonte, Pa., praying for the enactment of legislation to prohibit the importation and sale of opium in the United States, except for medicinal purposes, which was referred to the Committee on Finance.

He also presented a petition of the National Board of Trade, of Washington, D. C., praying for the enactment of legislation to promote the efficiency of the consular service of the United States, which was referred to the Committee on Commerce.

He also presented a petition of the National Board of Trade, of Washington, D. C., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Board of Trade, of Washington, D. C., praying for the enactment of legislation to reduce local letter postage to 1 cent per ounce, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Board of Trade, of Washington, D. C., praying for the passage of the so-called "postal savings banks bill," which was ordered to lie on the table.

Mr. BULKELEY presented a petition of Local Lodge No. 957, Benevolent and Protective Order of Elks, of New Britain, Conn., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

AGRICULTURAL APPROPRIATION BILL.

The VICE-PRESIDENT. Is there further morning business?

Mr. HALE. The Senator from Wyoming [Mr. WARREN], in charge of the agricultural appropriation bill, is on his way to the Senate. I ask that the bill be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

Mr. TALIAFERRO. I gave notice a day or two ago that at the conclusion of the routine morning business to-day I would address the Senate on a bill I introduced at the time and asked might lie on the table.

Mr. HALE. And the Senator desires now to go on?

Mr. TALIAFERRO. That is in accordance with the notice I gave.

Mr. HALE. Yes; I do not seek to interfere with the Senator. It does not interfere with the Senator that the appropriation bill is before the Senate?

Mr. TALIAFERRO. Not at all. I ask that Senate bill 9460 be laid before the Senate.

The VICE-PRESIDENT. The Chair lays the bill before the Senate. It will be read by title.

The SECRETARY. A bill (S. 9460) for preventing the manufacture, sale, or transportation of adulterated, misbranded, or falsely graded naval stores, and for other purposes.

Mr. BORAH. Mr. President, I desire to suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Depew	Johnston	Perkins
Bacon	Dick	Kean	Piles
Bailey	Dillingham	Kittredge	Rayner
Borah	Dixon	La Follette	Richardson
Brown	Flint	Long	Simmons
Burnham	Foraker	McLaurin	Smith, Mich.
Burrows	Frye	Martin	Smoot
Carter	Fulton	Milton	Stephenson
Clapp	Gallinger	Money	Sutherland
Clark, Wyo.	Gamble	Nelson	Taliaferro
Cullom	Guggenheim	Owen	Teller
Cummins	Hale	Page	Tillman
Curtis	Hansbrough	Penrose	Warren

The VICE-PRESIDENT. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Chair will receive morning business.

REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 9455) to amend section 4434 of the Revised Statutes of the United States, and for other purposes, reported it without amendment and submitted a report (No. 1094) thereon.

He also, from the same committee, to whom was referred the bill (S. 9410) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs, which was agreed to.

Mr. GUGGENHEIM, from the Committee on Claims, to whom was referred the bill (S. 8200) for the relief of C. M. Cox, reported it with amendments, and submitted a report (No. 1095) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (H. R. 28193) to authorize the city of Shreveport to construct a bridge across Red River, reported it without amendment.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 15th instant, proposing to appropriate $40,000 to provide for a sufficient number of improved modern acetylene-gas buoys for lighting the channel across Newport News, Va., etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 9405) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana, reported it with an amendment and submitted a report (No. 1097) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was recommitted the bill (S. 185) increasing the pensions of nurses in certain cases, reported it with an amendment and submitted a report (No. 1096) thereon.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the amendment submitted by himself on the 14th ultimo, authorizing jurors and witnesses in United States courts in the Territory of Hawaii to receive the same compensation for mileage and attendance as is now provided by law for such jurors and witnesses in the Territories of New Mexico and Arizona, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. SCOTT. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public buildings acts, and for other purposes, to report it with amendments, and I submit a report (No. 1099) thereon. I give notice that I shall call up the bill at the earliest opportunity.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. McCREARY, from the Committee on Pensions, to whom was referred the amendment submitted by Mr. BURNHAM on the 25th instant, proposing to appropriate $1,000 to pay Robert W. Farrar for indexing and extra services rendered the Committee on Pensions, intended to be proposed by him to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. TAYLOR, from the Committee on Pensions, to whom was referred the bill (H. R. 1549) granting a pension to Lela L. Ellis, reported it without amendment, and submitted a report (No. 1100) thereon.

Mr. OVERMAN, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by himself on the 18th instant, proposing to appropriate $15,000 to increase the limit of cost for a site and public building at Salisbury, N. C., intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, submitted a report (No. 1101) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. CURTIS, from the Committee on Pensions, to whom was referred the bill (H. R. 28047) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors, reported it with amendments, and submitted a report (No. 1102) thereon.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the amendment submitted by himself on this day proposing to appropriate $40,000 for the purchase of buoys and equipment for Ambrose Channel, New York, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

INSPECTION OF NURSERY STOCK.

Mr. LONG. I move that the bill (H. R. 27367) to provide for the inspection of nursery stock at ports of entry of the United States, to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect, be recommitted to the Committee on Agriculture and Forestry.

The motion was agreed to.

STATISTICS OF BALED COTTON.

Mr. LONG. From the Committee on the Census I report back without amendment the joint resolution (H. J. Res. 231) authorizing the Director of the Census to collect and publish additional statistics, and I submit a report (S. Rept. No. 1092) thereon. I call the attention of the senior Senator from South Carolina [Mr. TILLMAN] to the joint resolution.

Mr. TILLMAN. I ask unanimous consent for the immediate consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, it was considered as in Committee of the Whole. It directs the Director of the Census to collect and publish, in addition to the cotton reports now being made by him, statistics of stocks of baled cotton in the United States, to be summarized as of November 1, January 1, and March 1.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LONG. From the same committee, to whom was referred the joint resolution (S. R. 133) authorizing the Director of the Census to collect and publish additional statistics, I submit an adverse report (No. 1093) thereon, and move that the joint resolution be postponed indefinitely.

The motion was agreed to.

Mr. LONG. I ask to have printed in the RECORD the letter from the Director of the Census, which is included in the report.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF THE CENSUS,
Washington, February 24, 1909.

MY DEAR SENATOR: In compliance with your request over the telephone for an expression of the Census Bureau with regard to joint resolution (S. R. 133) authorizing the Director of the Census to collect and publish additional statistics, I beg to respectfully submit the following:

Reports of cotton ginned were authorized in the organic law making the Census Bureau permanent, approved March 6, 1902. Ten of these reports are now made each season, showing the number of bales of cotton ginned to September 1, September 25, October 18, November 1, November 14, December 1, December 13, January 1, January 16, and March 1. Having demonstrated the feasibility of collecting cotton-production statistics through the ginneries, there arose a demand for a complementary report distributing the annual supply of cotton in this country, showing the quantity exported, the quantity consumed, and the stocks left in the country at the close of the cotton year. This demand took expression in a joint resolution, approved February 9, 1905, authorizing the Director of the Census to collect and publish, in connection with the ginners' reports of cotton produced, these supplementary statistics relative to the distribution of the fiber, to be summarized as of September 1 each year. Four of these annual reports have been published under the title of "Supply and distribution of cot-

ton," dealing with the years ending August 31, 1905, to 1908, inclusive.

The additional reports called for by the resolution now before your committee appear to be the natural amplification of this series and would seem to be justified. As already recited, the bureau collects at the present time ten reports of cotton ginned during the season; and as under the census plan the supply of cotton is obtained almost entirely from this source, it is natural that more frequent information regarding the amount of cotton remaining in the country should be sought at frequent intervals. Hence the demand for the reports provided for in this resolution. These differ from our present annual report on the supply and distribution of cotton in that only statistics of stocks are to be collected for November 1, January 1, and March 1.

The purpose of these reports is to afford reliable information for producers, manufacturers, and others engaged in the cotton industry. The information should serve as a guide for the producer in disposing of his product, in projecting his plans for the succeeding crop, and in furnishing the manufacturer with information which should assist him in purchasing his raw material and in contracting for the manufacture and delivery of goods. It is believed that the effect of the resolution, if enacted into law, will be to reduce the element of speculation in cotton, as the statistics will tend to remove doubt as to the cotton situation and afford immediate and reliable information for all.

The cost of the field work incident to the preparation of these reports will probably amount to not more than $10,000 each.

Very respectfully,

S. N. D. NORTH, *Director.*

Hon. CHESTER I. LONG,
United States Senate, Washington, D. C.

LIGHT-HOUSE BOARD AT ASHTABULA, OHIO.

Mr. DEPEW. I report back favorably without amendment from the Committee on Commerce the bill (H. R. 15939) authorizing the Secretary of Commerce and Labor to exchange property. I ask for the present consideration of the bill. It is a bill of only about four lines.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of Commerce and Labor to exchange property now occupied by the Light-House Board at Ashtabula, Ohio, for other property of not less value at another location and to make a contract for such exchange.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDINANCE OF SECESSION OF LOUISIANA.

Mr. FOSTER. I am directed by the Committee on Military Affairs, to whom was referred Senate concurrent resolution 104, submitted by me on the 23d instant, to report it favorably with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, and that is now in possession of the War Department.

The amendment was, in line 3, after the word "authorized," to insert the words "in his discretion."

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. FLINT introduced a bill (S. 9484) directing the Panama Railroad Company to establish and operate a line of steamers along the Pacific coast, and making provision therefor, which was read twice by its title and referred to the Committee on Interoceanic Canals.

Mr. PAYNTER (by request) introduced a bill (S. 9485) for the relief of Francisco Gutierrez y Repide, which was read twice by its title and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 9486) for the relief of the heirs of Frances Pickle, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 9487) granting a pension to Elizabeth L. Duffy, which was read twice by its title and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 9488) providing that certain mail matter relative to naturalization shall be transported free by registered mail, which was read twice by its title and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 9489) granting a pension to Rachel M. Hunt, which was read twice by its title and referred to the Committee on Pensions.

Mr. CLARKE of Arkansas introduced a bill (S. 9490) for the relief of the estate or heirs of Azriah Mitchell, deceased, and others, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. PAYNTER (by request) introduced a bill (S. 9491) for the relief of the estate of Oliver Frazer, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment authorizing the President to appoint and recommission as assistant surgeon in the Public Health and Marine-Hospital Service Dr. Egil T. Olsen, former assistant surgeon in the Public Health and Marine-Hospital Service, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TELLER submitted an amendment proposing to appropriate $1,750,000 to procure and erect the large testing machine and its accessories and for services in connection therewith for the determination by the Bureau of Standards of physical constants, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $4,634.50 to pay the Natoinal Automatic Fire Alarm Company, of Washington, D. C., for the maintenance of the automatic fire-alarm system now in certain buildings of the Government Hospital for the Insane, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $98,000 to purchase the land and improvements thereon of Floretta Vining, adjacent to Fort Revere, Boston Harbor, Massachusetts, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $840 for salary of engineer on the schooner *Grampus*, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $40,000 for the purchase of buoys and equipment at Ambrose Channel, New York, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate $1,000,000 for the purchase of land for the enlargement of the Capitol grounds toward the Union Passenger Station, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. KNOX submitted an amendment proposing to appropriate $200,000 for technologic investigations of fuels and other mineral substances, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARNER submitted an amendment providing that all honorably discharged soldiers and sailors who have served in the Philippines, in China, or in Alaska who are now or who hereafter may be disabled shall hereafter be admitted to the National Home for Disabled Volunteer Soldiers, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULBERSON submitted an amendment proposing to appropriate, out of the immigration fund, the sum of $15,000, to be expended for excavating a trench across Galveston Channel, Texas, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. RAYNER submitted an amendment proposing to appropriate $6,875.61 to pay the Hazard Wharf Company, of Baltimore, Md., for refund of certain duties on coal importations, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate $50,000 for the purchase of a site and continuation of the post-office building at Riverside, Cal., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FRAZIER submitted an amendment providing for a survey of the Tennessee River from the confluence of the Holston and French Broad rivers, forming the Tennessee River, intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. BULKELEY submitted an amendment proposing to appropriate $25,000 for a fish-cultural station in Connecticut, intended to be proposed by him to the sundry civil appropriation

bill, which was referred to the Committee on Fisheries and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate $500 to pay T. B. Elton for indexing and for extra services as clerk to the Committee on Agriculture and Forestry, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OBSOLETE ORDNANCE.

Mr. FRYE submitted an amendment, intended to be proposed by him to the bill (H. R. 28304) granting certain obsolete ordnance for ornamental purposes, which was referred to the Committee on Military Affairs.

Mr. DANIEL submitted an amendment intended to be proposed by him to the bill (H. R. 28304) granting certain obsolete cannon for ornamental purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. MARTIN submitted two amendments intended to be proposed by him to the bill (H. R. 28304) granting certain obsolete ordnance for ornamental purposes, which were referred to the Committee on Military Affairs and ordered to be printed.

REPORTS OF THE PRESIDENT'S HOMES COMMISSION.

Mr. TILLMAN. I ask to have the resolution which I send to the desk read and then referred to the Committee on Post-Offices and Post-Roads.

The resolution (S. Res. 302) was read and referred to the Committee on Post-Offices and Post-Roads, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to consider and report to the Senate whether the volume marked "Senate Document, No. 644, Sixtieth Congress, second session, 'Reports of the President's Homes Commission;' message from the President of the United States transmitting reports by the President's homes commission on improvement of existing houses and elimination of insanitary and alley houses, on social betterment, and on building regulations, together with resolutions and recommendations adopted by the commission" should not be excluded from the mails as obscene literature unfit for circulation.

HEARING BEFORE COMMITTEE ON CLAIMS.

Mr. FULTON submitted the following resolution (S. Res. 301), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the stenographer employed to report the hearing before a subcommittee of the Committee on Claims, February 16, 1909, be paid from the contingent fund of the Senate, and that the hearing be printed.

PRESIDENT'S MESSAGE ON CHILDREN'S CONFERENCE.

Mr. OWEN. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 303) was read, as follows:

Resolved, That 50,000 copies of the special message of the President of the United States recommending certain legislation requested by the Conference on the Care of Dependent Children, and transmitting the proceedings of the conference, be printed for the use of the Senate.

The VICE-PRESIDENT. Does the resolution involve an expenditure of more than $500?

Mr. OWEN. I understand that it does not.

Mr. ALDRICH. I think it had better be referred to the Committee on Printing for an estimate.

Mr. OWEN. I make the suggestion that it might provide for printing at a cost less than $500.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the resolution be referred to the Committee on Printing.

The motion was agreed to.

ACCOUNTS OF POSTMASTERS IN CONNECTICUT.

Mr. BULKELEY submitted the following resolution (S. Res. 304), which was ordered to lie on the table and be printed:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have stated and audited in the office of the Auditor for the Post-Office Department the salary accounts of former postmasters, who served at post-offices in the State of Connecticut, in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884, directing payment of salaries by commissions and box rents, less the salaries paid at the time of service; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Auditor for the Post-Office Department all the data now in his hands pertaining to each and every such claim, and the Secretary of the Treasury is hereby directed to report to the Senate such stated and audited salary accounts of former postmasters as soon as they can be made ready.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had on the 25th instant approved and signed the following act:

S. 7829. An act to amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and to establish it as a post-road," approved April 26, 1882.

HOUSE BILL REFERRED.

H. R. 28304. An act granting certain obsolete ordnance for ornamental purposes was read twice by its title and referred to the Committee on Military Affairs.

SURFACE RIGHTS OF ENTRYMEN.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24834) for the protection of surface rights of entrymen, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLARK of Wyoming. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. CLARK of Wyoming, Mr. DIXON, and Mr. BANKHEAD conferees on the part of the Senate.

HARRY KIMMELL.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which, on motion of Mr. DICK, was considered by unanimous consent, and agreed to:

House concurrent resolution 71.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 17214) for the relief of Harry Kimmell, a commander on the retired list of the United States Navy.

COURTS IN WASHINGTON AND OREGON.

The VICE-PRESIDENT laid before the Senate a message from the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington.

Mr. DEPEW. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives, the conferees to be appointed by the Chair.

The motion was agreed to, and Mr. DEPEW, Mr. FORAKER, and Mr. OVERMAN were appointed.

NORTH AMERICAN CONSERVATION CONFERENCE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 742), which was read and, on motion of Mr. KEAN, was, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the declaration of principles adopted February 23, 1909, by the North American Conservation Conference. This conference, held in the city of Washington between representatives of the nations which occupy the Continent of North America, will unquestionably, as the declaration recites, "result in mutual benefits, and tend to draw still closer the bonds of existing good will, confidence, and respect." "Natural resources," the declaration proceeds, "are not confined by the boundary lines that separate nations. We agree that no nation acting alone can adequately conserve them, and we recommend the adoption of concurrent measures for conserving the material foundation of the welfare of all the nations concerned, and for ascertaining their location and extent." It is with sincere gratification that I acknowledge the prompt and courteous response of the governments to which the invitations for the conference, whose conclusions I transmit, were addressed, and the broad, statesmanlike, and productive attitude and action of the conference itself. It has not only performed with marked efficiency and entire unanimity the important duties which devolved upon it, but it has suggested a still wider field of useful action. The declaration "suggests to the President of the United States of America that all nations should be invited to join together in conference on the subject of world resources and their inventory, conservation, and wise utilization." I have deemed it my duty to welcome and act upon the far-seeing suggestion of the conference, and have accordingly addressed such an invitation to the nations of the world, in the confident belief that such a

meeting will foster the interests of every nation, will injure those of none, and will confirm and strengthen in us all the belief that the good of each is likewise the common good of all.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 26, 1909.*

NAVAL STORES.

The VICE-PRESIDENT. The Chair lays before the Senate Senate bill 9460, called up by the Senator from Florida [Mr. TALIAFERRO].

Mr. TALIAFERRO. I ask that the bill be read.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

A bill (S. 9460) for preventing the manufacture, sale, or transportation of adulterated, misbranded, or falsely graded naval stores, and for other purposes.

Be it enacted, etc., That it shall be unlawful within any Territory or the District of Columbia for any person to adulterate or misbrand, within the meaning of this act, any article of naval stores, and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed $500 or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than $1,000 or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of naval stores which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded naval stores, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding $500, or be imprisoned not exceeding one year, or both, in the discretion of the court, for the first offense, and upon conviction for each subsequent offense not exceeding $1,000, or be imprisoned not exceeding two years, or both, in the discretion of the court.

SEC. 3. That any common carrier shall, upon request of the Secretary of Agriculture, furnish to him or his authorized representative full information of interstate traffic in any article of naval stores subject to the provisions of this act.

SEC. 4. That the Secretary of Agriculture shall make uniform rules and regulations for carrying out the provisions of this act, including the branding, the collection, and examinations of specimens or samples of naval stores manufactured or offered for sale in the District of Columbia or any Territory of the United States, which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the proper officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce or for export or import between the United States and any foreign port or country.

SEC. 5. That the examinations of samples of naval stores shall be made in the Department of Agriculture, or under the direction and supervision of such department, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such samples is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appear that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 6. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any proper officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

SEC. 7. That the Secretary of Agriculture shall cause to be published in bulletin form the results of the analysis or examination of all samples found to be adulterated or misbranded within the meaning of this act, together with names and addresses of the persons from whom the samples were obtained, and also the names and addresses of the producers or original distributers of the naval stores.

SEC. 8. That the term "naval stores" as used in this act shall include all gums, oils, oleoresins, and rosins which exude from or are obtained or made from pine or fir wood of any kind by any method or in any method whatsoever. That for the purposes of this act the terms "gum spirits of turpentine," "spirits of turpentine," "gum turpentine," and "turpentine" shall be applied only to pure spirits of turpentine distilled from the natural gum, dip, or scrape which exudes from the pine tree and is unmixed and unadulterated with oil or any other foreign substance or substances whatsoever; that the term "wood spirits of turpentine" or "wood turpentine" shall be applied only to those distillates and spirits closely resembling gum spirits of turpentine in their physical and chemical properties, manufactured or prepared directly from or by distillation of the wood of pine or fir trees and which do not contain any adulterant or adulterants or other foreign substance or substances whatsoever; that the terms "barrel," "package," or "container," as used in this act, shall include any kind of package, vessel, tank, or receptacle in which spirits of turpentine, rosin, or naval stores shall be placed or kept, whether for shipment, sale, consignment, or delivery.

SEC. 9. That for the purpose of this act an article of naval stores shall be deemed to be adulterated—

First. If, when sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

Third. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Fourth. If any substance has been substituted wholly or in part for the article.

Fifth. If any valuable constituent of the article has been wholly or in part abstracted.

Sixth. If it be mixed, colored, bleached, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

SEC. 10. That the term "misbranded," as used herein, shall apply to all naval stores, the package or label of which shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any article of naval stores which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this act an article of naval stores shall also be deemed to be misbranded—

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package.

Third. If when the contents of the container are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

SEC. 11. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SEC. 12. That it shall be the duty of the Secretary of Agriculture to establish grades of naval stores, and provide and keep in his office samples of each grade known or used in commerce, and such grades shall be the standards by which all the inspections of naval stores are conducted under this act.

SEC. 13. That any article of naval stores that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, District, or insular possession to another for sale, or having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel, for condemnation. And if such article is condemned as being adulterated or misbranded, within the meaning of this act, same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction: *Provided, however*, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

SEC. 14. That the Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of naval stores which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture and have the right to introduce testimony; and if it appear from the examination of such samples that any article of naval stores offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is of a kind forbidden entry into, or forbidden to be sold, or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal, under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation by such owner or consignee.

SEC. 15. That the term "Territory" as used in this act includes the insular possessions of the United States. The word "person"

as used in this act shall be construed to import both the plural and singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 16. That this act shall be in force and effect upon approval.

Mr. TALIAFERRO. Mr. President, on December 16 last I introduced in the Senate a bill for the purpose of preventing fraudulent practices in the naval-stores business—practices which have defrauded the producer and consumer, blighted an important industry, driven out competition, and created a dishonest and unscrupulous monopoly.

To understand the purposes of this legislation, it is necessary to have some little knowledge of what naval stores are, for what they are used, how produced, and how marketed.

Naval stores is the trade name for spirits of turpentine and rosin. The production and sale of these two articles comprise the naval-stores industry, in which practically all of the Southern States are more or less interested. The total investment in this industry is not less than $50,000,000, and the annual yield is more than $20,000,000. Both articles enter largely into the manufacture of various products. Turpentine is used in a small way for medicinal purposes and very largely in the preparation of paints, oils, varnishes, and other articles, and rosin extensively in the manufacture of paper and soap and in less degree in other ways. Spirits of turpentine is the refined or distilled product of the gum of the southern pine tree, and rosin is the heavier product—the residue of the distillation.

The production of naval stores is one of the simplest manufacturing processes known. Indeed, it is almost as simple as the preparation of sugar and sirup from the maple, and the two methods are not altogether unlike. The first step in "turpentining" is to hack the bark generally from two sides of the tree to a height of 4 to 5 feet in diagonal lines leading to a box cut into the base of the tree as a receptacle or container for the flowing gum. Under this process the trees were seriously wounded and the life of the forest thereby shortened, and when the trees began to die they were at once surrendered to the ax of the lumberman.

A new process, or the cup and gutter system, is rapidly coming into use. Through it no material damage is done the tree and the yield of naval stores is prolonged and increased. Those who use it save the forests and increase their revenues; those who do not are, unhappily, at a disadvantage, and, unwittingly, perhaps, factors in forest destruction.

If dishonest practices in the naval-stores industry force the producers into bankruptcy and the sale of their properties to the lumberman, it follows, logically, that honest practices will save the business, and in saving the business will save the forests. In this age of progress wise and economical methods for the conservation of our resources must displace extravagance and waste. Therefore, in asking for this legislation, we ask not only for the saving of the industry, but for the saving of the forests as well.

It is a fact, Mr. President, that for several years past this industry has been in the hands of a monopoly whose practices in the manipulation and dictation of prices by the adulteration of turpentine and the dishonest grading of rosins have made the business so unprofitable that the producers are on the verge of ruin.

In the naval-stores industry we have the producer with his farm and still in the woods, the factor in the city who makes advances to the producer for the needs of his business and acts as his agent for the sale of his product, and finally the distributer who buys from the factor for the domestic and foreign trade.

The turpentine of the still is a pure article, but is susceptible of adulteration with any oil of about equal specific gravity. It has sold as high as 79 cents a gallon, but now brings about 40 cents. Kerosene oil, costing 10 cents a gallon, has been extensively used in turpentine adulteration, and, when added in small quantities, can only be detected by careful analysis. The legitimate profit in handling turpentine is from one-half cent to a cent a gallon, or 25 to 50 cents a barrel, and on rosin about 50 cents a round package. If a dishonest dealer purchasing 10,000 barrels of spirits of turpentine at $20 per barrel adds 1 gallon of kerosene to the barrel, he makes a profit through the fraud of $3,000; if 2 gallons, $6,000; if 3 gallons, $9,000, and if 4 gallons, $12,000. He can undersell the honest dealer in every case and ruin his competitor. He can make even greater profits through fraudulent re-marking of rosins, and that he has done these things is more than shown by the facts.

Rosins are divided substantially into 12 grades, viz.: WW, WG, N, M, K, I, H, G, F, E, D, and B. WW is the highest grade and B the lowest. The intrinsic difference in the value of the grades, it appears, is from 10 to 25 cents; but in the Savannah market, the quotations of which govern the trade, prices are manipulated to show at times a spread between the grades that are most nearly alike of $1 for a standard barrel of 280 pounds or $2 for a round package. So that if a distributor acquires 10,000 round packages of I rosin at the I quotation and sells it for K, marked or "horned" as K, he makes $20,000 out of the fraud, in addition to the usual trade profit. These two rosins are so nearly alike that only an expert, through the use of trained eyesight and standard cube-shaped samples, can detect the difference. Besides, it is a rule of the trade that the inspectors who fix the grades shall be satisfactory to the distributor who buys. It is manifest, therefore, that a dishonest inspection would swindle the producer, while a false grading would swindle the consumer. The most insidious practice is to advance the grade and sell to the consumer a lower grade under the mark or brand of a higher grade. These practices are conducted by wholesale, and through them a trust has been built up against which no honest competition can live.

From the best information I can obtain, the production of naval stores by States is about as follows:

	Turpentine.		Rosin.		Total value.	Per cent.
	Barrels.	Value.	Barrels.	Value.		
Florida	250,000	$5,000,000	875,000	$6,125,000	$11,125,000	50
Georgia	125,000	2,500,000	437,500	3,062,500	5,562,500	25
Alabama	50,000	1,000,000	175,000	1,225,000	2,225,000	10
Mississippi	30,000	600,000	105,000	735,000	1,335,000	6
Louisiana	20,000	400,000	70,000	490,000	890,000	4
North Carolina	15,000	300,000	52,500	367,500	667,500	3
South Carolina	5,000	100,000	17,500	122,500	222,500	1
Texas	5,000	100,000	17,500	122,500	222,500	1
Total	500,000	10,000,000	1,750,000	12,250,000	22,250,000	100

This estimate shows that the annual production from Florida is worth over $11,000,000, or 50 per cent of the value of the total crop of the United States. It is not unreasonable, therefore, that her people, being most interested and most familiar with the iniquities in the business, should be urging this remedial legislation.

But, Mr. President, serious objections were made to the bill as originally introduced. It was said to be too drastic; that its provisions for federal inspection would be burdensome and expensive; that commerce would be diverted from its natural channels; that certain ports and cities would be discriminated against; and, finally, that it would invade the rights of the States.

It has not appeared to me that any of these objections were applicable to the bill, and I have little doubt that their origin could be traced to the distributing concerns which are profiting by the present conditions; and these concerns, I am convinced, would oppose any legislation, state or national, which would enforce honest methods in the trade. However this may be, I have submitted to the Senate an amended or substitute bill. In its present form the measure has the approval of the Department of Agriculture, and it would appear to have eliminated all of the objections which were urged against it as originally introduced.

It can not be charged now that its provisions burden anyone with the expense or obstruction of federal inspection; that commerce will be diverted from its natural channels; that there is discrimination against any city or port; or that the rights of the States are invaded. The amended bill is fashioned, so far as conditions will admit, after the pure-food law. It does not trench upon or invade state authority; there is no attempt at interference with existing methods of inspection; and the producer may ship when, where, and to whom he pleases.

The States of Florida and Georgia, producing three-fourths of the total yield of naval stores in the United States, have taken cognizance of the possibility of vast frauds in the business and have enacted drastic statutes against adulterations and false markings, which the naval-stores trust, because of the limited jurisdiction of those States, have not found it difficult to disregard or evade. They are the only Southern States, so far as I know, which have laws of this character. There are no statutes in the other States, either because the industry in those States has not yet become important or because of forest destruction has shrunk into the class of minor industries.

But in Florida and Georgia the industry is one of the first class, involving an investment of $30,000,000 or more, and producing annually perhaps $16,000,000. The statutes of Florida and Georgia apply only in those States, respectively, and are powerless when the product passes into interstate or foreign commerce. As 99 per cent or more of the output enters such commerce, the utter helplessness of either of the two States to correct the evils must be obvious.

The bill under consideration, Mr. President, does not seek to supersede the laws of either Florida or Georgia, or to interfere in any manner with the rights or authority of those States to inspect naval stores or to punish offenders against those statutes. There is a clear line of division between interstate and intrastate authority, and that line is as completely recognized in this bill as the two fields are separate and distinct.

The bill makes no requirements of the producer other than that he may not ship an impure or falsely graded article under the name of a pure article, or one of superior grade. The laws of Florida and Georgia, as I understand them, already make this requirement, so that a federal statute to the same effect, applying to the dealers and all others who handle naval stores in interstate or foreign commerce is a mere extension of that requirement into the separate province of interstate commerce over which only federal statutes may apply, and is, therefore, no hardship upon the producer. He, however, is not the transgressor against the law, and, in his consciousness of honesty, insists that the distributer of his product shall not defraud both him and the consumer and go unpunished.

The producers claim that turpentine is adulterated after leaving their hands; that their rosin is bought as of one grade and sold as a higher grade; the consumers complain of an impure product; the foreign trade journals complain that the grade marks are changed; and the laws of the two important producing States, Florida and Georgia, are evidence of the necessity for regulation.

The records of the hearings of the committee on this bill show that gross frauds have been practiced for many years. The records of the courts, in two convictions under three indictments with one untried case, show frauds in the business of a character bordering on the scandalous. The investigations of the Department of Agriculture and those of the Department of Justice during the past year bear out the truth of all these claims and make it more than manifest that where intrastate authority ends the more extensive field for fraud begins; and that at this point, or where the laws of Florida and Georgia become impotent, the Federal Government should interpose its power for the protection of the people.

Mr. President, I have told you that this business has been in the hands of an unscrupulous trust, and I do not use this language in any extravagant or careless sense. This trust, which I shall show deserves the name, has left the record of its trail through the courts. I have in my possession a certified copy of an indictment against the company which afterwards became the ringleader of the trust. It charges, in substance, that the president and certain officers of the company repeatedly violated the interstate-commerce act of the United States by shipping tank cars of turpentine with the capacity falsely stated or stenciled upon the tank. I say "repeatedly," because the indictments warrant the use of the word. We find that they committed this offense on February 12, 1898; they committed it on March 2 and 25, 1898, and again and again thereafter.

These shipments specified in the indictment were from Savannah, Ga., to Detroit, Mich., and these frauds in each case were no inconsequential matters, but amounted, in some instances, to more than 5,000 pounds to the shipment.

Let us examine the first count of the first indictment and see if the facts bear out the statements I have made. Yes; the first count charges that they made a shipment of this sort on February 12, 1898. The real contents of the tank was 47,810 pounds, but they shipped it for 42,000 pounds—an exact difference of 5,810 pounds.

When the defendant president was brought face to face with these charges of violating the law did he appear in righteous indignation and charge that a fraud had been perpetrated upon him in the false marking of his tanks? No.

Did he plead ignorance of such false marking in extenuation of the offense? No.

Did he say it was the act of others and an imputation upon him and his good name? No.

No! Mr. President, "Guilty" was his answer, and guilty "knowingly and willfully," as the indictments charged.

We know, Mr. President, that the courts are slow to move, and because of this fact we can only surmise how long this particular practice had been in vogue. Detroit was but one of their markets—a minor one, indeed—and if they had tank cars operating there about once a week, what did they not have in their shipments to other and larger cities?

This mismarked difference in the capacity of these tanks was not only a fraud upon the carrier, but a ruinous discrimination against competitors. It meant a freight rate lower by 12 per cent than any competitor could get honestly, or enough to strangle competition into utter lifelessness.

Let us follow the trail of this company back further; not through the courts this time, but in the records of the hearings on this bill. On page 92 of the subcommittee hearings there appears a letter, written by an agent of the company at Chicago, Ill., June 13, 1891, nearly eighteen years ago, from which I quote the following:

> * * * Good "E" rosin will fill all these orders, as "F" has been ordered in each case. * * * Can't you get some "M" rosin to send us? We have just received a car you shipped us May 22, containing 2-N-57 WG-41WW. One of our customers needed it immediately and we consequently did not inspect it, so we can not tell you whether the "N" and "WG" gained. We marked it all "WW" and took our chances.

Comment on that letter is wholly unnecessary. It speaks most eloquently for itself.

We find this same company which sold "E" rosin under the name of "F" and marked "N" and "WG" all to "WW" "and took our chances," and which undermarked its cars to the extent of many thousand pounds, next under indictment in the United States court for violating the antitrust laws of the United States by forming a conspiracy with other companies in restraint of trade.

The constituent parts of the trust or conspiracy in restraint of trade represented a powerful group of naval-stores distributers and exporters of Savannah, Ga., who very largely control the business. The plan of its various parts was to pretend to the public that they were competing concerns and buying for separate individual account, whereas they were buying for and on account of one parent concern, which, it appears, owned all the companies masquerading as competitors; that their agreement was to refuse to bid against each other in order to bear the market or to bid on small fictitious lots to fix the price high or low as they pleased. They had a complete system of spying upon would-be competitors to learn where and to whom they sold, and these competitors they drove from the business by underselling, by obtaining lower rates of freight, by controlling and manipulating the market, and through other outrageous practices. Here is the contract, and I believe that all who see it will agree that no more unscrupulous, no more ruthless, and no more conscienceless conspiracy was ever exposed.

Mr. President, I do not wish to trespass unduly upon the time or patience of the Senate, but the subject is of so much importance that I hope I may be indulged while the remarkable contract under which this great monopoly was formed is laid in full before the Senate. I ask, Mr. President, that the Secretary read it.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

> Memorandum of agreement made and executed on this —— day of March, A. D. 1905, between the Patterson-Downing Company, a corporation of West Virginia, of the first part, hereinafter called "Patterson;" the S. P. Shotter Company, also a corporation of West Virginia, of the second part, hereinafter called "Shotter;" the Societe Anonyme des Resineaux, a corporation of the Kingdom of Belgium, of the third part, hereinafter called "Anonyme;" Nickoll & Knight, a mercantile firm composed of Alexander Knight, of the city of London, England, of the fourth part, hereinafter called "Nickoll;" and the Globe Naval Stores Company, also a corporation of West Virginia, of the fifth part, hereinafter called "Globe."
>
> Whereas Globe is chartered and organized for the purpose of buying and selling and generally dealing in spirits of turpentine, including turpentine chemically extracted by artificial process from pine wood, and which is commonly called "wood turpentine;" and
>
> Whereas Patterson, Shotter, Anonyme, and Nickoll, as a part of their respective businesses, severally deal in such turpentine product; and
>
> Whereas, further, the said Patterson, Shotter, Anonyme, and Nickoll have each severally subscribed to the capital stock of the said Globe in the following proportions, viz, Patterson, to 34 per cent thereof, or 340 shares; Shotter, to 21½ per cent thereof, or 215 shares; Anonyme, to 26½ per cent thereof, or 265 shares; Nickoll, to 18 per cent thereof, or 180 shares; all of said shares being of the par value of $50 per share; and
>
> Whereas Globe desires to acquire from the first, second, third, and fourth parties, respectively, their several turpentine businesses, and said first, second, third, and fourth parties are willing to dispose of the same on the terms and conditions hereinafter set forth; and
>
> Whereas the said Patterson and Shotter are extensive dealers in American rosin, and one of the considerations moving them to enter into this contract is the regulation of the rosin business as between themselves and the said Anonyme and Nickoll;
>
> Now, then, this agreement witnesseth, that in consideration of the premises and of $1, by each of said parties to each of the other in

hand paid, the receipt whereof is hereby acknowledged, the parties hereto mutually covenant and agree, each with the other, as follows:

1. The said Patterson, Shotter, Anonyme, and Nickoll, severally sell, assign, and set over to Globe, their respective turpentine businesses upon the terms and subject to the limitations hereinafter mentioned.

2. The said Globe, in consideration of such sale and assignment, agrees to pay to Patterson, Shotter, Anonyme, and Nickoll, respectively, $17,000, $10,750, $13,250, and $9,000, in full-paid stock at par of the Globe Company.

3. It is understood and agreed that said Patterson, Shotter, Anonyme, and Nickoll shall severally act as the agent and representative of the said Globe in the buying and selling of turpentine products, their several turpentine businesses, however, being conducted as heretofore in their own name, but for account of Globe.

4. It is understood and agreed that James Farie, jr., of Savannah, Ga., is under contract to Nickoll, whereby his entire naval-stores business shall be carried on as heretofore; that is to say, the turpentine business of the said Farie shall be conducted by him for account of Globe, and the rosin business for the joint account of Patterson and Shotter, it being expressly understood that the said James Farie, jr., and Andrew Farie, also of Savannah, Ga., shall have no interest of any kind, either directly or indirectly, and shall not in any manner or form deal or operate in spirits of turpentine or rosin or other products of pine trees except as provided in said contract, a copy of which is attached hereto; and in consideration of the premises, Nickoll hereby assigns all his rights in and under said contract to Globe; and, on the other hand, Globe hereby takes the place of Nickoll in said contract and assumes all the burdens and obligations thereunder and shall be entitled to all benefits thereof: *Provided, however,* That Globe shall not be required by reason of said contract to pay to said James Farie, jr., a sum greater than $21,500 per annum, it being further understood that said Nickoll shall contribute the sum of $7,500 for the office expenses of said James Farie, jr., in Savannah, Ga.

5. It is understood and agreed that said Patterson, Shotter, Anonyme, and Nickoll, in conducting their several businesses as the agents and for account of Globe, as aforesaid, shall confine their operations to regular business transactions, so as to assure, as far as possible, reasonable and legitimate profits, it being expressly understood that neither of said parties shall be at liberty to do a speculative business without the consent of Globe.

6. It is understood and agreed that neither Patterson, Shotter, Anonyme, or Nickoll shall hold any interest or directly or indirectly deal in American turpentine except as for the agents and for account and benefit of Globe, it being understood that by American turpentine is meant the spirits of turpentine and wood turpentine which is concentrated at all and every of the Atlantic seaports of the United States of America, and which either of said four parties may handle and sell as being from said Atlantic seaports.

7. It is understood and agreed that this agreement comprehends and includes as part of the turpentine business herein purchased the sale of French and Spanish turpentine exported from France and Spain, but it does not include any French turpentine handled or sold in France itself.

8. It is understood and agreed that this contract does not cover any turpentine business which Patterson and Shotter may control in the Gulf ports of the United States, it being expected that the domestic consumption will absorb all receipts coming to said Gulf ports. In the event, however, the domestic consumption does not absorb all of such Gulf port receipts, then Patterson and Shotter, respectively, agree to turn over to Globe the surplus receipts: *Provided, however,* That the quantity of such surplus must be specified and declared on the 15th and last days of each month and must be charged to said Globe at the average Savannah quotations of the previous fifteen days, with the exception, however, of a surplus at New Orleans, not exceeding 20,000 barrels per annum, for which Globe hereby agrees to pay 1½ cents per gallon above the average quotations. Should the Savannah quotations during the periods affected be fictitious, the average price to be paid must be on the same basis that had been applied to the receipts of the Atlantic closed ports. Patterson and Shotter severally agree that they will make no charges for interest, storage, and fire insurance on such surplus receipts of the Gulf ports up to the day on which they declare the same. After said date the charges will be assumed and borne by said Globe: *Provided,* That the same shall not exceed the charges now in force in Savannah, Ga.

9. It is understood and agreed that Patterson and Shotter and Nickoll (the latter operating through James Farie jr., at Savannah, Ga.) shall continue to conduct their respective business in turpentine as hereinbefore defined, but for the account and benefit of Globe. As compensation for their services in the premises, said Patterson and Shotter shall be allowed a commission of 1 per cent on all sales made by them, respectively: *Provided, however,* That said Patterson and Shotter shall only receive one-half of 1 per cent on sales made to the Pratt Works in New York, Prince in Boston, and on all sales to Philadelphia. It is further understood that on sales, transfers, and divisions of receipts to and with the Standard Oil Company no commission will be charged except upon such quantities as will reduce the commitments of Patterson and Shotter under their contracts with the Standard Oil Company in the Gulf States, upon which quantities they will be allowed a commission of 1 per cent.

10. It is understood that Nickoll shall not sell more than 15,000 barrels per annum.

11. It is understood and agreed that Anonyme will conduct for the company and for its benefit any business offered for export in Spanish and French turpentine, and that said Anonyme shall be allowed a commission of 1 per cent on all Spanish turpentine and a commission of one-half of 1 per cent on maximum 15,000 barrels of French turpentine.

12. It is understood and agreed that the operations of Patterson, Shotter, Anonyme, and Nickoll for account of Globe shall be conducted and entered under a turpentine account, and shall include all transactions, whether actual delivery or contracts, where settlement is made in lieu of actual delivery; it is understood that Patterson, Shotter, Anonyme, and Nickoll, respectively, shall each operate in their own name and with their own organization, the said Globe being responsible for any losses that may be sustained through the nonfulfillment of contracts or bad debts.

The turpentine accounts shall be charged at cost with all of the turpentine bought for account of Globe, and such account shall be credited with the result of all sales made for Globe. The said account shall not be charged with any of the ordinary expenses of maintenance of the respective businesses of said Patterson, Shotter, Anonyme, and Nickoll, but only with the actual expenses of storage, handling, marine and fire insurance, cabling and telegraphing, legitimate commissions to agents and brokers for effecting sales, and interest on advances, or, in other words, only actual outlays of money other than office expenses shall be charged to turpentine account. It is understood that the first four parties, respectively, shall insure and keep insured against fire and marine risk all turpentine purchased and held by them, respectively, for account of Globe; and in event of any loss being incurred either by reason of either of first four parties neglecting to insure and keep insured any turpentine so purchased or held for account of Globe, such loss shall be borne by the party so in default: *Provided, however,* That said first four parties shall not be held responsible for the solvency of the company in which the insurance may be effected; and it is further understood and agreed that inasmuch as said Patterson and Shorter own and to a more or less extent operate in the name of the Standard Naval Stores Company, as purchasing and forwarding agent of turpentine purchased for account of Globe, the terms and provisions of this agreement as to insurance shall be applicable to said Standard Naval Stores Company, and the said Patterson and Shotter hereby make themselves responsible to Globe for any loss which it may sustain by the failure of the said Standard Naval Stores Company to insure and keep insured all turpentine held by it either directly or indirectly for account of said Globe. It is understood that interest on moneys which may be advanced by either of the first four parties is to be charged at the rate of 6 per cent per annum; and in the event differences occur in regard to interest by reason of the different modes of bookkeeping of the said first four parties, it is understood that the same shall be adjusted by the auditor of Globe at the half yearly settlement.

It is understood that Patterson, Shotter, Anonyme, and Nickoll, respectively, shall keep special books for turpentine, which books shall at all times be open to inspection of the auditor of Globe.

It is understood that all transactions made by either the said Patterson, Shotter, Anonyme or Nickoll for account of the company shall be reported daily to the principal office of the company.

It is further understood and agreed that settlements of profit and loss account between Globe and each of said first four parties shall take place every six months, in January and July in each year, as soon as the accounts for the preceding six months can be audited.

13. As part of the consideration of this contract, Anonyme hereby agrees that it will transport by its steamers *Iris* and *Clematis* for account of Globe a minimum of 100,000 barrels of turpentine and a maximum of 150,000 barrels of turpentine per annum (quantity within said limits to be at the option of Globe) to Antwerp, Rotterdam, London, Liverpool, Hull, Avomouth, and Hamburg. The steamers are to be loaded, at the discretion of Globe, either at Savannah or Brunswick, Fernandina or Jacksonville (always providing there is sufficient water at these ports), but are to load at one port only. It is agreed that the rate of freight shall be 3s. 9d. direct for 40 gallons gross gauge in barrels, and if shipped in bulk the rate shall be the same, but per 40 gallons net. This rate is without primage. If said steamers shall be called upon to load or discharge in any two of the above-named ports, Globe agrees to pay $600 additional for such loading, and $600 additional for such discharging. It is understood that Anonyme will complete the cargoes of said steamers with rosin or other goods at their convenience and for their own account and at their risk.

It is understood that Anonyme shall not transport to Europe more than 100,000 barrels of rosin per annum on the *Iris* or *Clematis*. In the event the said *Iris* or the said *Clematis* do not carry this stipulated amount, it is understood that the said Anonyme may use outside steamers or sailing vessels, but it is distinctly understood that in such event the quantity of rosin to be shipped for account of said Anonyme shall not exceed 70,000 barrels, and said Anonyme further agrees that all rosin shipped by them for their own account shall be for the port of Antwerp exclusively.

It is further understood and agreed that all rosin which Anonyme may sell in London or Hamburg shall be for the joint account of Patterson and Shotter, and in consideration thereof said Patterson and Shotter hereby agree to pay said Anonyme a net commission of 5 cents per barrel of 280 pounds and freight at the rate of 2s. 3d. for 310 pounds direct, Hamburg or London, with no primage. It is understood that the quantity which may be sold by said Anonyme in London and Hamburg for account of said Patterson and Shotter shall not be less than 15,000 nor more than 20,000 barrels, the quantity, within said limits, to be at the option of said Patterson and Shotter; and the said Patterson and Shotter reserve the right to designate either Hamburg or London. And it is further understood that said Anonyme shall not be entitled to any commission on any rosin which has been furnished by said Patterson and Shotter to complete cargoes to London, Hamburg, or any other port which may be agreed upon.

Said Patterson and Shotter hereby severally agree that they will not sell any rosin for shipment to Belgian ports, and they further agree that, at the request of said Anonyme and as required by them, they will furnish and provide rosin for the purposes and within the limitations therein specified, in fair proportions, from B to K, inclusive, free of charge for storage and fire insurance; and as compensation to the said Patterson and Shotter for providing such rosin said Anonyme agrees to pay said Patterson and Shotter a commission of 7½ cents for every barrel of 280 pounds so provided by them.

And said Anonyme further agrees to give to said Patterson and Shotter thirty days' notice in writing (notice to either being considered as notice to both) of their requirements of rosin under the provisions hereinbefore set forth, and it is further understood and agreed that the price of rosin so to be ordered and furnished shall be based upon the average price of the respective grades during the thirty days after the orders for the same have been received, which will prevent said Anonyme (acting with reasonable discretion) from giving the notice hereinbefore mentioned; then and in such case the price of the rosin so ordered and furnished shall be based upon the average price of the respective grades at Savannah during the thirty days immediately following the date of the receipt of the notice.

It is further understood and agreed that for the purpose of completing the cargoes of vessels carrying turpentine in the manner hereinbefore referred to said Patterson and Shotter shall, when and as required by said Anonyme and Nickoll, respectively, furnish for said vessels part cargoes of rosin for their own account at current market freight rates, provided that said Patterson and Shotter shall in no case be required to furnish more than 30 per cent of the carrying capacity of said vessels. As the principal consideration moving said Patterson and Shotter for making the freight arrangements herein set forth, said Anonyme and Nickoll hereby severally agree that they will not buy or sell, either directly or indirectly, American rosin, except in the manner and under the limitations of this agreement set forth.

14. It is further understood and agreed that if for any cause any or all of the first four parties shall discontinue business during the term of this agreement, then and in such event Globe shall have the right to purchase the shares of stock of the party or parties so discontinuing business at par.

15. It is understood and agreed that this agreement shall begin on the 1st day of April, 1905, and shall continue for the full term of five years.

16. It is further agreed that in the event any difference of opinion shall arise between two or more of said parties as regards the meaning of any part of this agreement, all such differences shall be settled by arbitration in New York, each side electing an arbitrator, and the arbitrator so selected, before taking knowledge of the dispute shall select an umpire, and the award of the arbitrators shall be final.

In witness whereof the corporations above named by their proper officers and the said Nickoll & Knight in the proper person have hereunto set their hands and affixed their seals, the seals of said corporations being duly attested by their respective secretaries, the day and year first above written.

PATTERSON-DOWNING COMPANY,
By E. S. NASH, *President.*

Attest:
[SEAL.] ADAM G. LATTA,
Secretary.

S. P. SHOTTER COMPANY,
By S. P. SHOTTER, *President.*

Attest:
[SEAL.] C. J. DE LOACH,
Secretary.

SOCIETE ANONYME DES PRODUITS RESINEAUX,
By FR. SPETH, *President.*

Attest:
———— ————, *Secretary.*

NICKOLL & KNIGHT. [L. S.]
GLOBE NAVAL STORES COMPANY,
By E. S. NASH, *President.*

Attest:
———— ————, *Secretary.*

Mr. TALIAFERRO. Mr. President, there also appears in this indictment a letter from the president of one of these constituent companies to his home office at Savannah, under date of New York, July 20, 1906, from which I extract the following:

There seems to be a very general demand, and it can not be for sales alone. It must be that Krauss and the Patterson Export Company have at some time in the past gone heavily short for the summer shipments. Of course we know that Krauss was for 15,000 to 18,000 barrels, and it may have been more.

I think it is safe to count on Krauss being out of the game if we can buy a good lot of spirits from him for October-November shipment. The spirits should be bought between the 1st and 5th of September.

I do not think it safe to allow spirits to be below 60 cents after September 5, when the domestic fall trade should begin. The holiday season being over, we should prepare our European friends for this.

When that letter was written, spirits were quoted at 57 cents. In the first week of September, when Krauss was to be induced to sell for October-November delivery, spirits had advanced to 61½ to 62½ cents. In October they were never below 65 cents and in November never below 65¾, going as high in the latter month as 67¾. I do not know whether this scheme to put a competitor "out of the game" and into bankruptcy failed or not. I quote the letter not that what happened to Krauss is material, but to show that the range of quotations in the Savannah market absolutely obeyed the edict of the trust.

The fate of one competitor in a business is an incident merely, but the methods employed to effect that fate are of far more serious concern. If the market can be manipulated to destroy one competitor, to what extent may it not be manipulated to enrich the manipulator and rob both producer and consumer?

The indictment charges that they had a system of spying upon competitors in order to undersell them and drive them from the business. That charge is borne out in the following extract from another letter of the trust, which is quoted in the indictment:

We note what you write about Patterson, and hope you are keeping a close watch on him, so that he does not sell a barrel of turpentine if it is at all possible to prevent it. Mr. Dill further wires making the disquieting report that he is trying to get in with the South American trade, and making offers of H rosin at $3.30 f. o. b., which we are unable to reconcile with his statement that his unsold stock consists of only a few barrels of pales, and take it that the latter must be incorrect. Anyway we have wired Mr. Dill to undersell him at any cost, and see to it that he does not receive the slightest encouragement, as it would be too bad if a disturbing element should be introduced into the South American business at this time when we have it so well in hand.

I would submit the entire indictment (it is all interesting reading), but it is a voluminous document, and I quote only parts of these two letters and the contract, which latter, the record shows, was the principal and substantial matter charged in the indictment.

Confronted with this indisputable evidence the several defendants made no defense, but simply entered the plea of guilty. I suggested all of them. I was in error as to that. One of them, an exporter, was not within the jurisdiction of the court. All of those tried were fined $5,000 each, and two of them, in a written communication to the court, humbly and contritely expressed sorrow for their sins and promised to sin no more. Here is the letter:

In the district court of the United States for the southern district of Georgia, eastern division.

Indictment found February 11, 1907.

To the Hon. Emory Speer, judge of said court:

The undersigned profoundly regret that we have, in the management of our corporations and in the conduct of our business, violated the act of Congress known as the "antitrust act," directed against monopolies and combinations in restraint of trade, for which violation we stand indicted, with other defendants, by the grand jury of the honorable court in which you preside.

We unequivocally and without reservation, and with the utmost earnestness and sincerity, promise the court and make this public pledge that any other or future violation of this legislation will for all future time be carefully avoided on our part, and that we will permit no such violation by our employees or any other person under our control. And in duty bound will ever pray.

———— ————.
———— ————.

I had preferred not to mention the names of these offenders, who have practically controlled this business by fair means or foul through many years past, because I am waging no personal warfare. I am alluding to their practices only because I am forced to do so in defense of an important industry of my State. If I could present the case fully and completely without referring to what they have done, I would not have alluded to them at all. But, Mr. President, to mention or not to mention their names is immaterial, for their records are fastened upon them, are identified with them, and are known throughout the whole turpentine industry from the still in the woods to the marts of Europe.

It can not be successfully contended that these convictions have had the effect of making the adulteration of spirits of turpentine a thing of the past. The Department of Agriculture during the past year has made an investigation into the matter and the revelations of that investigation expose the true condition of affairs. The Secretary, writing under date of February 11, 1909, says:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 11, 1909.

Hon. J. P. TALIAFERRO,
United States Senate, Washington, D. C.

DEAR SENATOR: In harmony with our conversation this morning, I beg to inform you that the Bureau of Chemistry has collected to date, under the pure-food law, 300 samples of spirits of turpentine, of which 62, or practically 21 per cent, give positive evidence of adulteration with mineral oils. These samples were collected from all classes of dealers in turpentine throughout the country, and those collected in the States of the turpentine belt showed nearly as large a percentage of adulterated samples as those collected elsewhere. The samples are still coming in slowly and the work is not entirely finished.

I beg to say further in this connection that the department receives from time to time complaints of the adulteration of turpentine and rosin and requests for information as to methods for detecting such adulteration. Many large consumers buy only upon stringent specifications devised to prevent the delivery of adulterated turpentine.

The chemical literature is full of articles dealing with methods for the detection of adulterants in turpentine, and the writers generally state that adulteration and substitution is prevalent.

The work on rosin is not sufficiently advanced to indicate how extensive misgrading may be. A large proportion of the consumers with whom the department has corresponded state, however, that improperly graded rosin is often delivered to them.

These facts show unmistakably that the adulteration and misgrading is quite general, and that the consumer in purchasing has no assurance that he is securing pure turpentine or correctly graded rosin.

Turpentine and rosin sold for medicinal use can and will be protected under the food and drugs act, but nearly all of these materials are employed for industrial purposes and are not controlled by any national legislation.

Respectfully, JAMES WILSON, *Secretary.*

More important still, we have the fact that, since the conviction of the trust and the punishment of its officers, we have another indictment—a true bill in the same court for the November term of 1907—from which I quote:

By controlling, manipulating, and arbitrarily bidding down and depressing the market price of spirits of turpentine and rosin, so that competitors and producers could not sell said articles of commerce except at ruinous prices; by coercing and causing naval stores receipts, which would normally and naturally flow to one port of the United States, to be diverted to another port of the United States; by purchasing thereafter at divers times a large part of its supplies at naval stores ports known as "closed ports," and willfully, and with the deliberate intent and purpose of depressing the market, refraining from purchasing any appreciable part of its supplies of naval stores on the Savannah market, where its purchases, if made, would tend to strengthen prices and the market therefor, the Savannah market being the basic or primary market in the United States for naval stores, and the said defendants taking the receipts at said closed ports of Pensacola, Tampa, Fernandina, Gulfport, and Mobile, on a basis of the market at Savannah; by coercing factors and brokers into entering into contracts with said defendants for the storage and purchase of their receipts and refusing to purchase from such factors and brokers unless such contracts were entered into; by circulating and publishing false statements as to naval stores production and stocks in the hands of producers and their immediate representatives; by issuing and causing to be circulated and hypothecated fraudulent warehouse receipts; by fraudulently grading, regrading, and raising grades of rosin and falsely gauging spirits of turpentine; by attempting to bribe employees of competitors and factors so as to obtain information as to competitor's

business and stocks; by inducing consumers, by payment of bonuses and threats of boycott, to postpone dates of delivery of contract supplies, thus enabling defendants to refrain from purchasing such supplies which purchases would tend, if made, to strengthen the market and prices; by making tentative offers of large quantities of naval stores under prevailing markets, intending then and there to accept only contracts for small quantities and to cover these sales by subsequent purchases to be made on markets thus depressed by the aforesaid fraudulent offers; by at divers times selling spirits of turpentine and rosin at prices far below the actual cost to themselves so as to compel competitors to meet said prices, which said prices would be ruinous to themselves as well as to their competitors; by willfully and arbitrarily fixing the prices of spirits of turpentine in the United States below the cost of production; each and all of the foregoing means being for the purpose of crushing competitors and driving them out of business and preventing competitors from engaging in such trade and commerce among the several States and foreign nations in the aforesaid articles of commerce, and destroying competition and restraining trade in the aforesaid articles of commerce, contrary to the form of the statute in such case made and provided and against the peace and dignity of the said United States.

That, Mr. President, shows what is charged. What the Government expects to prove is disclosed in the following letter from the Attorney-General of the United States:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., February 2, 1909.

Hon. JAMES P. TALIAFERRO,
United States Senate.

MY DEAR SENATOR: Referring to the subject-matter of your recent call at the department—the alleged misbranding and false gauging of naval stores—I beg to say that I am in receipt of a report on the subject from the assistant United States attorney for the southern district of Georgia. It seems quite clear that, during the trial of the case of the United States against the American Naval Stores Company, a considerable amount of evidence will be presented showing fraudulent practices on an extended scale, by which the amount of turpentine in packages handled by the National Transportation and Terminal Company (which, as the department is informed, is a subsidiary corporation controlled by the American Naval Stores Company) was falsely stated by the markings on the packages showing the gauge, and that the marking on packages containing rosin was falsified so as to show a higher grade of rosin than the package actually contained. The method followed in carrying out these frauds, as disclosed by the evidence, was to have an official gauge made of the turpentine and an inspection made of the rosin; subsequently it seems to have been a frequent practice for subordinates of the National Transportation and Terminal Company to withdraw from the gauged barrels of turpentine from one-half to three-fourths of a gallon from each barrel, and also to remove the inspector's mark from the barrels of rosin and substitute therefor a mark indicating a higher grade of rosin than had been determined by the inspection.

It would not, of course, be consistent with the interests of the Government to give the names of witnesses or the exact location of the fraudulent acts to which they will testify. I may say, however, that one witness will testify to having seen about 2,000 barrels of rosin regraded. Another witness will swear that he caught an employee of the National Transportation and Terminal Company raising the gauges of spirits one-half to three-quarters of a gallon per barrel, and the result of the regauging showed that his allegations as to the raising of the figures were correct. Other witnesses will swear that they received instructions from responsible officers of a subsidiary company of the American Naval Stores Company to pack barrels of turpentine one-half gallon short; that is to say they would take a half gallon out of each barrel after they were gauged. The same witnesses will also swear that when purchasing spirits from the producer they recorded the turpentine as one-half gallon short of the true gauge, and that upon the resale an additional one-half gallon would be taken out of the same packages. There will be evidence that employees of the National Transportation and Terminal Company were seen at night at work in the yards of the company regrading rosins; and it will be in evidence that employees of the company were instructed to raise the gauges of turpentine from one-half to 1 gallon per barrel, and that the grade and weights of rosin were very materially raised in consequence of similar instructions. In one instance the profit resulting from the raising of the gauges on turpentine in a shipment of 500 barrels amounted to more than 200 gallons. A specific instance of the manipulation of one shipment of 500 barrels of rosin will be testified to, in which employees of the National Transportation and Terminal Company worked at night raising the mark denoting "B" rosin to "D" rosin. More than one former employee will testify that after spirits were gauged by the inspector the man in charge of the yard, with his crew of hands, would go through the yard taking from one-half to 1 gallon out of each barrel of turpentine.

In one or more instances the same former employees will testify that they have been required to work at nights regrading rosin, by removing the inspector's mark and substituting a higher mark. There will be testimony of consumers of naval stores, showing that the packages received by them had been tampered with and the inspection mark changed.

The foregoing is, of course, simply a summary of what the United States expects to prove, and, if the anticipations of the district attorney are carried out, it would seem that a condition of affairs bordering on the scandalous has been in effect with regard to the merchandising of naval stores. When the testimony in this case has actually been taken, I shall be glad to send a copy, if so desired, to any Senate committee which may have this subject under consideration, but it would not, of course, be advisable at the present time to give a more definite statement as to this evidence than is contained in the foregoing.

Yours, very truly, CHARLES J. BONAPARTE,
Attorney-General.

To sum up, in 1891 we find these offenders mismarking rosin and taking their chances.

In 1898 we find them violating the interstate-commerce act by undermarking the capacity of their tank cars.

In 1905 we find them organizing a monopoly or conspiracy in restraint of trade under an iron-clad contract, dividing and parceling out among themselves the naval-stores business of the world.

In 1907 we find them indicted for this offense, pleading guilty to the indictment, and solemnly promising to offend never again.

And now we find them under indictment for again conspiring in restraint of trade; that the methods employed were, in part, the misgrading of rosin and the false gauging of turpentine; discrimination against ports; bribery of employees of other concerns; manipulation of the market below the cost of production; coercion of buyers; boycott of factors; ruin of competitors; and about every other reprehensible practice devised by those who prey upon trade.

Mr. President, to some it might occur that, because the indictment mentions mismarking of rosin and false gauging of turpentine, there is some law under which these offenses may be pursued. Such is not the case. The proceedings referred to are under the antitrust law, in which there is no provision whatever under which these practices, when not a part of the fabric of a conspiracy, may be proceeded against and stopped.

This bill seeks to make these practices separate violations of the law, proceedable against wherever found, and to insure conviction needing not to be made a part of the usually ponderous proceedings for conspiracy.

And I have told you that the state laws on this subject are inoperative, because they do not apply to interstate commerce, into which 99 per cent of the naval-stores product is absorbed.

The great cornfield counselor of this body, in one of his interesting commentaries on common sense, which is, by the way, the fountain head of good law, has declared that where there is so much smoke there must be some fire. It is equally true that a man shall be presumed innocent until adjudged guilty. I do not presume the guilt of the defendants in the case to which the Attorney-General has alluded, but leave that to the jury. I do maintain, Mr. President, that the defendant companies in these cases are the allies and confederates of those concerns which have been convicted in the past, and have behind them the same men and interests of those old-time offenders; so that any presumption of innocence must be offset with the record of their reprehensible doings in the past, and thus weigh less heavily in their favor than in favor of those who have always shown clean hands.

Let it be remembered, Mr. President, that this corrupt combination, into the workings of which I have endeavored to give the Senate an insight, is rich and powerful. It is represented in practically all of the important ports of the United States and Europe. They have yards and warehouses in Brooklyn, Wilmington, Brunswick, Jacksonville, Fernandina, Tampa, Pensacola, Mobile, Gulfport, New Orleans, East St. Louis, Louisville, Cincinnati, Chicago, and Montreal, with steamships from South Atlantic and Gulf ports to the United Kingdom and ports of Europe. It will be seen, therefore, that their influence is far-reaching, not only in the producing States, but wherever rosin and turpentine are used. They are said to have a complete force of spies that pry into the affairs of competitors. They have been known to have the confidential employees of other companies in their pay. They have a concrete organization at all times ready to do their bidding, and all who have the temerity to oppose them are marked for future vengeance. It is not surprising, therefore, that legislation to check their frauds should inspire them into instant and frantic activity.

Mr. President, we find the producers, or a majority of them, representing practically $15,000,000 of a total annual production of about $20,000,000, crying for protection from the trust; we find the interests of the consumers of the country, those represented by the large soap, paint, paper, oil, and varnish manufactories, demanding protection from the fraudulent practices of the trust, but of course the trust will fight this bill. The parasites which have fastened upon this industry will be as reluctant to yield their grasp as those which ravage the oak. They have mean, little, sordid purposes to serve, and the welfare of their fellow-men will weigh lightly in the balance against their greed and selfishness.

Mr. President, I do not mean to imply that any of my colleagues sympathize with monopolies or those who defraud their fellow-men. I have great respect for them all. Their opinions and views on this, and all legislation, indeed, are based upon what I know they think is right and just. Our differences are not upon the question of the necessity for some check to be placed upon the trusts, but rather upon the exigencies of this particular case—differences due, I think, largely to the fact that they have not known to what lengths these offenders have gone and are willing to go to maintain their grasp upon this industry.

This is not a complicated bill, but is simple and direct in its provisions. Indeed, as I have said before, it is fashioned after

the pure-food law as nearly as conditions will admit, so that no new principle is offered for enactment into law. We only ask that the principle of that law, which is one of honest dealing between man and his fellow-men, shall be extended to cover the naval stores of the South.

Mr. President, as I understand the pure-food law, it is designed to protect the consuming public from dishonest practices. The naval-stores bill seeks to protect both the consumer and producer from such practices. In protecting these two it will add its weight as a factor in saving our forests, and through them our rivers, the commerce they maintain, and the power they generate.

I have offered this bill in good faith and in the interests of an important industry—one that is believed to be still in the grasp of a relentless trust; a bill that establishes no precedent or new principle, and has only for its object fair and honest dealing. I have shown you that it will protect the producer and consumer from fraud; that its provisions can hurt no State, no city, and no locality; that it will not injure any honest man or firm; that it will destroy monopoly and establish competition in a legitimate business, and I submit, Mr. President, with all due deference to the opinion which others may hold, that a measure with so good a purpose should become a law.

The VICE-PRESIDENT. What disposition does the Senator desire made of the bill?

Mr. BACON. As I understand, the bill is not called up for action, but simply to enable the Senator from Florida to deliver his speech.

Mr. WARREN. Mr. President——

Mr. BACON. I shall occupy but a minute.

Mr. WARREN. I merely desire to ask the Senator a question.

Mr. BACON. I will answer the question before I get through, if the Senator is desirous to propound a question.

Mr. WARREN. Very well.

Mr. BACON. It would be manifestly improper for me at this time to discuss the bill or to reply to the Senator from Florida. Whenever the bill is before the Senate for action, I shall endeavor to show, if I am able, good and abundant reasons why the bill should not be passed. I will content myself at the present time with saying that if the crimes have been committed, if the frauds have been perpetrated which have been narrated by the Senator from Florida in his interesting speech, I think it can be abundantly shown that there is ample law, both federal and state, for the punishment of such crimes and that no further legislation is needed to effect that purpose. I will say no more than to suggest one thing further, and that is that if the crimes have been committed and the frauds have been perpetrated, the place, the forum, the jurisdiction for an examination into the question of guilt is in the southern district of Georgia and not in the Senate of the United States.

Mr. TALIAFERRO. "The Senator from Florida" realizes that the place where the question of guilt should be determined is in the courts of the southern district of Georgia. He stated it in his remarks as fully and completely and as positively as the Senator from Georgia, with his usual emphasis and clearness in speaking on all questions, could have stated it.

That the frauds exist is abundantly proved by the records of the courts in the Senator's State and in the Senator's district, and I have dealt in my remarks this morning with such as have been disposed of, and I shall be prepared to deal with any other questions that may be raised against the bill when, as the Senator from Georgia suggests, it is before the Senate for consideration.

Mr. President, the bill is not before the Senate for consideration this morning, but it is here, as the Senator from Georgia has stated, to give "the Senator from Florida" an opportunity to submit the remarks which he has made. But I want the Senate to understand, and I want the people of Florida and Georgia to understand, that the fact that the bill is not before the Senate is due to no fault of the Senator from Florida.

Mr. BACON. I promised to answer a question of the Senator from Wyoming.

Mr. WARREN. I withdraw any intention of asking a question, because I desire to proceed with other business. I understand that the Senator from Minnesota [Mr. NELSON] desires to call up a bill which has been read and which will lead to no discussion. After the Senator from Minnesota has placed his measure before the Senate, I shall ask that other matters may be passed by until we conclude the consideration of the appropriation bill.

Mr. HEYBURN. I have a conference report which I desire to present.

BALTIMORE AND POTOMAC RAILWAY COMPANY.

Mr. CARTER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 23468) to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901, to report it with amendments, and I submit a report (No. 1098) thereon.

The bill just reported is one of considerable importance, and inasmuch as an amendment has been made and the bill being very brief, I ask for its present consideration.

Mr. WARREN. I have been compelled to refuse not less than a score of such requests.

Mr. CARTER. I withdraw the request.

Mr. WARREN. I hope the Senator will wait a while.

The VICE-PRESIDENT. The bill will be placed on the calendar.

VALDEZ, MARSHALL PASS AND NORTHERN RAILROAD.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 25823) to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907. It has been read, and when it was last before the Senate the Senator from New Jersey [Mr. KEAN] objected. He has since withdrawn his objection to the present consideration of the bill.

Mr. KEAN. I withdraw my objection. I have examined the bill. I find it is not a paper railroad, and I do not object to it.

By unanimous consent, the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 25823) to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVISION OF THE PENAL CODE.

Mr. HEYBURN. I present a conference report, and ask for its present consideration.

The VICE-PRESIDENT. The report will be read.

The conference report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate agree to the House amendment with amendments to sections 7, 19, 20, 37, 51, 95, 125, 126, 140, 187, 200, 226, 227, 243, 253, 254, 255, 256, 257, 262, 263, 276, 295, 300, 321, 322, 323, and 349.

That the House agree to the amendments proposed by the Senate conferees, as follows:

Section 7. On page 4, in line 21, after the words "United States," insert the words "or in any place subject to the jurisdiction thereof,"

Section 19. On page 12, in line 13, substitute a semicolon for the period, and add the following: "and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States."

Section 20. On page 12, strike out section 20.

Section 37. On page 22, in line 11, substitute a comma for the semicolon, strike out the remainder of the section, and in lieu thereof insert the following: "shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or person under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars and imprisoned not more than two years."

Section 51. On page 28, at the end of the section, add the following: "And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands."

Section 95. On page 48, at the end of line 21, add the words "prima facie."

Section 105. On page 53, in line 1, after the word "or," strike out the word "be."

Section 125. On page 63, in lines 3 to 7, amend the proviso so as to read as follows: "*Provided*, That no person shall be deemed guilty of a violation of any such rule unless prior to such alleged violation he shall have had actual knowledge thereof."

Section 126. On page 63, in line 13, strike out the word "and" and insert in lieu thereof the word "or;" and in line 14 substitute a comma for the period at the end of the section and add the words "or both."

Section 140. On page 70 strike out section 140.

Section 142. On page 71, in line 1, strike out the word "now" before the word "provided."

Section 187. On page 98, in line 17, after the word "vessel," insert the words "to the current business of the carrier."

Section 194. On page 100, in line 18, strike out the word "or" before the word "embezzling."

Section 200. On page 104, in line 14, substitute a semicolon for the comma, strike out the remainder of the section, and in lieu thereof insert the following: "and if in effecting or attempting to effect such robbery, he shall wound the person having custody of the mail, or put his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned twenty-five years."

Section 226. On page 123, in line 6, before the word "submit," insert the word "knowingly."

Section 227. On page 123, in line 22, before the word "misstate," insert the word "or;" and in line 23, before the word "conceal," insert ", for the purpose aforesaid shall knowingly and willfully."

Sections 241, 242, 243. On pages 132 and 133 strike out the word "That" at the beginning of each section and begin the first word of each section with a capital letter.

Section 243. On page 133, in line 13, after the word "shall," insert the word "knowingly."

Section 248. On page 136, in line 19, substitute for the words "and every" the words "or any."

Section 253. On page 140, in lines 9 and 10, strike out the words "being a citizen or other person resident."

Section 254. On page 140, in line 17, strike out the word "American;" and in line 18 substitute for the words "jurisdictional limits" the word "jurisdiction."

Section 255. On page 141, in line 1, strike out the word "American."

Section 256. On page 141 strike out section 256.

Section 257. On page 141, in line 12, strike out the words "State, Territory, or District" and in lieu thereof insert the words "place subject to the jurisdiction."

In line 13 strike out the words "a foreign country, state, or" and in lieu thereof insert the words "any other."

In lines 14 and 15 strike out the words "State, Territory, or District" and in lieu thereof insert the words "place subject to the jurisdiction."

Section 262. On page 143, in lines 13 and 14, strike out the words "jurisdictional limits" and in lieu thereof insert the word "jurisdiction."

Section 263. On page 143, in line 21, before the word "directly," insert the words "or under the jurisdiction thereof."

Section 270. On page 146, in line 11, strike out the word "other" before the word "foreign."

Section 276. On page 150, in line 8, strike out all after the period, and also all of lines 9 and 10.

Section 279. On page 151, in line 20, strike out the word "be" before the word "fined."

Section 295. On page 158, transpose the language of line 10 so that it will read "United States, beats, wounds, or without justifiable cause, im-"

Section 300. On page 161, in line 3, strike out the word "and" at the end of the line, and in lieu thereof insert the word "or."

Section 321. On page 169, in line 15, strike out the words "in any Territory."

Section 322. On page 169, in line 19, strike out the words "in any Territory."

Section 323. On page 169, in line 23, strike out the words "in any Territory."

Section 349. On page 198, in line 1, strike out the word "from" and in lieu thereof insert the word "on;" in line 2 strike out the word "July" and in lieu thereof insert the word "January;" also in line 2 strike out the word "nine" and in lieu thereof insert the word "ten."

W. B. HEYBURN,
GEO. SUTHERLAND,
Managers on the part of the Senate.
R. O. MOON,
HERBERT PARSONS,
SWAGAR SHERLEY,
Managers on the part of the House.

Mr. KEAN. That is a very important report. I ask to have it printed and that it go over.

Mr. BACON. Mr. President, I do not object to that; on the contrary, I think it should be done. It is a matter of such importance that I hope, when it comes again before the Senate, we may have due notice of it. It is not a matter that should be disposed of, in my opinion, in the way that conference reports ordinarily are disposed of. It relates to the entire body of criminal law, and it is in an unusual attitude before the Senate from the fact that the Senate passed a bill, after very considerable discussion, which went to the House; and the House had in the meantime been discussing the same bill and had incorporated upon it amendments of their own, I understand. What disposition was made of the amendments put upon the bill by the Senate of course it is difficult to ascertain, unless we have the two bills printed for examination.

The House, I understand, struck out all after the enacting clause of the Senate bill and substituted the bill which they had considered, with the amendments which they had adopted and amendments which were then adopted, one or more at least. So it comes back to us without our having seen the bill which has been agreed upon except in so far as it corresponds to and agrees with the bill which the Senate passed. It is, of course, a matter of large detail which we ought to have the opportunity to examine.

I recognize the fact that Senators in charge of the bill have given it very great labor and are entitled to very great consideration, but I simply wish to suggest that when a measure of this importance, covering, as it does, the entire body of the criminal law of the United States, comes up for action again we should have notice of it, which we are apt not to know about unless we do have notice, on account of the particular condition of affairs at this late stage in the session.

Mr. FORAKER. I wish to suggest to the Senator from Georgia, in view of the point he has made, that he add to the request that the conference report be printed a request that the bill as amended and as showing the amendments that have been agreed to be also printed.

Mr. BACON. I had intended to make that motion at some time, and I have no objection to making it now. My opinion is that we ought to have a print of this bill which, in juxtaposition, would show the law as it now stands on the statute books, the bill as it passed the Senate, with the amendments that the Senate put upon it, and the bill which was passed by the House, with the amendments put upon the bill there, the same bill having been introduced in each House. It is necessary for us to know to what extent the House, when they substituted their bill for the Senate bill, regarded or adhered to any of the amendments which were put upon the bill as it passed the Senate, that we may be able to compare all the amendments which the House put upon it with the amendments which the Senate put upon it, and so that we can have a threefold comparison.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SUTHERLAND. As the Senator from Georgia will perhaps recollect, this bill was framed by a joint committee of the two Houses. It was reported to each House in identical terms. The Senate first considered it and made some amendments. They were comparatively few in number.

Mr. BACON. I do not know about that. There were quite a number of them, according to my recollection.

Mr. SUTHERLAND. There were not to exceed 30 or 40 amendments altogether, and most of them were mere changes of phraseology.

Mr. BACON. Very well; they were amendments, and there were quite a number of them.

Mr. SUTHERLAND. But most of the amendments were mere changes in phraseology which did not affect the substantial provisions of the bill.

During the time the Senate was considering the bill the House was also considering it, and the House had nearly completed the bill, it had gotten two-thirds through with it, at

any rate, when it passed the Senate. Instead of taking up the Senate bill as we passed it, the House concluded the consideration of its own bill, which, as I said, was in identical terms with the Senate bill.

Then in order to shorten the matter, when the consideration of the bill in the House was completed, it substituted the House bill for the Senate bill, and sent it back to us in that form. The result was that the bill as passed by the House, with comparatively few exceptions, was the same as the bill passed by the Senate.

Mr. BACON. Now, Mr. President, if the Senator will pardon me, the fact must not be overlooked that the amendments to existing law are not simply the amendments that the Senate put upon the bill or the amendment which the House put upon the bill, but they are the multitudinous amendments which the committee which framed the bill put upon existing law.

Mr. HEYBURN. Mr. President——

Mr. BACON. In this connection, if the Senator will pardon me just a moment, I wish to call the attention of the Senate to the fact—which is recollected by both the Senators who so ably represented the bill on the floor, the Senator from Idaho [Mr. HEYBURN] and the Senator from Utah [Mr. SUTHERLAND]—that the discussion of that bill, which dealt with the entire body of the criminal law of the United States, was participated in by less than half a dozen Members of this body. It was not only participated in by less than half a dozen Members of this body, but while it continued through weeks, if I recollect aright, off and on, when the body of laws with the numerous amendments proposed to the bill was under consideration, there was scarcely ever a time when there were a dozen Members of the Senate attending the session.

So we have the remarkable presentation of a fact, that here is the question of the adoption of the report of a conference committee which relates to the entire body of the criminal laws of the United States, and which, however carefully considered it was—and the bill was carefully considered—was considered by a very small fraction of the Senate; and, necessarily, to pass upon this question would require that the Senate should vote as to all this great number of issues upon the faith and confidence they have in those who did participate in the debate and who did lead to the conclusion which was reached.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. HEYBURN. I have the floor, Mr. President. I had the floor and I yielded to the Senator.

Mr. BACON. I beg the Senator's pardon; I had the floor. But I do not desire to retain it.

Mr. HEYBURN. I do not know when I lost the floor. I rose to present the report and make some suggestions. I was not aware that I had lost the floor, but I cheerfully yielded to the Senator from Georgia.

The VICE-PRESIDENT. The report was read, and then the Senator from Georgia was recognized.

Mr. HEYBURN. Of course, I yield to the decision of the Chair. I will ask leave, then, to interrupt the Senator from Georgia, with his permission.

Mr. BACON. I have yielded the floor, if the Senator desires it.

Mr. HEYBURN. Mr. President, the Senator from Georgia suggests that it will be necessary to have printed the existing law set opposite the work of the committee. That has already been done, and the Senator from Georgia has a copy of that work, which was furnished to each Senator and then refurnished to the Senators. It was printed and on each Senator's desk at the time the original bill came into the Senate. The bill was introduced in the House at the same time, approximately, and every Senator has had in his possession for more than a year a copy of the existing law printed opposite the provisions of the bill as it passed or as it was introduced in the Senate.

To undertake to open up the discussion that we went through for about three months would mean simply the defeat of this legislation. Mr. President, I can not believe that that is the intention of Senators. This work has occupied several years, and it has not been a pastime. It has been expensive in time and in money to some extent, because there has been a great deal of printing connected with it. The changes that were made by the House in the bill that was passed through the Senate were so few, many of them being merely matters of form of expression, that they can afford no excuse whatever for delay in the consideration of this measure.

Mr. WARREN. May I ask the Senator if he has made a motion to consider this report?

Mr. HEYBURN. I have.

Mr. WARREN. It is under consideration?

Mr. HEYBURN. Yes.

Mr. WARREN. Under the rule, that is to be decided without debate. I merely wish to suggest that this is a very important question. I should be glad to have the conference report adopted, but it seems to me that we ought to get some other matters into conference. I suggest that it be printed and lie over, and that we take up and dispose of the agricultural appropriation bill.

Mr. HEYBURN. It is a question as to what should be printed that I was considering, on the suggestion of the Senator from Georgia. The Senator has suggested that we should practically commence over and print the existing law in connection with this measure. We have got to determine the question of printing now, and we have a right to determine it now.

Mr. WARREN. Under the rule, I take it that a Senator has not a right to discuss it. I do not wish to interfere with any reasonable amount of discussion, but I can see the opening up of a discussion that would consume the day, and we are in a position where we must either pass the agricultural appropriation bill and get it into conference or abandon it.

Mr. HEYBURN. I was not discussing the conference report from the standpoint of the action of the two Houses, but I was discussing the proposition which was made to print. I am in favor of having the report printed at once, but I do not see the necessity of entering into a reprint of that which we have already on hand. I will undertake to furnish the Senator from Georgia with as many copies as he may need.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. I do.

Mr. BACON. I am probably less in need of a reprint than a great many other Senators, from the fact that, as the Senator will recollect, I was one of the small number to whom I have alluded who were present during the discussion of this matter. I recollect the print to which the Senator refers. There are, however, a great many Senators who were not present during those discussions, and who are not in a position to judge as readily as possibly some others of us may be as to what changes have been made and as to their materiality and desirability.

This is the suggestion which I make, and which I have made. As stated by the Senator, there is a volume printed which is thicker than these two [exhibiting] put together, if I recollect aright. I have it not before me now. It is quite a large volume, containing a great many pages, in which there is on one page a print of the existing law and on the opposite page the print of the proposed amendments.

Mr. HEYBURN. No; of the bill.

Mr. BACON. Of the bill. Well, the volume contains all the changes which are to be made. If that one document were all which was to be examined, there might not be any necessity for a reprint. But we have not only that document to examine; we have to examine the bill as it passed the Senate, with the amendments which were adopted by the Senate.

Mr. HEYBURN. We have that print.

Mr. BACON. Very well. My suggestion is that it ought to be printed in such a way that a Senator would not have to take one volume and then have to refer to another volume for a comparison. The universal custom is, when bills are before the Senate which have amendments proposed by one House or the other House, that the text of the print shall contain the existing law, or if it is an original bill, of the original bill, and also the proposed amendments in order that Senators may readily compare them.

Mr. HEYBURN. It is so printed now.

Mr. BACON. I beg the Senator's pardon; I did not so understand. If there is a reprint of the bill as it passed the Senate——

Mr. HEYBURN. With the House amendments.

Mr. BACON. The Senator did not hear me through. If there is a reprint of the Senate bill which in the same document contains the existing law and the Senate amendments which were put upon the bill before it went to the other House, and the House amendments which were put upon it when it was sent back to us, that would be sufficient. I should like to see it if there is such a print. I do not think there is.

Mr. HEYBURN. I should like to inquire if the Senator is going to insist on the printing of the existing law in connection with that which is already printed? We have the bill as it passed printed with the amendments.

Mr. BACON. Certainly; if it is amended, it ought to be printed. How else can Senators examine it?

Mr. HEYBURN. We have done that. The Senate performed that work before the bill went to the House.

Mr. BACON. The work that was done by the Senate has been cast aside.

Mr. HEYBURN. Not at all. The bills introduced in the House and the Senate were exactly the same, and the substituting of one copy for another was not the substituting of new matter.

Mr. BACON. But the amendments which were put upon it in the Senate do not correspond with the amendments put upon it in the House.

Mr. HEYBURN. We have the bill printed with the Senate amendments in it.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. NELSON. I ask that the bill be temporarily laid aside.

The VICE-PRESIDENT. Without objection, the bill will be temporarily laid aside.

Mr. WARREN. I do not want to enter into this discussion; I should like to see it closed. But I wish to know whether I must stay here awaiting the floor or whether I may proceed to other business. Therefore I will ask the Chair to rule upon Rule XXVII and state whether this discussion is proceeding in order.

The VICE-PRESIDENT. Rule XXVII provides:

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. BACON. I did not understand that that was the question raised.

Mr. HEYBURN. I made a motion that the report be received and adopted at the time I presented it. Now the Senator from Georgia is asking that it be printed, and the question under consideration is, Shall it be printed; and if so, to what extent shall it be printed?

Mr. WARREN. That refers to the question of consideration. If the debate is to proceed, I shall have to ask——

Mr. HEYBURN. I am ready to vote on it without any further consideration.

The VICE-PRESIDENT. Shall the Senate proceed to the consideration of the conference report submitted by the Senator from Idaho?

Mr. BACON. Mr. President——

Mr. KEAN. I make the point that the report having been presented, the request made that it be printed requires it to go over.

Mr. HEYBURN. Under what rule?

The VICE-PRESIDENT. The Senator from Idaho has moved that the Senate proceed to the consideration of the report?

Mr. HEYBURN. I have.

The VICE-PRESIDENT. The question is on agreeing to the motion to proceed to the consideration of the report. [Putting the question.] The noes have it, and the motion is not agreed to.

Mr. HEYBURN. I ask for the yeas and nays.

The yeas and nays were not ordered.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

The VICE-PRESIDENT. The pending question is upon the amendment proposed by the Senator from Montana [Mr. CARTER] to the amendment of the committee, which will be read.

The SECRETARY. On page 25, under the head of "Forest Service," in line 15, before the word "dollars," in lieu of "four million four hundred and eighty-six thousand," proposed by the committee, insert "two million," so that the total will read "$2,000,000."

Mr. HEYBURN. Mr. President, considerable discussion was had yesterday leading up to this amendment. The agricultural appropriation bill is supposed to be a very important bill. It deals with the relations which the Government shall bear to the agricultural interests of the United States. It is important; but it is not as important as the laws of the United States that afford the machinery for the detection and punishment of crime. If we are not to have laws for that purpose, the agricultural interests of the country amount to nothing.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. For a question.

Mr. WARREN. I will say to the Senator I agree with him as to the importance of the bill to which he refers; I am ready to vote for it at any time; but we have to proceed under the rules and in order, and he will acknowledge that to take up the agricultural appropriation bill is to proceed under the rule and in order, and that it ought to go to conference. I presume that the conference report to which the Senator alludes, after having been printed, will be taken up and, I hope, accepted.

Mr. HEYBURN. I am speaking to the agricultural appropriation bill.

Mr. WARREN. Speaking to the agricultural bill, but about the other bill.

Mr. HEYBURN. Well, that is one of the peculiarities of the practice of this body.

Mr. WARREN. That is right. The Senator is entertaining when speaking upon that bill, as well as in what he says upon the forestry question on the appropriation bill.

Mr. HEYBURN. I am going to be very brief in what I have to say. Upon a vote as to whether we shall proceed to the consideration of the report, the majority seem to have voted against it. If the majority of the Senate do not intend to make fruitful the work of four years of a joint committee of Congress, but intend to allow it to die or to kill it by indirection, I am going to know it, if I can, very early.

I have lost two vacations because of the necessity of preparing and bringing into this body, in pursuance of the dictates or command of the body, a report in the shape of that bill. We have labored for days and weeks and months upon the question of revision, and I am not one of those who will be content to walk upon a treadmill for the amusement of others. If it is to be rejected simply for the purpose of rejecting it, the sooner we know it the better.

The amendments to this bill are of the most casual and trivial nature. The House, I think, made less than 35 amendments, many of them the mere transposition of words, to the bill as it went from the Senate. We are now to be called upon to reprint all the penal statutes of the United States, and set them here opposite to what? A bill that we considered.

Perhaps there was not a full attendance of the Senate, but every Senator had upon his desk and in his possession a copy of the bill, printed in the form suggested by the Senator from Georgia. Now, within four legislative days of the end of this session, we are called upon to have reprinted the existing law, the bill as it passed the Senate, and the bill as it passed the House, with a statement of the differences, amounting in all to less than 75 or 80.

I will not animadvert upon the suggestion made by Senators, and I will not question their motives; but I want to say now, and it may be taken as notice, that if this criminal code is not going to be allowed to be passed upon, or if the conference report is not to be passed upon now, the revision of the laws of the United States, that have proceeded almost to completion, so far as the posting and printing is concerned, will not proceed much further.

If this work is worth doing, it is worthy of the attention of the Senate when it is brought into the Senate; and if we are to be met here with a proposition that, four days before the end of the Congress, this matter is to go back and be printed on pages facing each other—the existing law on one and the bill as it passed the Senate on the other—when we had already gone through that process, then it seems to me there is but one conclusion to be drawn, and that is that it is the intention somewhere that the bill shall fail of its passage, regardless of its merits.

Mr. BACON. Will the Senator permit me a moment?

Mr. HEYBURN. Certainly.

Mr. BACON. Mr. President, I realize that the Senator from Idaho has a good right to feel very intensely in regard to this matter, because he has put a great deal of very earnest and very valuable labor and expended much time in the effort to revise the laws as a member of that important committee. I do not think, however, that the Senator should regard the failure to pass the bill as necessarily involving a bringing to nought the labor he has thus expended. If the bill does not pass, that labor is in a form where it can be utilized in the future.

I do not believe, I say very frankly to the Senator, that it is practicable, nor do I believe that it is right that the Senate of the United States should be called upon at this late stage in the session, in the midst of the engrossing occupations

which necessarily now present themselves to us, to pass upon the question whether or not the work of the committee is that which they will indorse; and, more than that, whether the amendments which have been put upon the bill by the other House should now be accepted by the Senate.

I will say to the Senator very frankly that I think a great deal of the work which has been done by his committee is of very great value. I made the suggestion to him yesterday in private conversation that I thought it should be utilized in future, that the result of that work should not be embodied in one bill, but that there should be at least two bills, if not more. One bill should contain a revision simply putting into proper shape statutes which are not properly expressed or where there is such a diversity of expression in the enactment of the law that it is important it should be harmonized. Such a bill would be a matter of mere form and could be passed without any trouble. When it comes to the question of changing existing law or the consolidation of the statutes, which is a very delicate and difficult thing to do without in some manner infringing upon the intention of the original law, that ought to be in a different bill, because that is a matter of grave importance that should only be acted upon with the utmost consideration and care. To put this all in one bill makes it necessary that a great deal of matter that is merely formal should be in the mind and consideration of the Senate, when there ought to be attention given exclusively to those things which are material and important.

Mr. HEYBURN. Mr. President, it occurs to me to inquire whether or not the Senator from Georgia would like to undertake this work of revising the laws of the United States.

Mr. BACON. I certainly would not. I am more than glad to have so able a committee as that which has acted upon the matter, and I do not desire that their work shall be lost.

Mr. HEYBURN. Mr. President, that is a very hollow compliment.

Mr. BACON. But I do not think it is practicable to finally act upon this important matter at this session.

Mr. HEYBURN. Mr. President, it will not meet my views on this matter to pay me the empty compliment of having set a Barmecide feast. This work, which represents labor extending through years on my part, can not be paid for in compliments as to my zeal or my ability. I would like some Senator who is willing to substitute his zeal and his ability to be the one to make the criticism and propose to defeat the whole measure. It will be defeated, Mr. President, and the talk about the work not being wasted is thoughtless talk, because that work will be wasted. Any other committee that takes it up must travel over those weary details and steps that have been traveled by this committee. It will be at the end of another Congress when we will be met with the same proposition, and all of the time and all of the cost of this work will be wasted.

The Senator from Georgia was faithful in his attendance in this body when the code bill was under consideration. Day after day and week after week we went over it with great care and in detail, comparing the original law, the existing law, and the proposed law, until it seemed that there were no reasonable grounds for delaying the passage of the bill, and the Senate passed it.

Your conferees have felt compelled to abide by the will of the Senate and to stand for the action of the Senate. There is no material change in this bill as it comes from the conference committee, with the exception of what is known as the "Knox amendment," which was modified to suit the views of the House and the Senate conferees. There is no change that is worthy of a moment's consideration, yet we are now met with the proposition to proceed to revise the laws of the United States upon an entirely different basis, to divide it up into different bills and different sections. I wonder how much thought the Senator from Georgia has given to that question, as to the details, as to the work involved, and whether or not it would involve commencing again at the beginning and the reprinting of all that has been printed.

I want now to put the responsibility for the loss of time and money that would be involved in failing to enact this legislation just where it belongs in this body. I was astonished when Senators, either by failure to vote or by their adverse vote, refused to take this up for consideration. I had supposed——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. In a moment.

I had supposed when this work came into the Senate with an agreement of the conference committee of the two Houses that the committee's troubles would be over. I had supposed that a conservative, thoughtful majority in this body would have stood by the conference report and instead of voting against the consideration of it would have voted for its consideration.

I shall at the very first parliamentary opportunity give the Senate another opportunity to say whether or not they are going to throw away this work or whether they are going to make it fruitful, as it was intended to be.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do.

Mr. FULTON. Mr. President, I simply wish to say to the Senator from Idaho that I very much hope he will again bring up this matter. I was, unfortunately for myself, out of the Chamber at the time the matter was submitted to the Senate, or I should have very willingly and gladly voted with the Senator from Idaho to bring it before the Senate. I think the Senate will be making a very great mistake if they do not act on and adopt this report during the present session. I know something about the work which that committee has done and that any other committee will have to do which may be charged with the duty of revising and compiling the statutes. In a very large measure we have to depend on the judgment of the committee.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. FULTON. In a second. It is utterly impossible for the Senate to go into a careful and analytical inquiry concerning every provision that is carried in such a measure. Now I yield to the Senator from Colorado.

Mr. TELLER. I thought the Senator was through.

Mr. FULTON. No; but I am nearly through.

Mr. TELLER. Very well, then; finish. I will wait.

Mr. FULTON. I fear very much, if this report goes over, it means practically the loss of what has been done. Another Congress will come on. The other House will have to have the matter presented to it again as a new measure, and it will have to go through the same careful inquiry, the same slow process that has witnessed its consideration up to the present time. It will come up in the Senate, probably be subjected to the same critical inquiry that it was subjected to here at the last session, go to conference, and again fail.

Heretofore I put in some months of very earnest labor on this code bill. Finally I got it in shape to report to the Senate, and spent the rest of the session in endeavoring to get consideration of the measure. I fear that is going to be the result every time. Certainly there is no more important duty before Congress than to see that the laws are codified and brought together in proper form and in proper shape.

I apologize for taking even this much time on this particular occasion, but I feel really a very great interest in this work, and I am anxious that it shall be accepted.

Mr. TELLER obtained the floor.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. TELLER. I yield to the Senator from Minnesota.

Mr. CLAPP. I simply wish to say that I propose to make a motion to reconsider the vote by which the Senate refused to consider the report of the committee on conference, so as to bring it back here and dispose of it this morning, if we can.

Mr. CLAY. I would suggest to the Senator——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. TELLER. I do.

Mr. CLAY. I agree, in the first place, that this is a very important matter and that we ought to act on it if we can. I understood the Senator to say that the bill as it passed the Senate went to the House and that the House added certain amendments to it.

Mr. HEYBURN. Very few.

Mr. CLAY. And the conferees then——

Mr. HEYBURN. No; the conferees have not added amendments. The House only made about 35 amendments, and most of them are merely as to the form of language.

Mr. CLAY. Then, the report of the committee of conference is on a Senate bill as amended with 30 or 40 slight amendments made by the other House. The Senator has said on the floor that this bill has been printed, so that each Senator can examine it to see what amendments the House has added to it. Would it not be better for each Senator to have until to-morrow to examine the bill, and then let the Senate take it up? I do not think the work will be lost, but we ought to be allowed to know what amendments the other House has added to the bill.

If the bill is taken up to-day, as the conference report has just been brought in, I presume there is not a single Senator who has had time to examine it. I would suggest to the Senator, in perfect good faith, that he allow the matter to go over until to-morrow, and then call it up. Probably most of us will agree to it.

Mr. HEYBURN. Mr. President, it has occurred to me that perhaps to-morrow would be absorbed with other business. I understand a number of eulogies have been appointed to be delivered to-morrow—nine of them, I believe—and it has been suggested that perhaps we might take a recess, which would include to-morrow. The legislative business is pressing. We have a great deal of business to transact between now and the end of this Congress. This zeal for investigation of this measure has come so suddenly and at so late a day that I am impelled to inquire why it might not have inspired about two years ago those who are inspired with it to-day.

Mr. CLAY. Will the Senator permit me to say a word?

Mr. HEYBURN. Yes.

Mr. CLAY. This conference report has just been brought in, as I understand, and I only want an opportunity to examine the amendments—not the entire bill, but simply the amendments—which the House has placed on the bill.

Mr. HEYBURN. That would not take very long.

Mr. BACON. I would suggest that an opportunity ought to be afforded us to ascertain not only how the House amendments affect the bill, but how they will affect the existing law.

Mr. HEYBURN subsequently said: I ask that an order be made for printing the conference report on the penal code bill (S. Doc. No. 741) which was presented to the Senate this morning.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. TELLER. Mr. President, at this late hour of the session I feel like making something of an apology to the Senate for taking any time in speaking on a question that has been much discussed here before; but it is a subject of such great importance to the people of the western country, which I in part, at least, represent, that I feel in duty bound to make some remarks on it, especially as I have, as I think, much knowledge of the unfortunate administration of public affairs in respect thereto. I shall be as brief as possible. I am willing that any Senator shall ask me a question, but I shall object to anyone's making a speech in my time. I shall be as courteous as I think I ought to be. We have got into the habit of interrupting Senators who are proceeding to make speeches to such an extent that I can not consent to it.

Mr. President, two years ago last June we had in Colorado what was called a "public land convention." It was a convention such as I had never before known. It was convened under an act of the legislature of Colorado authorizing the governor to call such a convention. It was a delegate convention. There was a provision in the law authorizing the governor to take part in its proceedings. The convention met and the senior Senator from Montana [Mr. CARTER] was the temporary chairman. I intended to read a portion of his address on that occasion, but I am going to ask that it may be printed in the RECORD as a part of my remarks, and I will not detain the Senate by reading it.

The PRESIDING OFFICER (Mr. DICK in the chair). Without objection, permission is granted.

The matter referred to is as follows:

Senator CARTER. Mr. Chairman, governor of Colorado, and gentlemen of the convention, you have conferred a great honor upon me in the choice you have just made. I use these words in more than a conventional sense, because I believe that this gathering is destined to become historic in the annals of this great western country. The earnestness which has impelled men to come here from points thousands of miles distant, to sacrifice time and substance during the busiest season of the year, indicates a widespread interest and a settled determination to reach a wise conclusion upon pending questions. Our Government, in every important crisis in its history, has been advised, counseled, and supported by such meetings as this, composed of the citizenship of the country assembling, without price or hope of reward, but purely in response to patriotic impulse. [Applause.]

From the old town meeting in New England we draw the germ of the great American public meeting. In all parts of our country these meetings are common, and as questions grow in magnitude and importance representation extends over broader areas and excites more intense interest. As we stand here to-day, about to enter upon the work for which the convention was called together, we might, with some degree of profit, the better comprehend the significance of our meeting by banishing the care of the day and referring briefly to a few things that have been accomplished in this great western country. I say now what will be conceded here and not controverted anywhere, that within the last fifty years the most marvelous development known to this world's history has occurred in the public-land States of this Union. [Applause.] From the summit of the Allegheny Mountains to the shores of the Pacific, in every section and in every State, this remarkable development has not only been a benediction to the participants, but has become the marvel of the whole civilized world. In waste places great States have sprung up, and in places which a few years ago knew only the wigwam and the war whoop we have to-day the sun of industry and the sun of benediction arising from peaceful, happy, comfortable, and contented homes. [Applause.] Great arteries of commerce have been spread across the mountains and the rivers and the plains. Many mining industries have been developed. [Applause.] Gold and silver and copper and lead and iron have been thrown into the channels of the world's commerce as never before in the development of any new country. Broad and fertile acres are yielding their teeming harvests to-day in a country which Daniel Webster, in 1848, pronounced only the legitimate and permanent home of the cactus and the jack rabbit.

It is needless to attempt to go over the details of this wonderful development; it would carry us through the day and into the night. The story is a symposium of human achievement and endeavor unmatched in the annals of history. [Applause.] To-day, as we meet here, every artery of trade is full to repletion. The great transportation lines, whether by water or by rail, are surcharged with the products of the country proceeding to the markets of the world. The schoolhouse is supported everywhere; the churches, the academies, the colleges, and the universities bear witness to the comprehension of these people for the good influences and the noble ideals of a high civilization. This transformation of swamp and mountain and desert and plain into a matchless abiding place for men has occurred under the most beneficial and beneficent system of public-land laws ever placed upon the statute books of any nation in the world. [Applause.] These laws are familiar to you; their administration is a part of the country's history. Millions, yea, billions, of dollars' worth of property have passed from government ownership to individual ownership under the operation of these laws; and yet, strange to say, the percentage of fraud and evasion of law, in proportion to the volume of the business, is infinitesmal in connection with the history of the administration of public-land laws when brought into comparison with any other line of business. [Applause.] At the same time frauds have occurred, and frauds will occur. The utmost scrutiny and the most tireless vigilance will not be able or sufficient at any time to entirely exclude from any human operations some element of insincerity, deceit, or evil purpose; but, in the main, I reiterate the statement that the land laws under which this great magical transformation has occurred have been honestly administered, have been honestly regarded by the people, and stand to-day, in the light of the century, justified by the theory of the Scriptures, "By their fruits shall ye know them." [Applause.]

The operation has not been complex. First in all the countries came the pioneer settler, pushing out far from markets to the remote frontier. Transportation forbade the attempt to produce anything for market except that which could be transferred thereto in well-concentrated form. Consequently beef, which would go part way to the market on foot, and mutton, and the things that could be concentrated into small shipments or easily portable, constituted, as a rule, the chief source of income for the settlers out on the firing line of civilization as it pushed forward. Then came the settler, and gradually this stock interest was crowded across the Mississippi River to the plains of Iowa and Kansas and Nebraska; gradually it assisted in pushing the Indian back, blazing the trail, and paving the way for settlement, and then the settler moved a little farther west, and thus the settler has been pushing the large range man until he has to-day pushed him up against the Rocky Mountains, with his back thereto, and every wise man and every man of reasonable observation in this country has concluded that the day of the great open range, of stock interests caring not for winter's losses, is a thing substantially of the silent past. The time has arrived when the individual who seeks to keep stock on the public range in the summer must, of necessity, make provision for their care in the winter. This may not be true in all cases, but it ought to be true in all cases, because I tell you, gentlemen, that as a matter of common humanity I question any man's right to send stock out to starve to death on the public range. [Applause.]

Now, after in the neighborhood of fifty years of trial, in a season of unexampled prosperity, when the country is being rapidly settled up, when the last day of the great stock herder has about arrived, some men, honest as the day is long—not in the West to any extent, but men who have reached, by theorizing, certain conclusions—believe that we have been working on the wrong tack; that this development which has occurred would have been a better development if certain additions to the land laws had been prescribed in the beginning. But they proceed upon the theory that it is never too late to do better, and therefore there will come before this convention for consideration the question of whether the lands of the United States in the open common in the respective States shall be made a source of profit to the Federal Government by requiring the people whose stock ranges thereon to take out permits for the privilege or whether the system of leasing will be employed. From the beginning this open common has been the people's common. This convention will be called upon to determine whether, in the light of all our experience and in the presence of existing conditions, it is better to change the policy of the last half or three-quarters of a century and begin the leasing or the permit system with reference to the public grazing lands.

Another question of more than passing moment must be considered in that relation, and that involves a question of law.

Where a military reservation exists in a State, or where the Federal Government desires to erect a building for its public purposes, the State cedes jurisdiction to the United States over the military reservation or the public-building site. Only by the cession can the Federal Government obtain such jurisdiction. As to the public lands in the open common, the Federal Government, as a landowner, has just as strong a right, and no stronger, than any private individual. [Applause.] A private individual owning land out on the hills here anywhere may fence that land and rent it out, or he may rent it out to some one else to be fenced; but if that constitutes a part of the public range, and he engages in the work of driving stock off their accustomed range, he is subject to the pains and penalties of the state law, and the question is, Can he defend himself by saying he is an employee of the United States and therefore not amenable to the local jurisdiction? That is a legal question which will come up in this connection.

Now, I understand that the question has been avoided up to this time; but it is needless to establish any policy upon evasion or avoidance. [Applause.] Without venturing any opinion upon the legal question involved or, from this platform, any opinion with reference to the wisdom or unwisdom of taking permits or taking leases, it will be a matter for this convention to determine—the position to be taken by the representatives of the States here assembled upon these and other equally important questions.

We have with us representatives of the Federal Government having to do with the administration of the laws; we have with us representatives of the Federal Government who hold deep-seated and strong convictions upon these public-land questions. I for one, and I think you all, heartily greet a man of convictions, whatever his convictions may be. I like to meet him. We are here for the fullest and freest

possible expression of opinion. It is by the honest, candid, and fearless statement of a man's convictions, whatsoever they may be, that the truth is finally evolved from a discussion. It is a great pleasure for me to be able in your presence to disabuse the minds of the members of this convention, and of such of the public as may take note with interest of the suggestion made some time ago and rather widely scattered, that it was the purpose of the President of the United States to send to this convention a sufficient number of officers to herd it and control its actions, which is without any foundation in fact whatever. Some ten days ago I called upon the President and had an open, free, and plain talk with him in the presence of his distinguished Secretary of the Interior and Commissioner of the General Land Office. Then and there the President, the Secretary, and the commissioner said they held this convention in great respect, and that these officers would come here not as the proposed dictators or masters of this convention, but as the selected servants of the people, to obtain information and give such information as they have. [Applause.]

There are some of us here who will be called upon in the National Congress to deal with these questions later. Whether we represent States or districts, we will profit by what we say and by what we do on this occasion. Let every man speak freely; let him speak fearlessly. I heard this morning of a man who said he did not want to be put upon a committee because he had stock running on a forest reservation, and if he took a position adverse to that of the forestry interests his stock would be put off.

A DELEGATE. That is true.

Senator CARTER. Well, now, I know that I speak for Mr. Pinchot when I say this—that if the people of the country have any complaints to make along these lines, this is the time to present them. [Applause and cheers.] I never want to live to see the day when an American citizen is abridged in any right he possesses because he honestly expresses his views on public affairs. [Applause.] I do not believe that there is aught in that suggestion, and yet the gentlemen around me say it is true. Let me tell you how far and how it may be true. Here and there a superserviceable agent, a forest ranger, or some one trying to assist and not knowing how, will tell the delegate that "You had better go down there and be good." That forest supervisor is your servant. You pay him. It is your Government that employs him. He has no power save what he obtains through the law, and he is just as clearly amenable to the law as the humblest citizen of the country. I thought that in view of these suggestions it behooved me here and now to prick that bubble, to explode this bugaboo under which men feel that they dare not say just what they think. Let us have this a free, open experience meeting. I am sure that Mr. Pinchot will, from this platform, tell you to report the name of any man who has used any threat or means of coercion whatever, and that that man will be dismissed from the service of the United States, as he ought to be.

Mr. PINCHOT. Right you are.

Senator CARTER. Now, we have reached an understanding on that point, and I want to say to my friend, whoever he is—I have forgotten his name, and I don't know that I ever heard it, as a matter of fact—that he can go on the committee if his delegation will put him there.

Passing that, which I throw out as a guaranty of the right of free discussion here, we owe it to the convention, we owe it to the people represented here, as your worthy governor so aptly suggested, that we exclude absolutely and without any sort of equivocation or evasion, partisan politics from the deliberations of this convention. [Great applause.] The President of the United States, my personal friend and your friend, the friend of every honest man in this country [applause], has his convictions about these questions, and I wish he were here, because he would add to the interest of the convention and contribute much to the wisdom of the discourse.

I was very much gratified to observe in the Jamestown speech made by the President recently that his chief adviser on public-land laws and questions was Mr. Pinchot, and we have the good fortune to have Mr. Pinchot with us to-day, so that since we can not have the advised we have the adviser. [Laughter and great applause.] Mr. Pinchot is a man of honest, deep, and abiding convictions. He looks to the welfare of this western country, and from his view point it would prosper more and prosper faster if his views were adopted. Now, you men of experience, you men who have battled with the frosts and the winds and the floods and the trials and the troubles of this frontier for a generation, can cross-examine Mr. Pinchot concerning his views. I am sure he will enjoy it, and he will not lose his temper; and if you will put the questions fast and furious, as I know you will, we will have a mighty good time here during this convention.

Having reached a somewhat brief outline of the subjects to be considered, and the basis upon which the discussion is to be conducted, having reached an understanding as to where the Senators and Representatives in Congress here present stand in this convention—to gain information, to gain wisdom, to equip themselves the better to discharge their duties—having reached the understanding that the executive officers of the Government, with the distinguished Secretary of the Interior at their head, are here to aid and assist in this work, and that free and open discussion is the order of the hour, we reach this final conclusion—and mark well what I say: Whatsoever this convention may determine after due deliberation to be wise and patriotic and expedient will be crystallized into law, if you direct new law, and will be petrified into inaction if you direct inaction. This is a Government of the people, not in rounded phrase or platitude, but in truth and in fact. The people of the East have confidence in the men of the West. The men who cast their lot with a State and elect to live there are the proper persons to control the destiny of that State. [Applause.] When a man does not think enough of Colorado to come here and live, he has no right to a voice in the conduct of your municipal affairs. [Applause.]

But these propositions will be discussed further. I thank you most heartily for your patient and respectful consideration, and announce, as the next order of business, the selection of a temporary secretary. What is the pleasure of the convention in that regard?

Mr. TELLER. Mr. President, I also ask permission to have printed as a part of my remarks an extract from a speech made by the Senator from Wyoming [Mr. CLARK] before the same convention.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

Senator CLARK. Now, having control of what might be an immense fund, having control of a magnificent commonwealth of land, it was magnificent to make some showing as to the value of that land, as to the funds that might reasonably be expected to arise from its administration; so the honorable Forester proceeds to capitalize the proposition. And this is from the record presented by Senator FLINT, of California, who was at that time presenting in a favorable manner the needs and the wants and purposes of the Forestry Bureau. So I say I can assume, I think, and that it will not be a violent assumption, that this tabulation was made by that bureau.

The report reads:

PRESENT CAPITALIZED VALUE OF THE FOREST RESERVES (127,078,658 ACRES, NOVEMBER 27, 1906).

1. Stumpage value of 330,000,000 feet of timber, at $2 per M	$660,000,000
2. 110,000,000 acres, capable of producing commercial forest, at $1 per acre	110,000,000
3. 110,000,000 acres of range for grazing live stock, at 1½ cents per acre (capitalized at 5 per cent)	30,000,000
4. 83,000,000 acre-feet of water for irrigation purposes, at 10 cents per acre-foot (capitalized at 5 per cent)	166,000,000
5. 3,000,000 horsepower, capable of being developed from water in reserves, at $10 per horsepower (capitalized at 5 per cent)	600,000,000
6. Estimated value of occupancy and use of reserve land, products, and resources additional to the above	5,000,000
7. Permanent improvements now on the reserves (roads, trails, cabins, telephones, etc.)	5,000,000
Total	1,576,000,000
Less 10 per cent for private holdings	157,600,000
	1,418,400,000

If that first item does not mean that there is a commercial asset that could be capitalized and pay 5 per cent on the investment, what under heaven's name does it mean?

Now, in view of the statement that has been made here to-day and at other times during this convention, that there never had been a purpose to interfere with or to sell the irrigating waters from these forest reserves, I want to read to you the fourth part of this estimate:

"Fourth. Eighty-three million acre-feet of water for irrigation purposes, at 10 cents per acre-foot, capitalized at 5 per cent, $166,000,000."

What does the Forestry Service capitalize it for unless they wish to derive revenue from it? Did the Forestry Service when they presented that report to Congress have the intention they express now—to impound the irrigating waters of these sovereign States that occur upon these forest reservations?

Now, we will go a little further:

"Three billion horsepower, capable of being developed from water in reserves, at $10 per horsepower, capitalized at 5 per cent, $600,000,000."

And they are right at your doors, and mine.

Mr. TELLER. Mr. President, on yesterday the senior Senator from Minnesota [Mr. NELSON] made a statement which I tried to interrupt. He was not, however, willing to hear me, and I suggested that if the Senator would keep within the record I would not need to interrupt him. He proceeded immediately to tell the Senate that he had been in Montana, and that he had seen in that State hills which had been stripped and denuded by men who had committed crimes against the Government of the United States.

I think I have some knowledge of the law on this subject. I myself drafted the act of 1878 and procured its passage through this body. That was an act which allowed the people of the West to do what they had been doing for a great many years without any law, namely, to cut timber on the public domain for the use of the mining camps of the country. I want to say to the Senator from Minnesota—he is not here, but possibly he may hear of it in some way—that every stick of timber on the hills at Butte was cut under the provisions of that law.

There are hills in the neighborhood from which I come where the timber has been cut off and the stumps have been dug up for fuel. I speak of that now, because we are told repeatedly that we have been wasting the timber on the public lands.

I am one of the men in the Senate—there are a few others—who know what it costs to open up a new State. In 1861 I went to Colorado, and I have made it my home ever since. When I went there, I suppose there were probably not more than 25,000 white people in the Territory. It was a Territory organized by an act of Congress in February, 1861, but the territorial government was not put into operation until the fall of 1861. I found there practically nothing but a mining population, because agriculture had not begun. Most of the people had been there but two or three years, the first settlement having been made in 1858, and the first important settlement in the spring of 1859. I presume I should not exaggerate if I should say that every nation on the face of the earth was represented in that population, although the great mass were American citizens. They were without any organized government, without any national authority, but, impelled by the instincts of the Anglo-Saxon race, they had organized themselves into communities and established what they called "mining districts." The mining districts contained perhaps from two or three hundred each to two or three thousand people. They organized; they chose judges; they elected presidents of the districts; and sometimes, though rarely, a board. They enacted laws, just as the old Greeks enacted them, in a general assembly.

They put those laws in force and obeyed them with as much loyalty as the people of any part of the United States obey their national or state laws. While the laws were made in mass

meeting, they were adapted to the condition of the country at the time, and subsequently, as the Senator from Idaho [Mr. BORAH] suggests, they were adopted, or at least recognized, by act of Congress.

In the fall of 1861 the Territory of Colorado was organized. A legislature was elected and we had a governor, who was sent from Washington. The legislature adopted the laws which the people had previously made and the decisions rendered thereunder. We were there without any authority at all under statutory law. There had been no act authorizing mining on the public lands; there had been no law, up to that time, authorizing the cutting of timber on the public lands. Until 1866 Congress, knowing what we were doing, never attempted to interfere with us, but in that year provided for the acquiring of titles to mining land and for the protection of the water rights of those who had appropriated water.

We established laws which had been adopted, I presume, a thousand years before in adjoining territory. I have no doubt that many of the laws enacted by the legislature of New Mexico were the laws that the Spaniards found in existence when they went there in 1540; and I have not the slightest doubt that the laws then in existence had been in operation in that country for a thousand years, for there is plenty of evidence that a semicivilization had existed for that length of time.

It is not easy for me to hear the law-abiding people who went out there and made their homes charged with offenses against the law; charged, because they have been cutting timber and building homes and schoolhouses and churches, with being violators of the law. Not a church was built in the State of Colorado, nor a schoolhouse, that was not built with timber cut on the public land; and that, too, without government permission. We got permission in 1866 to make title to certain lands, but for several years after I went to the Territory a man could not take an acre of the public lands under any law that was in force in the Territory of Colorado, because there were no land offices where entries could be made. The people who wanted to cultivate farms took them on the public land as best they could. The legislature, when it met, passed a law which was but a reenactment of what the people had enacted in the summer of 1861—for that was the commencement of agriculture in Colorado—that a man who wanted to take a piece of land should file his claim in the recorder's office of the State, and should have a right to hold it until somebody showed a better title than his occupation.

In 1876 I came into this body. In 1878 I influenced the passage of an act that is now in force, not recognized, I know, by the department at times, disobeyed by government officials and disregarded; but, Mr. President, it is a part of the law of this land and has never been repealed. I am going to read that law. To do so will take only a moment. I want to put in the RECORD the fact that the men who swept those hills bare of timber returned to the Government of the United States many dollars more than the timber was worth, that they were not robbers of the public wealth, but were acting in accordance with the statute that authorized this to be done. This act was approved June 3, 1878. It provides:

> That all citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes: *Provided*, The provisions of this act shall not extend to railroad corporations.

This extract contains all I need to read. It is the gist of the act. When I went to Colorado, I went into a mining camp. The hills were covered with green timber. It was the only camp in the State that was producing anything of real value, or, at least, it was the most important camp. The people there did denude the hills of timber; they built a town; they built several churches; and they built them with timber cut from the public land. They burned up timber in their mills in reducing the quartz; they shored their mines with the timber, for without it they could have no mines below the surface at all. As I have said, they did that for many years without interference on the part of the United States, before 1878, when the Government recognized their right to cut timber on the public lands, and it has recognized it ever since.

We hear much of the destruction of the public timber. I want to say here and now—and I can make the assertion good in any place in the world—that there has been no willful destruction of timber in the State of Colorado. The people of Colorado have been more concerned for the preservation of the timber than those outside of the State could possibly be. As I said a little while ago, so scarce became timber in my neighborhood that the very stumps were dug up and used for domestic and milling purposes.

I want to say a word or two about the people who cut off this timber. The Senator from Minnesota seemed to think that they were the lordly barons and the great mining companies. Fortunately, in the camp of which I speak there were no lordly miners. They were the common American farmer, the common American farmer's son, and the common American mechanic who had gone out there. Many of them did not at first know how to mine, but they learned, and they became the best miners in the country. The wood was cut, not by corporations, but by individuals. A man who had a team, perhaps of two horses or two mules or two yoke of oxen, would go out on the public domain and cut timber and haul it into town.

Sometimes those more provident cut timber and piled it up, because it was more valuable when it was dry than when green. I have seen these men day after day hauling their wood into town and selling it to the mining men and for domestic use in the town. They did not think, and I did not think then, and I do not think now, that they were committing a crime against the Government. I did not think they were depredators. I knew they were not. I knew that the timber they cut was for some useful purpose. Common pine wood in that camp sold as high as $12 a cord. And why should it not? We had no agriculture in the country. We had on the plains a few places where grass could be cut. That grass sold in Central City, the camp of which I am speaking, at from $50 to $200 a ton, and there was not enough grass on those hills to keep the mules and horses and cattle which were hauling in the timber, so that the men selling timber to the miners and mill men had to buy feed for their stock.

Mr. President, we have made some return for this depredation on the timber. We have built up a civilization not inferior to any other civilization on the American Continent or on the face of the earth. These hardy miners and these few scattered ranchmen, when the legislature met, sent their representatives to it and enacted suitable and proper laws for the government of the people of that country and established a school system that has never been excelled in usefulness by any school system ever established on the American Continent. When they had nothing but the personal property upon which to levy taxes, they declared for a free-school law and for the building of schoolhouses, and that act is substantially what it was in 1861. We have built schoolhouses and churches, and no man in the State of Colorado has ever paid a dime for the education of his children in the public schools except what he paid in the general way of taxes. There never has been a race bill in the State, and the schools, as I said, have been open to black men and white men and red men alike. There has never been a segregation of any class of pupils—Chinamen, Japanese, negroes, Indians, or anybody else—and to-day the wildest Indian can walk into one of our schools if he so desires and become a student, and he is not required to pay a single sou for the privilege.

That could not have been done if Mr. Pinchot's system of managing the forests had existed. That country would still be the home of the coyote and the panther and the bear. Much as the Senator from Iowa, who sits before me, may consider the value of this system, I know that it is not adapted to an American population, and it would have prevented absolutely the settlement of that country, and that it would have been a hindrance to its development for many years since. And it is now destroying the prospects of the State for settlement in the future.

Colorado is essentially a mining State. Its principal value for many years was the product of the mines—gold and silver. To-day we produce agricultural products of greater aggregate value than are all our precious metals combined. The Senator from Minnesota [Mr. NELSON] yesterday grew very earnest about the conservation of all the water rights in the country. Nobody appreciates the value of the water rights more than the people of my State, and no people have a higher sense of the value of water than they, because without it practical agriculture is impossible.

But when we organized the State we declared that the water of the State—as the Supreme Court had for a hundred times declared—belonged to the State, and we declared that the State should take control of the water and nobody should get any title to the water of the State; and to-day no man living can get any title interest in the water. He can get the right to

transport it and use it, but it belongs to the State. It is not possible that there will ever be in the State of Colorado any monopoly of water. We do not need the assistance of Congress or the assistance of our sister States to protect our interests in our water.

The Senator yesterday spoke of the great expense the National Government has gone to in the Reclamation Service. It is several years since the reclamation-service act became a law. I do not remember exactly, but it must be six or seven years, and up to this hour the General Government has never put a drop of water upon a foot of Colorado land—not one single drop. There is not to-day, with all its expenditure, a canal or a ditch or a reservoir which is fit for use, and when any shall be fit for use, there will be charged against the landowner who uses it more than the land will be worth; in the outsettlements certainly more than it is worth.

In the last five years the farmers of Colorado have put under water 500,000 acres of what had been public domain, but which has since entered into private ownership, and the community lying right north of Denver have expended in five years not less than $2,000,000 on reservoirs alone.

Mr. President, we do not need the fostering and kindly hand of the National Government. We want its hand taken off. I have said on this floor, and I want to repeat it, that the forest reserves in Colorado have been an unmitigated curse, and not a blessing. There is more timber to-day being cut than ever was cut at any other time in the State's history. There are more sawmills running in the forest reserves than there were running in the same area before they were made forest reserves. There is more timber being sold from the forest reserves than was being sold there before they were made into forest reserves. They tell you that they pick out the ripe tree. They send people out there who do not know a pine from an oak. They send people there who, I venture to say, never knew the difference between a spruce and a fir, and they come out and tell us what we ought to do.

Mr. President, there is no prejudice against a forest reservation as a reservation. Our prejudice is against the assumption on the part of the people who represent the administration here that every man who wants to make a home on a forest reserve is an intruder and an invader.

The Senator from Idaho [Mr. HEYBURN] said the other day that all the forest reserves in his State were habitable. I do not mean to say that all of the land in forest reserves in Colorado is habitable, but I do mean to say that there are thousands and tens of thousands of acres withdrawn from public occupation and public use that would make good homes for American citizens. We have a climate unsurpassed, I believe, on the American Continent. Much of our country is south of the latitude of the capital here. The little valleys in the mountains are warm and comfortable in the winter. Cattle can live on the hills and get their living without any artificial feed, and the hills are susceptible of cultivation. We can raise potatoes in the Rocky Mountains at least 10,000 feet above the sea. I have seen a small farm with potatoes on it above the town of Central, and I know that the crop paid the farmer who planted them $10,000 in one year.

Land of that kind, capable of such production, makes a good home for an American who is willing to work. Under your law now, and under the regulations of this aristocratic bureau which is aping the conditions in Europe, lands that are susceptible of cultivation and occupation are withdrawn from public use. Not only that, but they have the audacity to say that water running through a reservation belongs to the reservation and the Government of the United States has control of it; and that, too, in face of the decisions of the Supreme Court of the United States. On that point there never has been an adverse report. The water in a State belongs to the State.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. DOLLIVER. Will the Senator permit a question?

Mr. TELLER. I will permit a question.

Mr. DOLLIVER. Is it not true that nearly 250,000 acres of agricultural lands within the forest reserves have been opened to homestead settlement within the past year, and that one of the reasons why the Forester desires more money is to multiply the number of these allotments and settlements, so that he may have within the reservation a large number of bona fide homestead settlers to form a part of the fire protection of the reserves?

Mr. TELLER. I have not looked to see how many acres there are; but if the Senator's figures are correct, they are not significant. Two hundred and fifty thousand acres are but an infinitesimal part of the great domain of the reserves. This I know, and I assert it here, and I am responsible to the people of my State and of the country for the assertion, that every effort has been made by the Department of Forestry to keep settlers off the reservations, and on every reservation you can find stuck up somewhere a notice where the settler may observe it, "This is a forest reserve; this is reserved from settlement;" and you can not to-day make a settlement in that country where you do not have to go to a forest ranger and get his permission. There have come to my own knowledge a number of cases in which a settler having gone into a forest reserve has made his application as he ought to do under the law and has been rejected because the forest people fought him in the Land Office, and they have moved him bodily off the land. I can substantiate this statement. I have complained of it to the department, and the officials there have said again and again and again that the rangers did not have the authority. I know the policy is not to permit settlement in a reservation, and few men will settle in a reservation. They can not have schools. They can not have churches. They can not have neighbors, and unless they know that other men are going there they are not going into a reservation, even if the good will on the part of the department, which I deny, wants to let them in.

Mr. DOLLIVER. But, if the Senator will permit me, the department in its estimates and in its requests before the committees of the two Houses is now begging Congress for more money——

Mr. TELLER. Oh, yes.

Mr. DOLLIVER. To enable it to double the number of homesteads over the past year.

Mr. TELLER. They do not pay any of this money for homesteads, and the Senator knows that.

Mr. DOLLIVER. On the contrary, more than 6,000 examinations were made last year.

Mr. TELLER. Oh, examinations!

Mr. DOLLIVER. Six thousand two hundred and forty-nine; and they want to multiply the number.

Mr. TELLER. I know they make the examinations, and I know that only few of the examinations are ever accepted.

Mr. DOLLIVER. Four thousand settlers actually were accepted last year.

Mr. TELLER. There would have been 25,000 if there had been the same open settlement that there was in 1885 and 1886 and 1887. What is true of my section of the country is true of others.

The pretense for this interference is a bald one; that they are encouraging settlement is untrue. Why should they encourage settlers inside of a forest reserve? Consistently, they could not do so. They make regulations, and any man who reads them must know they are intended to keep out the settler. Otherwise they would not have made them. You can not show me a line in any of their regulations that encourages settlement.

Mr. DOLLIVER. There is a line in the regulations giving homestead settlers the free use of the forests.

Mr. TELLER. Oh, Mr. President, they have said that they give the homesteader $20 worth of timber, or something like that. Heretofore the settler who went there had for his pasture all the United States land that was unoccupied and all the timber he wanted. That was the law from the very first. You settled Ohio and Indiana in that way; you settled every other portion in the United States in that way; and it is only within the last twenty years that you have denied to the American citizen the right to pasture his cattle and cut timber on the public land. You had no law to prevent the cutting of timber on public land in the State of Ohio. You had a law that prevented the shipping of timber, but it never was applied to the State of Ohio or the State of Indiana or the southern part of the State of Illinois, which was a timber country.

Mr. President, I would not be on this floor speaking now if the department had not filled the mails with misstatements of what it was doing and was willing to do—statements which the officials never could make good and did not and do not intend to make good. You have been devoting a great lot of money to making roads. It is the right of every State to make roads over the public lands, and it has been for the last fifty years. Judge McLean, of the Supreme Court of the United States, decided, in 1852, that the State had an unquestioned right to lay out its roads across the public lands. But in 1866, in the act to which I called attention, there was a distinct statement that the State might make roads on the public land.

The State of Colorado is able to make its own roads. It has asserted the right to make them, and the Forestry Service has denied to our State that right. Not long ago, perhaps a year or so, the district attorney of one of the western counties

of Colorado sent me a notice from the Forestry Department. They were building a road—not through the timber, for there was not a stick of timber that anybody knew of within several miles, but the land had been included in a forest reserve. It was a prairie. They had been notified by the forest rangers that they must give a bond that they would not disturb the forest reserve.

The commissioners gave a county bond. Then they got a letter from the department saying that that was not sufficient; that they must give an individual bond. He sent it to me, and asked, "What shall we do?" I said, "Go on and build your road; the State has a right to build it under the law." The Supreme Court of the United States had so said; Judge McCreary had so said; Judge McLean had so said; and the statutes had so declared. It was not necessary that there should be a statute of that kind. The right to make roads and highways is a part of the sovereignty of the State. They built the road without any further conflict with the Government, and it is in public use.

Here is a frequent occurrence. I see it very often. A man living near a reservation, not on it, had about 25 or 30 horses which he desired to drive to some other section of the country, and he drove them across the forest reserve without stopping them on a public highway, and the forest authorities had him arrested, because the regulations declared that he should not drive any stock across without their consent.

That man happened to be a meek soul. He did not want trouble, and perhaps wanted some favor from the forest ranger in the way of allowing his cattle to graze on the range, so he paid the $25 penalty. I do not know where the money went. I do not know whether that is a part of the fund the friends of this measure are talking about which is to make this scheme of yours profitable. I presume it is true that the Government collected $1,800,000 last year out of the forest reserves. From whom did they collect? It was a tax upon the mining industry or upon the cattle industry. In my State it was mostly derived from selling timber to miners, for they do not sell much lumber in Colorado. We buy our lumber in Washington, Oregon, and Texas, and occasionally some in Georgia; but we must have timber in the mines, and we are at the mercy of the ranger and pay whatever he says. We must where we have not a piece of timber outside of the reservation.

Mr. President, any mining man knows you must have braces in your mine; you must have what they call "lagging" to protect the miner from what may fall from above; and when they say to you that they sell only the ripe timber, I want to say I know better. I know they cut timber that is not more than 4 inches through and sell it to the miners.

I am not complaining that they sell it, because the miner could not well work without it. I am complaining that they do not tell the truth when they say they confine their cutting to ripe timber.

Mr. President, a year ago last fall Mr. Pinchot came before a committee of which I am a member, and I put to him a question: "How much of the public land that you have reserved is prairie land without timber?" He said he could not say exactly how much. I said, "Is not one-third of it, at least, without timber?" He replied that he thought probably it was, but he said he proposed to raise timber on that one-third.

Mr. President, they have been raising timber ever since this system was adopted. Yet I can find a hundred farms in Colorado that have more timber on them that the farmer has raised than has ever been planted by this service in the State of Colorado. They did start a farm up near Pikes Peak, 10,000 feet above the sea, and there they were going to have an experimental farm to raise pine and spruce. Every tree they put out died, and last year I believe they abandoned the experiment.

I addressed a letter to the head of the bureau to find out where his plantations of trees were. I have never gotten an answer to it, and I never will. They have not got them, Mr. President. People talk arout raising pine or spruce in a generation. It can not be done. It takes ages to do it. In 1859 there was burned over a section of country with which I am perfectly familiar, having lived near it for fifteen years.

The timber fell down ultimately, and was drawn into the mining camp and used. After three or four years young trees began to come up, and although it is now almost fifty years since the fire, there is not a stick in it, I suppose, big enough to make a lagging pole—a lagging pole probably about 6 inches through—from 4 to 6.

Mr. President, I know, because I went to look at this very piece of ground last year when I was at home. I know that in fifty years it has made nothing but a green shade. There is no tree, I will venture to say, 50 feet high in the whole lot. If any man going from Denver to Central City will look out, he will see on the side of the hill the trees that I have seen there since 1860. They are not taller than an ordinary man to-day.

You can raise some kind of trees in Colorado. You can raise cottonwood trees, and you can get a big tree in twenty or twenty-five years, but what is the value of it? It is not good for anything. The effort has not been made to raise cottonwood trees, but to raise pine and spruce and what we sometimes call "hemlock," but which is a species of spruce.

Mr. President, I do not care to prolong this debate unreasonably. I simply wish to close by referring to the people of the western country, and particularly of my State, composed as they are of the best element of American society. There are thousands and thousands from the State in which I was born and educated, the State of New York, and New England is well represented in Colorado. It is that class of people who have made the State great and strong. We have produced silver and gold since the State was organized to the value of more than $2,000,000,000. But what is better, Mr. President, we have built up a civilization and established a class of citizens who are as good as those in any portion of the world. I have said again and again, and I want to repeat it here before I leave the Senate, I will guarantee that in the city of Denver, with its 200,000 people, you will find more college men and college women than you can find in any eastern city of the same population. They are not wild men of the West or of the plains; they are cultivated, educated people. There are more alumni of more colleges in Denver than in any other city of the size in the United States. All the great institutions are represented by their graduates and by their professors. We have in the confines of the State two as good colleges as can be boasted of on the American Continent. They are not as old, but they are as good. We have a school of mines that can not be beaten in the world, and we have sent out graduates who have covered the earth with their efforts, and everywhere they have gone, to Africa, to Mexico, Central America, and to South America, they have been a success.

Mr. President, what I say of Colorado I will say of Idaho, younger in years; I will say of Montana, also younger in years. They have not had the same number of years in which to do the work that we have done, and yet they are doing the same identical work. I do not think the sacrifice of trees for useful purposes can be set against the advance of our civilization. I would rather have an American home, with an American family, than to have a forest as big as all out of doors. I believe that the natural wealth of this country belongs to the people who go and subdue it. I do not believe that there is either a moral or any other claim upon me to postpone the use of what nature has given me, so that the next generation or generations yet unborn may have an opportunity to get what I myself ought to get.

We have had a congress assembled to conserve the great wealth of this country. I want to say a word or two about that congress. They published the other day a statement that in a few years all the coal would be gone and that in a few years all the timber would be gone, and then they wondered what we were going to do for a living. Mr. President, there is coal enough in Colorado to supply the world for the next one hundred and fifty or two hundred years. Nobody knows how much there is there yet, but we do know there is enough for that length of time. I believe in the State of Wyoming somebody made a calculation that at the rate the coal there was being mined it would taken two thousand five hundred years to exhaust the coal of that State.

Now, sir, this forest-reserve business is so closely connected with the public land that it is very difficult to discuss one without discussing the other.

Mr. BAILEY. If the Senator will allow me, I have seen a statement that the Government of the United States is operating sawmills and selling lumber in the State of Colorado. I should like to ask the Senator from that State if he knows whether that is true.

Mr. TELLER. I think the Government operates the sawmills in this way: They give a man permission to go and cut the timber, and he turns over to them a part of the lumber, and then they sell it to any one who will buy. That, I think, the department will not deny. I am not certain that they actually run a sawmill. I know they take charge of the sawmills and direct how they shall be run, but I do not know that they own them.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly.

Mr. WARREN. I am without exact information on that point. I know of no such proceeding, and I should be glad to have the Senator state, if he knows, where we would find that information, if such exists.

Mr. TELLER. What information?

Mr. WARREN. That the Government is selling lumber; that is to say, sawed lumber?

Mr. TELLER. I do not know that they sell the lumber if the man is able to pay for it; but I know if he is not they take the lumber sometimes instead of the money for the timber.

Mr. WARREN. I understand they are continually selling stumpage.

Mr. TELLER. They are continually selling timber; round timber, poles, logs, and braces for mines—that they certainly are selling. I have been buying it of them myself.

Mr. WARREN. The Senator is not certain about the matter of running sawmills or selling timber?

Mr. TELLER. I do not know that they absolutely run sawmills.

Mr. SMOOT. I do not want to interfere with the Senator at all; but the regulations require and the department always requires that timber sold by the Government must be paid in cash in advance, and the Government never does take lumber as payment for stumpage.

Mr. BAILEY. When the Senator says the Government as now administered never does anything, he makes a very broad and a rather dangerous assertion.

Mr. SMOOT. I am perfectly willing to stand on the statement I have made in relation to the sale of timber anywhere in the United States.

Mr. BAILEY. In other words, they sell it by wholesale and not by retail. That is some abatement of the nuisance, I will grant you; but to see the Government of the United States in the business of selling anything, and still the Government of the United States trying to extend the area in which they are to produce this thing which they are constantly selling, seems to me an approach toward socialism that is not exactly satisfactory to me.

Mr. SMOOT. I do not want to interrupt the Senator from Colorado further, because he told me he would rather have his speech go along regularly without interruption.

Mr. TELLER. Mr. President, I know it is not very pleasant to complain, and yet I think it is my duty to complain. Colorado has about 66,000,000 acres of land. A good deal of it is mountain land. A good deal of it has very little value except to hold the rest of the country together, I guess. [Laughter.] But I will venture to say that a majority of the land inside of a forest reserve would be the private property of a citizen of the State of Colorado if it had not been taken for forestry purposes. Perhaps it would not now be, but in due time it would have been the property of a citizen of the State and subject to taxation. It is not worth while for them to include in forest reserves the bare tops of the mountains. I do not think they always do so. Perhaps they do, but they have 16,000,000 acres in round numbers now in various reserves in the State. That is more than one-fourth of the State withdrawn from taxation, and all possible taxation in the future.

When the State was admitted we put in a provision, because the Government demanded it, that we would not interfere with the sale of the public lands and we would not tax the public lands. What was the policy of the Government then? The Supreme Court had said, and said on several occasions, the Government of the United States held this land not as a sovereign but as a proprietor. It has repeated it over and over again, and no good lawyer will deny it. No good lawyer will claim for a moment that the Government by its sovereignty holds an acre of land. It holds it as the proprietor and with the same obligations of any other proprietor. Judge Sawyer, of the ninth circuit, and Judge Fields, then of the ninth circuit and afterwards of the Supreme Bench, declared over and over again that but for that stipulation in the California constitution they would have taxed the land of the State.

In the case of Woodruff *v.* North Bloomfield Gravel Mining Company (18 Fed. Rep., p. 772) I find the following:

> Upon the cession of California by Mexico, the sovereignty and the proprietorship of all the lands within its borders, in which no private interest had vested, passed to the United States. Upon the admission of California into the Union, upon an equal footing with the original States, the sovereignty for all internal municipal purposes, and for all purposes except such purposes and with such powers as are expressly conferred upon the National Government by the Constitution of the United States, passed to the State of California. Thenceforth, the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land. They could authorize no invasion of private property, either to enable their grantees to mine the lands purchased by them of the Government, or otherwise.

Mr. President, we were entitled to suppose that that land would become the property of private individuals and pay taxes. Land that ought to be in private ownership has been taken out of the possibility of paying taxes.

What is more, the Government of the United States gave us when we became a State two sections in every township, 16 and 36, for school purposes. In the State of Colorado we practically own those sections to-day. They have been made by this forest system absolutely valueless. You could not sell one of them inside of a forest reserve for 5 cents an acre, unless it be to somebody who could take off the timber. We deny the right of a State to either control the timber or the land inside of a forest reserve.

Mr. President, that is a hardship upon the State; it is an invasion of the rights of the State; and the time will come when either they will have to pay taxes on these forest reserves or they will have to open them to the settlement laws of the country.

In 1873 we passed a law here which provided that any man who would go on land returned as coal land might take a quarter section of the land by complying with the law and paying $10 an acre, if it was a certain distance from the railroad, and $20 an acre if it was 10 miles nearer. That law has been suspended by the President of the United States. It has been set aside. You can not buy an acre of coal land in the State of Colorado for less than $25 an acre, no matter how far it is from a railroad, and some of the land is, I am told, held at $100 and $150 an acre, notwithstanding the law. What right have they to do that, Mr. President? What right has the President to reserve from the operation of law these great bodies of land that would enter into private ownership?

They tell you that all the coal lands will be appropriated. The President, in a message, declared to us that the agricultural land was largely being held by big corporations and companies, or words to that effect.

The last census shows that the farms of this country are not as big as they were in 1850. Anybody who will take the Statistical Abstract and study it will find that there has been a great deal of reduction of the acreage of farms since 1850. There have been some exceptions, but the average in the United States is very large.

Colorado has farms which, perhaps, are a little larger than those of some of the Eastern States. Idaho and Wyoming have large farms, growing out of the fact that great railroad grants were made in the western country and the grants were sold largely to people who wanted large tracts of land.

I have here a little memorandum of some things I made that I want to put in in connection with my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. TELLER. I have also the statistics relating to the production of gold and silver and the production of coal.

I saw in the remarkable statement that was sent out by the congress for the conservation of the great natural interests that a very large percentage of the coal being mined now was being lost. That simply is a fiction. Why should a man mining coal waste it? He must have a market for it. He mines it for the market and he gets a market. You might just as well say that a large amount of gold and silver is wasted.

Now, Mr. President, I want to call attention to the fact that the State of Colorado alone has produced in the last six years $151,733,600 in gold and $51,018,624 of silver at its commercial value—not its mining value, but at its commercial value. That makes an output of the precious metals of $202,752,224. This production can not be accomplished without some destruction of forests and of coal. But would you close up the mines of Colorado? This is not a question which interests alone the State of Colorado.

There are 700,000 people in the State now, and they are the greatest consumers per capita, probably, of the continent. I do not suppose there is another 700,000 of population anywhere that consumes per capita as much as the people of Colorado, simply because we have been out in that country where everything was high, and when prices fell they felt that they could indulge not in simple necessities, but in luxuries. I saw for years in that country 150 pounds of flour sold for $30 in cash. I saw 100 pounds sold for $80, not once or twice, but for months and months and years. When flour fell, when things got cheaper, they indulged in those things as they would not, perhaps, have done when they were so very high. But it is a well-known fact that a miner, and especially a precious-metal miner,

is the most extravagant person in the whole country everywhere. He spends more money than any other person, because he gets more in proportion for his labor.

We are also a coal-mining country. There are some large coal mines in Colorado, but there are thousands and thousands and tens of thousands of acres of just as good coal still lying in the ground ready to be developed whenever the Government will take its hand off and let it be sold as the law requires. No man is going to pay $50 an acre for coal land if he can avoid doing so. This new system of selling coal land in Colorado has prevented any ordinary man from buying a piece of coal land. When he could buy it at $10 an acre or $16 he would buy it. When he had to pay $25 or $50, he would not buy it because he could not.

Mr. President, I want to insert with my remarks, as an appendix to it, a statement of the lumber production. I could not make it in detail, but if anybody wants to know about the lumber business and will look at the Statistical Abstract, under the head of "Lumber production," he will see that there is a large production of lumber; and yet I challenge any man to show that there is not a piece of lumber ever made that was not accepted and used. There is no such thing as a waste of lumber in this country. Whenever the demand falls beyond the production, then the production falls to the demand.

I want to add that, so far as I am concerned, I should welcome an administration of the forest reserves that would reserve forests and allow at the same time a settlement such as the forest-reserve people declare they have been trying to do.

But I want to assert again here, Mr. President, that I know it is the determined purpose of the forest-reserve people not to have a settlement if they can avoid it, and if they have allowed 4,000 men to go in the forest reserves it was because they could not prevent their doing so.

APPENDIX A.

COAL IN THE UNITED STATES.

Production of coal in the United States from 1902 to 1906, inclusive: Tons, 1,569,879,923; value, $2,304,744,574. (Statistical Abstract, 1907, p. 152.)

GOLD AND SILVER IN THE UNITED STATES.

Production of gold and silver in United States from 1888 to 1907, inclusive: Gold, $1,197,270,899; silver $803,145,880 (commercial value). (Statistical Abstract, 1907, p. 151.)

COAL IN COLORADO.

Production of coal in Colorado from 1902 to 1906, inclusive: Anthracite, tons, 333,762 (Colorado and New Mexico); bituminous, tons, 35,863,657; total, 36,197,419. (Statistical Abstract, 1907, p. 152.)

GOLD AND SILVER IN COLORADO.

Production of gold and silver in Colorado from 1901 to 1906, inclusive: Gold, $151,733,600; silver (commercial value), $51,018,624; total, $202,752,224. (Statistical Abstract, 1907, p. 150.)

APPENDIX B.

LUMBER.

Produced in United States in 1906, 37,550,736 M feet; value, $621,151,388; value of, per M feet, $16.54. (Statistical Abstract, 1907, p. 119.)

SHINGLES.

Production, value of, $24,154,555; value, per M, $2.04. (Statistical Abstract, 1907, p. 118.)

NATIONAL FORESTS.

Area of, November 30, 1907, 159,439,979 acres. (Statistical Abstract, 1907, p. 116.)

IRRIGATION.

Area to be irrigated under approved projects, 1,910,000 acres; estimated cost of same, $70,000,000. (Statistical Abstract, 1907, p. 27.)

Mr. SMOOT. Mr. President, last evening the Senator from Montana [Mr. CARTER] asked that certain information be given him relative to the number of employees now on the national forest reserves and the amount paid to those employees.

There are 142 national forests, with 139 supervisors, 92 clerks, 194 technical men, and 1,174 rangers, or a total of 1,599 employees on the 1st day of January, 1909. The compensation for the year amounts to $1,893,395.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. Certainly.

Mr. CARTER. I understand the Senator to say that 1,599 of the employees on the list are engaged in the forests as supervisors or rangers or guards?

Mr. SMOOT. In 142 forest reserves.

Mr. CARTER. Those 1,599 employees receive how much as salaries?

Mr. SMOOT. They receive $1,893,395.

Mr. CARTER. How much do they receive as expenses?

Mr. SMOOT. The Senator did not ask me for that information last evening, or I would have secured it.

Mr. CARTER. I desire to know whether any allowance is made to this class of officers for expenses?

Mr. SMOOT. No allowance whatever, Mr. President, unless they go from one reservation to another, and that is very seldom, indeed.

Mr. CARTER. I desire to ask the Senator the total number of employees and officers connected with the Forestry Service exclusive of these?

Mr. SMOOT. The total number on the 1st of January, 1909, was 2,310, distributed as follows:

In Washington, D. C., a total of 412; in the six district offices created upon that day, namely, January 1, 1909, 209; and, as I said before, 1,599 on the 142 national reserves, making a total in the service of 2,310.

Mr. CARTER. Mr. President, is the Forestry Service in the habit of employing persons temporarily who are not regarded as regular salaried persons, and therefore not included in the 2,310?

Mr. SMOOT. Mr. President, in case of fire on a forest reserve the supervisor of that particular forest would hire additional men, if necessary, for putting out the fire.

Mr. CARTER. In hastily going over the list of employees called "salaried employees" from the lump appropriation and other appropriations following I gather the impression that there are over 3,000 regular employees. That, I find from the Senator's statement, is inaccurate, because the number regularly employed is only 2,310. What number of persons other than those employed to extinguish fires are occasionally employed, or employed at a limited amount per day or month, to make investigations and diffuse knowledge among men?

Mr. SMOOT. So far as the number for diffusing knowledge and for special investigation goes, I am not in a position to say just how many would be employed for a few days during the sickness of regular employees in the office or how many men and women might be temporarily employed.

Mr. CARTER. Can the Senator advise us of the amount in salaries paid to the 412 employees in Washington?

Mr. SMOOT. I asked the Senator last night if he desired that information, and as I understood him, he said "no." It would take very little time to ascertain it; but I did not figure that amount up last evening——

Mr. CARTER. Nor the amount——

Mr. SMOOT. Nor the amount for the six district officers. Of course the Senator knows where they are. They are all located in the West.

Mr. CARTER. Would it be fair to say that the salaries of the other officers than those engaged in forest work would be the difference between the aggregate of the appropriation and $1,800,000 or thereabouts?

Mr. SMOOT. Oh, no; I would not say that, because the aggregate amount of the appropriation carries $600,000 for improvements and some $225,000 for supplies.

Mr. CARTER. Supplies amounting to three hundred and odd thousand dollars; traveling expenses, $307,000, I believe, in the aggregate; and $600,000 for improvements.

Mr. SMOOT. Mr. President, perhaps I had better now give the items to the Senator of the estimated amount of the appropriations for the fiscal year ending June 30, 1909. They are as follows:

Cost of handling timber sales and free use of timber	$394,000
Cost of handling grazing	750,000
Fire patrol	550,000
Permanent improvements	600,000
Examination of agricultural and other claims and applications for special occupancy	492,000
Federal, state, and private cooperation, investigations, and education in forestry	500,000
Supplies	225,000
General administration	385,000
Total appropriation fiscal year 1909	3,896,000

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. Certainly.

Mr. FULTON. May I ask the Senator to restate that item for "handling grazing" or something of that character?

Mr. SMOOT. I should have said for the year ending June 30, 1910.

Mr. WARREN. I want to say here that the statement the Senator has made is for the coming year, and under a larger appropriation by three-quarters of a million dollars than what they had last year.

Mr. SMOOT. That is true.

Mr. WARREN. The Senator from Montana [Mr. CARTER] has been inquiring as to the men who are now employed. The men now employed up to July 1 are under the appropriation of last

year, which was very materially less than the estimates are for this year.

Mr. CARTER. Will the Senator at that point kindly state the aggregate amount of all the appropriations for this service and improvements under the appropriation for the current year?

Mr. WARREN. We can turn to it easily; but, as I recall, it is——

Mr. SMOOT. It is $3,896,000.

Mr. CARTER. What is the amount of the increase between that appropriation and the amount named by the amendment of the committee in this bill?

Mr. SMOOT. One million two hundred and fifty thousand dollars.

Mr. FULTON. Mr. President, I think I really had the floor. The Senator from Utah yielded to me.

The VICE-PRESIDENT. Does the Senator from Utah yield further to the Senator from Oregon?

Mr. SMOOT. I yield to the Senator.

Mr. FULTON. The Senator stated an item of something over $700,000 for "handling grazing"—$750,000, I think.

Mr. SMOOT. Seven hundred and fifty thousand dollars is the estimated amount of the appropriation for that purpose carried by this bill.

Mr. FULTON. I ask the Senator what is the nature of the expense in "handling grazing?" In that connection I will state that there are many forest rangers, I understand, employed all the year round. What additional expense is there in "handling grazing" that could amount to any such extraordinary sum as $750,000?

Mr. SMOOT. Mr. President, that is just exactly what the item consists of. It is for the payment of the rangers and supervisors.

Mr. FULTON. The rangers and supervisors perform other work besides looking after the stock that is grazing; and, indeed, as I understand—in fact, as I know—all stock that is put on the reserves is cared for and herded by the owners; and, as a matter of fact, it seems to me that the additional expense by reason of "handling grazing" should be practically nothing to the Government.

Mr. SMOOT. The fees for grazing amount to more than the expense of handling.

Mr. FULTON. That is true; but that does not authorize unwarranted and unjustifiable expenditures. What items enter into it that makes this amount? So far as the rangers are concerned, they are employed for other purposes.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. Yes.

Mr. WARREN. I want to make this suggestion: Certain foresters are engaged the year round. In the winter it takes but a few to care for the forests. I am not as familiar with the figures that the Senator from Utah has in his hands as he himself is, for he has recently looked them over; but my impression is that the extra men put on in the spring to serve during the season are charged to the grazing fund. I may be wrong about that, but, whatever may be the case, there are perhaps nearly twice as many men employed during the season which includes the grazing season as are employed in the winter months.

Mr. SMOOT. Further answering the Senator——

Mr. FULTON. The Senator from Wyoming [Mr. WARREN] surely would not charge up to the handling of grazing the salaries of the rangers. The rangers are there to look after the fires.

Mr. SMOOT. This is an approximate statement. It is divided as nearly as it is possible to be divided under the different heads, and takes into consideration the amounts paid for supervisors and rangers, and also for extra work that they may do in handling and cutting timber.

Mr. FULTON. Then, as a matter of fact, it might as well be called something else, and it would then mean just as much.

Mr. SMOOT. That is not altogether true; but no one can tell for the coming year just exactly how many men will be employed in the grazing arrangement; but for this year that is as near an estimate as it is possible to arrive at.

Mr. President, the appropriation of last year amounted to $3,896,200. The bill as reported from the Committee on Agriculture for the coming year amounts to $5,146,200, or a difference, to which I call the attention of the Senator from Montana, of $1,250,000. The expense attending the administration of the national forests for the coming year demands that that amount of money be appropriated over and above the appropriation for last year to take proper care of the national forests.

A year ago there were in the national forests about 142,000,000 acres. To-day there are in those forests 168,000,000 acres; and within a very short time there will be added to that amount 27,256,000 acres more, so that we desire an appropriation for the purpose of caring for 195,000,000 acres of land.

There will be about 1,400 more rangers necessary during the coming year to take proper care of these reserves. They are absolutely necessary if we are to have the use of these forests, and it is for that purpose and for the better patrol of fire and control of the forests that we are asking that the appropriation be increased $1,250,000.

Mr. President, there was considerable said yesterday in relation to the forest reserves sending men from one end of this country to the other lecturing to different organizations.

[At this point Mr. SMOOT yielded to Mr. DIXON, who suggested the lack of a quorum, and the roll was called.]

Mr. SMOOT. Mr. President, as I was stating, an effort was made yesterday to impress this body with the great extravagance of the Forestry Service in sending some of its representatives to deliver lectures to certain associations throughout the country. I took particular pains, Mr. President, last evening to go over this statement, so as to find out just how much money had been paid for this particular part of the work of the Forestry Service, and I find that the total of all items of travel, including lectures, amounted to $5,022.80.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I do.

Mr. BORAH. The amount which the Senator has stated is perhaps low enough if lectures are going to be delivered; but the question is, Under what law are such lectures delivered and by what authority has the General Government the right to engage in the matter of having lectures delivered over the country?

Mr. SMOOT. Mr. President, in section 520 of the Revised Statutes, the act establishing the Department of Agriculture, we find these words:

> There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield further to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. BORAH. Is that the only law under which they claim the right to deliver these lectures?

Mr. SMOOT. In every recent agricultural appropriation act we find these words:

> To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, * * * to pay all expenses necessary to protect, administer, and improve the national forests, etc.

Mr. President, that has been the policy of the Government ever since the Agricultural Department was established, and to-day the expense the Government is put to in paying for the dissemination of information among the American people is, I believe, one of the very best investments the Government makes.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield further to the Senator from Idaho?

Mr. SMOOT. I do.

Mr. BORAH. I ask the Senator if he thinks that paying the expenses of some one and also for his time to attend the annual meeting of the American Railway Engineering Association is really connected in any way with protecting the forests either from fire or from the raids of those who would take timber without compensation?

Mr. SMOOT. Mr. President, I believe that it has a direct bearing upon the forests of this country, for through the experiments made by the Department of Agriculture in the preservation of wood by means of creosote, there have been saved to this Nation millions and hundreds of millions of feet of timber, and every foot of timber that is saved and every time there is a new process discovered and information of it is given to the American people to lengthen the life of a tie or any other kind of wood, it is in fact a benefit to the great American people. Therefore, I think that item pointed out by the Senator from Idaho is justified.

Mr. BORAH. Mr. President, does the Senator think that the Government ought to enter upon that expense rather than

those who are particularly interested in the subject of ties, such as the railroad companies and others?

Mr. SMOOT. I say the Forestry Bureau has cooperated with the railway companies in this work, and that is exactly what they did when they sent representatives to the meeting referred to by the Senator from Idaho.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I do.

Mr. DIXON. In answer to the inquiry of the Senator from Idaho [Mr. BORAH] my opinion is that very few Members of the Senate know that every appropriation bill for ten or twelve years has made it mandatory on the Secretary of Agriculture to do the very thing that has been complained of on the floor of the Senate during the past two days. The present agricultural appropriation bill, and every other one for several years back, have contained the express mandatory provision that the Secretary of Agriculture shall "investigate and test American timber and timber trees, and their uses, and methods for the preservative treatment of timber." It is also made his duty—

To collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield further to the Senator from Idaho?

Mr. SMOOT. Yes; for a question.

Mr. BORAH. There are a great many people who have some ideas in regard to the forest reserves who are not opposed to the forest reserves under lines and according to the principles outlined and suggested in the original bill; but it is a little difficult for us to understand how that has anything to do with delivering lectures to a railway engineering association or to a cooperage college or to the University of Michigan or to any such institution. I am not asking the question in the way of criticism, but the thought has occurred to me that the connection is not very close, and if it were close, that it would be a little difficult to find the power in the Government to do such things.

Mr. SMOOT. Mr. President, I can only repeat that it is required of the Secretary of Agriculture to disseminate this information among the American people, and it is for that reason that the department sends these men to give this information wherever they think it will be of some use to the people of this country.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Texas?

Mr. SMOOT. For a question.

Mr. BAILEY. I should like to ask the Senator from Utah how it would please him and others who favor this policy for the Government of the United States to convey to the States in which the public lands are situated all the public lands of every kind now belonging to the United States?

Mr. SMOOT. That question——

Mr. BAILEY. Then, if the State wants to pay the expenses of a lecturer—I understand there are here items of $200 or $300 for making a speech on forest reserves before the Young Men's Christian Association——

Mr. SMOOT. No.

Mr. BAILEY. I have not examined it, but I understand it is true; and while I understand it might have some relation to the railroads, I do not comprehend just what relation it has to religion. But speaking seriously to the Senator from Utah, I have always believed that the Government of the United States would relieve itself of an expenditure and relieve itself of a responsibility by conveying to the States the public lands situated in those States. I am entirely disinterested in making that suggestion, because in our State we have never had an acre of United States land. That is a solution of it. I should like very much to see the Senator from Utah or some other Senator propose that. The Government of the United States derives no revenue from this source. It costs as much to administer the system as it gets out of it; and then if Utah wanted to pursue one policy and Idaho another, they would fight it out in their legislatures instead of in Congress.

Mr. SMOOT. That question has been discussed a great many times by Senators from the West. I have heard it suggested for a number of years, but I doubt whether if such legislation were attempted by the western Senators, even if they were agreed on it, it would ever pass Congress. The Senator from Texas has no doubt heard time and again Senators on this floor state that they were as much interested in the lands in the Western States as the Senators from those States.

Mr. BAILEY. I have heard Senators say a great many things since I have been a Member of this body with which I do not agree, and I do not agree with that statement. I think those lands immediately and deeply concern the people amongst whom they are situated. The Senators from the other States are interested, so far as the lands constitute an asset of the Government, and every State is entitled to whatever benefit may accrue from it in that respect. But the reports of the Government will show that it is a bill of expense instead of an advantage in a financial way.

Mr. SMOOT. There would be one difficulty with that, to which I should like to call the Senator's attention, and that is that some of the Western States are rather small in number as to population or poor as to wealth.

Mr. BAILEY. If the Government keeps making forest reservations, they will not have any.

Mr. SMOOT. That is a question to be discussed, and I can state to the Senator here that the States in the West are receiving from school sections, through the 25 per cent they receive, more than they would get out of the same lands to-day if they were administered by the State.

Mr. BAILEY. Then the Federal Government must be paying the difference, and I object to taxing my people to provide for the Senator's constituents.

Mr. SMOOT. When the question of the sale of land is taken into consideration and all the revenues from the public land in the West are considered, I do not think this Government is paying one dollar toward the administration of a State in the West.

Mr. BAILEY. Then, if the Senator will permit me, the States are getting more under the present system than they would under some other system. Either Utah would be incapable of managing her estate, or the Federal Government must be paying the expense.

Mr. SMOOT. I am surprised that the Senator would make such a proposition. The State would have to take care of every forest reserve. It would have to enforce the required laws and regulations, and the administrative part of that would be almost as much in a State as it is in the Nation, and therefore you can not compare the Nation, which has 195,000,000 acres in forest reserve, with a State that may have only about a million acres.

Mr. BAILEY. I undertake to say there is no duty which a government can be required to perform that a State can not perform at a smaller cost than the Federal Government. The Federal Government will spend more to take care of a piece of property of any kind than a State will. The Federal Government will spend more to take care of a court-house than a State will spend to take care of a court-house twice the size in the same town.

Mr. CARTER. Mr. President——

Mr. SMOOT. I do not know that it is going to enlighten us at all if we are to be carried off into that field of discussion.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. CARTER. I should like to make a suggestion with reference to the observation of the Senator from Texas, if permitted to do so.

Mr. SMOOT. If it does not take too long, the Senator may.

Mr. CARTER. I will endeavor to make it agreeably short. I will state to the Senator from Texas that the effort to manage the forest reserves under State control encounters a great physical difficulty. I can illustrate it more pointedly probably than I can explain. The dividing line between the State of Idaho and the State of Montana is the summit of the Bitter Root Mountain Range. The Government having jurisdiction of both sides of that range, can, of course, protect the timber from invasion by fire from either side. If Montana provided a fire guard and Idaho failed to provide a fire guard, it is very manifest, I think, that the timber in Montana could readily be burned by a fire coming in from Idaho, and Montana would have no authority to pass the summit of the mountain range, which is the state line. I have no doubt whatever that where forests are interstate in character—that is, extend across the State lines, as is the case in most instances—unity of management is essential to effective administration.

I believe that this is true, in the light of my views; that the main purpose of the forest reservation system is to preserve the growing timber from destruction by fire. The law of the country has generally, when faithfully administered, sufficed to prevent the plundering of the forests by persons who are merely bent on stealing.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Texas?

Mr. SMOOT. I yield to the Senator from Texas.

Mr. BAILEY. The same argument the Senator from Montana has suggested now has been employed from the foundation of this Government to illustrate the folly of forming a republic out of original States. But inasmuch as the State of Idaho exercises authority over life, liberty, and property to the summit of the mountains where the States divide, and that Montana exercises the same jurisdiction over life, liberty, and property on the other side of the imaginary line, I think we may well assume they could do the same with respect to the forests. I think I am just as willing to trust the trees to that jurisdiction as I am to trust the lives and liberty of the people in Montana and Idaho.

Mr. WARREN. I should like to ask the Senator from Texas if he would expect the States to take care of the timber lands that belong to the United States?

Mr. BAILEY. Oh, no; I am proposing to give them to the States.

Mr. WARREN. That is another proposition, and when the Senator proposes that, I perhaps will be willing.

Mr. BAILEY. If the Senators from the Western States will prepare such a plan, I think we could pass it this afternoon.

Mr. WARREN. I may say that I thought so some years ago. I introduced a measure here. I spent two months in preparing statistics and a speech. I promptly went out of the Senate upon that speech and upon the idea that the lands should be deeded to the States. Perhaps it would be more popular now than it was then.

Mr. BAILEY. If the Senator had not made the speech, he might have passed his bill.

Mr. WARREN. Notwithstanding that, if the Senator from Texas, who of course would have much more influence, will propose such a plan, I think I will follow him.

Mr. BAILEY. I will be glad to follow the Senators from the Western States on that subject. They have most of the lands within their States. I am satisfied they can administer it; and I feel this way: If they maladminister it, they are the sufferers, and I am willing to trust them. If those Senators will prepare such a bill, I will support it very cordially, and I have no kind of doubt that we have now made progress enough to pass the Senator's bill.

Mr. WARREN. Without getting retired.

Mr. SMOOT. Mr. President, I have listened for a great many years now to bitter complaint against the Forestry Service and its administration, and every time I have had particular information and the Senator complaining named the person wronged, and I have investigated those charges, I have found them to be absolutely without merit. In rather a frolicking way yesterday reference was made to this division of the Government purchasing steam yachts for the purpose of having the supervisor and the ranger go on pleasure trips.

Mr. President, I want the Senate to know the facts in this case as they really are, and I take it there is no Senator here who will not then say that the Forester has done the proper thing.

The Forest Service has purchased for the use of forest officers on patrol duty three gasoline launches, at a total cost of $2,449. The saving effected by the purchase of these launches will in one year very nearly equal their initial cost. Their value for carrying parties of men for fire fighting with rapidity and ease and as a means of efficient patrol can not be estimated.

The following is a complete list of the launches purchased, showing their cost and the saving effected by their purchase:

On the Coeur d'Alene National Forest, in Idaho, a gasoline launch has been purchased, at a cost of $780, for use on Lake Pend Oreille, which is approximately 35 miles long and averages about 3 miles in width. The use of this launch enables the Forest Service to dispense with four men who would be required for patrol duty five months in the year, at an average salary of $75 per month, or a total saving of $1,500 per year.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I do.

Mr. BORAH. Did the Forestry Bureau dispense with the four men?

Mr. SMOOT. They certainly did.

Mr. BORAH. Were they men who had been employed and were then discharged?

Mr. SMOOT. They are men who would have had to be employed, providing they did not have the launch to patrol the 35 miles' distance along the lake.

Mr. BORAH. But you do not mean to say that by reason of the purchase of a launch four men who were employed were discharged from the service, and therefore the pay roll was decreased?

Mr. SMOOT. I mean to say that if the launch had not been purchased four extra men would have had to be employed, and a saving of $1,500 was thereby made.

Mr. BORAH. That is a speculation; that might or might not have been true. But what I want to know is, Were these men employed and afterwards discharged by reason of the purchase of the launch?

Mr. SMOOT. There is not a particle of difference, so far as the dollars and cents of the Government are concerned. I say to the Senator now that if they had not purchased the launch they would have had to employ the four men.

The cost of operating this boat, including a generous allowance for depreciation, is $125 per month, or a total cost of $625 per season. The net saving on this forest is therefore $875 per year.

On the Priest River National Forest, Idaho, a gasoline launch has been purchased, at a cost of $794, for use on Priest Lake, which is approximately 17 miles long and averages about 2 miles in width. The use of this boat enables the Forest Service to dispense with two men who would be required for patrol duty five months in the year, at an average salary of $75 per month, or a total saving of $750 per year. The cost of operating this boat, including a generous allowance for depreciation, is $120 per month, or a total cost of $600 per season. The net saving on this forest is therefore $150 per year.

On the Washington (Chelan) National Forest, Washington, a gasoline launch has been purchased, at a cost of $875, for use on Lake Chelan, which is approximately 50 miles long and 1½ miles wide. The use of this launch enables the Forest Service to dispense with five men who would be required for patrol duty five months in the year, at an average salary of $75 per month, or a total saving of $1,875. The cost of operating this boat, including a generous allowance for depreciation, is $135 per month, or a total cost of $675 per season. The net saving on this forest is therefore $1,200 per year.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. Yes; for a question.

Mr. FULTON. I understand, then, from the statement of the Senator that there is positively no limit whatever to the number of men who may be put on the forests except the amount of money at the disposal of the Forester. Is that so?

Mr. SMOOT. I think that is a very unfair question, and I think I have, and the Senate should have, confidence enough in the Forester to know that he would not put a single, solitary man on any forest unless it was absolutely necessary.

Mr. FULTON. I have heard of confidence maintaining prices and good times, but I did not suppose it went so far that we had to leave everything to the discretion of administrative officers simply to maintain confidence. Does the Senator contend that simply because we have no reason to question the fidelity and integrity and honor of a certain individual, the money in the Treasury should be turned over to him to disburse at his discretion?

Mr. SMOOT. The Senator contends that there is not a man who is not absolutely necessary employed under this service anywhere in the United States.

Mr. FULTON. Let me ask the Senator this. I see an item here where a certain amount was expended to cover traveling expenses to deliver an address to the Carriage Builders' National Association in the city of New York. Does the Senator think that money in the Treasury of this country should be expended in paying the expenses of some man to deliver an address to the Carriage Builders' Association in New York City? If so, to what purpose?

Mr. SMOOT. The same identical purpose that they paid money in order to have a lecture delivered to the railroad engineers of this country, to instruct them——

Mr. FULTON. What possible service could it render to the Government to have the lecture delivered?

Mr. SMOOT. There never was a carriage manufacturer in the world who did not use timber in his business.

Mr. FULTON. Does the Senator believe in increasing the use to which timber may be put? I thought the idea——

Mr. SMOOT. If the Senator wants to pursue that, I do not propose to yield any more time. I do not want to take up time here in a useless discussion.

Mr. FULTON. Will the Senator yield for another suggestion?

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. The Senator says he desires to make another suggestion. So he may.

Mr. FULTON. I wish to complete the suggestion I started in to make, and that was this. My understanding was that the

timber of this country, as contended by the Forester and his department, is being used too rapidly. Yet, according to the Senator, they are sending out missionaries to tell the people how they can put it to further and additional use.

Mr. WARREN. No; to better use.

Mr. SMOOT. It is not the question of restricting the use of timber. It is the question of putting the timber to a better use.

Mr. FULTON. Does the Senator think the lecturer knew better how to use timber in building carriages than the carriage makers did?

Mr. SMOOT. I rather think he did, or he would not have gone there, and the carriage makers would not have asked him to come.

Mr. FULTON. I suggest that we engage him as a carriage maker and employ him in building carriages.

Mr. SMOOT. I hope the Senator will not ask me to yield any more time for discussion along that line.

Mr. President, this great plan of the conservation of our forests is either right or wrong. If it is wrong, there should be no appropriation for it, and, if it is right, the Congress of the United States should appropriate money sufficient to properly administer it. I have no hesitation in saying it is the proper thing for the Government to protect its forests, to protect the watersheds of this country, and to save to the people the timber that is left.

I think, therefore, it is proper to speak of what has been accomplished. Complaint has been made here of an appropriation of $600,000 for improvements, and the Senator from Idaho [Mr. HEYBURN] says it is like tossing money into the air and letting anybody catch it who may.

The report shows what has been done with it in the last year, and I wish to call the attention of the Senate to the fact that there were 3,400 miles of trails built, 3,200 miles of telephone lines built, 600 miles of pasturage and drift fence, 100 miles of wagon road, 530 headquarters and barns, 250 bridges; all built with the $600,000 in the different forests in this country.

There were entered as agricultural land in the forest 6,243 claims, with an aggregate of 293,000 acres. There were 2,600 mining claims——

Mr. BORAH. Do you mean homestead claims?

Mr. SMOOT. I mean homestead claims.

Mr. BORAH. Now, in seriousness, the Senator is coming to what, in my judgment, is the great defect of this system. I wish to ask the Senator if he thinks it is proper to have the homesteader in this country placed in a position where he must not be permitted to go to the law to find out what his rights are, but must depend at last upon the judgment of an individual as to whether or not he shall have a homestead?

If the Senator will pardon me for just a moment, if the Forester or those who are interested in the preservation of the forests will organize and crystallize a system of rules, such as they believe will be beneficial for the protection of the forests, and which will at the same time admit of settlement within the forests, so that we can enact those regulations into law, the great defect of this system will be removed. No man is going to take a homestead in a forest reservation, or undertake to do so, if his efforts must depend at last upon the judgment of an individual as to whether he has gotten in the right place or not.

Mr. SMOOT. Evidently there were 6,243 who desired to take homesteads, and who did do so.

Mr. BORAH. That is all right, but, as was said by the Senator from Colorado a while ago, that number alone would have been taken in one year in the State of Idaho.

Mr. SMOOT. That is entirely speculation.

Mr. BORAH. It is not speculation. Men are ready and anxious to take homesteads, and go there for that pupose, and, as was properly said by the Senator from Colorado, they are prevented from doing so by the efforts of men who do not want them there.

Mr. DIXON. And in that connection I will say where the timber is thickest the fight for homesteads is the fiercest.

Mr. BORAH. That is a matter which is largely for the judgment of the homesteader. But there are thousands of acres of land in the State of Idaho that has not a foot of timber upon it or which is inside of forest reservations. No timber has ever grown there and, according to the judgment of men who are experienced in such matters, no timber ever will grow there. Those lands should be thrown open to settlement under some established rule of law by which the settler could go there and take his home and know when he has done certain things he would be able to claim his homestead. As it is now, he can not go upon the land until he gets the approval of an individual who may wish to put him here or there or, finally, when he has initiated his location, put him away entirely.

Mr. SMOOT. A year ago there were a great many complaints made of homesteaders within forest reserves. I had a list here of some 49 cases, and every single, solitary case was not for the purpose of homesteading, but for the purpose of securing the timber.

Mr. BORAH. I want to ask the Senator——

Mr. SMOOT. Another thing in that connection. Yesterday, in this Chamber, the senior Senator from Idaho [Mr. HEYBURN] said that every acre of land within the State of Idaho was agricultural land.

Mr. BORAH. Mr. President——

Mr. SMOOT. If the Senators disagree as to that, if one says they are all agricultural and the other says a part of the lands within forest reserves are agricultural, I think there is need of somebody to pass upon whether they are agricultural lands or not.

Mr. BORAH. In all probability the Forester would not know anything more about whether it is agricultural land than my colleague or I; but the settler, the pioneer, the man who is familiar with these things, knows where he can make a home, and you may be assured if he can not make a home he will not locate there. A man should be able to know under the law when he may prove up and have his home—after he has performed certain things.

Mr. SMOOT. There is not a case——

Mr. BORAH. Just a moment.

Mr. SMOOT. And the Senator can not point to a case where an honest homesteader has ever gone into a forest reserve and settled upon land, as suggested by him, who ever had any trouble whatever in getting the title to his land.

Mr. FULTON. Oh, Mr. President——

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield further to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. BORAH. I do not make this a question of veracity between the Senator from Utah and myself, but I do say in all earnestness that I can point to a number of cases where parties have undertaken to get homesteads within a reservation, and when the report is sent to Washington it is sent back for investigation to the man who has rejected him in the first place, and naturally he rejects him in the second place; and so it constitutes perpetual motion or a roundabout movement all the time, for it always gets back to the man who first rejected the settler.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. For a question.

Mr. FULTON. The Senator stated a moment ago that no case could be mentioned where a bona fide settler had been refused that privilege.

Mr. SMOOT. I want the Senator to qualify it by saying that it was land within a forest reserve, as designated by the Senator from Idaho, and there was no adverse possession by anyone else.

Mr. FULTON. Yes; land within a forest reserve and no adverse possession. I can show the Senator many cases—I have the correspondence in my room at this time—where I have tried my utmost to enable a settler to take up land within a forest reserve, which he said was agricultural, and on which no one contended there was any considerable amount of timber, and upon which he was willing to go and spend his time, his energy, and his work to make a home for himself and his family, and yet they denied him the privilege.

That has been one of my objections to the administration of the forest-reserve system. I believe in preserving the forests, in protecting the forests, and conserving the forest timber, if you please, but I prefer homes to trees; and where there is room for a home, where the land is fit for a home, I would rather see a home built there than a tree growing there.

I charge that the administration of the forest reserves does not, in good faith, carry out the spirit of the law, which said that where the land is suitable for agriculture it shall be devoted to agriculture. I can give the Senator plenty of evidence in proof of that.

Mr. SMOOT. Mr. President, that same statement has been made here many times, but every time there has been a particular case pointed to, and when it has been investigated it has always proved that there was some fault or some reason why the title had not passed to the man.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. For a question.

Mr. PILES. The Senator from Utah knows that as far as I am personally concerned I have been favorable to a very large extent to the Forestry Service; but he is in error in saying that settlers have not been permitted to go on the forest reserves, except in cases where there was a contest or where they tried to take up timber lands.

I have a case at the present time under consideration by the Forestry Department where a very distinguished architect in my State, who has no interest in the land at all, but who visited the premises, wrote me a letter in behalf of a poor settler. He had been there and there was nothing on the land but a few scrubby trees, and it was, to his personal knowledge, susceptible of cultivation and would make a splendid home for a farmer. The ranger, or whoever has charge of the forest reserve, turned him out; he would not permit him to have his home in that reserve. I have the matter in the department here now, and I believe the department will admit him into the forest reserve on a proper investigation. The trouble lies in the men who are administering on the forest reserves more than it does in the department at Washington, in my judgment.

Mr. SMOOT. That is just exactly what I was going to say to the Senator. If he has a case of that kind, there is no question in my mind that if it is pointed out, and it is a just case, but what the Forestry Service here will see that the man is protected in his right.

Mr. CLARK of Wyoming. Will the Senator yield to me for a question?

Mr. SMOOT. I will yield for a question.

Mr. CLARK of Wyoming. I will ask the Senator from Utah whether it is or is not a fact that the proclamations setting aside these reservations contain a statement warning all people to refrain from making a settlement upon the reserves?

Mr. SMOOT. Mr. President, I am not able to say whether those proclamations really have that provision in or not, but I know one thing, that in the reserves and under the law a settler can go there and make a homestead entry.

Mr. CLARK of Wyoming. I am inclined to think that he can under the law, but he can not under the proclamation and the enforcement of the law as it is administered under the proclamation.

Mr. SMOOT. Under the administration of the proclamation I will say that last year there were over 6,000 of them.

Mr. FULTON. Will the Senator allow me just a moment further in regard to the same matter?

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. Yes; I will yield to the Senator.

Mr. FULTON. The Senator said there was always, as I understood him, some conflicting claim or some reason other than the fact that the man wanted a home, which induced the department to reject his application, when he seeks to enter land within a forest reserve as agricultural land. I will state to the Senator, and I will undertake to bring letters from my office, as I said a moment ago, that I can show a great number of cases where they had rejected the application simply because they said it was not agricultural land, as the applicant contended it was, and was willing to risk his time and money and labor in improving it. A gentleman has handed me, and I have in my hand at this moment, a matter just called to my attention, where the forest ranger reported in favor of the land being agricultural, but when it got to the department here they entertained grave doubts as to whether it was, and they said to him:

> In order that the Forester may determine what land to recommend for listing, it is desirable that a demonstration be made as to its agricultural possibilities, and to this end I would suggest that you take out a special-use permit for 40 acres of the tract applied for and experiment upon it. You may select the 40 which appears best suited for experimental demonstration, for which a permit will be issued by this office without charge. It is believed that two years should be sufficient to demonstrate whether the land will produce farm crops of enough value to justifying its listing for agricultural entry.

In other words, they required that this man should go on there for two years and make a demonstration before his entry was entertained or considered, and risk two years of time and work and investment upon the discretion of the Forester. Does the Senator think there would be much agricultural land within the forest reserves settled under any such rules?

Mr. SMOOT. Mr. President, there are always two sides to every question. I undertake to say now that there is another side to the particular case to which the Senator points.

Mr. FULTON. I will say to the Senator, the other side, in my judgment, is like the mountain he spoke of yesterday, too steep to climb.

Mr. SMOOT. I have not a photograph of that particular mountain, but I wish I had it here. I could prove to the Senator from Oregon or the Senator from Idaho that he could not climb it in places, for the Senator said this morning there was a cliff of rock 1,500 feet high. Perhaps this case may have some semblance to the ones we have heard in this Chamber before; for, with a voice full of pathos, with arms stretched aloft, with his whole body trembling with emotion, the Senator from Montana [Mr. CARTER] day before yesterday called the attention of the Senate to the outrageous treatment that had been given to a certain honorable, honest, upright, virtuous citizen of Montana by the Forestry Division.

Mr. CARTER. The adjectives are those of the Senator from Utah.

Mr. SMOOT. I might as well read the very words of the Senator from Montana. He said:

> I have one case in mind. A man west of the town of Anaconda, in Montana, whose improvements had cost over $10,000, had a handsome meadow in front of the house. There was not a tree growing in it. The place had been occupied for twenty-odd years. It was the home of the family. Yet a forest ranger directed that man to leave in the autumn, after his crop had been harvested and the haystack stood there ready to feed his cattle through the winter. He refused to go. He said his all was at stake.
>
> Complaint was made to the district attorney upon a statement of facts—that did not finally pan out with the real facts—which caused this man to be indicted. He had naught to do but to plead guilty, because he was there upon the forest reserve without a permit. The district attorney appealed to the forest ranger, after the man had pleaded guilty, to permit him to remain until spring. But the forest ranger said:
>
> "Our authority must first be established. This man must leave this place with his family, and when he is outside of the forest reserve we will consider whether we will let him back or not."

He said further:

> This is not an isolated case. The harshness and cruelty and inhumanity of the administration are notorious through the States where these petty tyrants have exercised their brief and fleeting authority.
>
> Mr. WARREN. May I ask the Senator, before he sits down, what was the final outcome? What is the condition now respecting that settler?
>
> Mr. CARTER. The district attorney told me he had reported the facts to the Department of Justice, and hoped that the department would appeal to the department in Washington. I have not been advised of the result.
>
> Mr. WARREN. We may assume, then, that the man is still there.
>
> Mr. CARTER. If the forest-reserve agent could put him off, he was put out on the approach of winter.

And further along he said:

> That, of course, is one case. I regret to say that I could recapitulate cases not quite as bad as this one, because the amount of improvements was great here; but I could recapitulate cases that have come to my notice in the State of Montana until the hour of midnight approached. The one thing about this matter that deserves special censure is that when a complaint is made to the Chief Forester at Washington, that complaint is referred back for report to the agent complained of, and his word is accepted.

This case, no doubt, is the Fleetwood Sothcott case, in Deer Lodge National Forest. I wish to read to the Senate some letters that passed between the department here and the United States attorney at Helena, Mont.

One of October 31, 1908, addressed to Hon. J. W. Freeman, is as follows:

OCTOBER 31, 1908.

Hon. J. W. FREEMAN,
United States Attorney, Helena, Mont.

SIR: A copy of your letter of September 23 to the Attorney-General has been referred to me, with a request for a recommendation concerning the action suggested by you.

I am deeply sensible of the difficulties of the position of a district attorney, and assure you that this department would not lightly disregard any suggestion of yours. That I have not as yet concurred in your suggestion in this matter is because I fear that possibly all the facts in the case were not before you, since I fully appreciate the fact that you have given this case the most careful and earnest attention.

Chief Inspector E. A. Sherman, of the Forest Service, was requested to make a thorough investigation of the facts in the case, and his report thereon states that "The place could not be classified as 'chiefly valuable for agriculture' under the most elastic interpretation of that act. The place is chiefly valuable as a location for a saloon. This is proven by the use to which it has been put in past years. The place has been claimed for the last twenty-five years or thereabout. Parker, Sothcott's vendor, never even attempted to raise a garden, and no effort was ever made in the way of a farm until Sothcott, a year ago last summer, plowed up about 35 acres and planted it to winter rye, harvesting the first crop this summer. The rainfall in Montana this year was the heaviest ever known by white men in this State, so the results were the best Sothcott probably would ever be able to secure. Sothcott claims that he cut about 20 loads of rye hay. The forest officers and Johnson, however, claim that he only cut 5 or 6 tons. Johnson seemed to be very friendly with Sothcott, spoke well of him, seemed to wish him well, and I believe that his statement was absolutely correct. Sothcott's effort at cultivation resulted in shaking down all the soil there was and turning the rocks and gravel on top: A coarse deposit of gravel overlies a bed of heavy wash bowlder. Only a thin scant sod has ever formed.

"Johnson, the blacksmith, claims that it would be impossible for anybody to make a living there without selling whisky. He says that Sothcott's hotel does not serve an average of a meal a day. Furthermore, Sothcott appears to have run a free-and-easy place, where men and women from Anaconda could go and no questions asked."

This department has always in the past, and will continue in the future, to offer every encouragement to any person desiring to make legitimate uses of the forests, but can not countenance the conducting of either saloons or disorderly houses thereon.

This land is not agricultural, and I do not feel that I can consistently list it under the act of June 11, 1906, since it is evident that it would be used for saloon purposes as soon as patented. And while this department has always exercised the utmost leniency toward persons who have innocently or ignorantly purchased improvements and otherwise expended time, labor, or money on forest lands, in this case Mr. Sothcott purchased advisedly and with the avowed intention of operating a saloon in defiance of the law. I feel great hesitancy in recognizing that Mr. Sothcott acquired any equities by such action.

On July 22, 1907, Mr. Sothcott was informed by letter from the Washington office of the Forest Service that he might take out special use permit to validate his occupancy of the land for hotel and business purposes, but no permit could be issued for the saloon under any circumstances.

Mr. Sothcott's reply to this was the erection of a dance hall as an adjunct to the saloon. This dance hall was completed and opened for business in June, 1908. I think these things show that Mr. Sothcott fully appreciated the fact that his place was only valuable for saloon or other immoral purposes. It was, at least, a very pronounced repudiation of the idea that he had any intention of engaging in agricultural pursuits.

The chief inspector reports that Mr. Sothcott can not use the property to any profit except for the purposes for which he has used it. I am willing to allow him a reasonable time to remove his buildings.

I do not desire to urge upon you any action you deem ill-advised or unjust after a full consideration of all the facts, and I am writing you thus informally to inquire whether the above matters had been brought to your attention before you made your recommendations.

I also desire to call your attention to the fact that Sothcott is reported to have said "That while he was fined $50 for having run a saloon on the forest for eighteen months, the judge gave him his place and told him he could go home and prove up in fourteen months;" and would like to be informed whether the court, in passing sentence upon Sothcott, gave utterance to any expressions which would warrant such a statement; or whether you, in your official capacity, gave him any assurances of like nature.

Since I will not make any recommendation to the Department of Justice until I hear from you, I trust that you will reply at your earliest convenience.

Very respectfully, W. M. HAYS, *Acting Secretary.*

Mr. President, another letter of November 24, 1908.

Mr. STONE. By whom is the letter signed?

Mr. SMOOT. It was signed by the Assistant Secretary, Mr. W. M. Hays.

Mr. STONE. The Assistant Secretary of Agriculture?

Mr. SMOOT. Yes. This is also signed by the Acting Secretary of Agriculture:

NOVEMBER 24, 1908.

Hon. J. W. FREEMAN,
United States Attorney, Helena, Mont.

SIR: Your letter of November 9 is received. Mr. Sothcott has submitted a proposition to sell his improvements to the United States, and since you state no promises were made to him I feel at liberty to accept his proposition. This will, of course, render any further consideration of the case unnecessary.

I desire to again express my appreciation of the active interest you have shown in this and other cases of like nature. The only reason I objected so strongly to Mr. Sothcott's remaining on the forest reserve was on account of the disreputable reputation of the place.

The incident of the juror mentioned by you has been noted, and the Forest Service will endeavor to remedy the evil lying at the root of such prejudice. I shall always consider it a favor if you will inform me or the Forester whenever it comes to your notice that a forest officer has acted or is acting arbitrarily, harshly, or unjustly in any matter, since the improvement of the service must largely depend on the suggestions of its friends.

Very respectfully, W. M. HAYS, *Acting Secretary.*

Mr. President, that is one of the cases which was pointed to here. I do not believe, nor do I charge the Senator from Montana [Mr. CARTER] as knowing the facts in the case. I take it for granted that he made his statement upon a letter that had been sent him.

Mr. PILES. What was the case?

Mr. SMOOT. The Fleetwood-Sothcott case.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I yield for a question.

Mr. CARTER. I understand the Senator from Utah to agree with the report he has just read, that these improvements had been put upon that land for twenty years or thereabouts.

Mr. SMOOT. I do not think the letter says that all those improvements were upon the land. I say here that Mr. Parker, the man who was upon the land before Mr. Sothcott bought it, had been there for about twenty-five years.

Mr. CARTER. The value of the improvements the letter does not pretend to set forth, as I understand it.

Mr. SMOOT. Mr. President, the testimony shows that he paid Parker $2,500 for the improvements on the place, and for what rights he had in the saloon.

Mr. CARTER. My understanding from the district attorney was that it appeared to his satisfaction that the value of the improvements was about $2,500. The letter apparently bears out the statement that he had a crop of hay stacked at the time. My contention is not, nor have I any knowledge upon which to base a statement to the effect that this man was a good man or a moral man. I assume every man to be good and moral until the contrary appears. I think that is but an ordinary and Christian charitable assumption. It may be violent as to a man residing on a forest reservation.

But, Mr. President, I wish the Senator to direct his attention to my exact position in the matter regardless of the character of this man. I insist that the forest laws of the United States do not or should not commission any officer of the Federal Government to deprive him of his property without due process of law. If he violated any law of that State, he was amenable to the laws of the State. We never intended to send federal officers out there to oust the local jurisdiction.

Mr. SMOOT. Mr. President, the trouble of this whole question is that the Senators only hear of cases like this. In the great mass of the cases there is never any complaint. The thousands of cases that pass successfully under the examination of the service are never heard of.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I do.

Mr. CARTER. I desire to make a statement for the benefit of the Senator from Utah at this time, and I make it because of his desire always to adhere to the exact truth. It is stated there that the forestry reserve has never anywhere tolerated knowingly any kind of saloon or other undesirable business on a forest reservation.

Let me state to the Senator the fact, and I will to-morrow bring down large photographs to exhibit for his information. The Chicago, Milwaukee and St. Paul Railroad built a tunnel through a range which divides Idaho from Montana. On the Montana side the state law prohibited the establishment of a saloon within 5 miles of the line of road in the course of construction. The best of order prevailed on the Montana side of the line. On the Idaho side the forest reservation authorities were in charge. No such state law as ours protected the construction. A series of dead falls were established under promise from the forest reserve. It became the rendezvous for drunkenness, revelry, and crime to such an extent as to seriously interfere with the prosecution of that great tunnel work. The man in charge, Mr. Charles Kurtz, who represented the Winston Brothers there, complained to me of this infamous nuisance, and furnished me with photographs to show these dives and dead falls, with people of both sexes photographed, in order that the facts might not be made questionable, but that the photographic art might afford witnesses.

I believe in a strict adherence to the truth, and I therefore can not with patience accept the statement made in that letter, which was made in good faith by Mr. Hays, because he is a gentleman who would not willfully or deliberately, or at all, misrepresent the truth as he understood it. But the management is not consistent. The facts I have referred to were narrated to me by a gentleman who can bring a thousand men to testify to their truth.

Mr. SMOOT. Mr. President, I have no knowledge of the case referred to by the Senator from Montana [Mr. CARTER], and therefore I can not express an opinion as to whether or not the Forest Service had issued the permit. But let us go——

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. I yield.

Mr. NELSON. I think that matter is susceptible of a plain explanation. The railroad company was engaged in constructing a tunnel through there, and a large gang of all kinds of laborers were employed upon the work. Under such conditions it is difficult to maintain order. I remember when the Northern Pacific Railroad was constructed through the northern part of our State, in the county of Becker, one of our best counties, with as good a population as can be found anywhere. They had at one time in a cut at Oak Lake, the terminus of the road for the winter, a tent town that was worse than anything described by the Senator from Montana. Such things are mere incidents of railroad construction. When the work is completed, that will disappear. Why should the Forestry Service be charged with that little item because it occurred in connection with the extension of a great railroad?

Mr. SMOOT. Mr. President, the Senator must understand that I do not say that Mr. Pinchot granted the permit, but the charge was made that he did grant it; and, so far as order and peace are concerned, I think they would have had more order and more peace without the saloon, no matter who granted the permit.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I do.

Mr. DIXON. I did not quite understand the statement of my colleague. Did he say that the saloons at Taft were established on a permit from the Forestry Service?

Mr. CARTER. Not at all. The town of Taft is in Montana, and the contractors claimed that in Montana order was maintained without interruption; that their men worked with regularity, and that drunkenness and disorder there were reduced to a minimum. But just across the line, on the opposite side of the mountain in Idaho, they were rendered almost incapable of proceeding at times because of the "dead falls" conducted there under permits from the Forestry Service for the buildings erected and the business there conducted, of course in consequence of such parties being allowed to remain and erect their buildings.

Mr. NELSON. Will the Senator from Montana allow me to say a word?

The VICE-PRESIDENT. The Senator from Utah [Mr. SMOOT] has the floor. Does he yield to the Senator from Minnesota?

Mr. SMOOT. I will yield to the Senator from Minnesota.

Mr. NELSON. I want to ask the Senator from Montana if he does not think that that dereliction in Idaho ought to be charged to Senators on this floor rather than to Mr. Pinchot? [Laughter.]

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. Yes.

Mr. DIXON. To keep the record straight and not to get into any controversy with my colleague, I think I probably know more about the town of Taft than my colleague does. It lies between the home of the Senator from Idaho [Mr. HEYBURN] and my home. The town site of Taft was on patented land, over which the Forestry Service had no control. On the Idaho side I think there were a few saloons, but it was because the sheriff of Shoshone County would not do his duty and put them out of business. I do not think the Forestry Service had any more to do with it than the man in the moon. It is in the county of the Senator from Idaho, and I think he can tell you all about it.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I should like all the information on the subject that it is possible to receive, and so I yield.

Mr. HEYBURN. Mr. President, I am not going to enter very largely into the discussion of this question. The evils complained of on the Idaho side of the line were not within the State of Idaho, strictly speaking, but they were within that portion of the United States that lies within the State of Idaho over which the State of Idaho has no jurisdiction, except at the caprice and will of the Forestry Service. Those lawless places were all within the forest reservation. We collect no taxes from anything within that section of the State, because there is nothing there to be taxed. We are supposed to maintain order and punish crime committed there, I suppose, because it is geographically within the State of Idaho; but the forest officers assume and claim absolute jurisdiction over it. They claim the right to ride you down on the trail if they meet you there, and make you get out of the road so as to give them a free right of way.

Mr. SMOOT. I heard that statement, Mr. President, a year ago. It was then said that they were compelled to do that; and the statement even went so far as to say that they shot a man.

Mr. HEYBURN. That reminds me that the statement I made a year ago in regard to that matter was—I was going to say "garbled," and I think I would be justified in saying it. The facts, as I stated them, were that Mr. Herman J. Rossi, the mayor of Wallace at that time, was riding along the road in a carriage with his family. It is the old Mullan road, built at the expense of the Government to connect Walla Walla with Fort Benton along during Franklin Pierce's administration. This forest officer, who spoke broken English, was riding along on horseback, and he met this gentleman, Mr. Herman J. Rossi, on the road between the towns of Wallace and Osburn. He insisted by his action that the mayor should get off the road with his carriage, or at least make way for him; and because the mayor drove along the ordinary track and the wheel of his carriage grazed this forestry officer's stirrup strap, or some part of his harness, he took a shot at him and his family. I do not know what he aimed at, but he took a shot at them, in any event. As a defense in the court next day, he stated that he was an officer of the Forestry Service of the United States; that he was within his own domain; and that it behooved people to get out of his way. He was convicted and fined and sentenced. He could not pay the fine; the law seized his horse, and he lost his job, because the rule requires a forester to have a horse. [Laughter.] So we got rid of him.

Mr. SMOOT. The laws of Idaho had jurisdiction over the ranger in this case, did they not?

Mr. HEYBURN. When we got him to Wallace, we had jurisdiction. Wallace was the county seat of Shoshone County. The Forestry Service does not control Wallace. He lived there.

Mr. SMOOT. The Senator has modified his statement from what it was a year ago.

Mr. HEYBURN. No; I have corrected the misstatement which was sent out, by whom I do not know, nor do I care—the misstatement that was not borne out by the RECORD, which is official in this body.

Mr. SMOOT. Ah!

Mr. HEYBURN. I have corrected it.

Mr. SMOOT. But I have the report in the RECORD the day the Senator made the statement.

Mr. HEYBURN. I stand by the RECORD. I stated it then exactly as I stated it to-day.

Mr. SMOOT. The statement a year ago was that the man was shot. The Forest Service then, as now, does not approve of any such action. That man was summarily dismissed from the service.

Mr. HEYBURN. I would not charge, Mr. President, that the Forestry Service approved of it. I stated it as an incident arising out of the unfortunate conditions. Men often start machinery in motion that they can not control and so destroy other people's rights.

Mr. SMOOT. He was a temporary guard. He had been on the forest reservation but a few days; and I can not say, nor can the Senator say, that he shot in the direction of Mr. Rossi, who ran into the guard's horse; the horse nearly threw him of; and he had a pistol and shot it in the air.

Mr. HEYBURN. Is the Senator from Utah referring to this case?

Mr. SMOOT. Mr. President, I prefer to go on now.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. No; I had rather go on.

The VICE-PRESIDENT. The Senator from Utah declines to yield.

Mr. HEYBURN. I thought the Senator would not yield to have that correction.

Mr. SMOOT. Mr. President, I will yield to the Senator.

Mr. HEYBURN. Mr. President——

Mr. SMOOT. I do it with a great deal better grace than the Senator has yielded to me.

Mr. HEYBURN. Mr. President, the statement, as the Senator seems to have received it, bears no more resemblance to the condition of facts that was demonstrated at the trial than they do to an account of something that never occurred—none whatever.

Mr. SMOOT. It is not worth while to spend any more time on that. Let the record speak for itself.

Mr. HEYBURN. The man defended himself and said he had a right to shoot at the mayor of the city. [Laughter.]

Mr. SMOOT. There is another case that was pointed to here. The Senator from Montana spoke of it and painted the picture so pathetically that I was almost brought to tears, and as I looked across the aisle and saw the junior Senator from Iowa, I could almost imagine that he was wiping tears from his eyes. This is what the Senator said:

> Mr. President, let me cite the case of a man who is not a timber baron nor a sheep herder. Oscar Sparta lived for twenty-odd years near the town of Haskell, in a forest reserve in Montana. Passing by that place, I saw a little oasis in the midst of a small valley which we approached. There were 20 acres fenced in. It was a beautiful fence, with the best mortising and the plank dovetailed in. It stood erect. The stone had been picked up in the middle of the little field and piled with that industry that characterizes the New England farmer. A house was in the course of construction at the upper end of the little place. The man who was driving the livery rig in which I was traveling said that used to be the home of Oscar Sparta. I had known of Oscar Sparta for many years, though I had never met him, and I have not met him since.
>
> Oscar Sparta was a mining prospector. This was his own home. He had lived there over twenty years. He lived in a small cabin outside, and was building a new log house at odd times. He had been building it for many years, and he was building a stable farther up. This man told me that Oscar Sparta paid $25 to a man to haul up fertilizer from the village, 5 or 6 miles down the mountain, to fertilize the little garden just back of the house.
>
> That was the situation when the property was put into a forest reserve. The forestry supervisor concluded that Oscar Sparta's home, that beautiful little oasis in the mountain, without a tree upon it or a merchantable bit of timber within 10 miles of it, was a good place for his forest-reserve man's headquarters. He ordered Oscar Sparta off the place, put him out on the mountain side, and told him if he complained he would have him arrested. The poor man went away, and the day I passed by the forest ranger's horses were in Oscar Sparta's field, eating the timothy hay.

I complained of that to the forest-reservation people at Washington. They sent the complaint made back to the local fellow, and what was the reply? That Oscar Sparta was a shiftless fellow, in the habit of going down to Townsend, the county seat near by, and getting drunk periodically, and he was put off in consequence, and he had no right in the premises. That man is a wanderer on the hillside to-day with the forest-reserve agent living in his home, because the Government paid for the lumber to finish Oscar Sparta's house.

Mr. President, it appears from affidavits that the fence across the north end of the Sparta claim, 1,000 feet long, does not and never did belong to Oscar Sparta. He never built an inch of it. It belongs to his neighbor, Joseph Hassel.

Again, the Senator from Montana stated that Oscar Sparta had lived on this claim over twenty years. The affidavit of Mr. Sparta's nearest neighbor is to the effect that Sparta had certainly not slept on the land for the past six years. The house of Mr. Sparta was never more than eleven logs high, nor the stable more than four and a half logs high, although these buildings were begun in 1895.

Again, the Senator said that the Forest Service informed the Senator that Oscar Sparta was put off his place because he got drunk periodically, and therefore had no right on the premises.

Under date of September 25, 1907, the facts just outlined were carefully explained in a letter to the Senator, signed by the Acting Forester, and in this letter the Senator was further informed that Mr. Sparta was not attempting to hold land as agricultural land under any law of the United States, but distinctly as a mining location, and that such location was invalid.

I want to say, to show that it was absolutely invalid, that the man never did any work upon the claim. Instead of doing $100 worth of work every year as assessment to hold the claim, on the 1st day of January he relocated the same ground in some other name, holding this so-called "little oasis" in the midst of a small valley under a mining claim, with never a dollar's worth of work done on it.

A letter was addressed to the Senator by the Acting Forester under date of August 12, 1907, relative to this case, and then on September 15, 1907, another letter was written the Senator by the Acting Forester, in which it was said:

SEPTEMBER 15, 1907.

Hon. THOMAS H. CARTER, *Helena, Mont.*

DEAR SENATOR: Reference is made to your letter dated August 5 to the Forester relative to the claim of Mr. Oscar Sparta, within the Elkhorn National Forest, and to my letter in reply dated August 12.

August 20 Supervisor R. W. Stuart, of the Elkhorn National Forest, made a further and very careful report on the claim of Mr. Sparta, as he was requested to do by me in a letter dated August 12, which inclosed for his information a copy of your letter.

The supervisor states he is sorry to report that the facts in the case must have been misrepresented to you; that without exception all parties whom he questioned informed him "Sparta is a drunken sot, and claim jumper;" that the house which Sparta started to erect in 1895 is in very bad condition, the bottom logs having all rotted away, and when the tract was withdrawn as an administrative site considerable work was spent by the ranger in fixing the fence to keep stock out; that a row of currant bushes 100 feet in length and a like quantity of gooseberries was planted several years ago by Sparta, but the apple trees, strawberry plants, raspberries, etc., in addition to potatoes, lettuce, beets, and other garden vegetables were planted by Deputy Ranger Marston, the apple and fruit trees having been presented to the Forest Service by the United States Experimental Station at Bozeman, Mont.; that he can furnish all the affidavits desired that Sparta never lived on the land, and that the cabin in which he lived (on the Queen B property) was sold to cover taxes and removed by the purchaser, J. J. Warren—

And never was mysteriously burned, as was suggested.

Accompanying the supervisor's report are affidavits from the sheriff of Broadwater County, Mont., and other persons, who state they have known Oscar Sparta in that community for from seventeen to twenty years, and they corroborate the report of Supervisor Stuart as to Sparta's character and showing that he never complied with any law of the United States in respect to his alleged claim.

The affidavit of his nearest neighbor avers that Sparta has certainly not slept on the land for the past six years, and none of the affiants have knowledge of his having done so at any time. It is averred that the house of Mr. Sparta's was never more than a rectangle of logs 16 by 24 feet, 11 logs high, and then a stable square 12 by 12 feet, 4½ logs high, which buildings were begun about 1895, and no effort was ever made to complete them. It appears, also, by affidavit that the fence across the north end of the Sparta claim, about 1,000 feet long, belongs to the Joe Hassell estate. Prior to any action by the Forest Service toward having the land covered by the claim of Mr. Sparta withdrawn for administrative use, full report was made to the Forester on his claim, which report disclosed that Mr. Sparta was not attempting to hold the land as agricultural land under any law of the United States, but distinctly as a mining location, and that such location was invalid. The report was transmitted to the Commissioner of the General Land Office, who, on August 22, directed a hearing to be had in the case by the local land officers. Of this hearing Mr. Sparta will be duly notified, and, if he responds, will have his day in court.

It is the Forester's direction that in no case must forest officers recommend any tract as an administrative site, however necessary, if the land is being occupied and used by a claimant or there is any appearance of a valid claim to it. In the case of a claim clearly abandoned or manifestly illegal, such use may be considered; but in any such case a special report to the Forester is required to accompany the recommendation made, in order that full justice may be done to the claimant before proceedings on suggestions of the Forest Service are had by the General Land Office to clear the record.

Very sincerely, yours, JAMES B. ADAMS,
Acting Forester.

Mr. President, there was another case cited here——

Mr. CARTER. Before the Senator continues——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. Certainly.

Mr. CARTER. I desire, with the Senator's indulgence, briefly to call the attention of the Senate to the support of every statement I made, and that support is drawn from the documents just read by the Senator. First, I said that this ground had been inclosed, improved, and held by Oscar Sparta for about twenty years; that Sparta had been dispossessed without process of law; that the Forester had taken possession of his improvements without any compensation of any kind or character, and that they justified that high-handed proceding by the statement that he was not regarded as a man of good character, and that he had a defective title. That is all I contended.

Mr. SMOOT. Mr. President, so far as I am personally concerned, I would rather take the testimony of honorable, respectable men, even if they are in the employment of the Government, than the testimony of a drunken sot like Oscar Sparta. If the Senator——

Mr. CARTER. Mr. President, Oscar Sparta is one of that peculiar and interesting class of men known as "prospectors," men to whose energy and enterprise the development of the resources of that great mountain chain is largely attributable. The fact that he has frailties and weaknesses, I insist, will never justify depriving him of his property without process of law. That is the bold, uncontradicted fact in this case.

Mr. SMOOT. Mr. President, I agree with that statement, but that is not the case at all. Mr. Oscar Sparta never even slept on the land for six years. He tried to hold the land as a mining claim, and never did a dollar's worth of work on the mining claim, but held by relocating it at the beginning of every year.

The other case referred to was that of Oscar E. Moyer, of the Lewiston land district, Idaho. *There was clearly no compliance with either the letter or the spirit of the homestead law in this case. There was only about 1 acre cultivated during the entire five years of the claimant's residence upon the land, while he cut and sold 900 cords of wood.* Is there anyone here who could attempt to justify a statement that he was there for the purpose of making a home? Not one acre of land was cultivated, and during the time he cut 900 cords of wood.

Mr. President, the forest reserves under the management of the present foresters are to be used by the people. I find that there were 1,304,000 head of cattle on the forest reserves, 76,000 head of horses, 6,960,000 head of sheep, and 126,000 head of goats. Yesterday there was made a statement that the forest reserves of Idaho could support 15,000,000 head of animals. On all the forest reserves of this country, including those where grazing permits have been charged for and those where grazing is free, the animals do not number 10,000,000 head. These exaggerated statements are made for the purpose of trying to discredit the administration of the Forest Service.

What are our fire losses? In 1904 they were less than sixty-six one-hundredths of 1 per cent of the timber in the national forests; in 1907, fourteen one-hundredths of 1 per cent; in 1908, three-tenths of 1 per cent. I called the attention of the Senate yesterday to what our losses in forest fires were last year and what the losses on private holdings were as compared with the losses on forest reserves.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. I do.

Mr. FLINT. I suggest that the Senator include in his remarks to-day that part of the statement that he made in the RECORD of yesterday with reference to forest fires. I consider it very important, and it illustrates just the condition that might result if the amendment were adopted. Now, a very small portion of the government property in forest reserves is burned, whereas on private property great losses occur each year, and if the attacks on the forest-reserve system are continued and we reduce the amount of this appropriation, we shall find in a few years the same conditions, so far as the government reserves are concerned, that now exist on private property, and there will be great destruction of the natural forests.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I yield for a question.

Mr. CARTER. Mr. President, the Senator will admit, I assume, that the forest-reserve fire patrol was efficient last year?

Mr. SMOOT. No; I can not admit that, for it was not what it ought to have been. We ought to increase our fire patrol. The other day when I was down on the great Biltmore estate

in North Carolina, in talking with Mr. Shank, supervisor of that estate, I asked him if he had a million dollars at his command how would he spend it upon that estate. He answered me: "Every dollar of it for a fire patrol." Asked again, what he would do if he had $5,000,000, he remarked again: Every dollar of it he would spend for fire patrol.

Mr. CARTER. How many square miles are there in the Biltmore estate?

Mr. SMOOT. Over 50 square miles.

Mr. CARTER. Then the owner of Biltmore, if he were in charge of the national forests, would spend $500,000,000 a year instead of $5,000,000.

Mr. SMOOT. Oh, Mr. President, I have not said that he has it to spend, or would spend it in one year.

At the request of the Senator from California I will state that we have lost by unit of acres 3 per cent of what the timber-land owners outside of national forests have lost. Our loss last year, 1908, was $1,181,000, while the private loss sustained the same year was between one hundred and thirty and one hundred and forty million dollars. The State of West Virginia, right at our doors, lost over $5,000,000—enough money to patrol its forests for the next fifty years.

Mr. FLINT. And more than the entire appropriation asked for in the pending bill for the forestry service throughout the entire United States.

Mr. SMOOT. Yes; and I want to say we saved over $34,000,000 by the fire patrol, even small as it was.

Mr. DIXON. It is a fact, is it not, that the appropriation now made provides for only one ranger for over 200 square miles of forests?

Mr. SMOOT. That is a fact, even if we get the $550,000 for that purpose.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SMOOT. For a question?

Mr. CLARK of Wyoming. A question for information.

Mr. SMOOT. Yes.

Mr. CLARK of Wyoming. The Senator has the figures very accurately. I understood him to say that $34,000,000 was the saving.

Mr. SMOOT. That would be the loss on the same percentage if forest fires inside of the reserves had occurred as outside of the reserves.

Mr. CLARK of Wyoming. Oh! Then the Senator is not stating, as a matter of fact, that the Forestry Service saved the country $34,000,000?

Mr. SMOOT. Only in comparison with private holdings outside of forest reserves.

Mr. CLARK of Wyoming. I want to get the information, because we are hearing an argument in behalf of this appropriation, and I desire to know whether the argument is made here that the Forestry Service last year saved this country $34,000,000, which it would have lost had it not been for the Forestry Service. I wish to know if that is the statement which is made.

Mr. SMOOT. That is exactly the statement I make.

Mr. CLARK of Wyoming. Then, I should like to know upon what facts the Senator bases his figures?

Mr. SMOOT. I stated the facts upon which I based my figures. It was a comparison with the forest-fire losses outside of the national forest reserves.

Mr. CLARK of Wyoming. That is indefinite——

Mr. SMOOT. Take it in Michigan alone. There was nearly $20,000,000 loss last year.

Mr. CLARK of Wyoming. Let me ask the Senator a question. Has the Senator any information as to whether, if there had not been a forest agent on any of these reserves, the Government of the United States would have lost $34,000,000 in burned timber?

Mr. SMOOT. We had 2,635 fires, of which all but 620 were comparatively small. The railroads caused 552; lightning caused 554; campers caused 485; incendiaries caused 99; and there were miscellaneous causes aggregating 935.

Mr. CLARK of Wyoming. But this is a matter of arithmetic. I want to know if the Senator is prepared to state that, in the absence of any protection from the Forestry Service, the Government would have suffered an actual loss of $34,000,000?

Mr. SMOOT. I have no hesitation in saying that such would have been the case.

Mr. CLARK of Wyoming. The Senator's childlike faith in figures is beautiful to behold. [Laughter.]

Mr. SMOOT. I want to say that that faith, however, is backed up by past experience.

Mr. FLINT. I will say for the benefit of the Senator from Wyoming, from a casual examination of the recorded causes of the fires which took place last year, that, in my judgment, if we had no forest rangers the damage to this country in the loss of timber and resources would have been twice $34,000,000. In southern California, if they had not had forest rangers to put out the fires last year, the loss to the people of southern California, and thus to the Nation, would have been many million dollars, in my opinion, by the destruction of the entire watershed, making it impossible for years to have water to irrigate the lands throughout the southern part of the State.

Mr. CLARK of Wyoming. Of course the Senator from California goes on the same assumption that the Forestry Service goes upon, and that is, a fire once started will never cease until it is put out by a forest ranger. For a thousand years fires have been occurring in the forests in the Rocky Mountains, and after a thousand years the trees are still there. Fires do not have to be put out by a forest ranger. Fires burn themselves out or are put out by other means, and it is reckless to say that a fire started will sweep through the whole course of a forest and destroy it.

Mr. SMOOT. I want to call the Senator's attention to the fact that the fires burned themselves out in Michigan and consumed a large part of the timber that State had.

Mr. CLARK of Wyoming. Yesterday we were confronted with the argument that the cattle barons had stolen Michigan; to-day we are confronted with the fact that fires have denuded all the hills.

Mr. SMOOT. Yes; what were not stolen.

I see the time is passing, and I have a great deal I should like to put in the RECORD without reading, because it would take too much time to present it.

Mr. CLARK of Wyoming. I have no doubt the information is perfectly accurate, but I should like to have an intimation of what it consists.

Mr. SMOOT. It consists of a summary of the expenditures and returns of the Forestry Service for the years 1905, 1906, 1907, and 1908. It also presents the question of timber sales, the cost, the amount, and how carried on. It also presents the question of forest fires and the question of the cost of grazing.

Mr. CLARK of Wyoming. There is no objection to that.

Mr. SMOOT. I should like to have it inserted in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Expenditures and returns.

SUMMARY.

Since it took charge of the national forests, in 1905, the total expenditures of the Forest Service for the fiscal years 1905, 1906, 1907, and 1908 have been, in round numbers, $7,250,000. By classes these expenditures have been approximately as follows:

General administration of the Forest Service	$500,000
Use, maintenance, and protection of the national forests	4,900,000
Permanent improvements on national forests	675,000
Studies	1,175,000
	7,250,000

Under "General administration of the Forest Service" is included the salaries and expenses of its administrative officers in Washington and of its general inspectors. It will be observed that the total charge for administration is less than 10 per cent of the total expenditure for the period specified. This compares very favorably with the proportion between the expenditure for general administration and operating expenses in large business enterprises comparable with the Forest Service.

Under "Use, maintenance, and protection of the national forests" is included the salaries, station, field, and traveling expenses of the executive and protective force upon the national forests; the rent of supervisors' headquarters; and the purchase of the necessary equipment and supplies.

Under "Permanent improvements on national forests" is included the construction and repair of roads, trails, telephone lines, fire lines, bridges, fences, rangers' cabins and barns, and other permanent improvements needed to safeguard the national forests from fire and to develop their fullest possible use by the people.

Under "Studies" is included investigations of forest conditions and needs upon the national forests required to promote the use and protection of these forests, and the work of the Forest Service independently and in cooperation with States and private owners, aimed at bringing about a more conservative use of forests not in federal ownership and of forest products.

I. ON NATIONAL FORESTS.

Since the Forest Service took charge of the national forests, in 1905, it has expended upon them in the fiscal years 1905, 1906, 1907, and 1908, for their protection and for the handling of current business, $4,900,000. The receipts from the national forests from all sources for the same period have been about $4,200,000. The net cost of the national forests to the Federal Government during this period has been $700,000. The amount expended in this period for the construction of roads, trails, and other permanent improvements is $675,259.

The States in which the national forests lie have since 1905 received $675,606 of the receipts from national forests for the maintenance of schools and roads.

When the Forest Service took charge of the national forests on February 1, 1905, their total area was 63,027,884 acres. Their total area is now 168,681,039 acres or over two and one-half times as much. The protective force was utterly inadequate in number and low in efficiency. Practically nothing had been done to promote the use and protection of the national forests by the construction of roads, trails, telephone lines,

and other improvements, and the benefits of these forests to the people were very slight. Before the service took charge of them the national forests constituted a resource whose usefulness had been little developed and whose safety was seriously endangered by lack of effective administration on the ground.

At a money cost of $700,000 to the Federal Government the Forest Service has accomplished these things upon national forests. It has increased their value, their usefulness, and their safety from fire by the construction of 708 miles of roads, 9,421 miles of trails, 3,400 miles of telephone lines, 50 miles of fire lines, over 400 cabins for its rangers, and 644 miles of fence. It has planted two and one-half million trees, and it has 9,000,000 more in its nurseries as stock for future planting. It has issued 87,219 grazing permits, under which 4,289,203 horses and cattle and 21,216,381 sheep and goats have been grazed. It has made 8,663 timber sales, and it has granted 66,182 permits for the free use of timber for domestic purposes by settlers. More than half of the 5,923 permits issued for the conservative use of lands for special purposes of various kinds have been given free of cost to those who benefit by them. Applications for agricultural settlements to the number of 2,514 have been approved, which has opened 295,000 acres to farming. The total number of permits of all kinds issued for the use of the national forests is close upon 200,000. The total amount invested by the Forest Service in permanent improvements on the national forests is $675,259, or nearly twice the net cost of administering these forests for four years.

Through the administration of grazing on national forests by the Forest Service, range wars within them have absolutely ceased. The investment of productive capital in national forests by the people of the West in power plants, sawmills, transmission lines, railways, and other improvements has increased by many millions of dollars, giving added employment to labor and added industrial development to the regions in which the national forests are situated. The use of the national forests by the people has multiplied many times in every respect, but the use of the national forests by the small man has increased in proportion to its use by the large owner in the relation of 10 to 1.

In 1902, under the adminstration of the national forests by the General Land Office, an average of 5¼ acres to every 1,000 acres were burned over. In 1907, under the administration of the Forest Service, less than 1 acre per 1,000 acres burned over. In 1908 the Forest Service saved, compared with the forest-fire damage on a similar area of private forest lands, $34,000,000 worth of timber in national forests by its fire patrol.

These facts show that the total net cost of administering the national forests is utterly insignificant compared with the results attained in the increased usefulness of the national forests to the people, and in the actual value of the national forests themselves, through their development by the construction of permanent improvements, through the improved condition of the forest and the range, and through added safety from damage by fire.

The national forests should not only be so handled as to prove of permanent and increasing public benefit, but that they should pay all costs of their maintenance. If the Forest Service is permitted to pursue its avowed policy with reference to national forests, and is given the funds urgently needed for its work, it will not only attain, but it will much surpass this result.

But it is necessary to face the fact squarely, that the appropriations hitherto made for the national forests are barely sufficient to provide for their protection alone. They do not make provision for the proper handling of current business, and they entirely fail to take into account that this business is increasing. Last year so great were the demands upon the time of the forest rangers to handle the business of the people upon national forests, that only about one-fifth of their time could be devoted to fire patrol.

The force upon national forests, never adequate for fire patrol alone, not only has to protect the forests but to handle a business which in the aggregate has increased several times faster than the force available. In the year 1908 the business of the national forests, as shown by the actual number of permits granted, was about five times the business transacted in 1905. But the force which handled this business in 1908 was less than two and one-half times the force which handled one-fifth as much business in 1905. Not only the business but the area which each forest officer must cover has increased, until now the average area in charge of a ranger is about 125,000 acres, or nearly 200 square miles. To handle grazing, timber sales, and other uses of various kinds on an area of this size in rough mountain country, and also to protect it from forest fire, is much more than one man can do effectively. Not to increase the force means inevitably to increase the already excessive burden upon the ranger, because the demands upon him by the people who wish to use the national forests are steadily growing larger.

Should the funds needed by the Forest Service to protect the national forests and to supervise their legitimate use not be made available, this service faces the alternatives: To reduce a forest-fire patrol already insufficient to the point of grave danger, or to limit the growing use of the national forests by the people. Under such circumstances the proper course for the Forest Service to pursue would be to limit the use rather than to endanger the forests themselves. This would necessarily mean that much timber which is ripe for the ax and for use by the people could not be sold, that grazing would have to be limited correspondingly, and that in other important respects the forests beyond the point to which they could be safeguarded by the funds available would have to be locked up against use by the people.

II. IN FOREST STUDIES.

Since the Forest Service took charge of the national forests, in 1905, it has expended $1,175,000 in studies to bring about a more conservative use of forest products and of forests in private and state ownership.

In considering the need for the continuance and extension of this work, a brief summary of how this Nation stands with relation to the forests is of value.

Four-fifths of the forests of the United States are in private hands. From these forests the timber supply of the future must mainly come. At present less than 1 per cent of the forests privately owned are logged conservatively or adequately protected from fire.

The growth of timber in all the forests of the United States approximates 7,000,000,000 cubic feet per year. But this Nation is using 23,000,000,000 cubic feet of timber per year, or more than three times as much as all our forests produce.

Since 1870 forest fires have annually cost an average of 50 lives and not less than $50,000,000 worth of timber. They have burned over at least 50,000,000 acres of forest each year. Through destructive logging one-fourth of the timber which might be utilized is wasted. The waste in the mill is from one-third to two-thirds of the lumber sawed. These wastes combined mean that for each 1,000 feet of timber which stood in the forest, about 320 feet, or less than one-third, is actually used. The remaining two-thirds are wasted.

We can not count upon other countries to supply our need when our own forests are gone. The condition of the world supply of timber makes us already practically dependent upon what we produce. We send wood out of our country and we bring it in, but we export one-and-one-half times as much as we import. From this time on we must grow our own wood supply or we must do without.

These central facts have recently been compiled by the National Conservation Commission. They are not hysterical statements based on guess work, but conservative estimates, backed by reliable data. It is much more probable that they understate than that they overstate the actual condition.

These facts mean that we must act vigorously if our forests are to be preserved. Even the most vigorous action will not prevent grave timber scarcity which our waste of the forest has made inevitable. But if we fail to act we shall face not merely timber scarcity, but timber famine.

Realizing these facts the Forest Service has felt that its duty to promote the conservative use of forests not in federal hands, as well as all economy practicable in the use of forest products, is no less urgent than its duty to rightly administer the national forests. To this end the Forest Service is doing all it can with the funds available to teach American citizens how to practice forestry. It has carried forward a national campaign of education in forestry by spreading broadcast the useful knowledge obtained by its forest studies in actual cooperation with States as well as with the individual forest owner and user in the handling of his timber tract, his wood lot, his forest plantation, and his timber-treating plant.

The results of this work, so far as they can actually be measured in dollars, are worth to this Nation many times the amount expended in obtaining them. But an even greater accomplishment is the awakening of the American people to their national and individual need for forest conservation. We are still far behind all other great nations in our treatment of the forest. But no nation possesses a more wholesome public sentiment upon which to build a structure of forest conservation which will endure than does our own.

In the period and for the expenditure specified, the Forest Service has, in cooperation with private owners, made detailed working plans for the conservative handling of nearly 6,000,000 acres of private forest land. It has prepared 114 planting plans for settlers and small farmers, especially in the Middle West. Through its timber tests, which are now accepted by engineers, architects, and builders as the standard timber tests in the United States, it has promoted economy in the use of structural timbers and greatly increased the range of species used for this purpose, thereby decreasing the drain upon our forests. Chiefly as the result of educational work done by the Forest Service as to creosoting and other useful methods of wood preservation, about 60 timber-treating plants are now in successful operation in the United States, which turn out one and one-quarter billion feet of treated lumber annually. The increased life given to timber in use through preservative treatment would mean, if all timber which could profitably be treated were treated, an annual saving of about $72,000,000. The Forest Service answers about 140 inquiries a week for practical advice in timber preservation alone. It is a shame, is it not, that a few dollars have been spent by way of education to bring this about?

Through its studies of wood utilization the Forest Service is pointing out practical economies in the sawmill, in the factory, and in the use of timber itself, which have had a material effect in reducing these great forms of waste.

These are a few examples only of the direct results from the studies conducted by the Forest Service. The range of its usefulness in answering requests for advice regarding the best use of forests and forest products in every field is indicated by the fact that these requests average 100 a day.

Since 1905 the Forest Service has distributed over seven and one-half million publications containing useful information in the field of practical forestry.

In its work with the States the Forest Service has put into actual effect the principle of cooperation between State and Nation, upon which the effective solution of our national-forest problem directly depends. It has completed cooperative studies with 13 States, and cooperation with as many more is either in operation or directly pending.

The results of this state cooperative work have been far-reaching. The admirable forest law of California is the direct result of a study of state forest conditions made by the Forest Service, one-half the cost of which was borne by the service and half by California.

Through a study made by the Forest Service, Alabama has enacted advanced conservative forest legislation.

Illinois has profited greatly through the information furnished by the Forest Service on the care of the wood lot and on forest planting.

The service has for two years been making a state forest study in cooperation with Kentucky. The result will be to improve logging methods, bring about more accurate knowledge as to timber values, and lead the farmers and other owners of timber land to take better care of their holdings.

In Michigan an examination of a portion of the State has been made, particular attention being paid to forest fires. This has led to important pending state legislation in regard to the control and prevention of forest fires.

In Delaware a study of forest conditions was made with special reference to the advisability of growing loblolly pine.

In Maine and Florida forest fires were studied with a view to shaping legislation for their control. These studies have already borne fruit in better legislation.

In Maryland five counties were studied, and the facts ascertained in these counties led to the appointment of a state forester and to much better care of forests within the State.

In Mississippi a cooperative study was made of cut-over longleaf pine lands. This resulted in the gathering of much useful information, and called to the attention of the state legislature the need for forest legislation along various lines.

In Missouri a detailed study of forest conditions in the Ozarks awakened a keen interest in forestry in the State, which promises splendid results.

In New Hampshire two studies have been made, one of forest conditions, the other of forest taxation, which have had admirable results.

Forest conditions in Wisconsin have been studied by the service, with the result that a state forester has been appointed, and Wisconsin stands now probably at the head of States in the care of its forests.

To sum up, the studies made by the Forest Service, both independently and in cooperation with States and with individuals, and the wide distri-

bution of their results, have been and are the prevailing influence in the United States for the better use of the forest and its products. Of the two great tasks before the service—the administration of the national forests and popular education in forestry—the one is quite as important as the other. It is no less necessary to the future of our forests that right use of the four-fifths of them, which are in private hands, be encouraged than of the one-fifth, which is in the hands of the Government.

TIMBER SALES.

The receipts last year from the sale of timber on national forests were about $850,000. Had the Forest Service sold all the timber it was asked to sell it would have sold about ten times as much. Had it made these sales the receipts from them alone would have covered the total expenditure of the Forest Service for the year and put a net balance over $5,000,000 into the United States Treasury.

It costs the Forest Service from 20 to 30 cents per thousand feet of timber sold to mark the trees to be cut, to supervise the logging, and to burn the brush as a precaution against fire. This expenditure is necessary to insure clean work in the woods and the production of a good second crop.

The reason why the service did not sell more timber last year and thereby much more than pay back the total cost of all its work, is that it did not have the money needed to safeguard the forest in logging. The Forest Service therefore confined its timber sales strictly to the number which it could handle properly with the funds available. It would have been very easy for the Forest Service, at the expense of the national forests with whose welfare it is intrusted, to have shown a large credit balance at the expense of the forests themselves. This it has declined to do.

During the past year the Forest Service gave timber to settlers in small quantities for domestic use to the total value of $169,000. This is in pursuance of the policy of the service to give all aid practicable to the small man within and near the national forests who is trying to establish a home. This free use of timber by settlers involves certain necessary expenses in supervision by the Forest Service, from which of course there is no direct return.

The national forests contain over 4,000,000,000 feet of timber, which is one-fifth of all timber standing in the United States. They contain also vast quantities of wood suitable for posts, poles, and fuel. Handled on a strictly commercial basis, the timber alone in the national forests could be made an important source of money revenue to the Government. Handled as the Forest Service is handling them, with a view to reasonable money returns, but also with a view to making them of direct public benefit in the development of the West, the national forests will easily pay back all costs of their administration and protection. Thus far the Forest Service has not been given an opportunity to make the national forests pay their costs, because the funds provided have never been sufficient for the adequate protection of the national forests. And the Forest Service has steadily refused, and rightly so, to devote money needed for fire patrol to increasing current business at great risk to the safety of the national forests themselves.

FOREST FIRES.

For the last thirty years forest fires have destroyed annually in the United States an average of 50 lives and $50,000,000 worth of timber. The area burned over each year has averaged not less than 50,000,000 acres.

For the last year, the most calamitous year as to forest fires that this country has known for a decade, the total damage by forest fires in the United States has been conservatively estimated at not less than $100,000,000.

Through its fire patrol on national forests the Forest Service saved last year, compared with the actual fire damage on private forest lands of similar area, over $34,000,000, or enough to pay all the expenditures of the service, at last year's rate, for about ten years.

The force employed upon fire patrol through which the above result was obtained was equivalent to 1 man to each 500,000 acres, an area half the size of the State of Delaware. The public expenditure was about one-third of a cent per acre. The result was the protection of timber worth seldom less than $75 per acre, and frequently as high as $100 and even $200 per acre. This is fire insurance at an average rate of one three-hundreth of 1 per cent.

The national forests contain one-fifth of the standing timber and one-fifth of the forest area of the United States. In West Virginia, whose forests comprise one-tenth of the area of the national forests, the damage by fire was five times as great. In Wisconsin, whose forests comprise one-fourth of the area of the national forests, the damage by fire was nine times as great. In the Adirondack region of New York, whose area is about one one-hundreth of the national forests, the damage by fire was equally great.

The expenditure for fire patrol per acre on national forests is far below the amount actually expended by the lumbermen associated together for fire protection in the States of Washington and of Idaho. The Washington Forest Fire Association, organized by private owners of timber land to protect their holdings from fire, has a membership of 138, and comprises a total acreage of nearly 3,000,000 acres. This association expended 1 cent per acre in the protection of the forests of its members from fire in 1908, or three times as much as the Government expended in the protection of the property of the people in national forests.

The national forests, with the safeguarding of which the Forest Service is charged, are worth about $2,000,000,000, which is more than the total value of the equipment of the army and navy combined.

The commercial timber alone in national forests is worth $1,000,000,000, or equivalent in value to seven such fleets as the one which has just carried the American flag around the world. The preservation of this vast natural resource is no less essential to our national prosperity and industry than is the fleet to the maintenance of our independence as a Nation.

The force upon national forests is called upon to protect the forests from fire and to handle at the same time a rapidly increasing business with the people. One hundred thousand persons used the national forests under permit last year. In the not distant future this number should be increased to 1,000,000. It is unjust and unwise to require the Forest Service to give adequate protection to the national forests for one-third the amount which private owners are expending in the protection of their timber lands, and at the same time to extend this force to handle a business already vast and rapidly growing.

The fire-patrol force has been inadequate for safety since the beginning, through lack of funds. Congress has assumed that the increased appropriation asked by the Forest Service is due only to increasing business. It is due mainly to the desire of this service to effectively safeguard the national forests from fire.—Doctor Shank on Biltmore estate.

Unless the force on national forests is greatly increased, and that necessarily carries with it an increase in appropriation, the Forest Service must do one of these two things—turn away national forest business or reduce a fire patrol already insufficient. This is an urgent and immediate condition, not a theory.

GRAZING.

The regulation by the Forest Service of grazing upon ranges within the national forests has in three years reduced the waste of forage at least 30 per cent. This means that the number of sheep and cattle fed upon these ranges is increasing in proportion.

Through the control of these ranges by the Forest Service steers grazed in many of the national forests last year weighed from 50 to 100 pounds more than steers grazed on outside ranges, and brought from $5 to $10 per head more on the open market. The same is true of lambs and sheep. The natural increase in calves and lambs from stock ranged on national forests is from 10 to 20 per cent larger than from stock ranged outside national forests.

During the past year the killing of mountain lions, wolves, and other predatory animals within national forests by hunters employed by the Forest Service has saved the stockmen from losses which, on the basis of actual past experience, would have considerably exceeded the amount paid by these stockmen in grazing fees.

The grazing fees charged on national forests are from 30 to 35 cents per head for cattle and from 10 to 12 cents per head for sheep for the entire year. These charges are far below those paid for similar grazing privileges outside the national forests. For example, on Indian reservations in Arizona and New Mexico a fee of $1 per head for cattle and 25 cents per head for sheep is paid, or two or three times as much as the fees on national forests. Large tracts of grazing lands in southern Colorado, owned by the Ben Butler estate, are leased at a rate equivalent from $1.25 to $1.75 per head for cattle, or from three to over four times the rate charged on adjoining national forests. Lands owned by the Southern Pacific Railway Company within the boundaries of the Tahoe National Forest are leased for grazing at a rate equivalent to about 25 cents per head for sheep, or nearly four times as much as is paid for grazing on public lands in the same forests. On Indian reservations in Oregon and Washington a charge of $1.50 per head is made for cattle and 25 cents per head for sheep. On adjoining national forests the charge is from one-half to one-third as much. The opponents of the Forest Service complain of overcharges for use of range and also for extravagant appropriations.

The above figures show that the Forest Service in its administration of ranges within national forests is giving for fees which run from one-half to one-fourth the actual value of the grazing privileges, effective protection of the range, increasing safety from predatory animals, and a product in beef and mutton, worth considerably more on the market than the product of outside ranges.

Had the Forest Service charged last year for grazing privileges what they were actually worth, these charges would have more than paid all the expenditures of the service for the current year. That the service did not increase grazing fees is due directly to its conviction that the great value of its administration of grazing is to aid the small man in establishing a home, and that the translation from free range to grazing fees should give opportunity for the easiest adjustment practicable of the stock industry to the new condition. Had not this opportunity been given, the transition would have meant inevitable hardship, especially to the small stockman. The opponents of the Forest Service bitterly complain of charges made for the use of the forests and grazing privileges, and, on the other hand, find fault with the amount of the appropriation.

Mr. SMOOT. Mr. President, before the Forestry Service took charge of the national forests, little or no opposition to its work existed. Since the Forest Service took charge of these forests, it has faced bitter and determined opposition from certain well-defined sources. The approval of the work of this service on national forests by the great body of the people, and particularly of the western people whom it most affects, has grown steadily until it is probably more general and more emphatic than the popular approval of the work of any other federal agency. The settler, the stockman, particularly the small stockman, the small men who are winning the West with their own hands and building their homes within it, stand practically as a unit for the policy and the methods followed in national-forest administration. And both in the East and in the West, forest owners and forest users, from the great railroad which faces a serious and urgent problem in safeguarding a constant supply of timber for its needs, to the farmer who wants to make the most of his wood lot, stand practically as a unit for the work of the Forest Service in teaching the people how to take care of their forests.

But year after year the Forest Service faces organized and active opposition to its policy, to its methods, and to adequate provision for the work with which it is charged. In terms more or less specific, the efficiency of forest officials on and off the national forests is constantly attacked. The national forests themselves are pictured as vast solitudes under the iron hand of tyrannical petty officers, whose chief purpose is to continue them as solitudes. And charges are not wanting against the integrity of the service and of its officers.

It is obvious that opposition so vigorous and so sustained has a cause, whether or not the cause be just. Part of it is due to honest criticism, whether well taken or mistaken, not of the general policy of national-forest administration, but of the actual methods employed by forest officers on the ground. In this regard the Forest Service does not claim, and has never claimed, that it makes no mistakes. This service has grown rapidly from small beginnings. Its administrative task is peculiarly difficult on account of the many interests involved, of

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the wide distribution of the national forests, and of the scarcity of available funds for their protection and management. It is called upon to administer an area equal in size to the German Empire, Denmark, Switzerland, and the Netherlands combined. It is required to handle the great and varied business of the national forests through local officers, who are distributed in the proportion of one man to each 200 square miles of territory. This man is usually a forest ranger, who gets from $1,000 to $1,200 a year, out of which he provides his own horses. For such a salary the service is expected to employ men who can do business with the representatives of industries of the many kinds which use the national forests.

It is seldom that the ranger does business with such a man whose salary is not several times his own. As a whole, the efficiency of the ranger force is far higher than the Government has a right to expect, in view of what the ranger is paid. But mistakes occur now and then, and they will continue to occur until the forest force is not only fully trained, but until it is adequately paid. It is remarkable, in view of the smallness of this force and of its low pay, that so few of the charges of incompetency made against officials of the Forest Service have stood the test of investigation. Furthermore, through the resolutions of stock associations, lumber associations, and other users of national forests, and through other expressions of popular approval, there is abundant evidence that on the whole the management of the national forests is satisfactory to the people.

To sum up, it is obvious that the minor mistakes which the Forest Service may have made have not in themselves been sufficient to justify bitter opposition to its work. Most of this opposition has a wholly different cause.

The Forest Service is the first federal agency to administer a considerable area of public land in the interest of all the people. Other federal agencies have, so far as lay within their power, enforced public-land laws from Washington, but the Forest Service has enforced them on the ground. The result has been that it has interfered—and in some cases it has interfered seriously—with those who wish, under color of land laws loosely applied or without color of law at all, to benefit, to the public detriment, through the acquirement of public property. No man knows in detail what our national indifference to the dwindling of the public domain has cost this generation and the generations to come. It has been estimated that one-third of this domain has passed into wrong hands and been lost to the people to whom it rightly belonged, under cover of a public-land policy criminal in its laxity and in its obliviousness to gigantic fraud. But whether one-third or one-fourth or one-half, every man knows that the public domain has so melted away, to the public injury and to private gain, that this generation will hand down to the next but a remnant of the national legacy which it received in trust.

The national forests contain an important part of what is left. They are being administered in the interests of the whole people. Therein lies the chief cause of opposition to the policy under which they were created, to the methods employed in their management, and to their existence itself. If the true causes for much of the opposition to the Forest Service were stated, they would read as follows:

The Forest Service holds that the ranges within national forests are first of all for the use of the small man who is building up the country.

The Forest Service holds that the timber in the national forests should not pass into the hands of lumber companies, in order that they may hold their own timber, and sell it to the people at excessive prices when the Government's timber is gone. It holds that the timber on national forests should be cut conservatively, a good deal of it given away to settlers for domestic use, and what is marketed sold in small quantities to local mills, in order that the people may directly benefit thereby.

The Forest Service holds that the mining laws should not be used within national forests as a cloak for acquiring title to land which is nonmineral, but covered with valuable timber.

The Forest Service holds that inside national forests the homestead laws should not operate as a means by which the fraudulent homesteader can acquire title to valuable timber land utterly unsuited for agriculture, and sell it in turn to the great lumber company.

If the platform of the Forest Service is sustained, it will mean that the national forests will be handed down to the next generation with their resources intact and the right of the people to enjoy them inviolate. If this position is not sustained, it will as inevitably mean that the national forests will dwindle in area and in value as the public domain has dwindled, with direct benefit to great private interests and irreparable loss to the people now and to come.

This is not an hysterical forecast. That it is true as to the public domain is proved by the great land frauds of the West, which are common knowledge. That it is true as to the national forests the following cases go to prove. These cases are selected at random from many times their number. But they are sufficient to show that a part, at least, of the opposition to the national-forest policy is because it prevents fraud inside the law and theft outside the law.

A mining company by wrong use of the mining laws attempted to secure for $10,000 4,000 acres of heavily timbered land on a national forest in Montana. The timber standing on this land is worth $250,000 at a conservative estimate. The mining claims under which the company attempted to get possession of this timber were fraudulent. Upon notice that the Forest Service would fight these claims the company refused to defend them. (*a*)

Mr. FLINT. In what State did the Senator say that fraudulent transaction occurred?

Mr. SMOOT. The State of Montana; and I referred to the case here a year ago.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I prefer to get through, and then I will answer any question which any Senator may ask.

The VICE-PRESIDENT. The Senator from Utah declines to yield.

Mr. CARTER. I think it wise for him to decline.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield?

Mr. SMOOT. If the Senator from Montana insists upon asking a question, I will answer it if I can.

The VICE-PRESIDENT. The Senator from Utah now yields.

Mr. CARTER. I do not now insist.

Mr. SMOOT. Fourteen coal claims on a national forest in Oregon are covered with commercial timber, worth not less than $200,000. These lands were reported by the Geological Survey, after expert examination, to contain no workable coal. A hearing before a local land office in Oregon resulted in decisions adverse to eight of the claimants. Hearings involving the remainder are pending. (*b*)

A company in California, largely controlled by one man, attempted to obtain possession under the mining laws of 200,000 acres of land in a national forest, on which the timber is worth about $5,000,000.

Mr. FLINT. Had it not been for the activity of the officers of the Forestry Service every foot of that timber land would have been taken fraudulently by this combination of men in my State. By their strict examination of all these mining applications they saved this vast tract of timber land to the people of this Nation.

Mr. SMOOT. Immediately after investigation by the Forest Service the company promptly relinquished its claim to 34,000 acres, and a decision declaring many more of its locations invalid has already been made by the local land office in California and by the Commissioner of the General Land Office. (*c*)

A company in New Mexico, holding a number of mining claims, was investigated in the interest of the Forest Service by a geologist of the Geological Survey. Upon investigation, this company offered to relinquish 102 lode claims if the Forest Service would give it the right to construct a ditch across the land embraced in these claims. It would seem, therefore, that the mining laws are used to get possession of water and water power as well as of timber. (*d*)

As a result of examinations of claims in national forests during the past year over 60,000 acres of land, bearing more than 300,000,000 feet of timber, worth not less than $6,000,000, were restored to federal ownership. Every one of these claims was fraudulent in fact. It is scarcely an injustice to assume that some of them were fraudulent in intention. Three of these claims had upon them a stand of nine, ten, and eleven million feet of timber, respectively, worth, respectively, eighteen, twenty, and twenty-two thousand dollars.

Again, during the last year action was begun in the United States court in Colorado for the recovery of timber cut in trespass from public lands now included in a national forest in Wyoming by an individual and sold to a railroad company for about $390,000. (*e*) A timber trespass on a national forest in Montana, involving timber worth $360,000 is now under investigation. (*f*) Since it took charge of the national forests the prosecution of timber trespass alone on national forests by the Forest Service has yielded a total of about $169,000. More than 2,000 cases, involving fraudulent and invalid claims to lands

within national forests, are pending before the General Land Office.

It has recently been shown that about one-third of the developed water power and of the advantageous power sites in the United States are controlled by 13 companies.

These few examples go to show, and many more can be furnished if they are required, that the Forest Service is finding abundant evidence on the national forests of the intention of certain elements in certain industries to get what they can of the property of the people regardless of law and regardless of right. It is reasonable to assume that the disappointment of these gentlemen, at least in part, explains opposition to the national forest policy.

For each one of the cases cited, names and dates and localities can be given, and similar detailed information can be given for the many more cases not cited, but from the federal agencies whose duty it is to protect the public lands from fraud and theft.

(*a*) *Montana.*—United States *v.* Libby Placer Mining Company, Cabinet National Forest, involving 4,000 acres of land, heard by the local land office at Kalispell, Mont., in August and September, 1908; timber valued at $250,000.

(*b*) *Oregon.*—Eight cases, C. W. Anderson et al., involving 1,200 acres of land in the Siskiyou National Forest, on which was timber valued at over $100,000; hearing at Roseburg, Oreg., in August; decision in October, 1908.

Six coal claims for lands in the Siskiyou National Forest (C. K. Pierson et al.) are pending for hearing before the local land office at Roseburg, Oreg., involving 900 acres of land; timber valued at about $100,000.

(*c*) *California.*—United States *v.* H. H. Yard and North California Mining Company, involving 200,000 placer-mining locations in the Plumas National Forest. These locations contain over 200,000 acres of land, timber on which is valued at over $5,000,000. The North California Mining Company relinquished 34,000 acres in 1906, and hearings involving 11,0000 acres resulted in a decision of the local land office in February, 1908, and a decision of the commissioner in August, 1908, adverse to the claimants.

(*d*) *New Mexico.*—One hundred and two lode claims in the Lincoln National Forest, claimed by the Eagle Mining and Milling Company. This company offered to Geologist Hill to relinquish if the Forest Service would give it a certain right-of-way privilege to cross the land.

(*e*) *Wyoming.*—Action begun in summer of 1908 in the United States court of Colorado against John C. Teller and Union Pacific Railroad Company for $390,000 for trespass by Teller on land now in the Cheyenne National Forest, Wyoming, by cutting railroad ties, afterwards sold to the Union Pacific Railroad Company. Teller escaped criminal liability for indictment for this trespass by paying for the timber at the rate of $2.50 per acre under the act of June 3, 1878 (20 Stat., 89).

(*f*) *Montana*—The Forest Service has urged and is assisting the General Land Office to collect for a trespass alleged to have been committed by A. W. McCune and others on land in Montana, since included in the Deer Lodge National Forest.

The funds recommended are needed for the Government forest work for these main reasons:

1. The protective force on national forests has been inadequate from the beginning, and the increase in it has not kept pace with the increase in business.

2. Unless the force is greatly increased the Forest Service must do one of these two things: Turn away national forest business, or reduce a fire patrol already insufficient. This is an urgent immediate condition, not a theory.

3. It is no less necessary for the better protection and fuller use of the national forests that money is provided with which to hire men, than that money is provided with which to build trails, telephone lines, fences, and other permanent improvements. Without the men, the permanent improvements are of little use; without the permanent improvements, the efficiency of the additional men will be greatly reduced. Both are essential.

4. The fact that the protective force on national forests has carried a heavier load of current business per man during the last year than ever before, and has held the fire damage down to 1 per cent of that on private forest lands, is creditable in the highest degree. But it is unfair, as well as unsafe to the forests, to rely upon the men keeping this up. The force is at present seriously overworked, and unless it is increased the inevitable result will ensue—a serious falling off in individual efficiency.

The estimates for the ensuing fiscal year are the first estimates presented for the Forest Service which, if granted, would put it really abreast of its task. If it is necessary that the increased expenditures proposed should be met by increased returns, that can be done; if it is necessary that they should be materially exceeded by the returns, that can also be done, although neither is advisable. The growth of business on national forests can go on until the returns greatly exceed the expenditures with absolute safety to the forests themselves, provided that the growth does not get beyond the trained force available to handle it. What the Forest Service is doing now is to train up the force, get ready for the business, and take care of the increase so far as it can. When the force is once adequate in training and in number, the service can take care of all the business, which means many times that now handled, with a revenue many times as great.

Mr. President, I have studied this question for a good many years. I have seen in my own State the benefit that comes from the preservation of our forests, and I want to ask the Senate to take into consideration the work that the Forester is doing in the preservation of the great timber lands of this country, and I certainly hope and trust that all that has been asked for in the pending bill will be granted by the unanimous vote of the Senate.

The article referred to later is as follows:

[From the Denver Republican, Tuesday morning, February 9, 1909.]

FIGHT AGAINST FOREST POLICY JUST SELFISH—NEW DEFENDER OF ADMINISTRATION IN SYSTEM OF CONSERVATION—HAPPENS NOT TO BE ADMIRER OF ROOSEVELT, BUT PRAISES DEPARTMENT AS HE SEES IT—CATTLEMEN GET USE OF LAND FOR LESS THAN COST OF KEEPING IT—FOES OF RESERVES ARE MINORITY.

DENVER, *February 8.*

There are no facts to warrant the ferment which exists in this State about the forest reserves. The opposition to "Pinchotism," so called, may be summed up in one short, ugly word—"graft."

These statements are made thoughtfully and deliberately, with an expert knowledge of the situation. The writer has no connection with the Forest Service and never has had. Nor has he any ax to grind for any interest affected by the forest revenue policy of this administration. Nor does he happen to be an admirer of Mr. Roosevelt; far otherwise.

But for ten years past he has passed every summer but one on some forest reserve in the States of Colorado, Montana, and Wyoming. Some of these reserves he knows better than any ranger patrolling them. He is not a tenderfoot, and has made his home, with cattlemen, miners, sheepmen, prospectors, lumbermen, cowboys, forest rangers, squawmen, and even Indians. There is scarcely a phase of life or industrial activity in the Rocky Mountains that he is not fairly familiar with, and it is in the light of the knowledge thus gained that he reiterates the assertion that the fight now being made on the forest-reserve policy is bottomed almost entirely upon greed and dishonesty. These are strong words, but they are justified.

The forces making the fight muddle the issues, and no doubt some uninformed persons conscientiously believe that the cattlemen and others have a real grievance. It can not be doubted that minor grievances do exist, for the forest officers are not gods nor infallible. It is no doubt also true that some men dressed in a little brief authority play such fantastic tricks as make the ranchmen weep. But this does not reach the heart of the question. Because a mail clerk stupidly mishandles a letter the normal man does not go about shrieking for the abolishment of the entire postal service. Both Secretary Wilson and Forester Pinchot are honest men, each with a singularly high conception of his duty. No just cause for complaint goes long without a hearing and redress.

It is not within the scope of this short letter to go into the merits of the underlying question, viz, whether or not the forests are worth preserving. Some of the eminent and learned persons who have used your columns in this connection have contended that they were not, and that, on the contrary, their preservation was actually detrimental, in which case, as patriots, they should hasten to apply the torch to every stick now standing. Not being an expert forester, all that the writer can do is to say that the consensus of all scientific opinion is against the august authorities, any one of whom appears to be wiser than seven men who can render a reason. The Germans, their country left treeless after the Napoleonic wars, have steadfastly pursued reforesting until now about one-third of their domain is timbered, and the Prussian Government alone derives an annual net revenue of about $25,000,000 from this source. What stupid asses must they be! England, likewise, is spending enormous sums in India for reforesting, all of which is wasted, of course. New York and Minnesota are engaged in the same work, in blissful ignorance of the monumental discoveries of these disinterested Colorado savants, one of the most vociferous of whom, it is worth noting, gained his livelihood for years by the operation of an illicit sawmill on government timber. The truth is, the surface of the whole globe is dotted with object lessons which graphically picture the irreparable damage inflicted by wanton destruction of the forests. The point is one which really does not admit of debate. Opposition to government control in some minds amounts to paranoia, and only such are in need of argument, and on such all arguments are lost.

In nearly all these discussions the chief fact is lost sight of. The forests growing upon government land do not belong to any individual or to the State or county in which located, but to the whole Nation. No one has any natural or inalienable rights upon this property. The Federal Government is responsible to the whole people for its care. Congress may sell or lease any or all of it. But except in accordance with statute law no one has any more proprietary interest in these forests than he has in his neighbor's dooryard. It is only by sufferance that any cattle or other domestic animals are on the reserves. In the German state-owned forests not a hoof is ever allowed.

It is to be admitted that up to within a few years all that Uncle Sam owned was fair prey to all comers, without let or hindrance. The cattlemen overstocked the range and wrought utter ruin and desolation. The tie chopper and portable sawmill, followed nearly always by fire, denuded millions of acres, and there was no one to say them nay. Oil lands and coal lands were homesteaded. But this régime has gone, never to return. Uncle Sam no longer journeys from Jerusalem to Jericho, along the old route, anyhow. Cattle are not barred from the reserves, but overstocking is prevented. Fires have almost

ceased. The only trouble is now that restrictions are irksome to those who have for so many years used what was another's as if it were their own, or rather as they would not use it if it were theirs. This is the real bone of contention.

The frenzy into which so many have been thrown can not have, as its exciting cause, the nominal charges exacted. If this is not correct, then the hoggishness of the cattlemen, for example, is beyond all adequate description.

The charge for ranging cattle on the reserves is usually 20 cents per head per annum. As 20 acres are requisite, ordinarily, for each head, the rental charge is 1 cent per year per acre. The land on which each man ranges his cattle is allotted to him outright, and he can enforce his claim to its use as against any other. He could not afford to take this land as a gift, for he could not maintain his fences about it for the amount of his grazing fee, to say nothing of taxes. If he bought outright, he would pay at least $2.50 per acre, or $50 for 20 acres. Interest on this at only 4 per cent would be $2, or ten times what he is asked to pay by the Forest Service. And he would have to maintain fences and pay taxes besides. The case of the cattlemen is typical.

Too much emphasis can not be laid on the fact that the sole aim and purpose of the Forest Service is to prevent destruction. The prospector, the miner, the homesteader, the lumberman have on the whole no really valid or serious cause for complaint. Of recent years I have never heard from anyone a "kick" that would bear the slightest examination. Ninety-nine per cent at least of the complaints are found to be merely squeals that are emitted by people whose big or little graft has been interfered with; who have used and abused the Nation's property so long that they would have us believe that they have acquired some sort of title to it or some vested right in it.

To be sure, the old wanton destruction and swinish disregard of everything but selfish interest have been interfered with. Theft is no longer on a wholesale basis, but rather the retail, and may eventually cease altogether. But this is not an evil to the Nation or even to the people of this State, of the present generation or of any to come.

Much, if not most, of what has been said, both in print and at the conventions, by the anti-Pinchotites has been distinguished chiefly by the frugality with which the truth has been used. It is, for example, not true that homesteads may not be taken on the reserves; nor is it true that prospectors and miners are barred out. The use of timber, so far from being curtailed, is encouraged; the stumpage charges are not exorbitant and in some cases they are remitted altogether.

It is perhaps idle to say anything like this, but the Use Book, containing the rules governing the reserves, is apparently a sealed one to some of those who have had most to say.

It is not meant to reflect upon the motives of all the people living in or near the reserves. Of the total, those who oppose the reserves are vastly in the minority, and among this minority there are few indeed who really believe that they are oppressed. Nearly all the opposition comes from those who know better.

The fact is as Senator DOLLIVER, of Iowa, not long ago described it in a speech delivered in the United States Senate, on his return from a tour of investigation he had made, as a member of the Committee on Agriculture, through a number of the reserves. Speaking of what he called "this petulant atmosphere of complaint and hostility arising from one source and another," he declared that he "found it was attributable in the main part to the disappointment of gentlemen—good people, no doubt—who had enjoyed for many years an undisturbed range for sheep and cattle on these public domains, and in many cases an undisturbed opportunity to steal from the public forests whatever they needed for the comfort of their families or for the prosperity of their business."

"Now, then," said DOLLIVER, "the Government owns this land; it has a right to take care of it, to say the least." He asserted that the destruction of the American forests in the East had been a crime against mankind, and "I for one," he went on, "do not want to see that crime repeated in the Rocky Mountain region. It is proposed to lease these pasturage lands in the forest for two reasons: First, in order that they may not be overgrazed, and in the next place, that a little revenue may be derived from them to maintain the forest policy upon which we have entered."

This debate occurred in May, 1908, over the bill making appropriations for the Department of Agriculture for the year ending June 30, 1909. In that bill, Mr. Pinchot asked for $500,000, and as a result of this debate, and against the opposition of almost every Rocky Mountain Senator, the Senate, without regard to party lines, voted to give him $1,000,000, just twice what he asked for. Within the past few days it has become evident that this year's appropriation will be over $4,000,000 "To maintain the policy upon which we have entered." Congress is as fully committed to this policy as it is to the maintenance of the gold standard. The disturbances which this policy has occasioned are confined almost wholly to Colorado and Idaho, and will produce about as many tangible gains as if undertaken in behalf of 16 to 1. This cantankerousness is not only a waste of energy, but it is causing the State to appear in a light not calculated to be of value in any respect imaginable.

W. B. S.

During the delivery of Mr. SMOOT's speech,

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I do.

Mr. DIXON. I merely rise to suggest that there have been two days of criticism of the Forestry Service, and at this time, when the Senator from Utah [Mr. SMOOT] has the information, I apprehend, to answer those criticisms, I think there ought to be a full Senate here to listen to it, so I make the point of no quorum, Mr. President.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Brown	Crane	Dolliver
Bacon	Bulkeley	Cummins	du Pont
Bailey	Burkett	Curtis	Flint
Bankhead	Burnham	Depew	Foster
Borah	Carter	Dick	Frazier
Bourne	Clark, Wyo.	Dillingham	Frye
Brandegee	Clarke, Ark.	Dixon	Fulton
Gallinger	Knox	Nixon	Smith, Mich.
Gamble	La Follette	Overman	Smoot
Guggenheim	McCreary	Page	Stephenson
Hansbrough	McEnery	Penrose	Stone
Hemenway	McLaurin	Perkins	Taylor
Heyburn	Martin	Piles	Teller
Johnston	Milton	Rayner	Warner
Kean	Money	Richardson	Warren
Kittredge	Nelson	Simmons	Wetmore

The VICE-PRESIDENT. Sixty-four Senators have answered to their names. A quorum is present.

At the conclusion of Mr. SMOOT's speech,

Mr. GUGGENHEIM. Mr. President, appreciating that the Senator in charge of the bill is very anxious for a vote upon the same, I shall be very brief in my remarks. I believe I can say for the people of Colorado, whom I have the honor in part to represent, that they are not opposed to forest reserves, nor are they opposed to the conservation of the forests. They are, however, opposed to the unwise and unjust regulations imposed by the Forester and his satellites.

Mr. President, I have before me a great many complaints, which I will not have read at this time. There are, however, a few that, with the consent of the Senate, I should like to have inserted in the RECORD, with the understanding, however, that wherever the names are indicated they may be omitted, as I have not received the permission of the parties to have their names used at this time.

The VICE-PRESIDENT. Without objection, the letters referred to will be printed.

Mr. SMOOT. Does the Senator from Colorado think there would be any benefit in having the letters inserted in the RECORD without the names?

Mr. GUGGENHEIM. I think it would be beneficial, but if there is any objection I should like to have the letters read without being inserted.

Mr. SMOOT. I am not going to object, only I thought it was rather strange that the letters should be put in the RECORD without the names. If the Senator so desires and asks it, I will not object.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. GUGGENHEIM. Whatever is customary I wish to live up to.

The VICE-PRESIDENT. Permission is granted.

Mr. GUGGENHEIM. I have here a letter from a forester of reputation in New York City. It came to me unsolicited, and I should like to have it read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

JANUARY 26, 1909.

Hon. SIMON GUGGENHEIM,
United States Senator, Washington, D. C.

DEAR SIR: I notice in the morning paper that you have introduced a resolution providing for an investigation of the operations and methods of the Forest Service.

I desire to express my approval of this action on your part and to thank you for having undertaken that which, to me, has for a long time seemed desirable and necessary.

As a consulting forester, independently practicing my profession for eighteen years, entirely free from the restraints or influences of any department or organization, I have been able to see much in the administration of this service that is faulty, unwise, unjust, and in some instances reprehensible.

With a desire to see errors rectified, abuses stopped, and justice meted out, I stand ready to furnish you with what information and facts I may have bearing upon this subject.

Very truly, yours,

——— ———.

Mr. GUGGENHEIM. I have now in my hand a letter referring to the question of "Pinchotism," as they call it in the State of Colorado, which I should like to have read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SALIDA, COLO., *November 30, 1908.*

MY DEAR MR. EDDY: Yours of the 22d received; I have been trying to get at different parties, but have found it more difficult to reach them than I expected.

I have talked with old-time Republicans and find that many voted the Democratic ticket because our party *stood for Pinchotism and the abuses of the forestry regulations.*

Mr. David Heaton, the president of the Taft Club of Salida, says, in an interview, that he believed that fully 200 votes were lost to the Republican party by the action of the Forestry Department in *driving prospectors off from the reserve and in holding up and preventing mining men from patenting claims that were located on the reserves.*

Mr. George D. Williams, a member of the Republican central committee from Chaffee County, says that at least 100 votes were lost to the party. This, he says, is a very conservative estimate. He has talked with many mining men, homesteaders, and stockmen and has found them greatly *incensed against the rules and regulations promulgated in the Use Book, rules that are contrary to the mining laws, etc.*

I am getting some statements from others, which will be submitted later.

Respectfully, yours, ——— ———.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. NELSON. I submit to the Senator from Utah that it is not fair for him to interrupt the Senator from Colorado at this time.

Mr. SMOOT. I am not going to read what I hold in my hand, but I will ask the Senator if he will object to having an article from the Denver Republican, as it comes from his State and is signed by a man from Fort Collins, Colo., put in the RECORD without reading?

Mr. GUGGENHEIM. May I ask the name of the party who signs it?

Mr. SMOOT. It is signed by Walter B. Sheppard.

Mr. GUGGENHEIM. May I ask what subject he writes about?

Mr. SMOOT. It is forestry information.

Mr. GUGGENHEIM. I have no objection whatever.

Mr. SMOOT. I do not want to have the article read, but simply inserted in the RECORD.

Mr. WARREN. Inserted at the end of the Senator's speech?

Mr. SMOOT. Yes; inserted at the end of the speech.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. GUGGENHEIM. I understand it is to come at the end of my remarks.

Mr. MONEY. One moment, Mr. President; I should like to understand it, if it is not too late. What is this that is to go into the RECORD without being read?

Mr. SMOOT. It is a newspaper article written by a man in Colorado on the forestry question, and as the Senator from Colorado was putting a number of letter in the RECORD, I asked that this might go in the RECORD without reading.

Mr. MONEY. Mr. President, it is bad enough for letters to go in the RECORD, but I do not think we ought to encumber the RECORD with newspaper articles. There will be no end to it if that is done, and we will have to enlarge the RECORD to such an extent that nobody will read it. People do not read it much now.

Mr. SMOOT. This is a letter to a Denver newspaper, and it is done not every day, but every week, I was going to say. However, if there is any objection, I will not insist upon it.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Utah?

Mr. MONEY. I do not want to object, but I want to say that if this practice is so common as the Senator mentions it should be checked. Certainly it is out of order to put anything in the RECORD except what is spoken on the floor. There was a time when Jefferson's Manual prevailed, and no man was permitted to read his own speech on the floor.

Mr. SMOOT. Yesterday a whole book was put in without reading.

Mr. MONEY. I shall not make any objection.

Mr. SMOOT. If the Senator has any objection——

Mr. MONEY. No; I do not object.

Mr. BAILEY. Mr. President, I wish to suggest——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. GUGGENHEIM. Certainly.

Mr. BAILEY. I wish to suggest to the Senator from Utah that it is not gracious to insert this article at the conclusion of the speech of the Senator from Colorado, because it appears to be answering his speech with a letter of his constituent. I am sure the Senator has no objection to including this article in his own speech. I think that is fair.

Mr. SMOOT. I am perfectly willing that that shall be done.

Mr. GUGGENHEIM. I have no objection to having it inserted at the end of the speech of the Senator from Utah, but not after my remarks.

Mr. SMOOT. I am willing to have it inserted at either place.

The VICE-PRESIDENT. Without objection, permission is granted to insert the article at the conclusion of the speech of the Senator from Utah.

Mr. GUGGENHEIM. I have in my hand a letter from a very prominent citizen of Denver, who could not get any results from the department until he had applied direct to the Secretary of Agriculture, I am informed. I should like to have the letter of the Secretary of Agriculture read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., November 16, 1908.

DEAR SIR: Your letter of November 6 is received. Please give me the name of the settler who was notified by the forest supervisor that he must do nothing under his ditch permit until he settled his grazing trespass; also the name of the forest in which this occurred, and a copy of the letter of the forest supervisor, the original of which you have.

I shall be glad to investigate every one of the 20 other cases to which you refer if you will give me any facts upon which I can initiate an investigation. Whether the complainant is a Republican or Democrat will, of course, make absolutely no difference in the investigation or action on his case.

Very truly, yours,
JAMES WILSON,
Secretary.

Mr. GUGGENHEIM. I should like to say that the particular case has been adjudicated by Secretary Wilson. I hold in my hand a very long letter from a prominent citizen of Salida, Colo. It is not necessary to read the whole letter. The last paragraph, however, I should like to have the Secretary read.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

All the people of the State demand is a fair and impartial investigation of the hardships brought about by the forestry reserve, and they are willing to abide by the decision of a commission of disinterested parties.

Mr. GUGGENHEIM. I have received many letters of the character of those read. During the month of January I introduced a certain resolution providing for a careful inquiry and report respecting the operation and administration of the National Forestry Service. I understand that that resolution was referred to the Secretary of Agriculture, and no answer has been received. Personally if I were at the head of a large department I should not object to having that department investigate it.

Mr. DOLLIVER. I hope the Senator will allow me——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. GUGGENHEIM. Certainly.

Mr. DOLLIVER. The resolution he refers to was referred informally to the Secretary of Agriculture, and while no formal reply was received, it was not insisted upon. The opinion of the Secretary of Agriculture was, however, that such an investigation now is not timely.

Mr. GUGGENHEIM. I believe if any Senator has any criticism to make, I believe in granting a full investigation. Inasmuch as it is said by the Senator from Iowa that there had not been sufficient time to have the resolution considered, it will be my pleasure to offer an amendment to the pending bill, which I trust may have the sanction of the Senate when we come to it.

I find in looking over the Senate committee's report that the appropriation for the Forestry Service last year was $3,896,200 and the House appropriated in their bill $4,646,200. The Senate committee recommends an appropriation of $5,146,200. I should like to see stricken out the $500,000 increase proposed by the Senate committee. I think this additional sum is not necessary, and I will take up this matter at the proper time.

The VICE-PRESIDENT. The question is upon agreeing to the amendment proposed by the Senator from Montana to the amendment of the committee.

Mr. WARREN. I understand the amendment to be that we shall cut the amount to $2,000,000.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. WARREN. Certainly.

Mr. CARTER. After consulting with many Senators who believe in a reduction, and further consulting the figures submitted to-day by the Senator from Utah [Mr. SMOOT], it appears to me to accord with the principles of good policy and administration to withdraw the amendment offered by me to substitute $2,000,000 for the existing sum. I do that now, and in lieu——

The VICE-PRESIDENT. The Senator from Montana withdraws the proposed amendment to the amendment.

Mr. CARTER. I propose to strike out the matter as formerly suggested in line 14 and line 15, on page 25, and in lieu of the figures in the original text and likewise the amendment proposed by the committee, to insert $3,160,000, which is about $9,000 in excess of the appropriation made in the items which were recapitulated under this heading last year. The appropriation last year was $3,151,900; and I move as an amendment to insert $3,160,000.

The VICE-PRESIDENT. The Secretary will read the amendment to the amendment.

The SECRETARY. On page 25, lines 14 and 15, strike out the committee amendment, "four million four," and also the words "hundred and eighty-six" in the text of the bill and insert "three million one hundred and sixty," so as to read: "$3,160,000."

Mr. WARREN. Mr. President, I think it will be admitted by every Senator on the floor that this matter of forestry is a great and important question to this country. I think those who have been acquainted with the western forests will admit that until we had government supervision of those forests we lost large areas in timber land, in percentages varying from fifty to ninety odd per cent of the growing timber thereon, through fires. I know that in some Territories and States they have estimated that the destruction reached some 97 per cent.

This matter of national forests and forestry commenced, as is well known, with a small appropriation in the sundry civil appropriation bill, because of the requests of western men, who were frightened at the loss of timber constantly going on.

I remember that in the city in which I live—and we are 40 miles from any considerable forest—we have had days together when the smoke was so thick that it was almost necessary to light a candle or a lamp in the rooms in the house. I have been in the city of Helena, Mont., when it was twilight—with the sun shining all the time I was there, two days—from the smoke of the burning forests. So we have no differences, I think, to settle here as to the necessity of protecting the forests.

Now, we have differences here as to the management of the forests, and I am very glad that the Senators who wish to criticise and discuss the question have had the time to discuss it freely and to register their complaints. I have been for the last five or six years the constant bearer of complaints that have come to me. A great many of them have been corrected and a great many more I hope will be corrected. I have always met with a gentlemanly mien on the part of the Forester, and I have never failed, when I could get to headquarters, to secure attention to the complaints.

But I submit that when you take a territory which covers an area equal, I should say, to about a third of the country west of the Missouri, and covering a hundred or more reservations, it is almost impossible to start in with a smooth routine. I hope it will be smoother as we proceed in preserving and improving the forests. No large business can be inaugurated and carried on from the beginning without the cogs slipping in some portion of the machinery. I hope this discussion will result in better attention, if there can be a closer attention, on the part of all who are interested in it, but I submit that to cut down this sum now will not reach the correction of the errors and the matters that are complained of. Hence matters will grow worse instead of better, as they are now doing, if we strangle the work with insufficient appropriations.

We started in not long ago with forestry possessions that amounted to perhaps a little over 100,000,000 acres. There are now 168,000,000 acres, and over 27,000,000 more are reserved which will doubtless be added in the very near future. So we have nearly 200,000,000 acres under the Forestry Service.

Perhaps we have too much; I will not discuss that; but certain it is that unless there has been great waste of money—and great waste of money has not been proven—we can not expect with the sum now proposed to properly take care of 200,000,000 acres of forest land, on, perhaps, only two-thirds as much money as we have heretofore provided to take care of 150,000,000 acres. So I say that the amendment offered by the Senator from Montana ought not to be agreed to. If such an amendment is agreed to, the machinery of handling the forest will, in my judgment, suffer to an extent that will be appreciable in every forest, and the Senator himself would be sorry that he had offered and carried such an amendment.

I hope the amendment will not be agreed to.

Mr. SMITH of Michigan. Mr. President, I had not intended to say anything upon this proposition, and I would not have done so if it had not been for the tremendous shrinkage in the attitude of the Senator from Montana [Mr. CARTER]. He has dropped eleven hundred thousand dollars in criticism of this service in the last ten minutes. I hope his last amendment will not be adopted, because I firmly believe that these national forests are to be the source of great revenue to the Government if we will pursue the policy of conservation that has been inaugurated by the Government.

Mr. President, the United States consumes from three to four times the wood every year which our forests produce, and the time is not far distant when we must become dependent upon Canada and South America for our timber supply.

The city in which I have the honor to reside is a large consumer of timber. It is the largest furniture-manufacturing city in the world and to-day has its agents searching over the globe for timber with which to manufacture products needed and desired by the people of the entire country.

I do not for one moment believe that any of this money is wasted. In fact, Mr. President, I look forward to the time when those in charge of the fiscal policy of the country may turn to these great forests for much of the money needed to carry on the Government. There is every prospect that these national forests will supply the place of much of the lost revenue that we have hitherto derived from our internal-revenue tax. The committees of the Congress charged with the responsibility of our fiscal policy are driven to their wits' ends to-day to know where they will raise the money necessary to run the Government. We have fixed and definite expenditures. Our naval programme is one to which the American people are committed, but it yields no pecuniary return. Our army calls for necessary supplies, but the only return from this source is pride and stimulated patriotism.

But, Mr. President, I firmly believe that within a decade, if the policy of the Government now being carried out is rigidly adhered to, we will augment our revenues by $25,000,000 from the sale of down, fallen, burned, and ripe timber in the forest reserves, which can be cut and sold without perceptible diminution of the supply.

And as the years go on we will add to our revenue a tremendous income over and above the expense of maintenance. All of Europe to-day depends upon South Amercia and Africa, in more or less degree, for its timber supply. Do we want to put this Government in the same position?

My State has been referred to over and over again in this debate. Twenty million dollars were lost last year in forest fires in the State of Michigan alone. We were rich in the gifts of nature in our original timber supply. Wisconsin, Minnesota, and Michigan had forests of incalculable value. Where are they to-day? Ruthlessly wasted and recklessly sacrificed until we are driven around the world seeking a timber supply for domestic purposes. Canada has learned a useful lesson from our costly experience.

Mr. President, Russia, Sweden, Hungary, and Canada are to-day supplying the wood deficit for a large part of the world, and even Sweden cut last year 106,000,000 cubic feet more than she produced. Russia, in spite of her enormous forest resources, is probably in the same situation. England is dependent upon Canada for her wood supply. And yet we haggle over the expenditure of a few million dollars, when we can see it returning a thousandfold if we will be but true to the principles and policies inaugurated by our Government with so much wisdom.

Our forests now cover 550,000,000 acres—one-quarter of the United States. The original forests covered not less than 850,000,000 acres. The national forests contain 400,000,000,000 feet of standing timber, now being cut and sold at the rate of 525,000,000 feet per year. At this rate, with Government supervision, under the guardianship of this department, it will take nearly eight hundred years to exhaust the timber now standing in the national forests. Conservation, indeed. And the work has only just begun. We shall soon be able to cut several billion feet each year for the benefit of the settler, farmer, and manufacturer, without serious sacrifice, but if there were no supervision the forests of the West would soon be depleted and the country shorn of this necessary product. It will grow; it will multiply; it will help supply our necessities; it will stand this country in good stead, and in the hour of our dependence these beautiful trees will come back to us to shade and protect our workmen in their employment and enter as an important part in the industrial condition of our country.

With clear vision, undaunted courage, and high resolve, he is intelligently doing a nation's work. Carping critics may slander him, but his work is performed in the open light of day, and his countrymen bid him godspeed, and all of the people will some day reap the benefit of his mastery and devotion.

Senators now here, if they remain as long in the public service as the Senator from Colorado [Mr. TELLER], who is about to retire, much to our regret, and the Senator from Maine [Mr. HALE], who, I hope, will never retire, will see coming back to the Government Treasury millions upon millions of dollars in return for the wise investments and the wise laws which preserve and conserve the forests of our country.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Idaho?

Mr. SMITH of Michigan. Certainly.

Mr. BORAH. Does the Senator intend that one-third of Idaho shall remain in forest reserves for eight hundred years?

Mr. SMITH of Michigan. Oh, no; but I do think that the Government is wiser than Idaho would be; that the Government is wiser than Michigan has been, and that to throw safeguards around these tremendous forests will insure a liberal timber use and a long timber supply for many years to come.

I have heard a great deal of criticism of the Chief Forester. In my opinion there is not an officer in this Government animated by higher motives, of more sterling integrity, or one whose fidelity commands the admiration of his countrymen in higher degree than Gifford Pinchot.

Mr. CARTER. Mr. President, the Senator from Michigan [Mr. SMITH] is entitled to the thanks of the Senate for the beautiful prospect in store for us in the final fruition of this policy as he conceives it. The Senator from Michigan is courageous, because few Senators can be found ready to outline the ultimate purpose of the policy as he has bravely forecast it this afternoon.

We have been told that the streams within the States must be made subject to tribute by the Federal Government as they flow along their courses within the limits of the States. We have been informed that the coal resting under the surface of the State is to be made a subject of eternal tribute in the way of royalty to the Federal Treasury. Now, we are advised that it is not the prime purpose of this movement to conserve the forests, but to hold them within large areas within the State as a source of national income.

The State of Maine and the States of Illinois and Iowa and Missouri and Wisconsin enjoyed, through the operation of the laws that have heretofore obtained within their respective boundaries, the full benefit of the natural resources the great Creator had placed there; but these States of the Rocky Mountains and the western slope, where nature presents the hardest conditions settlers have ever faced on this continent, must conduct their local affairs subject to a tribute to the Federal Government upon the natural resources within their borders.

We, sir, in those border States pay our due tribute under the customs laws of the country. In so far as we consume imported goods we pay a higher price for domestic articles in consequence of protective duties. We pay our due proportion of the internal-revenue taxes of the country. Now, the Senator from Michigan would remove from taxation within our borders forever in some instances one-half of the area of a State, in others a third, and so on in varying degree. To compel our people to forego taxation over the area and at the same time to have that tribute on its natural product flowing into the National Treasury, I ask the Senator from Oregon or any other Senator if that would not present a glaring case of an unequal laying of burdens upon the new States wherein these forest reservations are located?

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. CARTER. I yield.

Mr. FULTON. I wish to suggest to the Senator from Montana that I think he does the Senator from Michigan a great injustice. He charges that the Senator from Michigan contends that they will withhold these lands forever from being a part of the property of the State.

Mr. BAILEY. Only for eight hundred years.

Mr. FULTON. The Senator from Michigan only proposes to withhold them for eight hundred years. [Laughter.]

Mr. CARTER. I accept the suggestion of the Senator from Oregon. I do not desire to do the Senator from Michigan an injustice. Eight hundred years, however, is a trifling length of time. [Laughter.] It is only a temporary withdrawal.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. CARTER. I do.

Mr. WARREN. After that little pleasantry, if the Senator will allow me, I presume before he finishes he will state that 25 per cent of the grazing income goes back to the locality where it is collected toward supporting schools, roads, and the government of the States in which the reserves are located.

Mr. CARTER. Mr. President, that has no reference whatever to the merits of this controversy.

Within this Chamber not long ago the contention was put forth that it was the inherent legal and constitutional right of this forest reserve organization to charge for the use of the water that fell from the heavens upon the earth within the limits of a forest reservation, and certain Senators, not fully regardful of the consequence to which that would lead, were for the moment carried away, and some yet believe that that would be a good concession to make to the Federal Government. This Government, Mr. President, as a central power, operated upon the conception which now obtains to a large degree, could never have been extended across the continent. The dual form of government, with general jurisdiction bearing lightly upon the people and local jurisdiction adjusting itself to varying conditions of climate, soil, and altitude, made it possible for this Government to become of continental sweep and jurisdiction. If, as certain Senators aver, in truth and in fact, and sometimes by indirection——

Mr. FLINT. Mr. President——

Mr. CARTER. I hope the Senator will excuse me a moment. This Government should become the great central power to which all sections must pay tribute on every local product, to which all sections must apply for every conceivable privilege. It can be readily seen—I say, if such a conception should be carried out, this Government would break down under the pressure to be brought and concentered here at Washington.

The wisest feature connected with the Federal Government arose from the jealousy of the colonies one of another. This led, sir, to an equal poise between the various States, whereby they became equal in this Chamber regardless of their size. There were certain rights reserved to the little States as well as to the big States, certain rights that are common to them without regard to where they are located, the conditions surrounding them, or the area within them. Now, a century and a quarter after the Government was formed, it is proposed that a departure shall be made whereby certain States that came into the Union on an equality with the original States are to be made subject to a certain species of taxation for eight hundred years, if you please, that never was applied to any other State, and never was intended to be applied to any State at all.

Mr. FLINT. Will the Senator allow me right there?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. CARTER. I yield to the Senator.

Mr. FLINT. Do I understand the Senator to mean that if within a forest reserve owned by the National Government a certain stream flowing through that forest reserve should drop, say, a thousand or two thousand feet, the Government of the United States should turn it over to some great power company without a dollar of compensation?

Mr. CARTER. Ah, Mr. President, this bugaboo of the great corporation is thrown in here to befog the minds of men. The question is not who shall have it, but where does the jurisdiction over the water that is purely within a State rest. It is for the State to say what shall be done with the water within its borders.

Mr. FLINT. Mr. President, there is no question that the State controls the water, and there can be no question, either, that three-fourths of the water powers in this country are now controlled by three or four corporations, and that the whole electric power in this Nation, if we do not go on with this regulation of forest reserves, will be in the hands of a monopoly, of one great corporation.

Mr. CARTER. Mr. President, I desire to ask the Senator from California if he understands that the Federal Government is the proper power to control water purely within the State?

Mr. FLINT. I say, Mr. President, the National Government is not the proper party to control water power; but I say that the National Government, having possession within certain areas of land, should, in the interest of the people, save them, so that there should not be a great power monopoly throughout this Nation.

Mr. CARTER. But, Mr. President, the answer does not meet the question. The Senator agrees with me that the State has sole and exclusive jurisdiction of waters within its borders, except to the extent that the Federal Government exercises its jurisdiction for purposes of navigation only; and the existence of a forest reserve or a military reservation, or any other kind of a government reservation, does not divest the State of its inherent, reserved, constitutional right as the controlling power in the matter of flowing waters within the State. But it was insisted that by some peculiar legerdemain we had divested the States of their right to control the waters within their borders and had transferred that right to the Forestry Bureau.

This, Mr. President, is, of course, a serious question; and let it be understood that, while denying the right of the Federal Government to exploit the resources of a State for profit, or to use the internal resources of one State for the benefit of all the States, we are still in favor of the Federal Government conserving these forests, protecting them from fire, protecting them from plunder. I believe those who have spoken upon this subject in the way of criticism will go as far as the interests of the case require to procure the necessary force to sup-

press fires and to regulate the sale and disposition of timber, but we will go no further.

With a Treasury to-day almost devoid of its surplus, with a deficiency confronting us which we must meet, I take it that a needless appropriation is an unjustifiable appropriation. The amendment which I have proposed——

Mr. FLINT. Mr. President——

Mr. CARTER. I hope the Senator will permit me to finish my sentence.

Mr. FLINT. I desire to ask the Senator a question.

Mr. CARTER. I should like to have the Senator permit me to finish my sentence.

The VICE-PRESIDENT. The Senator from Montana declines to yield.

Mr. CARTER. I will yield in a moment to the Senator, but I should like to make a connected statement.

The amendment I have proposed reduces this appropriation to about the figures of last year, to wit, $3,160,000. Last year we appropriated $3,151,900, so that the amendment contemplates an increase of about eight to nine thousand dollars over the appropriation of last year.

According to the figures set forth by the Senator from Utah [Mr. SMOOT], the working force of this bureau in the forests cost last year about $1,800,000; that is, in excess of the sum stated. Subtracting the $1,800,000 from the $3,160,000, we have left in this bill for administrative purposes or for the increase of the forestry force in active service $1,360,000. In addition to that, on the next page, Mr. President, will be found an appropriation of $600,000 for betterments, and upon a previous page will be found an item of $60,200 for the payment of the regular staff at Washington.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. I wish the Senator would permit me to give these figures. I desire to have them in a connected form.

The VICE-PRESIDENT. The Senator from Montana declines to yield.

Mr. CARTER. I will yield to the Senator with much pleasure in a moment, but the table ought not to be broken up. I desire the table to appear in regular connection.

Mr. SMOOT. I merely want to say——

The VICE-PRESIDENT. The Senator from Montana declines to yield.

Mr. CARTER. I will submit to any criticism the Senator desires to make.

Mr. SMOOT. It is not a criticism, by any manner of means.

Mr. CARTER. I will state the figures again, so as to get them together, to the end that they may not be read in a disconnected form.

The amendment I propose will give $3,160,000 for this service, plus $60,200 appropriated on the preceding page for salaries of the Forest Bureau. On the next page is an item of $600,000 for improvements. Making an allowance of $1,800,000 for the payment of forest supervisors and rangers, the $600,000 for improvements, and $62,200 for salaries of the Forest Service in Washington, the amendment I have proposed leaves, in fact, for improvements and administration $2,100,000, after paying the foresters, paying the rangers, and conducting the establishment in the field, without increase; but I assume that some increase will be made, for it is inconceivable that where the pay roll of the active workers only amounts to $1,800,000 the supervision should cost over $2,100,000. I think, Mr. President, that this amendment will make an ample allowance; and I would not be one of the Senators here present to vote for less than an ample sum; but I do feel that the committee report calls upon us to vote for more than a million dollars in excess of the necessities of this service, according to the showing made by the Senator from Utah.

Mr. HEYBURN obtained the floor

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. WARREN. Does the Senator wish to enter into debate on this question?

Mr. HEYBURN. Yes.

Mr. WARREN. It looks to me, Mr. President, as if we might determine now whether we can conclude the consideration of this bill without a recess. It appears to me that we can not conclude, and perhaps the Senator would as soon yield to me to take a recess until 8 o'clock.

Mr. HEYBURN. I did not intend to make any extended remarks. Some statements have been made that I feel impelled to answer, and although, of course, I do not desire to inconvenience Members, perhaps it might be better that I should go on.

Mr. WARREN. The Senator knows it is nearly 6 o'clock, and if we take a recess until 8 o'clock it will require all of that time for Senators to dine and refresh themselves.

Mr. CARTER. I suggest, with the permission of the Senator from Wyoming, that he make the request that the Senate meet at 11 o'clock in the morning, and vote at 1 o'clock on the bill and all amendments.

Mr. WARREN. We can not do that.

Mr. HALE. To-morrow has been set aside for the eulogies.

Mr. CARTER. I withdraw my suggestion.

Mr. WARREN. I desire to remind the Senator from Montana that, in my judgment, it is necessary either to finish the bill to-night or let it go over until Monday; and I know the Senator does not want to put the finish of a matter of this kind so far in the future.

Mr. TELLER. Let us go on.

Mr. WARREN. I am willing to go on and complete the bill without recess, if Senators so desire.

Mr. TELLER. Why not go right on?

Mr. WARREN. I hear about me suggestions that we finish the bill to-night. I ask unanimous consent that we may sit in session and finish it. I think it can be done in a few minutes.

Mr. KEAN. In a half hour.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the Senate continue the consideration of the pending bill until its consideration is concluded. Is there objection?

Mr. CARTER. I ask the Senator if he will kindly couple with that a request that we vote at, say, 10 o'clock, the discussion to be conducted under the ten-minute rule?

Mr. WARREN. I am willing to do that, if it will be acceptable.

Mr. HEYBURN. I do not understand it has been so ordered yet.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. The Senator from Idaho has the floor. Does he yield further to the Senator from Wyoming?

Mr. HEYBURN. I do not understand that it has been so ordered as yet.

Mr. WARREN. It has not.

Mr. HEYBURN. No.

Mr. WARREN. But I wanted to complete the request.

Mr. HEYBURN. Very well.

Mr. WARREN. The Senator from Montana suggests that we vote at 10 o'clock. I do not think he desires that we should sit here four hours and a quarter before voting. I should like to fix an earlier hour than that. It seems to me probable that in a half hour or an hour the debate will be concluded.

Mr. ALDRICH. I suggest that we vote at half-past 6.

Mr. WARREN. Then, I ask unanimous consent that at half-past 6 a vote may be taken on the bill and all amendments.

Mr. HALE. On all amendments.

Mr. HEYBURN. All amendments?

Mr. WARREN. Yes.

Mr. HEYBURN. I desire to offer an amendment.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that a vote upon the bill and all amendments shall be taken at half-past 6 o'clock.

Mr. HEYBURN. I know it is not debatable, but I wish to say that all amendments have not yet been offered.

Mr. WARREN. That would not make any difference.

Mr. HALE. That would not matter.

The VICE-PRESIDENT. On all amendments pending or to be offered. Is there objection?

Mr. FULTON. I shall object to that unless there is some understanding as to the length of time that any one Senator may occupy the floor.

Mr. HEYBURN. I have taken the floor for the purpose of replying only to some suggestions that have been made within the last hour.

Mr. HALE. Will not the Senator, holding the floor, for the convenience of the entire Senate, give the Senate an opportunity to make an agreement as to when a vote shall be taken? If half past 6 is not late enough, I suggest half past 7.

Mr. TELLER. The speeches to be limited to ten minutes.

Mr. KEAN. Say 7 o'clock.

Mr. HALE. I do not think the matter of a half hour is so important as it is to get it done. I will put it in this form: I ask unanimous consent that not later than half past 7 o'clock, without further debate, a vote shall be taken upon the bill and all amendments then pending. I should like to couple with that a provision that from now on the debate shall proceed under the five-minute rule or the ten-minute rule.

Mr. TELLER. The ten-minute rule.

Mr. HALE. The ten-minute rule. That gives us a little more than an hour and a half, and it will be an exceedingly good arrangement if we can dispose of the bill in that way. I ask the Senator in charge of the bill if that is agreeable to him? I do not want to interfere with him.

Mr. WARREN. I should be very glad to have that done, except that there are certain amendments which are not on the desk, and I should like to include all amendments that may be offered.

Mr. HALE. I said all amendments then pending.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the Senate vote upon the pending bill and all amendments then pending or to be offered not later than half past 7 o'clock this evening, and that——

Mr. ALDRICH. I suggest to the Senator from Maine that he make it 7 o'clock. I am sure we can just as well get through with the discussion by 7 o'clock.

Mr. WARREN. I shall be glad to have it made 7 o'clock.

Mr. TELLER. Make it not later than 7 o'clock.

Mr. HALE. I am willing that that be done.

The VICE-PRESIDENT. Not later than 7 o'clock, and that the debate proceed under the ten-minute rule. Is there objection?

Mr. HEYBURN. I object to the latter part, inasmuch as I have the floor and ten minutes may not be sufficient in which to express myself on an amendment that I am about to offer.

Mr. ALDRICH. Give the Senator from Idaho twenty minutes.

Mr. HEYBURN. I will not occupy a minute more than I feel impelled to use in justice to the amendment.

Mr. HALE. Does not the Senator see that we are trying to get an agreement which is for the almost universal convenience of the Senate?

Mr. ALDRICH. I suggest that the Senator from Idaho be allowed twenty minutes.

Mr. BAILEY. I suggest that the ten-minute rule be not enforced until the Senator from Idaho shall have concluded.

Mr. HALE. I will make that amendment.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the Senate vote not later than 7 o'clock upon the pending bill and amendments then pending or to be offered, and that after the Senator from Idaho shall have concluded his remarks the debate shall proceed under the ten-minute rule. Is there objection?

Mr. DIXON. There are some amendments to be offered besides that one.

The VICE-PRESIDENT. The request includes all amendments pending or to be offered.

Mr. WARREN. It will be included.

Mr. DIXON. With that understanding, the Senator from Idaho, judging from past experience, might not get his amendment explained before 7 o'clock. I have an amendment I think very important, which I should like to offer and have read for the benefit of the Senator from Idaho. I think it very important. I think the western Senators will agree to it. I should like to have it read.

The VICE-PRESIDENT. Is there objection to the request?

Mr. DIXON. Not on my part, if we have some time——

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. DIXON. I should like to have my amendment read.

The VICE-PRESIDENT. Does the Senator from Idaho yield now, in order that the amendment of the Senator from Montana may be read?

Mr. HEYBURN. I desire to lose no time under the circumstances. I offer an amendment, and I will read it, with the permission of the Senate; it is only a few lines in length. On page 26, after line 11, insert:

That the Secretary of Agriculture is hereby directed to eliminate from the forest reserves in the States of Idaho and Colorado all sections of public lands not timbered, and to restore such public lands to location and purchase as other public lands of the same class are open to location and purchase under the land laws of the United States; and the Secretary of Agriculture is hereby directed to report to Congress on or before the first Monday in December, 1909, the quantity of nontimbered lands within all forest reserves within the States of Idaho and Colorado, showing upon a map of such forest reserves the areas timbered and nontimbered.

I simply desire by the amendment that the Secretary of Agriculture shall confine the forest-reserve law to its original purpose, and not, under a pretense of enforcing the law, include vast areas of nontimbered land. In the State of Idaho there are 9,000,000 acres of nontimbered land in forest reserves.

Mr. President, as has been so well stated by the senior Senator from Montana [Mr. CARTER], the purpose of the forest-reserve legislation was to protect the forest, and not the prairies or the nonforested land. It was never within the contemplation of Congress that areas nonforest in character should be included within the forest reserves. The amendment I have offered is simply to eliminate that class of land by sections and restore it to the public domain, that it may be taken up for legitimate purposes by qualified locators or homesteaders upon the public domain.

The element in this matter to which we object is that which puts the Government into business in competition with the citizens of the States. That is the vice of this forest system to-day. They do not confine themselves to the protection of forests, but have gone into the business of grazing and every other pursuit that they can force upon the people.

Mr. WARREN. I do not wish to take any of the time of the Senator, but I desire to say on the part of the committee that if the Senator will make the amendment applicable to all the forest reserves and then qualify it in proper manner, or agree that we may qualify it in conference, I will accept it and let it go into conference to see what can be done about it.

Mr. HEYBURN. I should be very glad to make it applicable to all forest reserves, because I think it is a fair and just provision of law.

Mr. WARREN. The Senator understands that there must be qualifying additions, but I am willing, as I said before, to accept it for the moment, if made general, and put it in conference for consideration; and we will then consult with the Senator, the Secretary of Agriculture, the Forester, and others.

Mr. HEYBURN. Then the amendment is offered and accepted by the committee?

The VICE-PRESIDENT. The Secretary will state the amendment, which will be pending.

The SECRETARY. On page 26, after line 11, it is proposed to insert:

That the Secretary of Agriculture is hereby directed to eliminate from all forest reserves all sections of public lands not timbered, and to restore such public lands to location and purchase, as other public lands of the same class are open to location and purchase under the land laws of the United States, and the Secretary of Agriculture is hereby directed to report to Congress on or before the first Monday in December, 1909, the quantity of nontimbered lands within all forest reserves, showing upon a map of such forest reserves the areas timbered and nontimbered.

Mr. HEYBURN. It is not confined to Idaho and Colorado, under the agreement with the chairman of the committee, but is general.

Mr. WARREN. The Senator must understand that I shall undertake to get some qualification, and I shall consult not only with him, but with the Secretary of Agriculture, while the matter is in conference.

Mr. HEYBURN. Mr. President, I do not intend to go over the questions that have been so ably presented. I only desire to call attention to the fact that the contention of those who have spoken, and who think as I do, from the beginning has been that the Government should be confined to the original purpose in the creation of forest reserves—that is, the preservation of the forests—and that it should be put out of the business of grazing and letting contracts for grazing, and it should be put out of the business of selling timber. It should be put out of competition in business with the individuals within a State. That is the objection, and the great objection summed up, that we have to this class of legislation, carrying this appropriation. The sum that will remain after the amendment pending, offered by the Senator from Montana, will be more than sufficient to preserve the forests, and let us now put the Government out of business in competition with the citizens of any State. We will then have reduced this question down to the original purpose of this class of legislation.

The VICE-PRESIDENT. The Senator from Montana [Mr. DIXON] proposes an amendment, which will be stated.

The SECRETARY. On page 26, after line 24, it is proposed to insert:

That hereafter 50 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended, as the state or territorial legislature may prescribe, for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county, the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

Mr. WARREN. As I understand, the amendment leaves the law as it is, but changes the amount.

Mr. DIXON. The percentage.

Mr. WARREN. It changes it from 25 to 50 per cent.

Mr. DIXON. From 25 to 50 per cent.

Mr. WARREN. On the part of the committee, I am willing to accept the amendment.

Mr. TELLER. Mr. President, when an amendment was offered here to make it 25 per cent, not 50 per cent, I voted

against it. I want to vote against this amendment. I think we are entitled to a hundred per cent and not 50 per cent. I do not propose to be bribed to vote for what I believe to be an unfair proposition because the State may get something out of it. The State of Colorado got this year about $50,000. Every dollar of it came out of the citizens of Colorado. It did not come out of the General Government. It was our property, because the timber of the State and the land of the State belong to the State and can not be used or occupied by anybody else. The Government, when we were admitted into the Union, was the trustee of those public lands, and we are the wards of the Government to that extent. I will read the exact words the Supreme Court used sixty-four years ago. It will take only a moment. I will keep within the ten minutes. This was a case from Alabama. It is the case of Pollard's Lessee *v.* Hagan et al., reported in Third Howard. It has been a noted case and has been cited probably twenty times by the Supreme Court.

When the United States accepted the cession of the Territory they took upon themselves the trust to hold the municipal eminent domain for the new States and to invest them with it to the same extent, in all respects, that it was held by the States ceding the Territories.

It was contended in this case that Alabama had made a stipulation that took it out of the general rule, and this is what the court said. This is a case noted and has been cited, I think, oftener than almost any other case ever decided. They say as to this:

And if an express stipulation had been inserted in the agreement—

That was with Alabama—

And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

I want to make another quotation from the same case:

We therefore think the United States hold the public lands within the new States by force of the deeds of cession, and the statutes connected with them, and not by any municipal sovereignty which it may be supposed they possess, or have reserved by compact with the new States, for that particular purpose. The provision of the Constitution above referred to shows that no such power can be exercised by the United States within a State. Such a power is not only repugnant to the Constitution, but it is inconsistent with the spirit and intention of the deeds of cession.

One other word or two.

Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits.

It is not within the power of Congress by law to take out of the jurisdiction of the State any of the territory that was recognized as belonging to the State of Colorado when it was admitted. I do not mean to say that the Government could not reserve this land from sale. It has the power to do so; but in doing so it violates the spirit of the law and the very spirit of the Constitution under which we came into the Union. But the jurisdiction of the State of Colorado is taken away by the forest reserves. They claim the right to punish people for offenses against the regulations, which they say have the same force as law. Those have been so small and inconsequential that they have never gotten into the Supreme Court of the United States, and perhaps they never will, for the ordinary man pestered and prosecuted and persecuted by these agents of the Government is unable to go there.

This was a question of water. I have read this case before, and I am going to read it again, because, while our friends say the Government does not pretend to hold the water, I know and I have put into the RECORD the fact that Mr. Pinchot has capitalized the water of all of the States and made an estimate of what the revenue would be on it. It is not quite as great as the Senator from Michigan expects, but upon the same principle.

Mr. President, I desire to say just one word about the suggestion of the Senator from Michigan. If he thinks that eight hundred years from now or two hundred years from now or one hundred years from now the Government will be dependent upon the revenue it receives from the timber, I want to notify him that the Government will be bankrupt long before that. The people will demand and will have this timber for use, and the Government will not be allowed to hold it. When we get 150,000,000 or 200,000,000 people, as we will have before the Senator is as old as I am, or pretty nearly by that time, do you suppose the Government can hold this timber away from the people?

Mr. President, it is absurd and cruel to think about it. Let me, in conclusion, read a word or two said by the court in this case. While I think the department has somewhat backed down, they are still practically asserting the right to the water, and they are doing it by a sort of backhanded way. The court said:

By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the States respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third, the right of the United States to the public lands, and the power of Congress to make all needful rules and regulations for the sale and disposition thereof, conferred no power to grant to the plaintiffs the land in controversy in this case.

That is where the Government undertook to sell the land under the river, and the court said it was not legal. I will venture to say that the principle laid down in that case has been cited recently by the Supreme Court. In one of the latest cases, which is found in Two hundred and ninth United States Reports, the court held that the State of New Jersey could prevent any person in the State of New York or any person in the State of New Jersey from piping the water of that State into the State of New York, although it was wanted for city purposes, asserting in the most positive terms the doctrine I have been contending for—that the water belongs to the State. In one of those cases the court goes so far as to say that any contract the State might make with the Government to get rid of the water was not legal. That was in the Chicago case. The court held that no contract of that kind would be a legal contract, and that the State could not forego its right to that water and deprive the citizens of the State of the right to its use.

Mr. President, I do not know whether I am within the ten-minute rule or not. I only wanted to say that I will not vote for 50 per cent; not that I do not think we are entitled to it, but I am not going to recognize the right of the Government to tax our people in the way that this will do.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. GUGGENHEIM. Mr. President, in offering the present amendment it is not done with a view of criticising either the Secretary of Agriculture or the Forester, Mr. Pinchot.

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment, which will be read.

The SECRETARY. On page 26, after line 21, insert:

That a committee, consisting of three Members of the Senate and three Members of the House of Representatives of the Sixtieth Congress, to be selected by the Vice-President and the Speaker of the House of Representatives, respectively, shall be appointed to make a careful inquiry and investigation respecting the operation of the laws of the United States relating to the administration of the national forests during the recess of Congress. Said committee is hereby authorized to hold meetings in States and Territories containing national forests, for the purpose of hearing such complaints, statements, and suggestions as may be tendered by citizens affected by the national-forest administration, and shall make a report in writing to Congress not later than the first Monday in December, 1909.

For expenses of said committee, including actual expenses of each member while necessarily absent from his place of residence in the performance of his duties as such committeeman, and for the payment of necessary clerical assistance, $10,000, said appropriation to be immediately available.

Mr. WARREN. Of course all these amendments are out of order until we settle the committee amendments, but I have indicated what I would do as to two of them. I may say as to this amendment, I am inclined to think that when the time comes I shall be compelled to make a point of order. Although I should be glad that it might be done, yet it is legislation. However, we will not settle that now.

The VICE-PRESIDENT. Without objection, the amendment will lie on the table.

Mr. SIMMONS. Mr. President, on page 15, line 22, I move to strike out the word "handling," and in line 24, the same page, after the word "thereof," I move to insert the words "and carrying into effect the provisions of the law relating thereto."

Mr. WARREN. Does the Senator think that is necessary? I have no objection to it.

Mr. SIMMONS. I do not think it is absolutely necessary, yet I think it will be serviceable in referring to the law already in existence.

Mr. WARREN. I shall interpose no objection.

The amendment was agreed to.

Mr. DEPEW. On page 12, after line 3, I move to insert:

To enable the Secretary of Agriculture to lease and maintain for a period of ten years a farm at Morrisville, Madison County, State of New York, for the purpose of general agricultural and horticultural experimentation in connection with the so-called "unoccupied" or "Volusia soil" farms of the Eastern and Middle States, and to disseminate information of result of such experimentation as to the most profitable methods of utilizing such soils, $25,000.

Mr. WARREN. Would the Senator from New York like to give us some explanation of the amendment?

Mr. DEPEW. I wish to make an explanation of a few moments in regard to it.

What are known as the "Volusia soils" is not a chemical term, but it is the habit of the Agricultural Department to name

particular soils from the place where that characteristic is most observed, and it is found at a place called "Volusia," somewhere on the frontier of our State.

Mr. DOLLIVER. Mr. President, it is a matter of very considerable interest, especially to the committee, to have an accurate definition given of that word, as we are unable to locate it in any dictionary or scientific treatise of any sort.

Mr. DEPEW. I will say to the Senator from Iowa that "Volusia" is not found in the dictionary, nor is it a scientific or chemical term, but it is found in the Gazetteer of the United States. It is a small village; the surrounding country is of that character of soil, and so the Agricultural Department——

Mr. DOLLIVER. Of what character, Mr. President?

Mr. DEPEW. The character that is of no value whatever.

Mr. DOLLIVER. It seems to me that a more descriptive word could be found for it.

Mr. DEPEW. There are about 10,000 square miles of this sort of soil in New York, Ohio, and Pennsylvania, which forty years ago was as good agricultural land as anywhere in those States; but the soil has become so completely exhausted that many of the farms have been abandoned, and the average assessment value of the farms is about $7 an acre.

At Morrisville, N. Y., the State of New York has now created an experiment station. The buildings are the county buildings, the county seat having been changed, and they have been donated to the State for this purpose. The State has appropriated for it $20,000. Five hundred acres of this soil will now not yield as much as 50 acres of ordinary farm land. The Department of Agriculture believe that if they can make the proper experiments, with the means now at their disposal and the knowledge which they have, they can in the course of the few years covered by this appropriation of $25,000 be enabled to find out and then to teach how this soil can be redeemed and restored to its former agricultural value.

In these days, when the farming lands of the United States belonging to the national domain are so nearly exhausted, this is practically restoring a region of 10,000 square miles to productive farming, as it was when it was virgin soil.

The State of New York has done much to the injury of its own farmers for the benefit of the cheaper and more productive lands of the West. We built the Erie Canal, the result of which was to allow the products of the cheap lands of the West to go by our farms to New York City, and the wheat country of central New York had to change to other methods of production. We are now spending $101,000,000 for the enlargement of that canal to still further aid our western brethren to get the crops of their richer and cheaper farms to market.

So, Mr. President, I think that this appropriation is in the interest not only of New York, but of the productive power of the country, for the benefit of all the States in which are located these unproductive soils.

Mr. CLARK of Wyoming. I offer an amendment, and I desire to have it read so that it may be voted upon.

Mr. FRYE. Will the Senator allow me a moment?

Mr. CLARK of Wyoming. Certainly.

Mr. FRYE. I think if the Senate should meet to-morrow morning at 11 o'clock the river and harbor bill could be easily disposed of before the time came for the eulogies. It is important, of course, that the bill shall have early consideration, because it must go into conference.

Therefore I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The motion was agreed to.

The VICE-PRESIDENT. The Senator from Wyoming [Mr. CLARK] proposes an amendment, which will be read.

Mr. WARREN. My attention was engaged for the moment. What was done with the amendment of the Senator from New York [Mr. DEPEW]?

The VICE-PRESIDENT. It will lie on the table. Under the rule the committee amendments are to be first considered. The Senator from Wyoming proposes an amendment, which will be read.

The SECRETARY. It is proposed to add at the end of the bill the following:

That the Secretary of Agriculture is directed to furnish to the Senate on or before the first Monday of December, 1909, a full and complete copy of the pay roll of the Bureau of Forestry for the month of September, A. D. 1908, showing in detail and in full the names, occupation, and monthly salary and expenses of each employee so on said rolls or in the employment of the Forestry Service; showing also in one total the amount paid for the services and expenses of superintendents, supervisors, and rangers, and in another total the amount paid for other services and expenses of said Forestry Service.

Mr. CLARK of Wyoming. I will say to the Senator in charge of the bill that the month specified in the amendment is taken at random.

Mr. WARREN. Would not my colleague as well make it for a quarter, taking some regular quarter?

Mr. CLARK of Wyoming. For the quarter beginning July 1, 1908?

Mr. WARREN. Very well; I have no objection.

Mr. CLARK of Wyoming. I will say that it would make a great deal more work, because I ask for a duplicate pay roll of the month. Does the Senator accept it with that modification?

Mr. WARREN. When the time comes I shall do so.

The VICE-PRESIDENT. Is there any other Senator who desires to address the Senate?

Mr. WARREN. My understanding was that we should proceed to vote upon this measure not later than 7 o'clock. Therefore I conclude that a vote on the pending amendment is now due, unless some Senator wishes to discuss it.

The VICE-PRESIDENT. That is the Chair's interpretation of the agreement. Is there any other Senator who desires to address the Senate? If not, the Chair is of opinion that the Senate will proceed to vote upon the pending amendment and amendments to be offered.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the followng Senators answered to their names:

Bailey	Daniel	Guggenheim	Perkins
Borah	Depew	Hemenway	Piles
Bourne	Dick	Heyburn	Richardson
Brandegee	Dixon	Johnston	Simmons
Brown	Dolliver	Kean	Smith, Mich.
Bulkeley	du Pont	Kittredge	Smoot
Burkett	Flint	La Follette	Stephenson
Burnham	Foster	McCumber	Sutherland
Carter	Frazier	Martin	Teller
Clark, Wyo.	Frye	Nelson	Warner
Clay	Fulton	Overman	Warren
Cullom	Gallinger	Page	Wetmore
Curtis	Gamble	Penrose	

The VICE-PRESIDENT. Fifty-one Senators have answered to their names. A quorum is present.

Mr. CARTER. Mr. President, I am told that many Senators have departed, understanding that the vote on the pending amendment was to be taken at 7 o'clock. While the phraseology "not later than 7 o'clock" was employed, I think the Chair properly holds that a vote might now be taken.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. CARTER. Certainly.

Mr. WARREN. That was not the agreement. The agreement was that the vote should be taken not later than 7 o'clock, and as there is only a part of an hour—less than an hour—Senators could hardly expect to go downtown, get their dinners, and get back.

Mr. CULLOM. There is a quorum present, as has just been announced by the Chair.

Mr. CARTER. I do not take issue with the Senator as to the agreement. I have been informed that a number of Senators have gone to near-by hotels for their dinners and expect to be here at 7 o'clock. I do not wish to consume time needlessly nor to delay the Senate, but I think it would be proper to take a recess until 1 minute to 7.

Mr. WARREN. Mr. President, I have no idea what the effect of the absence of Senators may be, and I might say that I do not care. If we can have a quorum and vote upon the measure, I am willing to accept the verdict of those who are present, because I fear if we should take a recess or wait until 7 o'clock we might lose half of the present quorum.

Mr. CULLOM. A quorum is here now.

The VICE-PRESIDENT. Under the agreement, the Chair is of the opinion that the question is upon the amendment proposed by the Senator from Montana [Mr. CARTER].

Mr. WARREN. I ask that there may be a vote upon the amendment.

The VICE-PRESIDENT. All in favor of the amendment——

Mr. CARTER. Before the vote is taken, Mr. President, I desire to again ask the Senator from Utah [Mr. SMOOT] to state the amount necessary to pay this active working force. I think upon that point turns the whole question involved in the vote. It is not necessary for me to reassert what I have heretofore said, that it is my desire to furnish this service with all needful support. If the figures I make are correct, the amendment proposed will leave $1,800,000 for the working force in the field, $600,000 for improvements during the year, and $50,000 for a clerical force in the city of Washington, thus providing not only $1,800,000 for a working force of foresters

and rangers, but $2,000,000 for betterments and increase of the force and clerical hire. If those figures are correct, I think the provision made is ample, the amount left for clerical hire and improvements being altogether out of proportion to the amount necessary to meet the pay roll in the field.

I have no more interest in this matter than any other Senator present. If the Senate thinks that an extra $1,300,000 over the $2,100,000 which will be left should be voted to be disbursed without any direction from Congress at all, except in such general terms as allow disbursements in any way, I shall be content. My vote shall be cast for what I deem necessary, and not for any more.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Montana.

Mr. HALE. What is the amendment, Mr. President?

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. On page 25, lines 14 and 15, in the committee amendments, it is proposed to strike out "four million four," and to insert "three million one," and in the text of the bill, in line 15, to strike out "eighty-six" and insert "sixty," so that the total sum for the Forest Service will be $3,160,000.

Mr. CARTER. Mr. President, the statement by the Secretary of the total amount for the Forest Service does not convey a correct impression, because a previous item of $50,000 is provided, and a subsequent item of $600,000 is also provided, so that the amount will be $3,100,000 plus $650,000; that is, $3,750,000.

Mr. TELLER. I should like to have the yeas and nays on that proposition, Mr. President.

Mr. ALDRICH. Mr. President, I understand we are proceeding under a unanimous-consent agreement that committee amendments shall be first disposed of. Under that agreement I take it that the committee amendment increasing the appropriation $500,000 must be first voted on.

Mr. WARREN. This is a substitute for that amendment.

Mr. ALDRICH. I know; but that does not cover my suggestion. I think the question should be first put upon the committee amendment increasing the appropriation $500,000. It seems to me that that amendment ought to be defeated. In the present state of the Treasury I think that we certainly should not increase the appropriation above the amount carried in the bill as it came from the House. I realize that it is difficult for a person who lives as far away from the scene of this great work as I do to understand or appreciate the necessity for the increase, especially where there are such conflicting statements and ideas in regard to this work as seem to have been developed on this floor; but it does seem to me that certainly the service would not suffer if the amount proposed by the amendment of the Senate committee as an addition to the appropriation in the House bill should not be adopted. I hope that the Senate will first vote upon the proposition to add half a million dollars to the House provision.

Mr. CARTER. In order to facilitate the proceeding suggested by the Senator from Rhode Island and to prevent any confusion, I withdraw the amendment offered by me, and will later offer it in the Senate.

Mr. WARREN. I suppose the Senator has permission to withdraw it. Of course I am not going to object, but the amendment having been offered and debated, he should ask permission to withdraw it.

Mr. HALE. I hope the Senator will not make that point.

Mr. WARREN. Oh, no; I said I would not.

The VICE-PRESIDENT. The Senator from Montana withdraws his amendment. The question is on the amendment of the committee.

Mr. TELLER. The vote, then, is on the committee amendment adding $500,000 to the amount carried by the bill as it came from the House.

The VICE-PRESIDENT. That is the amendment. The Secretary will state the amendment that there may be no misunderstanding.

The SECRETARY. On page 25, line 14, after the word "elsewhere," it is proposed to strike out "three million nine" and insert "four million four."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE-PRESIDENT. The question now is on the amendment offered by the Senator from Idaho [Mr. HEYBURN], which will be stated.

The SECRETARY. On page 26, after line 11, it is proposed to insert the following:

The Secretary of Agriculture is hereby directed to eliminate from all forest reserves all sections of public lands not timbered and to restore such public lands to location and purchase as other public lands of the same class are open to location and purchase under the land laws of the United States, and the Secretary of Agriculture is hereby directed to report to Congress on or before the first Monday in December, 1909, the quantity of nontimbered lands within all forest reserves, showing upon a map of such forest reserves the areas timbered and nontimbered.

Mr. FLINT. Mr. President, I desire to raise the point of order on that amendment that it is general legislation on an appropriation bill.

The VICE-PRESIDENT. The language of the proposed amendment is quite clear——

Mr. HEYBURN. Mr. President, before the Chair rules, I ask that the question be submitted to the Senate.

The VICE-PRESIDENT. The Chair is of the opinion that the language is quite clear, and the Chair sustains the point of order.

Mr. HEYBURN. I understood the unanimous-consent agreement was that we should vote on each amendment pending. That is a pending amendment.

The VICE-PRESIDENT. The Chair is of the opinion that under the unanimous-consent agreement every amendment may be challenged under all of the rules of the Senate, and that the raising of a point of order is entirely proper. Such has been the uniform practice of the Senate, so far as the Chair is advised. The point of order was properly interposed, and the Chair thinks that the amendment contravenes paragraph 3 of Rule XVI, and therefore sustains the point of order.

Mr. HEYBURN. Mr. President, had I known that the point of order would have been raised, there would have been no unanimous-consent agreement.

Mr. HALE. Mr. President——

Mr. HEYBURN. I have fifteen minutes to debate this question.

Mr. HALE. Yes.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. Certainly.

Mr. HALE. The order adopted was upon my suggestion, and I do not think that the Senator from Idaho ought now to indicate that under no circumstances under the rules of the Senate would he have consented to the unanimous-consent agreement unless he could have his way with regard to this amendment. We shall never do any business in the Senate, with our lack of the previous question—which I am not in favor of applying to this body—unless Senators give way to the expressed and understood will apparently of the great majority of the body.

I should have voted with the Senator on his amendment, but clearly the Chair is right in holding that any agreement of this kind is subject to all the rules of the Senate. All amendments have to be disposed of. It never occurred to me that my proposition involved a right to cut off a point of order, which is a part of the proceedings.

We shall not be able to get through this session without having unanimous-consent agreements about the disposition of great bills, and the general wish of the Senate has got to control in such things. I hope the Senator will not feel impelled, unless he can have his way upon any particular amendment, to object to unanimous consent. We can not get through this session and enact the necessary legislation without having certainly half a dozen cases that will have to be disposed of by unanimous consent.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. TELLER. The difficulty in coming to a termination of debate is to get the opportunity to vote. My judgment is that when we agree to vote on the pending amendments that a vote must be taken on each amendment. The difficulty we have had, owing to the lack of a rule such as has been sometimes contended for, is that you can not conclude debate. The unanimous-consent agreement closes the debate, and then a vote is taken according to the agreement. So no trouble can arise by shutting off the debate at any time.

Mr. HEYBURN. I am not an appropriate subject——

Mr. FLINT. I have no desire to stop the debate.

Mr. HEYBURN. I desire before the hour of 7 o'clock comes at least to say a word.

I am not an appropriate subject for reproof in regard to this matter. I had more than half my time remaining for the discussion of this amendment when it was accepted by the Senator in charge of the bill. As I understood the unanimous-consent agreement a vote was to be had upon all pending amendments. That being the language of the unanimous-consent agreement, I thought, from my understanding of the rules—which I still believe is correct—that the Senator from California or any

other Senator would be called upon to state his point of order against the amendment at the time it was offered, and the Senator in charge of the bill accepted the amendment on behalf of the committee and stated that he would do his best to get it in the bill.

Acting upon that supposition, I not only consented to the unanimous-consent agreement, but I cut off my consideration of the amendment. It is the most important amendment on the bill. It restores to the public domain one-half of the forest reserves for home making and legitimate purposes, and it ought at least to have been submitted; and I say this in no spirit of criticism of the action of the Chair. I am speaking only of my own judgment in the matter. A question of this kind under the conditions and circumstances ought to have been submitted. It is more important than to cut off $3,000,000 of these appropriations. If you can restore the nontimbered land to the public domain and make it subject to the land laws under which men can make homes, it is more important ten times over than to cut out any or all of this appropriation. I would not for a minute—and I say it in no spirit of rebellion—have consented to the termination of the debate, especially to the elimination from my own time of more than half of it, had I suspected that the unanimous-consent agreement did not mean what it said it meant, and that a vote would be taken upon the amendment.

Mr. TELLER. I want to say that it does not in the slightest degree impair the efficiency of the reservations—not in the slightest possible degree.

Mr. HEYBURN. No.

Mr. HALE. Let me suggest that the Senator from California withdraw his point of order and take the expression of the Senate.

Mr. FLINT. I would not myself have consented to the unanimous-consent agreement if I had not inquired and been advised that the point of order could be made. This is a very important matter. It means to wipe out all reserves where they are used for the conservation of water.

Mr. TELLER. Nonsense.

Mr. FLINT. The forest reserves in the arid country in southern California would be wiped out by the adoption of the amendment.

Mr. TELLER. Nonsense.

Mr. FLINT. It says "any land not timbered."

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. Before you go too far, the Senator, of course, understands——

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I have yielded to the Senator from Wyoming.

Mr. WARREN. Of course I could only accept, and I said I would accept the amendment, so far as the committee was concerned. But the amendment was not then in order. Under the rule under which we were conducting the consideration of the bill committee amendments had to be first considered. So every individual amendment offered would necessarily have to be laid aside until we had voted upon the regular committee amendments then pending.

Mr. HEYBURN. I offered the amendment before the question of the unanimous-consent agreement was taken up.

Mr. FULTON. Mr. President——

Mr. WARREN. I simply want to set the record right—that I went as far as I had the right to go. Of course, all the amendments upon the table, upon which I have expressed an opinion as to whether I would accept them or not, will have to come up again and will have to be acted upon after the committee amendments shall have been disposed of.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I will yield in a minute. I want to call attention to the fact——

Mr. FULTON. I desire to make a suggestion.

Mr. HEYBURN. It will have to be a very brief one, because I wish to say a word.

Mr. FULTON. My suggestion is that the Senator from California will not object to the amendment if the State of California is eliminated.

Mr. HEYBURN. I will eliminate the State of California.

Mr. FLINT. I am perfectly willing to leave it as the Senator originally had it.

Mr. TELLER. Idaho and Colorado.

Mr. HEYBURN. All right. Then we will make the amendment read the "States of Idaho and Colorado."

Mr. SMOOT. Then I object. I make the point of order it is general legislation.

The VICE-PRESIDENT. The Senator from Idaho states to the Senate that he misconceived the effect of the agreement when he assented to it. That should not be allowed to change the agreement. It must stand as made, unless modified by unanimous consent. The amendment is clearly obnoxious to the rule, yet the Chair feels that under all the circumstances he is justified in submitting the question of order to the Senate. The Chair will submit the question: Is the amendment in order?

Mr. ALDRICH. There may be a precedent established here, if we are not careful, which will be much more important than any of this legislation. I think Senators will all agree upon consideration that an ordinary or a usual agreement by unanimous consent to vote does not dispense with the rules of the Senate, whatever may be the understanding of individual Senators at the time. We are not to undertake to say that because some Senator supposed he was getting an agreement of some sort the rules are to be suspended.

The agreement included amendments which might be offered hereafter, and that would give any Senator the right to offer any amendment, however obnoxious it might be to the rules of the Senate. I certainly hope we will not establish any such precedent.

Mr. HEYBURN. Submitting the question to the Senate does not do that.

The VICE-PRESIDENT. There is no violation of the rule if the Chair in the exercise of his discretion under Rule XX submits the question of order to the Senate. The Chair thinks that it is a proper exercise of the power vested in him, under the circumstances. The question is, Is the amendment in order?

Mr. PERKINS. I will ask the Senator from Idaho to modify his amendment and exempt California.

Mr. HEYBURN. I have already done so; I have confined it to Idaho and Colorado.

Mr. FLINT. That is entirely satisfactory.

Mr. BORAH. As I understand, the point of order is still insisted upon, however, by the Senator from Utah.

The VICE-PRESIDENT. Is it still insisted upon by the Senator from Utah?

Mr. HEYBURN (to Mr. SMOOT). Submit it.

Mr. SMOOT. I did offer an objection.

The VICE-PRESIDENT. The question is whether the amendment proposed by the Senator from Idaho is in order.

Mr. HALE. Now let it be read. Let us see what it says.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 26, after line 11, it is proposed to insert:

That the Secretary of Agriculture is hereby directed to eliminate from all forest reserves in the States of Idaho and Colorado all sections of public lands not timbered and to restore such public lands to location and purchase as other public lands of the same class are open to location and purchase under the land laws of the United States.

And the Secretary of Agriculture is hereby directed to report to Congress on or before the first monday in December, 1909, the quantity of nontimbered lands within all forest reserves within the States of Idaho and Colorado, showing upon a map of such forest reserves the areas timbered and nontimbered.

Mr. TELLER. The Senator from Idaho had the amendment prepared, and at my suggestion he put in Colorado. Now, if it will help him with his amendment, I will ask him to strike out Colorado.

Mr. HEYBURN. I would not do that.

Mr. TELLER. I think I know how to get Colorado out. When I get out of the Senate I shall practice law, perhaps, and I will pay some attention to that question.

Mr. CLARK of Wyoming. I understood before the unanimous-consent agreement was made that the amendment was to apply generally. I wish to ask that the State of Wyoming be included with the States of Colorado and Idaho, unless it will embarrass the situation still further.

The VICE-PRESIDENT. The Chair will state that the hour of 7 o'clock having arrived, further debate is out of order.

Mr. WARREN. I do not wish to debate the question. I will merely say that the consent, so far as the chairman of the committee is concerned, was that it should not specify any particular State.

The VICE-PRESIDENT. The question is, Is the amendment in order?

Mr. SMITH of Michigan. A parliamentary question, Mr. President.

The VICE-PRESIDENT. The Senator from Michigan will state it.

Mr. SMITH of Michigan. I should like to know whether we are voting on the parliamentary question or on the amendment.

The VICE-PRESIDENT. It is on the parliamentary question whether the amendment is in order.

Mr. HALE. That is a question for each Senator to settle in his own mind.

The VICE-PRESIDENT. The question is, Is the amendment in order?

Mr. HEYBURN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I announce that I am paired with the senior Senator from Massachusetts [Mr. LODGE]. If he were present I should vote "nay."

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I inquire whether the senior Senator from Washington [Mr. ANKENY] is paired. If not, I will transfer to him my pair. I am informed he is not. I transfer my pair to the senior Senator from Washington and will vote. I vote "yea."

Mr. WARREN (when his name was called). I am paired with my colleague on the committee, the Senator from Mississippi [Mr. MONEY].

The roll call was concluded.

Mr. BAILEY. I desire to ask if the Senator from West Virginia [Mr. ELKINS] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. BAILEY. Then I withhold my vote, as I am paired with him.

Mr. CLARK of Wyoming. I am paired with the Senator from Missouri [Mr. STONE]. I voted under the impression that pairs would not be considered, but as they are being observed, and as the Senator from Missouri is absent——

Mr. KEAN. I suggest that the Senator transfer his pair to the Senator from New York [Mr. PLATT].

Mr. CLARK of Wyoming. I transfer my pair to the Senator from New York [Mr. PLATT].

Mr. FLINT (after having voted in the negative). I voted, but I was not aware of the fact that pairs were being observed. I am paired with the senior Senator from Texas [Mr. CULBERSON], and therefore withdraw my vote.

The result was announced—yeas 17, nays 35, as follows:

YEAS—17.

Borah,	Fulton	Hemenway	Piles
Bourne	Gallinger	Heyburn	Teller
Bulkeley	Guggenheim	Kean	
Carter	Hale	Kittredge	
Clark, Wyo.	Hansbrough	Perkins	

NAYS—35.

Aldrich	Daniel	La Follette	Penrose
Brandegee	Depew	McCumber	Richardson
Brown	Dick	McEnery	Smith, Mich.
Burkett	Dolliver	McLaurin	Smoot
Burnham	du Pont	Martin	Stephenson
Crane	Foster	Nelson	Sutherland
Cullom	Frazier	Newlands	Warner
Cummins	Gamble	Overman	Wetmore
Curtis	Johnston	Page	

NOT VOTING—40.

Ankeny	Culberson	Hopkins	Platt
Bacon	Davis	Knox	Rayner
Bailey	Dillingham	Lodge	Scott
Bankhead	Dixon	Long	Simmons
Beveridge	Elkins	McCreary	Smith, Md.
Briggs	Flint	Milton	Stone
Burrows	Foraker	Money	Taliaferro
Clapp	Frye	Nixon	Taylor
Clarke, Ark.	Gary	Owen	Tillman
Clay	Gore	Paynter	Warren

So the Senate decided that the amendment was not in order.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Montana [Mr. DIXON], which will be stated.

The SECRETARY. It is proposed, on page 26, after line 24, to insert:

That hereafter 50 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the state or territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

Mr. DANIEL. I raise the point of order on the amendment.

The VICE-PRESIDENT. What is the point of order?

Mr. DANIEL. That it is new legislation and general legislation.

Mr. WARREN. On the point of order, it is my understanding that the amendment simply changes the amount from 25 to 50 per cent, and that the balance of the language is merely a repetition of what is already the law.

Mr. GALLINGER. It changes the amount.

The VICE-PRESIDENT. The Chair is of opinion that it is contrary to the rule, and the Chair sustains the point of order. The Secretary will read the next amendment.

Mr. DIXON. I ask that the point of order be submitted to the Senate, the same as the other was submitted.

The VICE-PRESIDENT. The Chair will state that it is in the discretion of the Chair to submit any questions of order to the Senate, and that the exercise of such discretion is not to be invoked from the floor. The Chair departed from the rule which he has generally observed in the case of the Senator from Idaho, because of the statement of the Senator that he had been misled in acceding to the unanimous-consent agreement. The Chair felt that under those peculiar circumstances he might in the interest of fairness submit the question of order to the Senate, as he had the undoubted right to do under the rule.

Mr. DIXON. I merely want to make a suggestion. The present law provides for 25 per cent. I think the Senator from Virginia, on second thought, if he understood the situation and the great amount of land withdrawn from taxation, would agree to the increase from 25 per cent, in view of the fact that it is to be paid to the common-school and road fund, and it would settle in large part this annual scrap in Congress.

Mr. GALLINGER and others. Regular order!

Mr. DANIEL. I can not withdraw the point of order.

Mr. TELLER. If the Senator from Virginia withdraws it I will renew it.

The VICE-PRESIDENT. The next amendment will be stated.

Mr. DIXON. Have I a right to appeal from the decision of the Chair?

The VICE-PRESIDENT. The Senator has that right.

Mr. DIXON. Then I appeal from the decision of the Chair on this question.

The VICE-PRESIDENT. The question is: Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] In the opinion of the Chair, the ayes have it. The ayes have it. The Secretary will read the next amendment.

The SECRETARY. Amendment proposed by Mr. GUGGENHEIM, to insert on page 26, after line 21, the following:

That a committee consisting of three Members of the Senate and three Members of the House of Representatives of the Sixtieth Congress, to be selected by the Vice-President and Speaker of the House of Representatives, respectively, shall be appointed to make a careful inquiry and investigation respecting the operation of the laws of the United States relating to the administration of the national forests during the recess of Congress. Said committee is hereby authorized to hold meetings in States and Territories containing national forests for the purpose of hearing such complaints, statements, and suggestions as may be tendered by citizens affected by the national-forest administration, and shall make a report in writing to Congress not later than the first Monday in December, 1909.

For expenses of said committee, including actual expenses of each member while necessarily absent from his place of residence in the performance of his duties as such committeeman, and for the payment of necessary clerical assistance, $10,000, said appropriation to be immediately available.

Mr. WARREN. I make the point of order against that amendment. There is no estimate for it and it does not have the indorsement of any committee.

The VICE-PRESIDENT. The Chair is of opinion that the point of order is well taken, and sustains the point of order. The Secretary will state the next amendment.

The SECRETARY. Amendment offered by Mr. DEPEW, on page 12, after line 3, to insert:

To enable the Secretary of Agriculture to lease and maintain for a period of ten years a farm at Morrisville, Madison County, State of New York, for the purpose of general agricultural and horticultural experimentation in connection with the so-called "unoccupied" or "Volusia soil" farms of the Eastern and Middle States, and to disseminate information of result of such experimentation as to the most profitable methods of utilizing such soils, $25,000.

Mr. WARREN. I shall be compelled to make the same point of order against this amendment. It was not estimated for and has not the indorsement of any committee.

The VICE-PRESIDENT. The Chair sustains the point of order. The Secretary will read the next amendment.

The SECRETARY. Amendment by Mr. CLARK of Wyoming, to insert the following:

That the Secretary of Agriculture is directed to furnish to the Senate on or before the first Monday of December, 1909, a full and complete copy of the pay rolls of the Bureau of Forestry for the quarter year beginning July 1, A. D. 1908, showing in detail and in full the names, occupation, and monthly salary and expenses of each employee so on said rolls or in the employment of the Forestry Service; showing also in one total the amount paid for the services and expenses of superintendents, supervisors, and rangers, and in another total the amount paid for other services and expenses of said Forestry Service.

Mr. WARREN. I make no objection to that amendment.

Mr. CLAY. I thought that was the existing law and that the law now provides that an annual statement shall be made in regard to these expenditures.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HANSBROUGH. On page 7, after line 23, I move to insert:

For the acquisition of sites and the erection of buildings for the use of the Weather Bureau, and for all necessary labor, materials, and expenses, plans and specifications to be prepared by the Secretary of Agriculture, and the work done under the supervision of the Chief of the Weather Bureau, not to exceed $30,000.

Mr. WARREN. That has been estimated for. I prefer that it would go to the Senate for a vote.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was rejected.

Mr. CLAY. What became of the amendment offered by the Senator from Montana [Mr. CARTER] on page 25?

Mr. WARREN. He withdrew the amendment.

The VICE-PRESIDENT. The Senator from Montana withdrew his amendment and the Senate disagreed to the committee amendment.

Mr. CLAY. The Senate struck out the increase of $500,000?

The VICE-PRESIDENT. Leaving the bill as it came from the House in that regard.

Mr. CARTER. The amendment, let me say to the Senator from Georgia, was withdrawn with notice that it would be offered in the Senate. The purpose of withdrawal was to allow a vote on the committee amendment.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. Does any Senator desire to reserve a vote upon any specific amendment?

Mr. CARTER. I desire to offer at the proper time an amendment on page 25.

The VICE-PRESIDENT. The Senator from Montana will have that right. Are there any reservations? If not, the question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment, which he will state.

Mr. CARTER. In lines 14 and 15, on page 25, I move to amend by striking out "three million nine hundred and eighty-six thousand," before the word "thousand," and inserting in lieu thereof "three million one hundred and sixty thousand."

Mr. WARREN. I move to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Wyoming moves to lay on the table the amendment proposed by the Senator from Montana. [Putting the question.] The Chair is in doubt. All in favor of laying the amendment on the table will rise.

Mr. GALLINGER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLARK of Wyoming. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. CLARK of Wyoming. Upon what is the vote being taken?

The VICE-PRESIDENT. It is to be taken on the motion made by the Senator from Wyoming [Mr. WARREN] to lay the amendment of the Senator from Montana [Mr. CARTER] on the table.

Mr. CLARK of Wyoming. I thought there was a misapprehension, and that is the reason why I asked the question.

Mr. CARTER. Those in favor of the amendment I offered will vote "nay" on the motion of the Senator from Wyoming.

The VICE-PRESIDENT. The Chair will again state the question. Those in favor of the motion of the Senator from Wyoming [Mr. WARREN] to lay the amendment of the Senator from Montana [Mr. CARTER] on the table will vote "yea" as their names are called; those opposed "nay."

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE]. I am informed, however, that he now stands paired with the junior Senator from Kentucky [Mr. PAYNTER], and I will vote. I vote "nay."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present and voting, I would vote "yea."

Mr. FULTON (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], which I transfer to the senior Senator from Washington [Mr. ANKENY] and vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. As he is absent, I will transfer that pair to the junior Senator from Pennsylvania [Mr. KNOX] and vote. I vote "yea."

Mr. STONE (when Mr. TALIAFERRO's name was called). The senior Senator from Florida is generally paired with the junior Senator from West Virginia [Mr. SCOTT]. I do not know how either would vote, but I make the announcement, as the Senator from Florida is absent.

Mr. WARREN (when his name was called). While I have a pair with the senior Senator from Mississippi [Mr. MONEY], on this motion I have his permission to vote, and I vote "yea."

The roll call was concluded.

Mr. BAILEY (after having voted in the negative). I have a general pair with the Senator from West Virginia [Mr. ELKINS], but I have voted. I will therefore transfer that pair to the Senator from Oklahoma [Mr. GORE] and allow my vote to stand.

Mr. FLINT. I transfer my pair with the senior Senator from Texas [Mr. CULBERSON] to the junior Senator from Nevada [Mr. NIXON] and will vote. I vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP], but by virtue of an agreement I had with him I voted. I thought it proper to make the statement.

The result was announced—yeas 32, nays 26, as follows:

YEAS—32.

Brandegee	Dick	La Follette	Perkins
Brown	Dixon	Long	Piles
Bulkeley	Dolliver	McCumber	Simmons
Burkett	Flint	McEnery	Smith, Mich.
Burnham	Foster	Milton	Smoot
Cummins	Frye	Nelson	Sutherland
Curtis	Gamble	Newlands	Warner
Depew	Hansbrough	Page	Warren

NAYS—26.

Bailey	Daniel	Heyburn	Penrose
Borah	Frazier	Johnston	Richardson
Bourne	Fulton	Kean	Stephenson
Carter	Gallinger	Kittredge	Stone
Clark, Wyo.	Guggenheim	McCreary	Teller
Clay	Hale	McLaurin	
Cullom	Hemenway	Martin	

NOT VOTING—34.

Aldrich	Crane	Hopkins	Rayner
Ankeny	Culberson	Knox	Scott
Bacon	Davis	Lodge	Smith, Md.
Bankhead	Dillingham	Money	Taliaferro
Beveridge	du Pont	Nixon	Taylor
Briggs	Elkins	Overman	Tillman
Burrows	Foraker	Owen	Wetmore
Clapp	Gary	Paynter	
Clarke, Ark.	Gore	Platt	

So Mr. CARTER's amendment was laid on the table.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 7, 8, 9, 11, 12, 19, and 22.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 10, 13, 14, 15, 16, 17 18, and 20, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For two clerks to be employed by the Department of State and to be charged with the distribution of information among the diplomatic missions, one at the rate of one thousand eight hundred dollars per annum, and one at the rate of one thousand six hundred dollars per annum; in all, three thousand four hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the words "and amendments thereto;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an

amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For thirteen consular assistants, as provided by law, eighteen thousand three hundred dollars; twelve additional consular assistants, subject to the same provisions of law as the above thirteen, twelve thousand dollars; in all, thirty thousand three hundred dollars;" and the Senate agree to the same.

EUGENE HALE,
S. M. CULLOM,
A. S. CLAY,
Managers on the part of the Senate.
R. G. COUSINS,
C. B. LANDIS,
WM. M. HOWARD,
Managers on the part of the House.

The report was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 5, 7, 8, 14, 21, 23, 24, 27, 28, 29, 30, 32, 34, 41, 42, 43, 45, 46, 50, 52, 55, 60, 62, 63, 67, 69, 71, 78, 81, 83, 85, 89, 91, 93, 94, 98, 99, 100, 101, 102, 106, 108, 109, 110, 112, 113, 114, 116, 117, 118, 119, 120, 121, 123, 124, 127, 129, 131, 133, 147, 148, 150, 152, 155, 156, 158, 160, 162, 163, 164, 165, 166, 167, 168, 169, 174, 194, 195, 208, 211, 213, 214, 215, 216, 217, 227, 228, 229, 234, 235, 237, 240, 243, 254, 255, 258, 259, 261, 266, 267, 284, 288, 296, 297, 300, 304, 305, 309, 313, 319, 322, 324, 329, 330, 331, 332, 336, 338, 341, 343, 345, 346, 349, 351, 354, 355, 359, 361, 371, 372, 378, and 382.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 10, 11, 12, 13, 16, 17, 18, 19, 20, 31, 33, 35, 36, 37, 38, 53, 57, 64, 65, 66, 70, 79, 80, 82, 84, 86, 87, 88, 90, 95, 96, 103, 104, 105, 111, 115, 122, 125, 126, 134, 139, 140, 141, 142, 144, 145, 149, 151, 153, 157, 170, 171, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 197, 198, 212, 218, 219, 220, 222, 223, 224, 225, 226, 230, 231, 236, 241, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 262, 264, 265, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 285, 286, 287, 289, 290, 291, 292, 293, 294, 295, 302, 307, 310, 311, 312, 316, 317, 320, 321, 325, 328, 333, 334, 335, 347, 348, 350, 353, 356, 367, 369, 370, 374, 376, 379, 381, and 385; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one hundred and five thousand six hundred and fifty-four dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirty-eight thousand seven hundred and thirty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-one thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirty-four thousand three hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "municipal architect, whose duty it shall be to prepare and supervise the plans for, and superintend the construction of all municipal buildings, and the repair and improvement of all buildings belonging to the District of Columbia under the direction of the Engineer Commissioner of the District of Columbia from three thousand six hundred dollars; and all laws or parts of laws placing such duties upon the inspector of buildings of the District of Columbia are hereby repealed;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "two hundred thousand seven hundred and eighty-two dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: ": *Provided*, That hereafter there shall be assessed and collected an annual wheel tax on all automobiles or other motor vehicles owned and operated in the District of Columbia having seats for only two persons the sum of three dollars, and all said vehicles having seats for more than two persons an additional tax of two dollars for each additional seat;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "nine thousand four hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "six thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-nine thousand four hundred and twenty-five dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "assistant, one thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirty-nine thousand three hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "purchase and maintenance of motorcycles;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$19,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$36,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: On page 22, line 11, of the bill, strike out "a permanent" and insert in lieu thereof "permanent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$71,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$2,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed by said

amendment insert the following: "$14,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$25,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Northwest: To widen Thirteenth street extended ten feet on the easterly side between Park road and Monroe street, and grade and improve the same, $2,500, and the Commissioners of the District are hereby required to commence immediately the work herein provided for;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$197,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: "*Provided*, That the above public convenience stations be located on public space to be selected by the Commissioners of the District of Columbia, and the jurisdiction and control of such portion of any public reservation so selected as shall be required for the location of such stations and their approaches is hereby transferred from the United States official having charge of said reservation to the Commissioners of the District of Columbia, such transfer to take effect on the date of notice by the said commissioners to the said United States official of the location of the sites for said stations;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "assistant electrical engineer, who shall perform the duties of the electrical engineer in the absence or disability of the latter and shall have the same qualifications as to ability and technical knowledge as is required by law of the head of the department, $1,800;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$45,295;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirteen thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "eleven thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "four thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: At the end of said amendment, after the word "years," insert the following:

"*Provided*, That section five of an act entitled 'An act relating to the sale of gas in the District of Columbia,' approved June sixth, eighteen hundred and ninety-six, and all remedies therein provided, be, and the same are hereby, repealed, and all pending proceedings thereunder shall be vacated, and no judgment, decree, finding, permit, or valuation of any kind mentioned or intended to be mentioned in said section shall be made or ascertained.

"On and after the passage of this act every corporation engaged in the manufacture and sale of gas or electricity in the District of Columbia shall open and keep a set of books in manner and form prescribed by the Interstate Commerce Commission.

"The charter of the Washington Gaslight Company is hereby amended so as to increase the membership of its board of directors to seven;"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "four thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "fifty-two thousand seven hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "seventeen thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "two thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one hundred and ten thousand four hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "seventy-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "ninety-two thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "nine hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "three thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "three thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the sum proposed by said

amendment insert the following: "five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "eleven thousand three hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "forty-seven thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For equipment, grading, and improving six additional school playgrounds, seven hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For maintenance and repairing eighteen playgrounds now established, nine hundred dollars; in all, one thousand six hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "nine hundred and twenty-seven thousand four hundred and seventy-three dollars and fifty-two cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows:

After said amendment insert, as a new paragraph, the following:

"That the following-described persons in the District of Columbia are hereby declared to be vagrants:

"Idle persons who, not having visible means of support, live without lawful employment; persons wandering abroad and visiting tippling shops or houses of ill fame, or lodging in groceries, outhouses, market places, sheds, barns, or in the open air, and not giving a good account of themselves; persons wandering abroad and begging, or who go about from door to door or place themselves in the streets, highways, passages, or other public places to beg or receive alms.

"All persons leading an idle, immoral, or profligate life, who have no property to support them and who are able of body to work and do not work, including all able-bodied persons without other visible means of support who shall live in idleness upon the wages or earnings of their mother, wife, or minor child or children.

"Every person known to be a pickpocket, thief, burglar, or confidence operator, either by his own confession or by his having been convicted in the District of Columbia or elsewhere of either of such offenses, and having no visible or lawful means of support, when found loitering around in any building, park, highway, street, avenue, alley, or reservation, steamboat landing, railroad depot, station, banking institution, broker's office, place of amusement, room, store, shop, public place, or car or omnibus or other vehicle, or at any public gathering or assembly.

"Persons upon whom shall be found any instrument, tool, or other implement used for the commission of burglary or the commission of any other crime against property, or for picking locks or pockets, who shall fail to give a good account of the possession of the same, and all persons who by the common law are vagrants whether embraced in any of the aforegoing classifications or not.

"That every person in the District of Columbia who shall be convicted of vagrancy under the provisions of this act shall be required to enter into security in a sum not exceeding five hundred dollars, conditioned upon his good behavior and industry for the period of one year, and if he shall fail to give such security he shall be committed to the workhouse in the said District for a term not to exceed one year. The security herein mentioned shall be in the nature of a recognizance to the District of Columbia, with a surety or sureties to be approved by the police court of the said District, in which court all prosecutions under this act shall be conducted in the manner now provided by law for the prosecution of offenses against the laws and ordinances of the said District, but nothing contained in section forty-four of the Code of Law for the District of Columbia shall be so construed as to create or give to the accused, in prosecutions under this act, any right to trial by jury not existing by force of the Constitution of the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: ", or so much thereof as may be necessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "forty-eight thousand and eighty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirteen thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 256, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "five hundred and eight thousand two hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 257, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "ten thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-seven thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one hundred and nineteen thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 268, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one hundred and eighteen thousand seven hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-seven thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 298, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "four hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 299, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$16,950;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 301, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said Senate amendment insert the following:

"Municipal court: For five judges, at $2,500 each; one judge, at the rate of $2,500; one judge, at the rate of $2,500 per annum for six months; clerk, $1,500; assistant clerk, $1,000; and janitor, $480; in all, $16,730.

"For rent of building, $1,500.

"For contingent expenses, including books, law books, books of reference, fuel, light, telephone rental, and all other necessary miscellaneous items and supplies, $750; in all, for municipal court, $18,980.

"For the following from March 1 to the end of the fiscal year 1909: One clerk, at the rate of $1,500 per annum, five hundred

dollars; one assistant clerk, at the rate of $1,000 per annum, $333.33; one janitor, at the rate of $480 per annum, $160; for rent of building, $500; for furniture and equipment of rented building, $2,500; in all, $3,993.33.

"The unexpended balance of the appropriation provided for the compensation of six justices of the peace by the District of Columbia appropriation act approved May 26, 1908, is hereby reappropriated and made available for the compensation of the judges of the municipal court from March 1 to the end of the fiscal year 1909.

"The unexpended balance of the appropriation of $400 each for justices of the peace for rent, clerical services, stationery, and other expenses, provided by the District of Columbia appropriation act approved May 26, 1908, is hereby reappropriated and made available from March 1 to the end of the fiscal year 1909 for contingent expenses of the municipal court, including books, law books, books of reference, fuel, light, telephone rental, and all other necessary miscellaneous items and supplies."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 303, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: "*Provided*, That all appropriations herein made for said reformatory and workhouse are hereby made immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$15,140;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$39,336;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 315, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$60,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 318, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$22,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 323, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$40,992;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 326, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 327, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "For care and treatment of indigent patients, under a contract to be made with the Sibley Hospital by the Board of Charities, $3,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 337, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "$13,775;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 339, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "seven hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 340, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "forty thousand and twenty-five dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 342, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two placing officers, at eight hundred and forty dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 344, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "eight thousand five hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirteen thousand one hundred and ten dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 357, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "eight thousand and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 358, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twelve thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-three thousand and seventy dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 362, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "foreman, three hundred and sixty dollars; and night watchman for six months, at twenty-five dollars per month, one hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 363, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "three thousand eight hundred and fifty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 364, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "four thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 365, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "five thousand nine hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 366, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "two thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 368, and agree to the same with an amendment as follows: On page 85, in line 19, strike out the word "other," and add at the end of the amended paragraph the following: "The said commissioners are hereby empowered to prescribe the penalty or penalties for violation of any charge fixed by them;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 373, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Index clerk, one thousand four hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 375, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "meter computer, one thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 377, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert the following: "eighty-one thousand eight hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 380, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment, insert the following: "forty-one thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 383, and agree to the same with

an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "sixty-two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 384, and agree to the same with an amendment as follows:

At the end of said amendment, after the word "Columbia," insert the following: "Hereafter the Commissioners of the District of Columbia shall not submit nor shall the Secretary of the Treasury transmit to Congress regular annual estimates for expenses of the government of the District of Columbia for any fiscal year that shall exceed in the aggregate a sum equal to twice the amount of the total estimated revenues of the District of Columbia for such fiscal year. Said estimates shall take into consideration and embrace all charges against the said revenues arising under appropriations other than the regular District of Columbia bill. Such annual estimates shall not be published in advance of their submission to Congress at the beginning of each regular session thereof;" and the Senate agree to the same.

J. H. GALLINGER,
S. B. ELKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

WASHINGTON GARDNER,
MARTIN B. MADDEN,
ALBERT S. BURLESON,
Managers on the part of the House.

Mr. WARREN. I wish to ask the Senator from New Hampshire if that is a full agreement.

Mr. GALLINGER. I will say to the Senator from Wyoming that this is a full agreement, and it is signed by the conferees of both Houses.

The report was agreed to.

Mr. GALLINGER. I ask to have printed in connection with the conference report on the District of Columbia appropriation bill a brief table. I meant to submit it at the time.

The VICE-PRESIDENT. Without objection, permission is granted.

The table referred to is as follows:

DISTRICT OF COLUMBIA.

Amount of bill as passed by Senate	$12,089,872.16
Amount of bill as passed by House	9,955,049.52
Amount added by Senate	2,134,822.64
Net amount of reductions in conference	1,410,726.67
Amount of Senate amendments agreed to	724,095.97
Amount of bill as agreed upon	10,679,145.49
Amount of estimates for 1910	16,176,355.52
Amount in law for 1909	10,001,888.85

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I wish to give notice that immediately after the reading of the Journal to-morrow morning I shall move to proceed to the consideration of the river and harbor appropriation bill.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 7 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 27, 1909, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 26, 1909.*

[*Continuation of legislative day of Tuesday, February 23, 1909.*]

The recess having expired, the House, at 11 o'clock a. m., was called to order by the Speaker.

GOVERNMENT FOR HAWAII, ETC.

Mr. JENKINS. Mr. Speaker, I desire to call up the conference report on the bill H. R. 21896, entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," and I ask unanimous consent, Mr. Speaker, that the reading of the report be dispensed with and that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report (H. Rept. No. 2255) is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Line 2, strike out "seven thousand five hundred" and insert "six thousand;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Line 7, strike out the word "Roscoe" and insert "Roswell;" and the Senate agree to the same.

JOHN J. JENKINS,
DE ALVA S. ALEXANDER,
HENRY D. CLAYTON,
Managers on the part of the House.

C. D. CLARK,
KNUTE NELSON,
LEE S. OVERMAN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

Statement of House conferees, accompanying report of committee of conference on H. R. 21896, under and pursuant to House Rule XXIX:

On amendments Nos. 2, 5, and 18 it is recommended that the Senate recede from the same.

Amendment No. 2 struck out the word "six" where the same appears in line 9, page 2, and inserted in lieu thereof the word "four."

Under the organic act of the Territory of Hawaii the officers mentioned held office for six years.

Amendment No. 5 struck out of line 4, page 10, the word "earned" and inserted in lieu thereof the word "received."

Amendment No. 18 struck out of lines 21, 22, and 23, page 14, the following: "*Provided, however*, That suitable rooms and accommodations are furnished for holding of said courts, free of all expenses to the Government."

It is recommended that the House recede from its disagreement to the amendments of the Senate Nos. 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, and 25, and agree to the same.

Amendment No. 3 added to the end of line 24, page 2, the following: "And appeals and writs of error may be taken to the Supreme Court of the United States from said district court in cases where appeals and writs of error are allowed from the district and circuit courts of the United States to the Supreme Court."

Amendment No. 4 added, at the end of line 17, page 3, the following: "*Provided*, That writs of error and appeals may also be taken from the supreme court of the Territory of Hawaii to the Supreme Court of the United States in all cases where the amount involved, exclusive of costs, exceeds the sum or value of $5,000."

Amendment No. 6 struck out all of section 11, page 12, providing for the appointment of commissioners in Alaska by the governor of the Territory, with the approval of the Attorney-General. The amendment leaves the law in force, providing for the appointment of commissioners by the district judges.

Amendments Nos. 7, 8, 9, 11, 15, 16, 17, 19, 20, 21, 24, and 25 change the numbers of the sections only.

Amendment No. 12 strikes out of lines 18, 19, 20, and 21, page 13, the following: "The said district court shall have jurisdiction and the same is hereby vested to hear, try, and determine all matters and causes that the courts of the other districts of the Territory now possess, and for such purposes."

Amendment No. 13 inserts in lines 22 and 23, page 13, the following: "within each of said districts."

Amendment No. 14 strikes out of lines 1 and 2, page 14, the following: "And grand and petit jurors shall be summoned therein, in the manner now required by law."

Amendment No. 22 strikes out of lines 13, 14, 15, 16, 17, and 18, page 16, the following: "Such salaries shall be paid out of the Treasury as the salaries of other like officers are paid; and each of said officers shall receive their expenses and subsistence when necessarily employed in the performance of their official

duties in like manner and to the same extent as are allowed to other like officers."

Amendment 23 strikes out of lines 19, 20, and 21, page 16, the following: "Such officers shall receive such salaries, respectively, and such expenses and subsistence from the time they entered upon the discharge of their duties."

It is recommended that the House recede from its disagreement to the amendment of the Senate No. 1, and agree to the same with an amendment as follows: Line 2, strike out "$7,500" and insert "$6,000;" and the Senate agree to the same.

Under the organic act of the Territory of Hawaii district judges receive an annual salary of $5,000. The Senate amendment No. 1 increased the salary to $7,500. The amendment recommended by the committee reduced the annual salary to $6,000.

It is recommended that the House recede from its disagreement to the amendment of the Senate No. 10, and agree to the same with an amendment as follows: Line 7, strike out the word "Roscoe" and insert the word "Roswell;" and the Senate agree to the same.

Amendment No. 10, pages 12 and 13, struck out all of section 15 and inserted section 14: "That the Chief Justice and his associates are hereby vested with power and authority, and they are hereby directed, to divide said Territory into seven judicial districts and make such assignments of the judges provided for in section 12 of this act as shall in their judgment be meet and proper, provided that one of said judges shall reside and hold a district court in the city of Roscoe, the word 'Roscoe' being misspelled, meaning 'Roswell.'"

JOHN J. JENKINS,
DE ALVA S. ALEXANDER,
HENRY D. CLAYTON,
Managers on the part of the House.

The SPEAKER. The question is on the adoption of the conference report.

Mr. MANN. Mr. Speaker, will the gentleman state how many new judges this creates, if any, outside of Hawaii?

Mr. JENKINS. It gives one in Alaska, but that was agreed to by both Houses, I will say to the gentleman.

Mr. MANN. It does not create any judges in the United States?

Mr. JENKINS. None whatever.

Mr. MANN. What is the salary that is finally fixed upon?

Mr. JENKINS. Six thousand dollars.

Mr. MANN. That is the present salary?

Mr. JENKINS. No, sir; the present salary is $5,000.

Mr. MANN. I mean the present salary of judges in the United States. It simply conforms——

Mr. JENKINS. That is all; conforms to the present law.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

OCEAN MAIL SERVICE.

Mr. GOEBEL. Mr. Speaker, I am directed by the Committee on the Post-Office and Post-Roads to report favorably the bill (S. 28) to amend the act of March 3, 1901, entitled "An act to provide ocean mail service between the United States and foreign ports and to promote commerce."

The SPEAKER. The gentleman asks unanimous consent, instead of sending it through the box, to report from the committee the following bill.

The Clerk read as follows:

A bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

The SPEAKER. Is there objection?

Mr. MOON of Tennessee. I object, Mr. Speaker.

The SPEAKER. Objection is made. The gentleman can make the report through the box. Now, does the gentleman desire to ask unanimous consent for anything else?

Mr. GOEBEL. Then I ask unanimous consent to file the report (H. Rept. No. 2261).

Mr. MOON of Tennessee. I withdraw the objection, Mr. Speaker.

The SPEAKER. The original Senate bill does not seem to be with the report. Does the gentleman ask for any other matter of unanimous consent?

Mr. GOEBEL. I say that simply——

The SPEAKER. But the Senate bill is not with the report.

Mr. GOEBEL. I simply file the bill.

The SPEAKER. But the gentleman has no authority to file it.

Mr. GOEBEL. I understand the gentleman withdrew his objection.

The SPEAKER. But the Senate bill is not with the report, and it must accompany the report.

Mr. GOEBEL. I will then get the Senate bill and file it with the report.

Mr. MOON of Tennessee. Mr. Speaker, to avoid any trouble in the matter, I withdraw the objection.

The SPEAKER. Well, the gentleman can not withdraw the objection to reporting the Senate bill unless the Senate bill accompanies the report.

Mr. MOON of Tennessee. I understand that. I simply desire to put myself right with the gentleman from Ohio, and I do not object.

Subsequently,

Mr. GOEBEL. I have now the original Senate bill (S. 28) and submit it, and I ask unanimous consent to make a report from the Committee on the Post-Office and Post-Roads on the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that the minority of the Committee on the Post-Office and Post-Roads may have until Monday until 12 o'clock to file minority views.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the minority of the Committee on the Post-Office and Post-Roads have until Monday next at 12 o'clock noon to file minority views on the bill. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 9375. An act to grant certain lands to the city of Colorado Springs, Colo.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1617) to quiet title to certain land in Dona Ana County, N. Mex., had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FULTON, Mr. FLINT, and Mr. BANKHEAD as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, numbered 46, 62, 63, 64, 65, 66, 67, 68, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, and 210, disagreed to by the House of Representatives, had disagreed to the amendments of the House to the amendments of the Senate numbered 60 and 61, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 15939. An act authorizing the Secretary of Commerce and Labor to exchange property;

H. R. 27068. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes; and

H. J. Res. 231. Joint resolution authorizing the Director of the Census to collect and publish additional statistics.

The message also announced that the Senate had passed the following concurrent resolution:

Senate concurrent resolution 104.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized, in his discretion, to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled and that is now in the possession of the War Department.

SENATE BILL AND RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and concurrent resolution of the following titles were taken from the Speaker's

table and referred to their appropriate committees, as indicated below:

S. 9375. An act to grant certain lands to the city of Colorado Springs, Colo.—to the Committee on the Public Lands.

Senate concurrent resolution 104.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and is hereby, authorized, in his discretion, to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled and that is now in the possession of the War Department—

to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8734. An act for the relief of Niels P. Larsen;

H. R. 27419. An act to repeal the act of June 29, 1906, granting a pension to Jackson Adkins;

H. R. 28104. An act to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908;

H. R. 27363. An act to provide for improving the navigable capacity of the Sabine and Neches rivers, and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou; and

H. R. 12499. An act for the relief of Clarence Frederick Chapman, U. S. Navy.

PRIVILEGES OF DEBATE.

Mr. TAWNEY. Mr. Speaker, I offer the following privileged resolution (H. Res. 604).

The Clerk read as follows:

Whereas the speech of the Hon. GEORGE W. COOK of Colorado, delivered in the House of Representatives on February 25, 1909, and printed in the CONGRESSIONAL RECORD on pages 3203 and 3204, contains language in violation of the privileges of debate:

Resolved, That a committee of five Members be appointed to consider the remarks aforesaid and report to the House not later than the calendar day of Monday, March 1, 1909.

Mr. FITZGERALD. Mr. Speaker, I rise the point of order that the resolution is not privileged. I wish to say that the practice that was adopted here recently is going to result in what was then predicted. I have not read the speech, but it was delivered on the floor without objection. If this practice is going to be continued, any speech by any Member can be stricken out of the RECORD. The gentleman should specify in what way the speech violated the rules of the House. I have not read it; I do not know what the gentleman said. It seems to me that it is a bad practice to establish, that a gentleman may deliver a speech and some time afterwards some one can ask to expunge it from the RECORD.

Mr. TAWNEY. The speech was delivered yesterday, during the consideration of the limitation in the sundry civil bill in respect to the Secret Service. The time was yielded to the gentleman from Colorado by myself upon representation that his remarks would relate to the subject under consideration. The first part of his remarks, which I heard in the confusion, did relate to that subject. But then the gentleman proceeded to assail the Chief Executive of the Government, or referred to him in language which, in the judgment of myself, as well as in the judgment of other Members of the House, violated the privileges of debate in the House. In view of the fact that the time used by the gentleman was time which I had given to him, I feel it is my duty to the House——

Mr. FITZGERALD. The gentleman can not raise a question of privilege because somebody abuses his confidence. If a Member in the course of his debate violated the privilege of debate by referring to the Executive in an improper manner, he should have been stopped. But the gentleman was permitted to deliver his speech. Unless the language is pointed out, it should not be treated in this way. I do not care who it was, or to whom reference was made.

Mr. MANN. The proposition to strike out something from the RECORD that was uttered in the House is certainly a matter of the highest privilege so far as a question of order is concerned.

Mr. FITZGERALD. I differ with the gentleman, unless the resolution shows on its face that it is a matter of privilege. This resolution does not show on its face that it is a matter of privilege.

The SPEAKER. What is the point that the gentleman makes?

Mr. FITZGERALD. That this matter does not appear to be a matter of privilege.

The SPEAKER. The Chair overrules the point of order.

Mr. CLARK of Missouri. Mr. Speaker——

Mr. TAWNEY. I move the previous question on the resolution.

The SPEAKER. Without objection, the previous question is ordered. Without objection, the resolution is agreed to.

Mr. CLARK of Missouri. Adopting the previous question does not adopt the resolution. We are just getting at it.

The SPEAKER. The Chair said "without objection."

Mr. CLARK of Missouri. I object to it. I would like to say a word or two on it.

The SPEAKER. The previous question having been ordered, the question is on agreeing to the resolution.

Mr. CLARK of Missouri. I would like to have just a minute or two. I do not propose to filibuster or anything like that.

The SPEAKER. The Chair has no objection; but the Chair will state that it will require unanimous consent.

Mr. TAWNEY. I ask unanimous consent that the gentleman may proceed——

Mr. CLARK of Missouri. I would like to say this——

The SPEAKER. What is the gentleman's request? To address the House for what length of time?

Mr. CLARK of Missouri. Two or three minutes.

The SPEAKER. The Chair hears no objection.

Mr. CLARK of Missouri. Now, when they performed this same operation on Mr. WILLETT I did not raise any hullabaloo about it because he happened to be a Democrat.

But it seems to me, as some one stated then, that this sort of a procedure is extremely hazardous and is setting a mighty bad example. Now, there is a way of getting at these things. If the gentleman from Colorado [Mr. COOK] was making an improper speech, then the gentleman from Minnesota or any other gentleman on the floor had a right to call him to order and have his words taken down; but this thing is establishing a sort of press censorship here.

Mr. TAWNEY. I will say to the gentleman that I did stop the gentleman from Colorado, but thereafter he continued.

Mr. CLARK of Missouri. What was the Chairman doing at that time, that he did not stop him?

Mr. TAWNEY. He was calling him to order, too.

Mr. CAPRON. The Chairman was doing everything in his power to stop him, at the request of the gentleman from Minnesota.

Mr. CLARK of Missouri. I do not know who was in the chair, and was not here myself. Now, it comes to this: Suppose a man were to make a fine speech here, an excellent speech an hour long, and through any prejudice or malice, or for any other reason, should incorporate into that speech while delivering it something that did not address itself to the good taste or the good sense of the House. Suppose it happened to be made by a man of the minority, and an overwhelming majority was against his position, and to get rid of his speech and to put a stigma on him they should come in a day or two afterwards or a week or two afterwards and move to strike out of the RECORD that whole speech. I say it is a very dangerous proceeding. I do not know what the gentleman from Colorado said. I do not know whom he was talking about, and I do not care. I am talking about this way of getting rid of speeches in this House.

Mr. MANN. I did not hear the speech, and have not read it, and do not know what it was; but while the House would undoubtedly have the power to strike a speech out of the RECORD, it is hardly to be presumed that the House would exercise that power arbitrarily, and strike out a whole speech because it contained a sentence in violation of the rules of the House. Such has never been the practice. Such are not the precedents.

Mr. CLARK of Missouri. There is no telling what a majority will do when it is angry and heated up. I am not talking about the Republican majority; I am talking about any majority, because, after all, they are very much the same kind of folks.

Mr. TAWNEY. Will the gentleman from Missouri permit me to ask him a question? I want to ask him if he does not think this is the most practical and sensible way of arriving at the question whether any part or all of the speech should or should not be excluded from the RECORD? Now, the only proposition is to have a committee appointed to go through the speech and ascertain whether it or any part of it was in violation of the rules of the House in regard to debate; and on the report of that committee to the House the House has an opportunity of determining for itself whether the judgment of that committee is right or wrong.

Mr. CLARK of Missouri. That establishes a press censorship.

Mr. TAWNEY. The House is the censor, whether you take down the words at the time, and after taking them down ask that they be expunged, or whether it adopts this course. The House passes on the question whether the words should be expunged or not. Under the former procedure it is done at the time, in the heat of debate. Here is a proposition to refer the subject to a committee to consider it deliberately and coolly, and report back to the House what the judgment of that committee is respecting the subject-matter of the speech or any part of it.

Mr. CLARK of Missouri. If that other committee had not performed in the way it did, I would not be so particular about this; but it went out here and reported that Mr. WILLETT'S entire speech ought to be stricken out of the RECORD. There must have been something in Mr. WILLETT'S speech that was not objectionable, and the only reason I did not take up the cudgels then was because a Democratic Member of the House was assailing a Republican President, and I did not propose to put this side of the House in the attitude of even indorsing that kind of a performance; but the shoe is on the other foot now, and we can debate this thing without any danger of being criticised on account of the politics of the situation.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. COOK of Colorado. Will the gentleman from Minnesota yield to a question?

Mr. TAWNEY. I have not the floor.

The SPEAKER. The question is on agreeing to the resolution. All in favor of agreeing to the resolution will say "aye," those opposed "no." [The question was taken.] The ayes appear to have it—the ayes have it—and the resolution is agreed to.

Mr. CLARK of Missouri and others. Division!

The SPEAKER. It seems to the Chair that the gentleman is late.

Mr. CLARK of Missouri. I was not on my feet.

The SPEAKER. The Chair announces the following committee——

Mr. CLARK of Missouri. There were three or four others calling for a division.

The SPEAKER. Not until after the vote was declared. The Chair was observing. The Chair announces as the committee Mr. MANN, Mr. PERKINS, Mr. FOSTER of Vermont, Mr. CLAYTON, and Mr. HOWARD.

BOILERS ON STEAM VESSELS.

Mr. WILSON of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 28175) to amend section 4434 of the Revised Statutes of the United States, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4434, Revised Statutes of the United States, as amended by the act of Congress approved February 28, 1895, be amended by inserting a hyphen and the word "eight" after the word "thirty" in the second line of the section, and by inserting after the word "diameter" in the ninth line of the section a comma and the words "the measurements to be taken from the center of the length of the tapered section of said flues," and by striking out, in the fifteenth and sixteenth lines of the section, the words "Secretary of the Treasury" and inserting in lieu thereof the words "Supervising Inspector-General," and by inserting after the word "thirty," in the twentieth line of the section, a hyphen and the word "eight," and after the word "the," in the twenty-third line of the section, the word "approved," so that the section as amended shall read as follows:

SEC. 4434. No externally fired boiler having its shell constructed of iron or steel plates exceeding an average thickness of thirty-eight one-hundredths of an inch shall be employed on any steam vessel navigating the Red River of the North or rivers flowing into the Gulf of Mexico or their tributaries; and no externally fired boiler employed on any such steam vessel shall have less than 3 inches space between its shell and any of its internal flues, and not less than 3 inches space between such flues when any such flues are more than 5 inches in diameter, the measurements to be taken from the center of the length of the tapered section of said flues; and every such externally fired boiler employed on any such steam vessel shall be provided with a manhole in the lower part of the front head thereof, of such dimensions as may be prescribed by the Board of Supervising Inspectors, in all cases where the distance between its internal flues is less than 3 inches. Externally fired boilers having shells constructed of iron or steel plates not exceeding an average thickness of fifty one-hundredths of an inch may, in the discretion of the Supervising Inspector-General, be authorized and employed on steam vessels navigating the Atlantic and Pacific oceans, or salt-water bays, or sounds, or the Great Lakes, or any of them, and waters flowing to and from the same, or any of them: *Provided*, That on inspection no plate that is by this act limited to a thickness of thirty-eight one-hundredths of an inch and no plate that is by this act limited to a thickness of fifty one-hundredths of an inch shall be rejected for use if found to exceed those dimensions, respectively, if the approved average thickness thereof does not exceed the limits therein specified, and the amount of steam pressure that will be permitted to be carried in boilers constructed in accordance with the requirements of this act shall be determined from measurements showing the least thickness of the plates.

SEC. 2. That all externally fired boilers constructed of iron or steel, prior to the passage of this act, and now in use on any such vessels, wherein the space between such flues is less than 3 inches, they shall be deemed lawfully constructed.

SEC. 3. That all laws or parts of laws conflicting with this act are hereby repealed.

The following committee amendment was read:

In line 18, page 3, strike out the words "such flues" and insert the words "the shell and any of its internal flues or between such flues."

The SPEAKER. Is there objection?

Mr. McDERMOTT. Mr. Speaker, reserving the right to object, I want to ask the gentleman what streams this bill applies to? Does it apply to vessels on the Potomac River?

Mr. WILSON of Illinois. Yes; on any river in the United States.

Mr. McDERMOTT. Then, I object.

Mr. WILSON of Illinois. I want to say to the gentleman that it only makes three changes in the construction of a boiler. It does not in any way affect boilers now in use. It provides only for new boilers that may be put in operation hereafter. It contemplates three changes. The space between the flues of a boiler which is now under the supervising inspector is about 2½ inches. John G. Carlisle, when a Member of Congress, had the matter up, and he thought that the distance should be 3 inches between the flues in a boiler. This provides that new boilers in construction shall have a space of 3 inches.

Mr. McDERMOTT. Has it been considered by the committee?

Mr. WILSON of Illinois. Oh, yes; and is a unanimous report.

Mr. McDERMOTT. Then, I withdraw the objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ORDER OF BUSINESS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that at the conclusion of the sundry civil appropriation bill, and subject to special order of February 23, 1909, private pension bills on the calendar shall be next in order.

Mr. TAWNEY. I did not hear the request.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that, subject to special orders, and, of course, privileged business, private pension bills only shall be in order at the close of the consideration of the sundry civil appropriation bill.

Mr. TAWNEY. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. COOK of Colorado. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOK of Colorado. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. COOK of Colorado. Mr. Speaker, in my remarks yesterday before this honorable body as to the prosecution of citizens in my State by the present administration, I quoted in my remarks a decision by the Supreme Court of the United States, dated January 4, 1909, and the correctness of my assertion was denied by the gentleman from New York [Mr. BENNET], who, I understand, is by profession a lawyer. I desire, Mr. Speaker, to offer the Reports of the United States Supreme Court, pages 507 to 535, in proof of the assertion I made in my remarks. I also ask unanimous consent that the decision may be printed in the RECORD.

Mr. PAYNE. What is the gentleman's request?

The SPEAKER. The gentleman from Colorado asks unanimous consent that the decision to which he refers may be printed in the RECORD. Is there objection?

Mr. COOK of Colorado. Mr. Speaker, it is a decision of the Supreme Court made January 24, 1909, as taken from the opinion, and I ask to have the case, which covers pages 507 to 535, printed in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

UNITED STATES v. BIGGS—ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLORADO.

No. 289. Argued December 16, 17, 1908.—Decided January 4, 1909.

United States *v.* Keitel (ante, p. 370) followed as to the power of this court to review judgments in criminal cases at the instance of the Government under the act of March 2, 1907. (Chap. 2546, 34 Stat., 1246.)

The timber and stone act of June 3, 1878 (Chap. 151, 20 Stat., 89), as amended by the act of August 4, 1892 (Chap. 375, Sec. 2, 27 Stat., 348),[a] while prohibiting the entryman from entering ostensibly for himself, but in reality for another, does not prohibit him from selling his claim to another after application and before final action. (Williamson *v.* United States, 207 U. S., 425.)

An indictment for conspiracy to defraud the United States by improperly obtaining title to public lands will not lie under section 5440, Revised Statutes, where the only acts charged were permissible under the land laws.

When this court, in affirming a judgment in a criminal case under the act of March 2, 1907 (Chap. 2546, 34 Stat., 1246), has decided on a broad ground that the Government can not prosecute the case, it is not necessary for it to decide the other questions involved which thereby become irrelevant.[b]

157 Fed. Rep., 264, affirmed.

The facts are stated in the opinion.

[a] For an abstract of the timber and stone act see note in Williamson *v.* United States (207 U. S., 425, 455).

[b] The point not passed on was, as stated in the syllabus of the opinion in the case below: An indictment, under Revised Statutes, section 5440, for conspiracy to defraud the United States, which sets out a number of overt acts on different dates, is either bad for duplicity, as charging more than one conspiracy, or if held to charge a single continuing conspiracy, the offense was consummated when the first overt act was committed, and from that date the statute of limitations began to run.

The Attorney-General and the Solicitor-General, with whom Mr. Edwin W. Lawrence, special assistant to the Attorney-General, was on the brief for the United States:

Here, as in the coal land cases, the argument is that the court below merely held that the facts charged in the indictment were not within the statute, and therefore the indictment and not the statute was interpreted or construed. That contention, the court in those cases held to be devoid of all merit. (United States *v.* Keitel, ante, p. 370.)

As the court below in construing the indictment really construed the law and merely applied that construction to the indictment, it seems proper for the Government to discuss the indictment in the light of its language as drawn from the law itself, notwithstanding this court held in the Keitel case that, on such a writ of error, it has not jurisdiction to consider alleged defects in the indictment or misconstruction of the indictment irrespective of construction of the statute.

"To enter" in the third section of the law refers to final proofs and payment, but "make entries" in the indictments is not to be so construed. The word "entry" often refers to the filing of the inceptive right as in the early case of Chotard *v.* Pope (12 Wheat., 586). That is the popular sense as shown by the dictionaries, but the technical meaning includes the proceedings as a whole and the complete transfer of title. (Dealy *v.* United States, 152 U. S., 539, 544, 545; Hastings, etc., R. R. *v.* Whitney, 132 U. S., 357, 363.)

"To obtain" lands signifies similarly the complete process of acquisition, and since the indictment, following the law, describes these lands as "open to entry," the charge includes the initial application. In Adams *v.* Church (193 U. S., 516), referring to the timber-culture law, the meaning attached to entry is the original application, the court using the language, "after entry and before final proof." And under this very law in Williamson *v.* United States the court uses the term in precisely the same sense, viz, "in the interim between entry and final proof." (207 U. S., 461.)

The indictments sufficiently charge a conspiracy to defraud, although the conspiracy did not embrace the making of false and fraudulent applications.

The timber and stone act restricts the quantity of timber land to be sold to 160 acres to any one person or association of persons. A corporation could not, without violating the law, step into the shoes of the various applicants and in its own name take the steps which the law requires for completion of the entries. But this is what the indictments charge that the defendants conspired to do, except that it is alleged that they planned that the applicants should complete the entries without disclosing the interest of the corporation. The applicants would be acting merely as the agents of the corporation, and in each case the sale would be made by the United States to the corporation and not to the entrymen. This is not a bona fide contract by an entryman to convey their patent. The Williamson case can be distinguished. (See United States *v.* Budd, 144 U. S., 154; United States *v.* Trinidad Coal Co., 137 U. S., 160.)

The coal-land statutes did not require the applicant to make affidavit at entry that he was purchasing solely for his own benefit; neither does the timber and stone act require such an affidavit to be made at the time the lands are purchased from the United States. Both statutes prohibit the acquisition from the United States by one person of more than a certain quantity of land. The plan carried out by the Trinidad Coal Company was held fraudulent because the company did indirectly what it could not do directly. This is exactly what the defendants in the present cases are charged. The end, fraud, being unlawful, it was unnecessary to set out in detail the indirect means contemplated by the conspiracies. (Dealy *v.* United States, 153 U. S., 539, 543; Burton *v.* United States, 202 U. S., 344; Thomas *v.* United States, 156 Fed. Rep., 897; United States *v.* Grunberg, 131 Fed. Rep., 137; Thomas *v.* People, 113 Illinois, 131; People *v.* Bird, 126 Michigan, 631.)

If there ever was a rule that the statute of limitations begins to run as soon as the first overt act in pursuance of a conspiracy has been committed and in three years thereafter the bar is complete, it has been entirely superseded by the rule that the crime consists in putting a corrupt agreement into operation, and the limitation runs from the date of the last overt act committed for the purpose of effecting the object of the conspiracy. The question is whether the conspiracy is in existence, and overt acts of individual conrpirators committed within the period of the statute are evidence of a renewal and continuance of the conspiracy. (Ware *v.* United States, 154 Fed. Rep., 577, and cases cited.) At least four cases involving this point have recently been brought before the court on petition for certiorari, and the petitions have been denied. (Lorenz *v.* United States, 196 U. S., 640; Bradford *v.* United States, 206 U. S., 563; Ware *v.* United States, 207 U. S., 588; Jones *v.* United States, this term, post.)

All that was decided in Adams *v.* Church and Williamson *v.* United States touching in the present case was that an entryman has the right to dispose of his holding acquired in good faith before the final certificate. No question was involved in either case of the acreage restriction in the timber-culture law and this law, respectively, or of the right of a purchaser to buy. It was determined that the entryman had the right to sell. An entryman's right to sell ad interim depends upon his good faith, and he is bound in good faith to disclose his principal, although it may not be criminal for him not to do so or even to swear to the contrary. A purchaser can not legally buy in the interim between application and final proof—that is, before title has been acquired from the United States—if he has already bought one tract. He is a disqualified purchaser. Entrymen who are not themselves conspirators and who are acting separately are nevertheless the agents, although unconscious and innocent, it may be, of an undisclosed principal.

The Government is not prosecuting the entrymen, but the conscious agents of the principal conspiring to violate the law and evading its prohibition by procuring from the United States indirectly through the entrymen more land than the principal could buy directly. If the Williamson case means that title vests in the entryman as soon as he makes preliminary application, and that a purchaser in the interim before final proof would be buying from him and not from the United States, just as much as after final proof and payment or after patent, then, indeed, it is conclusive against the Government here, and there is no violation of law, for the law does not mean what it seems to mean by its acreage restriction. Otherwise this scheme is a fraud, because it is sought to obtain lands from the United States indirectly in violation of law, just as much as the scheme in the Trinidad case, or in the Keitel case, or the Forrester case, which is said by the court not to be distinguishable from the Keitel case as involving a violation of the coal-land law.

Unless there is less meaning and force in the prohibition of the timber and stone law than in the prohibition of the coal-land law, and unless there is some difference which we do not perceive between the interim status of an entryman here and the status of a preference entryman in the corresponding interval under the coal-land law, this case is not distinguishable from the case of the coal preference entries (the Forrester case), and if the Williamson case does not rule that case, neither does it rule this.

Mr. Charles J. Hughes and Mr. Clyde C. Dawson for defendants in error:

This court is without jurisdiction of these writs of error, under the act of March 2, 1907:

Because neither section 5440 nor the timber and stone act were held invalid, nor were either of said statutes the subject of construction by the district court, nor can the jurisdiction of this court be sustained under the clause of the act of March 2, 1907, relating to judgments sustaining "a special plea in bar," for neither a "special plea in bar" nor a judgment sustaining a "special plea in bar" appear in the records.

No offense is charged in the indictments.

There are many "laws" of the United States under which timber lands may be entered. There is only one of those laws which indicates any policy of the Government restricting the amount of land which may be entered by any one individual or corporation. These indictments charge conspiracy to procure the entering of lands under some of these laws, but do not in any manner allege that this conspiracy was a conspiracy to procure entries under the one law which restricts the amount that can be entered. The defendants are entitled to the presumption that their combination was one to procure entries under the laws which do not so restrict the area of entry, and not under the law which does so restrict it.

And therefore these indictments do not charge any attempt to "defraud the United States in any manner for any purpose."

Under the restrictive law to which we have referred, the only thing which the Congress of the United States attempted to prevent is the making of contracts, before the making of applications to purchase, whereby the entryman binds himself to convey the title which he shall acquire from the Government to some other person.

It must be presumed that the intent of the entrymen was innocent, and that they did not conspire to make these contracts of conveyance at any time when the laws of the United States, as interpreted by its Supreme Court, prohibited such action. (Williamson *v.* United States, 207 U. S., 425.)

The only point where any representation in regard to such agreements of conveyance is required is at the making of the application; that is to say, when the first application is made to the officers of the Government.

To "defraud the United States" a false representation of some fact is necessary, and these indictments show no conspiracy to procure the making of any representations by any person whatsoever.

It is only by the most violent presumption that such conclusions can be reached from the allegations of these indictments. In the absence of such affirmative allegations the defendants are entitled to the presumption that they did not conspire to procure the making of any false representations whatsoever, or any representation at a time when the same would be false, and hence did not conspire to "defraud the United States" in any manner or for any purpose.

The making of false representations, if alleged, in violation of a Land Department regulation imposing on the entryman a condition not contained in the law, would constitute no offense. (Williamson *v.* United States, supra.)

If such regulation exists it has not been pleaded, and hence can not be relied upon. (United States *v.* Bedgood, 49 Fed. Rep., 54; United States *v.* Eaton, 144 U. S., 677, 687, 688; United States *v.* Maid, 116 Fed. Rep., 650; United States *v.* Blassingame, 116 Fed. Rep., 654; Anchor *v.* Howe, 50 Fed. Rep., 366; United States *v.* Howard, 37 Fed. Rep., 666; Hoover *v.* Salling, 110 Fed. Rep., 43; United States *v.* Manion, 44 Fed. Rep., 801; United States *v.* Hoover, 133 Fed. Rep., 950; United States *v.* Matthews, 146 Fed. Rep., 306; United States *v.* United Verde Copper Co., 196 U. S., 207; Williamson *v.* United States, 207 U. S., 425.)

Conclusions of law and of the pleader and not facts are pleaded.

References to the overt acts are necessary in order to determine definitely the conspiracy charged.

There is no certainty of allegations as to the time of the alleged offense conspired to be accomplished.

There is no allegation that the defendants conspired to defraud the United States.

The overt acts, alleged in each indictment, show on their face that no one of them was done in pursuance of the conspiracies charged nor to effect the object of the same, and hence in failing to charge an overt act to effect the object of the conspiracies the indictments fail to charge a crime.

Mr. Justice White delivered the opinion of the court.

It is adequate to an understanding of the questions which are here necessary to be decided in general terms to say that the indictment against the defendants in error charged them with conspiracy in violation of the second clause of section 5440, Revised Statutes, which makes it criminal to conspire to defraud the United States "in any manner or for any purpose." The means by which it was contemplated that the United States should be defrauded was charged in the indictment to have been the unlawful obtaining by purchase under the timber and stone act of public land of the United States in excess of the quantity authorized by law to be acquired. The timber and stone act when originally enacted in June, 1878, related solely to public lands within particular States. (20 Stats., c. 151, 89.) In 1892, however, that act was amended by striking out the designation of particular States, thus causing the act to apply to "surveyed public lands of the United States within the public-land States." (27 Stats., c. 375, 348.) As it is essential to have that act in mind we excerpt from the opinion of the court below a succinct but comprehensive and accurate statement of its provisions:

"This act in its first section specifies the qualifications of purchasers or entrymen thereunder, and limits the amount of land which each may acquire to 160 acres. The second section provides that the applicant, at the time of his application, shall file a written statement in duplicate under oath with the register, describing the land which he desires to purchase and its quality, that he has made no other application under this act, and that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit, and that he has not, directly or indirectly, made any agreement or contract in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself.

"It then provides that if he swears falsely he shall be guilty of perjury and forfeit the money which he paid for said lands, and all right

and title to the same, and any grant or conveyance which he may have made, except in the hands of bona fide purchasers, shall be null and void. The third section provides that on the filing of the applicant's statement the register shall post a notice of the application in his office for a period of sixty days, and that the applicant shall publish the same notice in a newspaper nearest the location of the premises for a like period of time, and after the expiration of said sixty days, if no adverse claim shall have been filed, the party desiring to purchase shall furnish to the register of the land office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, etc., and upon payment to the proper officer of the purchase money of said land, together with the fees of the register and receiver, etc., the applicant may be permitted to enter said land, and a patent shall issue thereon. It further provides that any person having a valid claim to any portion of the land may object in writing to the issuance of the patent, and evidence shall be taken thereon as to the merits of said objection."

The indictment contained one count, supported by averments of 14 overt acts.

The accused, after moving to quash on the ground of the illegality of the organization of the grand jury, demurred to the indictment on a number of technical grounds, and upon the contentions that the facts stated in the indictment were insufficient to charge an offense within any statute of the United States, and that as the indictment had not been found within three years of the commission of the acts therein alleged the right to prosecute for the same was barred by the statute of limitations. The court held the indictment stated no offense against the United States, and, sustaining the demurrer upon that ground, discharged the accused without date. It was also held that if the indictment was construed as embracing but one offense the three years' bar of the statute of limitations was controlling, but that if it were held that the indictment stated more than one offense, thus saving one of the offenses from the operation of the statute of limitations, the indictment would be void for duplicity.

The reasons which caused the court to reach the conclusions just stated were expounded in an opinion. Therein, in order to determine whether the indictment stated an offense against the United States, the court came first to construe it in the light of the provisions of the timber and stone act. In doing so the court said:

"We find that the indictment sets in where the second section of the timber and stone act leaves off. It charges that the purpose of the conspiracy was to 'hire and under agreements' with entrymen have them pay for the lands with moneys of the corporation and have them make entries. It does not charge the date on which such hiring and agreements to make entries were to be made, nor that the entrymen were hired to make applications, nor that said hiring and agreements were prior to any application. The indictment appears to attempt to challenge some acts done by the entrymen under the provisions of section 3 of said act, to wit: The hiring of and agreement with entrymen (who had made application before that under section 2 of the act) to make entries and pay for the land with moneys furnished by the corporation. * * * But it is said the indictment charges a violation of section 1 of the act in the acquisition of more land by the corporation than there limited. When it comes to that the indictment does not charge that the several entrymen were disqualified as such, nor that when they made application they had outstanding contracts to sell, or were then acting under agreements or hire for said defendants or said corporation. A compliance with the timber and stone act, by the entrymen, in both its spirit and letter, prior to and at time of application is not challenged by the indictment."

Having thus construed the indictment it was then considered whether any offense was therein stated against the United States. In deciding that no offense was stated, it was held that although it were conceded that the timber and stone act prohibited an entryman or applicant from making an application ostensibly in his own name, but in reality for and on behalf of another, that if an applicant or entryman made an application in good faith for his own exclusive use and benefit the statute contained no prohibition, express or implied, against the right of the entryman, after his application and before the final action thereon, to sell to another the claim to the land which had arisen from his application. It was therefore decided that such applicant was at liberty to contract with another to convey the land covered by the application and to perfect his entry for the purpose of fulfilling his contract to convey the land after patent. In reaching this conclusion the court was controlled by the decision in Adams *v.* Church (193 U. S., 510), giving a like construction to the timber-culture act of June 14, 1878. (Chap. 190, 20 Stat., 113.) Having thus decided that the indictment as construed charged the doing of no unlawful act, but simply the exercise of a lawful right not in any way prohibited, but on the contrary impliedly sanctioned by the statute, it was decided that under no possible construction could the acts charged constitute an unlawful conspiracy within the second clause of section 5440, Revised Statutes. And for additional reasons expressed in the opinion the conclusions of the court concerning the bar of the statute of limitations and the duplicity of the indictment, if it were so construed as to save it from the statute, were fully expressed.

This writ of error, direct from this court, is prosecuted by the United States under the authority of the act of 1907. (The act of March 2, 1907, is reproduced in full on p. 398, ante.)

Our right to review the decision below is questioned by the defendants in error on the ground, first, that the court below did not construe, but simply interpreted, section 5440, Revised Statutes, and the provisions of the timber and stone act; and, second, because, although it applied the bar of the statute of limitations, the court did not do so by way of sustaining a plea in bar, but simply incidentally passed upon that question in deciding the demurrer.

The want of merit in the first contention is established by United States *v.* Keitel, No. 286 of this term (ante, p. 370).

As therefore we have in any event jurisdiction to review the action of the trial court in construing the timber and stone act and in fixing the meaning of section 5440, Revised Statutes, in the light of that construction, we presently pass the consideration of the ruling made by the court in respect to the statute of limitations. We do this because if it be found that the court below was right in its conclusions as to the construction of the timber and stone act and of section 5440, Revised Statutes, its judgment quashing the indictment will be sustained, and its action concerning the statute of limitations will become irrelevant, and will not require examination, unless it be our duty under the act of 1907, which we shall also hereafter consider, to pass upon that question, although its decision will have become wholly unnecessary.

It is also settled by United States *v.* Keitel, supra, that the right given to the United States to obtain a direct review from this court of the rulings of the lower court on the subjects embraced within the statute of 1907 does not give authority to revise the action of the court below as to the mere construction of an indictment, and therefore in the exercise of our power to review on this record we must accept the construction of the indictment made by the lower court and test its construction of the statute in that aspect.

While not questioning this general rule, the United States insists that the case here presented is an exception to that rule, because of the contention that the construction given by the court below to the indictment was but the necessary result of the misconstruction which the court applied to the timber and stone act, and hence that a review of the construction given to the indictment is necessarily involved in the determination of the correctness of the construction given by the court to the statute. Conceding the premise for the sake of argument, the deduction by which it is sought to apply it to the case in hand is, we think, without foundation. It proceeds upon a subtle separation of particular words or phrases in the indictment from the context of that pleading and the affixing to the words thus separated a penetrating but, nevertheless, too narrow significance for the purpose of establishing the proposition relied upon. On the contrary, we think the conclusion can not be escaped that the construction given by the court below to the indictment was the result merely of the analysis which the court made of the indictment as an entirety, of its appreciation of the nature and character of the acts therein referred to and of the overt acts alleged, the whole read in the light of the elementary canons of construction applicable to criminal pleadings and elucidated, as the court expressly stated, by the entire absence of anything in the indictment tending to show that the pleader contemplated alleging the existence of any conspiracy to induce the making of applications to purchase.

Coming to consider the construction given by the court to the timber and stone act as applied to the allegations of the indictment, as interpreted by the court, the correctness of the construction given by the court below to the statute is established beyond controversy by the decision in Williamson *v.* United States (207 U. S., 425), announced since the decision below was rendered.

The Williamson case was a prosecution for a conspiracy in violation of section 5440, Revised Statutes, to procure the commission of the crime of subornation of perjury by causing certain affidavits to be made for the purpose of acquiring land under the timber and stone act. At the trial, over exceptions, affidavits as to the bona fides of a number of applicants and of the purpose of each in making his application to acquire only for himself were offered in evidence, and like affidavits which were required by the rules and regulations of the Land Department at the time of the final entry were also offered in evidence. The Government insisted that the papers were admissible because the indictment charged a conspiracy to suborn perjury, not only at the time of the application to purchase, but also in the subsequent stage of making the final entry, and that even if this were not the case the affidavits made after application were admissible for the purpose of showing the motive which existed at the time the application was made. It was decided that the indictment only charged subornation of perjury at the time of the application. Passing on the alleged contention as to motive, it was held that in view of the requirements as to an affidavit exacted by the statute to be made at the time of the application as to the bona fides of the applicant and his intention to buy for himself alone and the absence of any such requirement in the statute as to the final entry, that the prohibition of the statute applied only to the condition of things existing at the time of the application to purchase, and did not restrict an entryman after said application was made from agreeing to convey to another and perfecting his entry for the purpose after patent of transferring the land in order to perform his contract. It was therefore held that the affidavits made at the final stage of the transaction were not admissible to show motive at the time of the applications to purchase and that any requirements contained in the rules and regulations of the Land Department making an affidavit essential to show bona fides, etc., at the final stage were ultra vires and void. In passing upon the subject the ruling to the like effect concerning the timber-culture act, made in Adams *v.* Church, supra, was reiterated and approved, and declared to be applicable to the timber and stone act, despite immaterial differences in the phraseology of the two acts.

The court, after approvingly referring to Adams *v.* Church, and after reviewing the timber and stone act, and calling attention to the entire omission of all requirement that statement as to the purpose and intention of the entryman should be made at the date of the final step in the acquisition of the land, said (p. 460): "Indeed, we can not perceive how under the statute if an applicant has, in good faith, complied with the requirements of the second section of the act, and pending the publication of notice, has contracted to convey, after patent, his rights in the land, his doing so could operate to forfeit his right."

It is insisted by the Government that, however conclusive may be this ruling as to the power of the applicant to sell after application and to perfect his entry for the purpose of enabling him to perform such contract, such ruling does not conclude the contention that a conspiracy formed to induce an entryman who has made his application to purchase subsequently to agree to convey his interest in the land would be a violation of the statute. But we are constrained to say that this is a mere distinction without a difference. The effect of the ruling in the Williamson case was to hold that the prohibition of the statute only applied to the period of original application, and ceased to restrain the power of the entryman to sell to another and perfect his entry for the purpose of transferring the title after patent. This being concluded by the decision in the Williamson case, the distinction now sought to be made comes to this, that it is unlawful under the statute to conspire to have that done which the statute did not prohibit, and, on the contrary, by implication recognized could be lawfully done without prejudice or injury to the United States in any manner whatever. This also serves to demonstrate that no error was committed by the court below in holding that under section 5440, Revised Statutes, the acts charged in the indictment could not possibly have constituted a defrauding of the United States in any manner or for any purpose with the intendment of that section.

It remains only to notice the ruling of the court below as to the bar of the statute of limitations. While the act of 1907 * gives authority to come directly here to obtain a review of the construction of a statute under the circumstances which the act enumerates, and also authorizes us to review a "decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy," we consider that the power given is coincident with the purpose for which it was conferred—that is, to have determined in a case within the statute the question whether or not the Government is entitled to further prosecute the case,

* The act of March 2, 1907, is reproduced in full, ante, p. 398.

and therefore does not of course call upon us to decide every question of the character referred to in the statute, when by the decision of one of such questions the case is completely disposed of and the other questions have become so irrelevant as to cause it to be in our opinion unnecessary to consider and determine them. Of course, under these circumstances, we intimate no opinion whatever concerning the correctness of the construction adopted by the court below in respect to the statute of limitations.

Affirmed.

UNITED STATES v. SULLENBERGER—ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLORADO.

No. 290. Argued December 16, 17, 1908.—Decided January 4, 1909. Decided on the authority of United States *v.* Biggs, ante, p. 507.

The facts are stated in the opinion.

The Attorney-General and the Solicitor-General, with whom Mr. Edwin W. Lawrence, special assistant to the Attorney-General, for the United States.[a]

Mr. Edmund F. Richardson, with whom Mr. Horace N. Hawkins was on the brief, for defendants in error.

The indictment contains no charge of a crime, in that it charges the plan or alleged conspiracy of defendants to have been simply an agreement or plan to obtain indirectly lands for a corporation that could not, according to the indictment, have been directly purchased by the said corporation. A plan to obtain indirectly lands from the Government may or may not be a plan to defraud the Government. Whether or not it is a scheme to defraud the Government necessarily depends upon the question of whether or not the means to be adopted are criminal or unlawful.

No unlawful or criminal means are charged to have been planned or contemplated, there being no claim made in the indictment that the defendants agreed or planned to hire, employ, or induce anyone to make application to purchase lands. In other words, no claim is made anywhere in the indictment that the alleged conspiracy embraced the making of a deal or agreement with any person in advance of that person having made, in good faith, an application to purchase the land. There is, therefore, no charge of a conspiracy to defraud the United States.

The sixth amendment to the Constitution secures to the defendants, among other things, the right "to be informed of the nature and cause of the accusation." (United States *v.* Miller, 7 Pet., 1442; United States *v.* Cruikshank, 92 U. S., 542, 558; Evans *v.* United States, 153 U. S., 584.)

All the essential elements of fact required to be set forth in an indictment must be there charged in direct, positive, and explicit language. Any omission in that behalf can not be aided by implication, inference, argument, recital, or intendment. This principle has been well stated in United States *v.* Post (113 Fed. Rep., 854); Pettibone *v.* United States (148 U. S., 197); United States *v.* Hess (124 U. S., 486); United States *v.* Staats (8 How., 41, 44); In re Wolf (27 Fed. Rep., 606, 611); In re Corning (51 Fed. Rep., 205, 210).

"In an indictment nothing material shall be taken by intendment or implication." (Salla *v.* United States, 104 Fed. Rep., 544, 547; Miller *v.* United States, 133 Fed. Rep., 337; United States *v.* Hess, 124 U. S., 483; United States *v.* Walsh, 5 Dill., 58, 63; S. C., 28 Fed. Cas., No. 16636, p. 396; United States *v.* Martin, 26 Fed. Cas., No. 15728; In re Wolf, 27 Fed. Rep., 606, 611; United States *v.* Crafton, 25 Fed. Cas., No. 14881; United States *v.* Watson, 17 Fed. Rep., 145; United States *v.* Taffe, 86 Fed. Rep., 113, 115; In re Greene, 52 Fed. Rep., 104, 111, 112, 114; Evans *v.* United States, 153 U. S., 584, 587; Pettibone *v.* United States, 148 U. S., 197, 203; United States *v.* Milner, 36 Fed. Rep., 890; Conrad *v.* United States, 127 Fed. Rep., 789, 801; Stearns *v.* United States, 152 Fed. Rep., 900, 904; People *v.* Willis, 54 N. Y. Supp., 130, 137, citing other authorities.)

Mr. Justice White delivered the opinion of the court.

In this case the United States seeks the reversal of the action of the court below in quashing an indictment, the writ of error being prosecuted directly from this court upon the assumption that the case comes within the act of March 2, 1907. The indictment charged a conspiracy in violation of section 5440, Revised Statutes, to unlawfully acquire land of the United States under the timber and stone act. The court gave to the indictment the same construction which it affixed to the indictment in the case of United States *v.* Biggs et al., No. 289, which we have just decided, ante, page 507, and applied the same principles which it expounded in the opinion in that case. Disregarding mere immaterial differences in the form of the pleadings, this case is like the Biggs case, and is disposed of by the opinion which we have just announced in that case.

Affirmed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 28245).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. WATSON in the chair.

The CHAIRMAN. The Clerk will read.

Mr. GAINES of Tennessee. Mr. Chairman, before the Clerk begins to read I want to say at the conclusion of the debate last night I was inquiring whether or not the appropriation for the purchase of artificial limbs had been reduced. In private conversation after the debate closed, on inquiry I was informed by the gentleman from Illinois [Mr. MANN] that it had been reduced from $400,000 last year to the amount carried in the bill this year, $132,000, which information perfectly satisfies me.

The Clerk read as follows:

For covered way connecting the main building and the new children's ward, $10,000, one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

[a] For argument of counsel for United States in this case, see United States *v.* Biggs et al., ante, p. 507.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 161, line 21, after the word "for," insert the words "additional repairs and for furnishing."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

International Waterways Commission: For continuing the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, $20,000.

Mr. OLLIE M. JAMES. Mr. Chairman, I reserve the point of order for the purpose of making an inquiry of the chairman of the committee. A few days ago we appropriated not exceeding $50,000 for the purpose of creating a waterways commission. Does the chairman of the committee think that this additional sum of $20,000 ought to be continued in view of the fact that we have already appropriated $50,000 for the creation of another waterways commission? Is there any necessity for two waterways commissions?

Mr. TAWNEY. What paragraph is the gentleman talking about?

Mr. OLLIE M. JAMES. The International Waterways Commission, line 24, page 162. In the river and harbor bill that passed the House a few days ago we appropriated $50,000 for the purpose of creating a waterways commission.

Mr. TAWNEY. I would say to the gentleman for his information that it is not a matter within the discretion of the Committee on Appropriations to reject or approve of the estimate for that, for the reason that this International Waterways Commission is a statutory commission. Its duties are defined by statute, and the compensation allowed to the members of the commission is fixed by law. The statutory commission has been in existence for a number of years, and its duties relate primarily to the establishment of the international boundaries on the lake levels.

Mr. OLLIE M. JAMES. But, if the gentleman will permit me, the section provides for continuing the work or investigation. Now, is that necessary, in view of the fact that we created another waterways commission the other day?

Mr. TAWNEY. Yes; it is necessary and will be for several years. The committee was informed that they could not tell at this time definitely when the work of the commission would be completed, but within the course of a few years it would be completed.

Mr. OLLIE M. JAMES. What was the necessity for this other waterways commission?

Mr. TAWNEY. The work and duties of the other waterways commission have no relation whatever to the duties of this waterways commission.

Mr. OLLIE M. JAMES. The other waterways commission relates to national waterways, and this does also. It looks as if the Government is going commission mad.

Mr. TAWNEY. This is an international waterways commission.

Mr. OLLIE M. JAMES. So is that.

Mr. TAWNEY. No; it is not.

Mr. OLLIE M. JAMES. It provides that they may even go to Europe at the expense of the Government to make investigations relative to waterways.

Mr. TAWNEY. But the commission is not composed of citizens of the United States and citizens of a foreign country.

Mr. OLLIE M. JAMES. Oh, there is no use of playing upon the word "international." The purpose of it is to better the waterways of the country.

Mr. TAWNEY. Does the gentleman move to strike out the section?

Mr. OLLIE M. JAMES. Yes; I move to strike out the paragraph.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky to strike out the paragraph.

The question was taken; and the amendment was rejected.

Mr. BOOHER. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry. I would like to ask the chairman of the committee if the commission that we provided for last night on page 147, where a part of a million dollars is appropriated, has any connection with this commission?

Mr. TAWNEY. Of course it has not.

Mr. BOOHER. Then does the commission that we provided for in the river and harbor bill——

Mr. TAWNEY. Mr. Chairman, I demand the regular order. The paragraph to which the gentleman refers has been passed.

Mr. BOOHER. But I move to strike out the last word. I want to ask the gentleman in good faith, Is the Mississippi

River Commission the same commission we provide for in the river and harbor bill?

Mr. TAWNEY. Why, of course it is not. The gentleman must know that as well as I do.

Mr. BOOHER. I beg the gentleman's pardon.

Mr. TAWNEY. Then the gentleman did not read the provision in the river and harbor bill.

Mr. BOOHER. Yes, I did. Then we have three waterways commissions?

Mr. TAWNEY. Well, we will, if that other bill becomes a law.

Mr. BOOHER. Are the members of these three commissions the same men?

Mr. TAWNEY. The authority for the appointment of one of these commissions to which the gentleman refers does not yet exist. Therefore, no one can tell who they will be. The Mississippi River Commission is a commission created by statute, and has been in existence for a long time. The personnel of that commission has no relation whatever to the personnel of the International Waterways Commission.

Mr. BOOHER. Their duties are the same?

Mr. TAWNEY. Their duties are not the same at all.

Mr. BOOHER. I am very sorry that the gentleman is becoming irritated, but I have a right to ask the question and propose to do so.

Mr. TAWNEY. The gentleman has a right to ask the question, but it would save a great deal of the time of the committee if the gentleman would read the bill.

Mr. BOOHER. I have read the bill and I want to know what it is after I have read it, and I want to say to the gentleman now that I will ask questions whenever I please, and if he does not want to answer them he need not.

The Clerk read as follows:

At the Central Branch, at Dayton, Ohio: For current expenses, namely: Pay of officers and noncommissioned officers of the home, with such exceptions as are hereinafter noted, and their clerks, weighmasters, and orderlies; also payments for chaplains, religious instruction, and entertainment for the members of the home, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, janitors, watchmen, and fire company; for all property and materials purchased for their use, including repairs not done by the home; for necessary expenditures for articles of amusement, boats, library books, magazines, papers, pictures, and musical instruments, and for repairs not done by the home; and for stationery, advertising, legal advice, for payments due heirs of deceased members: *Provided*, That all receipts on account of the effects of deceased members during the fiscal year shall also be available for such payments; and for such other expenditures as can not properly be included under other heads of expenditure, $74,200.

Mr. DOUGLAS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the chairman of the committee. What is meant by "receipts on account of effects of deceased members?"

Mr. TAWNEY. The law gives to the board possession of certain effects of members who die without any heirs—their personal effects.

Mr. DOUGLAS. And they sell them and turn in the money?

Mr. TAWNEY. Yes; and these are the receipts derived from the sale of that property.

Mr. DOUGLAS. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

At the Western Branch at Leavenworth, Kans.: For current expenses, including the same objects specified under this head for the Central Branch, $60,000.

For subsistence, including the same objects specified under this head for the Central Branch, $160,000.

For household, including the same objects specified under this head for the Central Branch, $87,000.

Mr. ANTHONY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 24, page 169, insert:

"*Provided*, That no part of this appropriation shall be expended for fuel oil where the use of such oil for fuel costs more than coal."

Mr. ANTHONY. Mr. Chairman, I offer this amendment in the nature of a limitation upon that expenditure. There is good reason to believe that the use of fuel oil at this branch of the National Soldiers' Home is far more expensive than the use of coal. In fact, it has been openly stated that the Government might save many thousands of dollars by the use there of coal for fuel. That home is situated in a coal mining district. Coal is sold there cheaper in proportion than the price of fuel oil, and I have investigated this situation, and I have been unable to secure from the board of managers of the home statistics as to the cost of fuel at that home, but I believe this limitation will bring about an economy to the Government of the United States.

Mr. TAWNEY. Mr. Chairman, I would like to ask the gentleman a question inasmuch as he is familiar with the facts. How long have they been using fuel oil at this home?

Mr. ANTHONY. I think about two years.

Mr. TAWNEY. Does the gentleman know how much it has cost to install the plant that is there now for the consumption of fuel oil?

Mr. ANTHONY. I think it cost from five to ten thousand dollars to install that plant. It would cost but a very few hundred dollars to reestablish the plant for coal again.

Mr. TAWNEY. Does the gentleman know the reasons that influenced the board of managers in changing the equipment from coal consumption to an equipment for oil consumption?

Mr. ANTHONY. I only know the reasons that were stated to me by the chairman of that committee this morning. He made a statement there was a combination of coal operators there to raise the price of coal. Now, I want to say there is no such combination with regard to the supply of government institutions.

The Soldiers' Home at Leavenworth is now under contract with one of the coal mines there to supply it with coal at the price of about $2 a ton. That contract runs for five years. Any other consumer but the Government would have to pay about $4 a ton there, and it is one reason why we are surprised and can not understand why the agents of the oil companies in Kansas succeeded in influencing the United States Government to change from a cheap fuel to one which we know is more expensive.

Mr. TAWNEY. Is it not a fact that while this home is located in the coal regions of Kansas, it is also true that you have there access to fuel oil as well as to coal?

Mr. ANTHONY. Fuel oil is about 150 miles away, but it is a fact the Soldiers' Home is the only consumer in our district which uses fuel oil; the other government institutions use coal.

Mr. MILLER. Will the gentleman yield for a question?

Mr. ANTHONY. Yes.

Mr. MILLER. Do I understand from the provisions of the gentleman's amendment that this would only be applied in case it will cost a less amount for the use of coal?

Mr. ANTHONY. That is all; simply to get a test to show which is the cheaper of the two.

Mr. TAWNEY. That is not the only effect of the limitation, I will say to the gentleman from Kansas. Even if within a month they ascertain that there was any difference, and that difference was in favor of the consumption of coal, then not a dollar of this money would be available for the purchase of oil or to continue the use of coal until they could get another appropriation to change the equipment from a coal-consuming equipment to an oil-consuming equipment.

Mr. ANTHONY. I want to say to the gentleman——

Mr. TAWNEY. I have no objection to the limitation if it is as the gentleman from Kansas states.

Mr. ANTHONY. I want to say that the Government now has a contract for coal on which it will be furnished with coal at half the cost that anyone else would have to pay.

Mr. MILLER. Will not the Clerk read the amendment again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. DOUGLAS. I would like to ask the gentleman a question. Were the trustees and managers of this institution compelled by the Government or anyone else to use fuel oil?

Mr. ANTHONY. They were not.

Mr. TAWNEY. My information is they were compelled to change from the use of coal to the use of oil on account of a combination of the coal producers in that vicinity, and it was cheaper for them to consume oil than coal at the price this combination fixed for coal.

Mr. ANTHONY. I want to say, Mr. Chairman, I know it is a fact that the Government has a contract, to run for five years more, at a price of one-half of what any other consumer has to pay for oil, and I want to say that the agents of the Standard Oil Company were unusually active in getting this change of fuel from coal to oil. And the fact that we can get no information from the board of home managers is proof that any such a change as that on this appropriation——

Mr. DOUGLAS. What object could the managers of this institution have—that is, any legitimate object—in changing from coal to oil as fuel——

Mr. ANTHONY. To save the Government money.

Mr. DOUGLAS. Let me finish. Unless it was more economical or in some way expedient to do so?

Mr. ANTHONY. That is all, sir.

Mr. DOUGLAS. What is all?

Mr. ANTHONY. Simply to save the Government money.
Mr. DOUGLAS. Does the gentleman object to that?
Mr. ANTHONY. I do not. That is the purpose of my amendment.
Mr. DOUGLAS. The gentleman does not understand my question. What object would the managers of this institution have in changing from coal to oil unless it was more economical or expedient in some way?
Mr. ANTHONY. I might say that it may be in order to accommodate the Standard Oil Company.
Mr. BROWNLOW. Mr. Chairman, I think the gentleman from Kansas [Mr. ANTHONY] is entirely wrong in his conclusions on this proposition. As a member of the board of managers, I know that excessive prices were charged at the Leavenworth Home, and the aggregate of the amount of coal purchased there ran between fifty thousand and sixty thousand dollars. The board of managers believed, and the managers of the home believed, that they were being imposed upon; that combinations were made against them, and they determined to change this matter and use the oil in order to prevent this combination.
Mr. ANTHONY. I believe the gentleman from Tennessee [Mr. BROWNLOW] is speaking in my time, and I would like to ask him a question as a member of this board of home managers. Does he not know as a fact that the Soldiers' Home there has been receiving coal on a contract which was made over five years ago and which contract still has five years to run, and that therefore there can be no combination of coal operators to affect the supply of this institution in the face of that contract which has been in effect about five years and still has five years more to run?
Mr. BROWNLOW. My understanding is that the contract is with one coal mine.
Mr. ANTHONY. It is.
Mr. BROWNLOW. And that it was not sufficient to supply the demands of the home.
Mr. ANTHONY. It is amply sufficient to supply the demands of the home. There was a strike there two years ago of the coal miners. At that time this mine offered to store enough coal for the Government's use during the prevalence of that strike, which was general over the whole country. The stupidity of the management of the institution refused to allow the mine to store any coal there. As a result that mine had to buy coal out in the market at two or three times the contract price of the coal supplied that institution. That is the situation there.
Mr. BROWNLOW. My information is that the fuel oil, as used there, costs the home about 25 per cent less than the coal cost. The coal was exceedingly expensive in price, running up to about $60,000 to $65,000 a year.
Mr. ANTHONY. I would like to ask the gentleman, in face of the fact that this coal is bought for $2.10 a ton, which is a very low price for coal, how there can be that difference in the price between coal and oil? I know the use of the coal was very extravagant. The system of stoking there was out of date and antiquated, and perhaps that had a great deal to do with it. All I want is a fair test between coal and oil.
Mr. BROWNLOW. I do not object to the amendment the gentleman proposes, if it is only to have that effect.
Mr. ANTHONY. It will at least secure a statement from the officials of the home as to which is the cheapest fuel at the home. I can not get a statement as to which is the cheapest.
Mr. BROWNLOW. I want to say as to the amendment of the gentleman from Kansas that the first information I had on this subject was last night in a conversation with him about 11 o'clock. I told him that if he would let the matter go to the Senate that I would get the information by to-morrow, but he declined to do it.
Mr. ANTHONY. I knew it was gone if it went to the Senate.
Mr. BROWNLOW. Senator WARNER, of Missouri, is a manager of that home.
Mr. ANTHONY. I am surprised that the Senator has not already acted upon the proposition, and it has been before him.
Mr. TAWNEY. I offer the following as a substitute for the amendment offered by the gentleman from Kansas.
The Clerk read as follows:

Provided, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

Mr. GAINES of Tennessee. I reserve the point of order on that.
Mr. ANTHONY. I accept the substitute.
Mr. GAINES of Tennessee. Will the gentleman explain? We could not hear a word of the explanation here. Do I understand this is a limitation upon exorbitant prices?
Mr. ANTHONY. Yes.
Mr. GAINES of Tennessee. Then I withdraw the point of order and hope the gentleman will succeed in passing his amendment.
The CHAIRMAN. The question is on the substitute proposed by the gentleman from Minnesota to the amendment offered by the gentleman from Kansas.
The question was taken, and the substitute was agreed to.
The amendment as amended was agreed to.
The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, $13,500.

Mr. SHERWOOD. Mr. Chairman, while we are talking about soldiers' homes I desire to make a few remarks on House bill 23244, a bill that has a majority report from the Committee on Military Affairs and is now on the House Calendar, awaiting the pleasure of the Speaker.
The bill is known as the "civil war officers' annuity honor roll." As amended by the Military Committee the provisions of the bill also apply to private soldiers and noncommissioned officers, except that while the officers are to be paid at the rate of $50 per month the soldiers are to receive $25. By the provisions of this bill all officers are to be paid exactly alike, without regard to rank, and before any officer or private soldier can be entered on the honor roll he shall have served for a period of not less than one year and shall have been honorably discharged. Any officer or soldier who resigned or was discharged because of wounds or injury contracted in the service is entitled to be placed on the honor roll without reference to his length of service.
No officer or soldier is available for the honor roll until he attains the age of 70 years. Any officer holding an official position, the compensation being equal to $600 a year, will not be entitled during the time he holds such office to the benefits of this act.
I am decidedly opposed to the age limit of 70 years. It should be, if adopted at all, fixed at 63 years for privates, at least, and not more than 64 for officers. Officers of the Regular Army are retired at 64. The average age of an officer who served in the civil war is seven years older than that of a private soldier. This includes officers of all grades. Hence I propose an amendment, and will advocate it on the floor when the bill is under consideration, and insist on its adoption as a matter of justice to the men who stood behind the guns, making the age limit for a private soldier 63 years. I shall also insist that $30 per month, or $1 per day, be made the rate for the private soldier.
Hence the bill in its present form is not entirely satisfactory to the veterans of the rank and file. I have had a very voluminous correspondence with veteran soldiers from Maine to California during the past year, and have received an aggregate of probably 6,000 letters, and it is the general opinion of the men who stood behind the guns that the bill should be amended. The statistics of the civil war show that the average age of the officers of all grades of the service was about seven years older than that of the enlisted men and noncommissioned officers. So that fixing the age limit of 70 years for private soldiers is unjust to that class. I do not believe in age pensions, or in considering age in a roll of honor. I do not believe that there is any merit or virtue in age. If there were, I would be one of the most virtuous men on the floor of this House. No civilized nation around the world has ever passed an age pension for soldiers. Germany, New Zealand, and some other countries have for civilians, but it is always on a basis of industrial citizenship.
A colonel in the Regular Army whose salary is $375 a month, and who has served twenty years and is retired at the age of 64, is paid $281.25 per month during the period of his natural life. This is just two-thirds pay. Why should volunteer officers who fought the longest enduring and fiercest war of all times be compelled to wait until they are within a few days of the cemetery before they get anything in the form of annuity or pension? Only about 5 per cent of the officers of the Regular Army see any battle service, while every officer who is available for $50 a month under this bill must have rendered one year's active service in the bloodiest war of modern times.
I find a number of Congressmen who will oppose the passage of this bill because the Grand Army of the Republic in national encampment at Toledo in 1908 indorsed the report of the pension committee which resolved that no more pension legislation would be demanded during the next three years, or as Chairman Brown of the national pension committee states it, in a letter dated February 5, 1909, "for a few years." I regard this action as a grave injustice to every veteran soldier who stood behind the guns. Before the adoption of such a resolution the body of the Grand Army, represented by the Grand Army posts

throughout the country, should have been consulted. The old veterans, now bent and grizzled, and halting with the weight of years, can not afford to wait three years more before they even receive the consideration of the national encampment. Even if the national encampment should act at the expiration of three years, it would be another year before Congress would heed the appeal, and probably another year before the pension department would be ready to give favorable consideration to the old soldiers' claims under the law. By that time the most of us will be in the cemetery.

I am not attacking the pension legislation of the past. The Government of the United States has been more generous to her soldiers than any other country around the world. I have no criticisms to make of the appropriations that have been made through all the years by Congress. My criticism is directed as to the equities of the distribution of this money. Almost forty-four years have elapsed since the war closed and there never has been a law placed upon our statute books for the exclusive benefit of the men who stood behind the guns, the staunch and steady-going three-years' veterans who fought the great war to a successful finish.

Let me appeal to the representatives of the American people on both sides of this historic Chamber to give heed to the pathetic and patriotic prayers of these old veterans. They will not be with us long. I will name two vital considerations involving only equity and justice. First, the soldiers of the armies of the Union, except the first volunteers of 1861, or the first 75,000 men, were never paid in honest money.

The government bond buyers, during the war, who bought their bonds with the same depreciated money which was paid the volunteer soldiers, have all been paid in gold. By the act of 1869, known as "the act to strengthen the public credit," we put millions upon millions in the capacious pockets of the bond buyers—literally a donation by national law. But the men who loved their country better than their lives, and who risked all that God gave them, their bodies and their souls, to the cause, are still unpaid. We have declared by national legislation that money is more sacred than manhood; that lucre is more precious than patriotism; that greed shall be recognized in national legislation above and beyond the blood of martyrs shed in a sacred cause. In view of this crying injustice I propose to pass an act to strengthen, not only the public credit, but the public conscience.

Let me here present the statistics, humiliating to every patriotic American, showing just how much honest money is still honestly due the brave men who served in the war to preserve the union of these States. I have gathered these vital statistics with care and in addition employed one of the most capable and careful statisticians to aid in the preparation. I believe these statistics have never before been compiled. In order to ascertain the value of the currency paid the soldiers, the daily reports of the New York Gold Exchange were scanned day by day, throughout the three years of the war. The statistics of the amount paid the army are from official sources.

There is no means of separating the pay for the army and navy as to classes below the grade of commissioned officers and noncommissioned officers; the appropriations for the pay of the army and navy are made in bulk. From the records of the War Department appears the following as to the pay for the army and navy for the years 1863, 1864, and 1865:

	1863.	1864.	1865.
Army	$8,905,318	$9,596,538	$9,971,243
Navy	11,617,109	14,734,332	19,423,241
	20,522,427	24,330,870	29,394,484

The average currency value of the gold dollar was, in 1863, 145.2; in 1864, 203.3; in 1865, 157.3.

According to these premiums the soldiers ought to have received: In 1863, $29,757,929; in 1864, $49,392,393; in 1865, $46,150,222.

In other words, the Government paid these soldiers $51,061,805 less than they were entitled to in the standard money of the United States and the world. The soldier suffered to the extent of nearly 69 per cent by the depreciation of the currency in the years named.

The interest on this vast sum, legally due the veterans—due also as a debt of honor and justice—amounts to $137,866,873, computed for forty-five years at 6 per cent, simple interest, not compounded. This makes the aggregate amount due $188,928,678. Here is money enough, honestly due and still honestly due, due as a debt of honor, justice, and law, leaving out all patriotic consideration, to pay every surviving soldier and officer of the civil war who served one year, one dollar per day during all the remaining years of his life.

In the first session of the Forty-ninth Congress Hon. James B. Weaver, of Iowa, introduced in the House a bill (H. R. 3378) "For the relief of the soldiers and sailors who served in the army and navy of the United States for the late war for the suppression of the rebellion, and to restore to them equal rights with the holders of government bonds." This bill set forth in its preamble that the soldiers and sailors in the civil war were compelled by law to receive for their services a depreciated currency and that Congress had solemnly affirmed that all government obligations should be paid in gold or its equivalent. But this bill, as I learn, was pocketed in committee.

And here is another vital consideration. The Fifty-ninth Congress increased the pay of Members from $5,000 to $7,500 per year and increased the pay of a large number of federal officeholders, all on the ground of the increased cost of living caused by a largely inflated currency. The present (60th Congress) has also increased the salary of the President and numerous other officials for the same cause. Do the statesmen who make salaries not know that soldiers have to live like human beings? Not so well as government officials, of course, as they are mostly poor, but they have to buy in the same market with Congressmen and judges and Presidents and Cabinets. Why have not the soldiers' pensions been increased 33 per cent to make even the decreased purchasing power of the present pension, on account of the increased cost of living.

The patient and industrious hen makes the same heroic effort in laying an egg for a poor old crippled soldier on his last legs as for a plethoric millionaire Senator. Why is not the old soldier given the same quality and value of alleviating legislation that has been given so amply and extravagantly to the well-paid officials of the Government?

It has been computed by competent authority that if the bill now in discussion should be amended by fixing the age limit of enlisted men at 63 years, that about 200,000 veterans would come in under its provisions. At $25 per month the total would be $60,000,000. From this sum the amount of pensions now paid these 200,000 veterans must be deducted. According to the last report of the Commissioner of Pensions the average value of a pension under the general law applying to the civil war is $215.30. This would give for 200,000 pensioners the sum of $43,036,000. Deduct this from $60,000,000 and the balance of $16,964,000 would represent the increase of the pension roll under the law if the bill now on the House Calendar should be passed with the age limit for enlisted men fixed at 63 years. The estimate of the very capable companions of the Loyal Legion of the cost to the Government of the officers, with the age limit of 70 years, is less than $3,000,000 for the first year, making the aggregate cost of the bill, should it be made law, $19,964,000. The officials of the Pension Office estimate that this amount will decrease every year 15 per cent, and that at the end of eight years the long-term veterans will practically all have passed to the great beyond. These figures ($19,964,000) should scare no lover of justice, no patriot who believes with Abraham Lincoln that this Nation should care for those who have borne the brunt of battle. This amount is less by over $4,000,000 than the estimated cost of the two useless battle ships (fully equipped and manned) just authorized by this Congress, and is several millions less than the cost of sending our great fleet of war vessels around the world to teach the republics of the South Atlantic seas and of the South Pacific seas and the pagans of China and the Shinto worshippers of Japan that we have parted with the simple republic of the fathers and are now a great bragging military autocracy. Furthermore, none of this patriotic pension money would be wasted for powder in firing $5,000 salutes in foreign ports and imperial capitals, or in $2,000 bum banquets, or in un-American and spectacular demonstrations to awe the obnoxious Orientals, but every dollar would go into immediate circulation to stimulate business and industry among our own people.

Can it be possible that the tide has turned from democracy under a President to democracy under an emperor or a king. In Germany the aged citizen who has deported himself well through long years of honest toil receives a pension from the Government to cheer his declining footsteps to the grave. In England Parliament has passed a similar pension bill, to honor the men and women who have bred her sons for the pursuits of peace and to fill the ranks in "her far flung battle line" around the world. New Zealand and other British colonies, Canada the latest, have enacted like legislation. To-day, in sight of the aged and tottering servants of the departments,

with the badge of the Grand Army of the Republic on their breasts, who hobble about the streets of the national capital, going to and from their work, our eyes are blind and our ears are deaf to the sad drama going on around us. And not only in the national capital, but throughout the length and breadth of this great land of ours.

Instead of standing with questioning awe before the statue of Frederick the Great we need to go to Arlington and view that vast and spreading sea of graves and read with misty eyes the inscription on the massive granite block in memory of the unknown dead, of the thousands whose bleaching bones were brought up from Bull Run and the surrounding Virginia battlefields, and learn there the cost of deadening our hearts to the ancient faith of those who fought the battles of liberty and independence.

Gettysburg, Vicksburg, Atlanta, Franklin, and Nashville can speak to us no more with tongues of lurid flame. They are silent for all the coming ages; but their silence is more eloquent of national destiny than all the orators of the past, from Thermopylæ to Appomattox.

We have now a great standing army and a big navy, with more high-salaried officers than any army around the world. And it is true to-day as when that great English publicist, Thomas Carlyle, uttered it early in the nineteenth century: "A standing army means waste, depression, and moral decay. No nation can improve its morals or grow in strength when its bravest and best sons are each year devoured by the army."

The recent dedication of a statue of Frederick the Great in our national capital indicates the flavor and character of our patriotic ideals. Here let me ask what did Frederick the Great stand for, and what does this statue stand for now? Just what Alexander the Great, Peter the Great, Julius Cæsar, and Napoleon Bonaparte stood for—the crushing out of weaker peoples by the cruel sword in order to build new empires upon their ruins, resting upon bayonets.

And what did Frederick the Great achieve in his bloody career of empire building that should call for his statue in the capital of a republic? It is true he fought great battles and won great victories, but it is also true that in all the 50 battles he fought not one was for the benefit of a single human being, save the imperial head of the Hohenzollern dynasty. When the great Frederick fought the Russians at Zarndorf, in August, 1758, he slaughtered 19,000 Russians and left 11,000 Prussians dead upon that awful field. He gave the order that no quarter be given the surrendered Russians, and all were put to the sword.

It would be fitting and proper that a monument be erected to the German soldiers who fought in our wars, but here is no place for an empire builder who shed the blood of innocent thousands to perpetuate the rule of monarchial heredity.

After setting up the statue of the great Frederick we can not refuse a place to one of Russia's czars, and France should ask for a statue of Louis XVI, for he sent an army and a navy to fight our battles for us and made the birth of this Republic possible.

And surely Great Britain, owing to our recent covert alliance, has a right to demand a statue of one of her seventeenth century conquering kings. And should King Edward the Seventh select George the Third, an eighteenth century product, how would that figure look to the patriotic student of American history alongside of George Washington and Benjamin Franklin, Patrick Henry and old John Adams. And after the monarchs of the Old World have all been represented here there will be no room in the Rotunda for that plain-faced citizen, in citizen's clothes—Abraham Lincoln—now standing under the great Dome. And Thomas Jefferson will have to be pushed aside to make room for some gilded statue with a crown, standing as a silent orator of kingly heredity under the heroic figure of the Goddess of Liberty.

I hold that this National House of Representatives, the only representative body of the American people, and for the American people, should protest against the tendency, so apparent during the administration of Theodore Roosevelt, to cast aside the patriotic teachings of the fathers of the Republic and take on royal forms and symbols. This Capitol is all ours; and it should be kept as liberty's central home. It should never be desecrated with the statues of imperial conquerors or kings, or emperors, or czars; but forever consecrated to the ever-prescient spirit of democracy. We should keep the air of freedom's Capitol wholesome and pure, to illustrate and typify the heroic spirit that characterized the founders of the Republic—Washington and Jefferson and the illustrious peace-loving patriots of one hundred and thirty-seven years ago.

The lowering of our national ideals is shown in our apathy and indifference when the oppressed and persecuted heroes of the Russian revolution seek an asylum on our shores. Jan Pouren and Christian Rudovitz, victims of the terrible Black Hundred, fled from the Cossacks and the knout to our shores. They came to the United States, supposing it to be a refuge for all lovers of liberty. They engaged in honest industry and took on new hope with the courage of their convictions. Then, under an infamous treaty made secretly with Russia, they were seized, charged with common crime and murder, and thrown into prison to await extradition; the same crime perpetrated by Patrick Henry, Benjamin Franklin, and Thomas Jefferson.

Let me recall an era of more courageous patriotism. I remember in 1850, when a mere boy, I heard the great Hungarian leader, Louis Kossuth, speak to a vast multitude at Poughkeepsie, N. Y., on the historic Hudson. After a long and bloody contest the Hungarian rebellion of 1849 was crushed by the combined armies of Austria and Russia. Louis Kossuth, the leader of that revolution, took refuge in Turkey. His extradition was demanded by both Russia and Austria, but the Sultan refused to give him up. In order to save Kossuth from the vengeance of his foes the Congress of the United States, then in session, authorized the President of the United States to send a war vessel to Turkey to bring Kossuth to the United States. The President acted promptly, and sent the man-of-war *Mississippi*, Captain Long commanding, to the harbor of Smyrna, and brought General Kossuth to the United States. An official banquet was given Kossuth by both the Senate and House of Representatives—a banquet at which Daniel Webster, General Cass, and the leading statesmen of that day made notable addresses.

When we compare the range of human sympathy and the heroic fortitude of the Congress of a half century ago with the utter want of expressed sympathy and cold indifference for the exiles of liberty to-day it should bring a crimson blush of shame to the cheeks of every loyal American. I am for the democracy that stands for the man, no matter where born nor by what horrid rites his liberty may have been struck down. I am for the man and the rights of man, whether in the enjoyment of well-earned liberty and honest success or doomed to eat bitter bread salted with the tears of despair. The time is coming, and I hope it is not far off, when all this terrible record of moral cowardice and profligacy and criminal aggression will become a horrid nightmare. All this fatal hallucination over militarism and so-called "expansion" in the Orient will haunt us like a black night cloud.

Think of our fabled "Uncle Sam" as a red-mouthed bloodhound hunting for victims under our protecting flag to gratify the vengeance of the assassins of human liberty across the ocean. Continental outrages like this could not have happened in this country until a few years ago.

When I think of the virility of American patriotism a half century ago, compared to the truckling servility in high places to-day, I feel justified in quoting a couplet from our own poet, Howard S. Taylor:

> We have forgot! a Roman lust
> Profanes our ancient holy things.
> We trample justice in the dust;
> We have the rabies of the kings,
> The scarlet rage of gun and sword.
> Have mercy on thy people, Lord.

We are living in a sordid commercial time. We are fast parting with the old ideals, when justice was glorified in the simple home life and applause was showered on the soldiers of patriotism. Let us make a heroic effort to revive the old spirit and show by righteous legislation that this nation has not forgotten her vows. Let us give substantial recognition to the greatest soldiers of humanity the world has ever known and make their last days on earth comfortable and fill their hearts with an all-absorbing sense of the Nation's gratitude.

We can not recall the valiant dead who sleep in seventy national cemeteries and in every village graveyard and rehabilitate them in the robes of flesh. We can not pour out our long withheld bounty, kept in closed coffers all the weary years in the face of bitter needs. But we can do justice to the living, and give to the fast-fading remnant of the men behind the guns, who did the hardest work of war, a small portion of what is theirs by right of inheritance, and place their names on the honor roll of the Republic.

APPENDIX.

Among the mass of protests from Grand Army posts against the action of the national encampment a few are given herewith, the first signed in some instances by soldiers of my own command, who earned their honors in forty battles, or from members of posts of my own city and district, whose records are well known to me. They will serve as samples of the widespread support given the dollar-a-day bill.

Bond Post, No. 24, Grand Rapids, Ohio, a petition to the national encampment, G. A. R., to be held in Salt Lake City, Utah, August, 1909, to set aside the action of the national encampment held in Toledo.

Forsyth Post, No. 15, Toledo, Ohio, the oldest and largest post in northwest Ohio, a petition to national encampment to rescind the action of last encampment and give "support to this most just measure." Also, congratulations on the favorable report from the Military Committee, though in an amended form, and "urging General SHERWOOD to stand for a dollar-a-day and an age limit not to exceed 63 years."

Sill Post, No. 57, North Baltimore, Ohio, resolved that Sill Post unanimously condemn and repudiate the action of national pension committee and hereby fully indorse Congressman SHERWOOD in his attitude on pension legislation.

Cary Post, No. 173, Cary, Ohio, disapproving the action of the Toledo encampment; also the department encampment at Lima, Ohio, and heartily indorsing the Sherwood pension bill, now pending in Congress.

Bell Harmon Post, Warren, Ohio, resolution urging Congressman W. AUBREY THOMAS to work and vote for the Sherwood pension bill.

B. N. Turk, Past Junior Vice-Commander, Department of Oklahoma, representing a post of 125 members, indorsing the dollar-a-day bill: "What would the nation give to-day, in like circumstances, for such defenders? We have no objection to our nation building mid-waterways, Panama canals, and all the great improvements which we should have as a mighty nation. But don't forget the Grand Army boys who made the nation."

J. T. McGinley Post, Manistee, Mich., reporting the unanimous dissent with the action of national encampment at Toledo, with reference to pension legislation, and the earnest hope that the pension bill reported by the Military Committee may pass.

Post 141, Marionville, Mo., congratulating Congressman SHERWOOD on his reelection, "to continue the good work for the old soldiers who are dropping off annually by the thousands."

John A. Davis Post, No. 53, Jesup, Iowa, repudiating the action of national encampment in deferring pension legislation for years, as arbitrary and uncalled for, and against the best interests of needy comrades.

W. G. Ogden, Senior Vice-Commander, Department of Kansas, Ness City, Kans., expresses thanks for the stand taken by Congressman SHERWOOD on behalf of the veterans, and says: "I propose to have a resolution passed in encampment denouncing the action at Toledo. It was not taken by the body of delegates, for I was present, and was done by just a few members of the House of Lords. Posts all over the country are against the action."

C. G. Conn, president Ex-Soldiers and Sailors' Association, Elkhart, Ind., expressing appreciation of the Sherwood bill and inclosing petition to the Senate and House of Representatives, which says: "With one dollar a day the Soldiers' Homes would be done away with and the comrades could remain at their homes their few remaining years, among lifelong friends and neighbors and old surroundings, instead of remaining at Soldiers' Homes among strangers and strange surroundings."

Richard Lanning Post, No. 69, Coshocton, Ohio, commending Congressmen SHERWOOD and ASHBROOK as friends of the soldier and repudiating the action of the "House of Lords" at Toledo National Encampment, "granting a lease of life, peace, and plenty to the old soldier, for at least three or more years, on condition that he bow before the steam roller and agree to neither die nor supplicate."

Capt. Harrison A. Galloway, Stroud, Okla., commander of Barber Post, G. A. R., thinks the boys of the great West that came from the army with scarcely anything and broke up the prairies and made them "blossom as a rose" and were too manly to apply for pensions until the eighties or nineties, when it was almost a life job to secure evidence of every kind intended to delay justice, should be cared for now. He went from Xenia, Ohio, to the Cherokee Nation in 1883, and has seen much service, civil and territorial, as well as in founding posts of the G. A. R., and says: "I tell you it makes me sad to see the boys that are so feeble that they can not earn a living, that saved and have made this great and glorious country, with its schools and churches, so badly neglected. Let Congress pass your bill that they may pass their last days in peace and comfort. Ten years will about end the majority list.

Many complaints have come to hand from the National Soldiers' Homes of barrack discipline, deprivation of liberty, badly cooked food, or the longing for home of the solitary and sick. If the dollar-a-day bill should become a law thousands would return to their homes.

The recent official reports of Inspector-General W. I. Wood, U. S. Army, on national homes, support this view.

James T. Kent, National Home, Danville, Ill.: The very life of the veterans is crushed out by the infernal prison orders that are issued in the so-called "homes." Give us the rights of a citizen, or an employee, or give us a dollar-a-day pension. We look to Congress for relief.

Capt. L. T. Hathaway, Soldiers' and Sailors' Home, Bath, N. Y.: Why the Grand Army should attempt to dictate to Congress the kind of legislation it shall pass is preposterous. The old veterans in this home, who were on every firing line from Bull Run to Appomattox, are of the opinion that it is a wicked method of keeping them from their just dues. Thousands of veterans who served three years are getting but $6 or $8 a month.

James S. Clark, U. S. Navy, Soldiers' Home, California: The dollar-a-day bill is a bill in the right direction. That is the consensus of opinion of the veterans of this home and others. Provide for those that volunteered, without any reward other than doing their duty to their country in her time of need, and let those who kept in the background until the draft and bounties drew them out be satisfied with what they are getting.

Lieut Henry M. Trimble, National Soldiers' Home, Dayton, Ohio: Allow me to say if the Sherwood bill were a law the soldiers' homes would be almost depopulated. All self-respecting men would go, except the blind and paralytic, leaving only the "sour brewers," who drink up their all and only look for a place to eat and sleep. The Central Branch could take care of all and the other homes could be used for other purposes by the United States. The trouble is some might lose a paying office and assumed superiority.

National Soldiers' Home, Tennessee: The soldiers in this home are all so glad that you have got back to Congress, for now there will be some one to see that justice is done the old veterans who fought their country's battles.

George Whister, Mountain Branch Home, Johnson City, Tenn.: I served all through the war, was wounded at Chickamauga and Mission Ridge, and put on General Rosecrans's honor roll after the battle of Stone River. After three years I served a year in the navy. Under the new law I get $12 pension, but there are men right here in this ward that never served two years who are getting the age pension of 70 years. If this is justice, I do not know the meaning of it. Push your dollar-a-day bill.

An inmate of the National Soldiers' Home, Virginia, writing to W. W. Hunt, Maumee, Ohio: I am glad Congressman SHERWOOD is the soldier's friend, and is pushing the dollar a day pension. We are 4,000 disfranchised veterans and there is not a civil war soldier in any position of authority on the grounds. Our treatment is deplorable and to complain means to be put out of the gates.

C. W. Bridges, National Soldiers' Home, Danville, Ill: We all love you as a soldier and what you have done and are doing for the Sherwood bill. Every word for us in your speech for us was true. There are thousands who never saw a rebel in their lives who are drawing $20 a month and more pension. The homes are all right in a way but give us a dollar a day pension and we will go away and never return.

UNION VETERANS' LEGION.

John V. Barnes, 33 West Second street, Cincinnati, in forwarding the resolutions passed by the Union Veterans' Legion, referring to the bill reported by the Military Committee, House of Representatives, and now on the calendar awaiting passage, says:

I do not see any excuse for politicians dodging the officers' retirement because of any action of the irresponsible Grand Army of the Republic, as its jurisdiction is not recognized by the commissioned officers. Most of the officers belong to the Veteran and Loyal Legion. The legislation asked for is identical with that of the Congress of 1828, forty-four years after the war of the Revolution, placing the commissioned officers of the Continental Army on full pay. If the officers of the Revolutionary war, who established the nation, were thus favored, I can not imagine an argument justifying different treatment to the officers of the civil war who, after greater sacrifices, saved the nation;

Whereas the 100-day men and shorter-term men, at a state meeting of the Grand Army of the Republic at Lima, Ohio, refused to indorse a resolution favoring the Sherwood pension bill, now pending in Congress, a measure which would benefit only real soldiers of the war; and

Whereas the Union Veteran Legion was formed on the idea of a per diem service pension bill for all soldiers, according to length of service, and as the provisions of the Sherwood bill reach the mass of the veteran soldiers; therefore be it

Resolved, That we cheerfully indorse Comrade Sherwood's per diem pension bill as a proper and just measure, in that it does justice, though tardy, to the real veterans of the war, and we condemn in the strongest terms possible the factious opposition of Comrade KEIFER preventing action on the bill.

Col. D. W. Wood, Newark, Ohio, says:

You have no idea how you have cheered our old suffering comrades in your success in getting the substance of your bill out of the committee. That age limit should be 63 years instead of 70. Our brave, suffering old comrades are passing to that summerland of effulgent glory at the rate of over 50,000 a year, and but few living will ever receive any benefits waiting to grow to 70. These old comrades of ours are suffering more now than they did during the war; they were young, hopeful, and patriotic then, but now they are aged, feeble, afflicted, most of them helpless and tottering on the verge of the grave, many suffering for the very actual necessities of life, facing starvation in many cases, and this Nation should be as anxious to help the poor, weak Union soldier as readily as they do a foreign people who suffer on account of earthquakes. (Congress recently voted $800,000 to the Italian earthquake sufferers.)

Many old soldiers ask me to express their thanks for your very devoted interest in their behalf, and this sentiment is not confined to those who will be benefited by the law if passed.

The Lucas County Soldiers, Sailors and Marines' Protective Association, of Toledo, Ohio, at a recent called meeting, unanimously passed strong resolutions indorsing the Sherwood bill and denouncing the action taken by the national pension committee of the Grand Army at the encampment held in Toledo last summer. This is one of the strong and representative bodies of veterans of northwestern Ohio, composed mostly of long-service men.

I have a letter dated February 19, 1909, from the Rev. George Musson, of Medina, Ohio, a soldier who endured the agonies of Andersonville prison, the famous lecturer on Andersonville, from which I quote the following:

I was present at the Toledo encampment, when at the very last moment, when less than one hundred were present, the "House of Lords" in the encampment passed the resolution declaring that the G. A. R. would ask for no pension legislation for three years. I have not ceased since to denounce it as a great outrage, and no representation of the feelings of the general comradeship.

Comrade S. B. Yohn, of Princeton, Iowa, under date of February 27, 1909, writes:

Allow me to congratulate you on your interest taken for the old soldiers. I hope there are a few more in Congress like you.

On February 17, 1909, Comrade J. D. Henron, of Bellefontaine, Ohio, wrote:

I thoroughly agree with you in your estimate of the action of the G. A. R. encampment with regard to pension legislation. Also as to your bill for one dollar per day for veteran soldiers.

Capt. J. H. Johnson, Smiths Ferry, Pa.:

What right has the house of lords of the National G. A. R. to cut us off from pension legislation for four or five years? None whatever. We don't object to $100,000 for the President and other increases, but who made it possible for all this liberality? We old boys who wore the blue and now are only begging the crumbs.

Comrade Henry M. Hutchinson, Elkhorn, Ky.:

Your words should sink deep in the hearts of every old comrade. We should all be proud that we have such a friend as you are in the halls of Congress. I hope this bill will be amended on the age as you suggest and then be passed.

Lieut. A. M. Reed, Greenville, Pa.:

Have read your letter in the National Tribune with reference to the "Volunteer Officers' Bill." It has the right ring, is full of good, sound common sense. I hereby tender you my hearty thanks for your interest and untiring work in the interest of the veterans.

Comrade M. C. Barney, Flint, Mich.:

I believe you are right in regard to pensions. If this Government waits for enlisted men to reach 70 before the increase there will be but few left to pension. I do want to say to you my dear General, I am very thankful the rank and file have one at Washington interested in their welfare.

Comrade John Staley, Mason, Mich.:

I have read your letter published in the National Tribune of 4th instant. I hope you will succeed in getting your amendment through, as there are more old soldiers under 70 than there are over 70, so you see it would deprive more comrades of a deserving benefit. What I would like to see is a law giving us a pension according to the time we served. I know of a comrade who was never out of the State and is drawing a pension of $50 per month; another man getting $30 that never saw a fight; another getting $20 who deserted twice.

NOTE.—Hundreds of letters like this showing that real veterans of merit have been put aside and pensions given for political service in congressional campaigns.

Comrade S. H. Sloan, Ashland, Ohio:

Discharge all the costly fields of examining doctors and give all the pension money direct to the old soldiers. I just got home from Pennsylvania and I tell you this Government won't be bothered with the old boys very long. We buried two of our company lately.

Rev. Edwin C. Allard, Frostburg, Md.:

It was with great pleasure that I read your article in the National Tribune commenting on the pension bill recently reported. Let the bill be amended to 63 and I feel sure that not a single patriot will say aught against it. In all of your future life's work you have my prayers and best wishes.

Capt. A. Herriman, San Diego, Cal.:

I think it a shame and a disgrace that at the national encampment at Toledo in 1908 for any comrade to even mention any such resolution against Congress passing any more pension bills for three years. That ought to have been put before every Grand Army post in the Union and such silly resolutions would have been buried so deep that it would never be resurrected again.

Col. John W. Parks, past department commander, Dallas, Tex.:

With thousands of other old soldiers I read with much satisfaction and gratitude your explanation of the "Civil War Officers' Annuity Honor Roll," and your intention to offer the amendment you state. It is a blessed thing that the poor old veteran has some one who loves him enough and is patriotic enough to champion his cause and urge that justice be done him.

God bless you, sir, for the noble stand you are taking on this bill to secure justice for your comrades, and I know it will be the prayer of every comrade that you may be successful. I think that every post in our organization should uphold and bless you.

Martin Ridennour, of Peru, Kans., under date of February, 1909, writing on the proposed age limit of 70 years, says:

In the name of reason what good is the promise of a pension when a man is dead? True, some live beyond that age, but what good does pension legislation do unless it helps the poor old fellows while they live? The declaration of the national encampment does not represent the sentiment of the rank and file. We look upon them as the aristocrats of the G. A. R., and there are many who refuse to become members on that account. Under the present laws and rulings it is discriminating.

From far off Washington and Alaska the comrades of Major Johnson Post send a personally signed petition asking for the passage of the bill for officers and privates.

I have several hundred letters of like import received during the last three weeks, from representative veterans.

The Clerk read as follows:

In all, for National Home for Disabled Volunteer Soldiers, $4,311,050.

Mr. MACON. Mr. Chairman, I make the point of order on the words "five hundred" in line 18, page 175, and on the words "four thousand," in line 19, same page. These are increases of salary, as I am advised.

Mr. TAWNEY. I make the point of order that the point of order comes too late. We have passed that paragraph and also read the next succeeding paragraph.

Mr. MACON. I made the point of order just as soon as the Clerk finished the reading of the word "dollars."

The CHAIRMAN. The gentleman can not make two points of order at one time.

Mr. MACON. Then I will make the first one.

The CHAIRMAN. Which is that?

Mr. MACON. To the words "five hundred," in line 18, page 175.

Mr. TAWNEY. I submit that the paragraph included in lines 8 and 10, on page 176, an entirely separate paragraph from the one containing the language against which the gentleman from Arkansas makes the point of order, was read, and therefore his point of order comes too late.

Mr. MACON. I was on my feet asking the attention of the Chair.

The CHAIRMAN. Does the gentleman state that he was on his feet endeavoring to secure recognition from the Chair?

Mr. MACON. Of course I was. This is an increase of salary of $500. The present salary is $4,000, and it is sought to increase it to $4,500.

The CHAIRMAN. The Chair desires to ask the chairman of the Committee on Appropriations whether or not these salaries are fixed by law?

Mr. TAWNEY. They are not fixed by law, Mr. Chairman. They would be subject to a point of order, no matter at what rate the salary was recommended by the Committee on Appropriations. It is an increase in the salaries of these two officers.

The CHAIRMAN. An increase over the salary of last year?

Mr. TAWNEY. These are simply increases over the amount in the current law.

The CHAIRMAN. The gentleman makes the point of order on the words "five hundred," in line 18. The Chair sustains the point of order.

Mr. MACON. Then I make a point of order on the words "four thousand," in line 19. The present salary is $3,500, and it is sought to increase it to $4,000.

The CHAIRMAN. The Chair sustains the point of order. The Chair suggests to the chairman of the committee that it would be in order to move an amendment, to insert "three thousand five hundred."

Mr. TAWNEY. Was the point of order sustained?

The CHAIRMAN. Yes. The gentleman made the point of order against "four thousand," and the Chair sustains that point.

Mr. TAWNEY. Does the Chair hold that a Member can go back to a paragraph after the following paragraph has been read, to make a point of order?

Mr. MACON. I will say to the gentleman that that is not the case, and that I did not attempt and am not now trying to go back to the paragraph; I am already there.

The CHAIRMAN. The Chair desires to state to the chairman of the Committee on Appropriations that the gentleman

from Arkansas stated to the Chair that he was on his feet trying to secure the recognition of the Chair before the other paragraph was finished.

Mr. TAWNEY. Mr. Chairman, I have not the data before me now as to what the salaries in the current law are, and we will let the matter pass.

The Clerk read as follows:

In all, for National Home for Disabled Volunteer Soldiers, $4,311,050.
Provided, That no part of the foregoing appropriations shall be expended for any purpose at any branch of the National Home for Disabled Volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer, wine, or other intoxicating liquors are sold.

Mr. FITZGERALD. I move to strike out the proviso.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the proviso, all of lines 11 to 16, inclusive.

Mr. BENNET of New York. Mr. Chairman, this provision that my colleague from New York moves to strike out is the following language, on page 176:

Provided, That no part of the foregoing appropriations shall be expended for any purpose at any branch of the National Home for Disabled Volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer, wine, or other intoxicating liquors are sold.

I simply desire to call the attention of the committee to the fact that this is a provision which has, three years in succession, been put into this bill by a vote of the House. This year the committee, recognizing, properly I think, the views of the House on this subject, has put it into the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the amendment was lost.

The Clerk read as follows:

In addition to those classes of discharged soldiers and sailors now admissible to the National Home for Disabled Volunteer Soldiers, all honorably discharged soldiers and sailors who have served in the Philippines, in China, or in Alaska, who are now or who hereafter may become disabled by disease or otherwise, and by reason of such disability are incapable of earning a living, shall hereafter be admitted thereto.

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. ASHBROOK. Mr. Chairman, I move to strike out the last word for the purpose of indorsing the remarks of my distinguished colleague who has just taken his seat, the gallant General SHERWOOD, of Ohio, and to ask unanimous consent to print certain resolutions adopted by a Grand Army post in my district. I wish to again announce my approval and indorsement of the Sherwood dollar-a-day pension bill, so called, and to express my surprise and regret that there should be any opposition to this most meritorious bill on the part of any soldier or any soldiers' organization. I do not, however, quite agree with my colleague, General SHERWOOD, as to the age law, or McCumber Act. This law has helped and is helping many a poor, dependent soldier to spend his last days enjoying at least the bare necessities of life. The Sherwood bill is a reward for service to the men who stood behind the guns, not for three months, but for three years or more; and to my mind, Mr. Chairman, every soldier who faithfully served his country during those dark days for three years or longer is justly entitled to $1 per day for the few remaining years he would enjoy it. All pension laws passed to better recognize the great debt due the old veterans who wore the blue and preserved this great Union of States are good laws, but none have more real merit than the Sherwood bill. The bill reported by the Military Committee and now on the calendar allowing $25 per month to all soldiers who are 70 years of age should be passed by this Congress; and not only should this bill have the favorable attention of the present Congress, but the widows' pension bill, which has passed the Senate and is now quietly sleeping in the House committee, removing the marriage restrictions and limitations and giving a pension of $12 per month to the widows of all honorably discharged soldiers of all wars, should be passed, and not permitted to die in the committee, to the disgrace of the Sixtieth Congress. Mr. Chairman, this Congress seems to have plenty of time for everything else, but the old soldier and his poor widow must wait, wait, until it is too late to give the help so justly due them.

Mr. Chairman, I ask unanimous consent to print in the RECORD the resolutions which I send to the Clerk's desk, adopted by the Newton Stanton Post, Grand Army of the Republic, of Warsaw, Coshocton County, Ohio, sent me by the post commander, Capt. E. Z. Hays, with request that they be published in the National Tribune, the official organ of the Grand Army of the Republic. I am not advised whether or not they appeared in the columns of that paper, but that the Members of Congress may know how at least a large per cent of the veterans in my district feel concerning the action of the Toledo national encampment and the Sherwood bill, I desire that the same be printed in the RECORD:

Whereas the question as to whether or not the Grand Army of the Republic is content to wait four years for further legislation by Congress in relation to pensions, etc., was never submitted to the consideration of the several posts of the Nation nor to the several departments of the Grand Army of the Republic; and

Whereas Gen. I. R. SHERWOOD has said through the National Tribune that Members of Congress will not vote for further pension legislation, because of a resolution adopted by the Toledo national encampment in 1908; and

Whereas we favor and urge upon Congress an amendment to the widows' pension law which will place the widows of all honorably discharged soldiers on a uniform pension, without regard to date of marriage; and

Whereas justice demands an adequate recognition of the claims of the ex-prisoners; and

Whereas we deem the "Civil war officers' annuity honor roll" (including, as it does, a provision for the private soldier) a movement in the right direction, a recognition of a just claim: Therefore

Resolved, That the action of the national encampment last summer in relation to postponing further pension legislation for four years was entirely unauthorized and should receive no consideration by Congress; that it is unjust to thousands of old veterans who will before three years be beyond the reach of any beneficial legislation whatever; that the action of the Toledo national encampment is almost universally repudiated by the rank and file of the Grand Army of the Republic; and that we see in it the shame of the Grand Army of the Republic, as it thus rings the death knell of thousands of our comrades, and deepens the sobs of their worthy windows begging for bread.

Resolved, That we solicit the aid of the newspapers of the Nation in stirring up the veterans to a full realization of the injury likely to result to our comrades by the unwise act of the Toledo encampment, and to aid us in dispelling the bad effect that unauthorized proceedings may well have upon Congress; that we recommend that our comrades everywhere take action, by posts, that every Member of Congress may fully realize where the Grand Army of the Republic really stands upon the action of the Toledo encampment; that we further recommend that our comrades make no discrimination in regard to any bills before Congress, but by united action to bring every Member of Congress to clearly and forcibly understand that further legislation is right, is just, is wanted. Do not stop to quibble as to what form legislation should take, but fix it on the minds of Congressmen that action is asked—immediate action; action for the living.

E. Z. HAYS, *Post Commander.*
J. W. STANTON, *Assistant Adjutant.*

Mr. GARRETT. Mr. Chairman, I would like to ask the gentleman in charge of the bill if Mexican soldiers are admitted to these homes under existing law?

Mr. TAWNEY. Yes.

Mr. MANN. The current appropriation provides for admitting soldiers who served in the Indian war, and I would like to ask why that is omitted?

Mr. SMITH of Iowa. That is permanent law.

Mr. MANN. When did it become permanent law?

Mr. SMITH of Iowa. Last year, the same as this will if it is passed. The question here is whether a soldier who went to China in that campaign, attended with all its perils, is not just as much entitled to a soldiers' home as any other soldier. He is not under permanent law.

Mr. MANN. I do not agree with the gentleman that this will be permanent law. The comptroller will not hold that it is permanent law if he follows his own decisions.

Mr. SMITH of Iowa. I do not think we have to pass on that question now. I am satisfied that it is permanent law if passed. The question is whether a soldier who went to China in that campaign is entitled to the benefits of the soldiers' home as much as any other soldier? We thought he was.

Mr. MANN. Every other American soldier is not entitled to the benefit of the soldiers' home.

Mr. SMITH of Iowa. Every American soldier who fought in any campaign is entitled to the benefits of the soldiers' home.

Mr. MANN. What soldiers' homes does this paragraph relate to?

Mr. SMITH of Iowa. All of the branches.

Mr. MANN. It does not relate to the Soldiers' Home that we maintain here for the benefit of the soldiers?

Mr. SMITH of Iowa. No; that maintains itself.

Mr. MANN. The gentleman means that we maintain it out of money taken from the soldiers, but we maintain it all the same. Here is a proposition that means that these soldiers' homes will be continued indefinitely. The people had supposed that in the course of time the immense expense of the civil war would cease. A part of that expense is the soldiers' homes, but the moment you propose to add an additional list of soldiers who may benefit by the homes the distinguished gentleman from Tennessee will insist that his soldiers' home shall not be stopped; other gentlemen will insist that the soldiers' home in their district shall continue, and they are hunting now for somebody to go into these soldiers' homes. It will not be long in the future before they will have to admit discredited and lame ducks from Congress in the soldiers' homes to keep them up, and that might be a benefit to me, but never to the gentleman from Iowa. [Laughter.]

Mr. SMITH of Iowa. I want to suggest to the gentleman from Illinois that he made no objection when this privilege was extended to soldiers of the Indian wars. So no matter how short a campaign a man served in the Indian war, he is entitled to the privilege of a soldiers' home, but if the Chair sustains this point of order against this paragraph, a man who spent months in the campaign in China has not that privilege. It seems to me that that is a discrimination that is grossly unjust.

Mr. MANN. And a man who spent years in the army in the United States can not get into the soldiers' home unless he spent a day in China, or a day in Alaska, or in the Philippines, regardless of any service he rendered here.

Mr. SMITH of Iowa. If he was never in a campaign at all he can not get into a soldiers' home because he was in the Regular Army. But if this amendment is adopted there will be no campaign that I know of in which he could be engaged that he would not be entitled to go to a home. He will be entitled to go to a home if he served in an Indian war, if he served in the civil war, if he served in the Mexican war, if he served in Cuba, if he served in the Philippines, if he served in China, and I can not imagine that a man could have served in any campaign that he would not be entitled to go to a home if this amendment is adopted, and if the gentleman can think of any campaign that is not covered by existing law or this section I shall be in favor of including it here.

Mr. MANN. I believe the gentleman wants to include everything he can.

Mr. SMITH of Iowa. Everything in the way of service in a campaign.

Mr. MANN. There is nothing in this in the way of service in a campaign at all. The mere fact that a soldier may at any time have served in Alaska, for ever so short a period, will entitle him to be admitted to these soldiers' homes, although he may now be admitted to the National Soldiers' Home here.

Mr. SMITH of Iowa. Well, we would not support him in but one place.

Mr. MANN. We would support two sets of soldiers' homes. There is nothing in here about volunteers, I may say. Those of the Regular Army who may have served either in the Philippines, in China, or Alaska, regardless of campaigns, regardless of the length of service there, are entitled to admission, and it simply means, if adopted, that the soldiers' homes that ought in the course of time to cease, as far as having soldiers in them is concerned, are to be kept open indefinitely, and then we will be solicited on every side to add new persons who may occupy them. We maintain a Soldiers' Home here for the benefit of the Regular Army, and this is a proposition to add additional——

Mr. SMITH of Iowa. The gentleman knows that no one can get into that home who has not served a very long time or who has not been disabled in service. I certainly think there could not be anything more unjust than the existing law, that a man who was a few days in the Indian campaign here at home is entitled to go to these soldiers' homes, but a man who went clear to China and fought in that campaign against overwhelming odds is not entitled to the same privilege.

Mr. MANN. The gentleman omits the soldiers who served in the Indian wars.

Mr. SMITH of Iowa. But that is permanent law.

Mr. MANN. It is not permanent law.

Mr. SMITH of Iowa. That is the rule on which it is omitted.

Mr. MANN. It is a wrong rule. The comptroller has constantly held that an item like the one in the last year's appropriation bill applies only to the fiscal year for which the appropriation is made.

Mr. SMITH of Iowa. The gentleman and I can not agree on that proposition at all.

Mr. STEPHENS of Texas. The gentleman might add that in an amendment, so as to place it beyond controversy.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. In the opinion of the Chair it is legislation. The Chair sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 25823. An act to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 71.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 17214) for the relief of Harry Kimmel, a commander on the retired list of the United States Navy.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24834) for the protection of the surface rights of entrymen, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Wyoming, Mr. DIXON, and Mr. BANKHEAD as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington, disagreed to by the House of Representatives, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DEPEW, Mr. FORAKER, and Mr. OVERMAN as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Back pay and bounty: For payment of amounts for arrears of pay of two and three-year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the act of July 28, 1866, and for amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year 1910, $400,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 177, line 22, strike out the word "rebel" and insert after the word "States" the words "of the so-called confederacy."

Mr. TAWNEY. Mr. Chairman, I have no objection to striking out the word "rebel" to which the gentleman from South Carolina refers. I think, however, that the words "so-called" might be omitted in his amendment.

Mr. SMITH of Iowa. Oh, no. I think not. We do not recognize the confederacy as yet.

Mr. JOHNSON of South Carolina. Mr. Chairman, if it meets the approval of the chairman of the committee, I will leave out the words "so-called."

Mr. SMITH of Iowa. But it does not meet my approval. As the gentleman offered the amendment, I have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I now ask to return to page 66, line 24, being one of the totals passed over yesterday, and offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 66, line 24, after the word "dollars," insert:
"Which shall include the amount necessary for the medical inspection of aliens, as required by section 17 of the act of Congress approved February 20, 1907, and the provision of said section of said act requiring the reimbursement by the immigration fund for said expenses is hereby repealed."

Mr. MANN. Reserving the point of order on that, what is the object in repealing it?

Mr. TAWNEY. This is consistent with the action of the House on yesterday in repealing the permanent, indefinite appropriation, known as the "head-tax fund." This is simply to make it conform to that.

Mr. MANN. Will it require an appropriation?

Mr. TAWNEY. No.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, there was another item passed over last evening to which I desire to return, which was the proviso authorizing the granting of permits for the sale of certain articles at the Washington Monument.

Mr. MANN. On page 136.

Mr. TAWNEY. A point of order was pending and I desire to return to that and dispose of it at this time.

Mr. MANN. I make the point of order against the entire proviso.

The CHAIRMAN. The Chair will state that the gentleman from Pennsylvania [Mr. OLMSTED] was in the chair and has

taken occasion to examine the question, and the present occupant of the chair has not, and therefore the present occupant of the chair yields to the gentleman from Pennsylvania because he is familiar with the matter.

Mr. MANN. Mr. Chairman, I make the point of order against the entire proviso.

Mr. TAWNEY. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. OLMSTED). The point of order is sustained.

Mr. TAWNEY. Mr. Chairman, I now ask to return to the paragraph beginning on line 5, page 116, "for the continuation of the investigation of the structural materials both belonging to and for the use of the United States, and so forth."

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Nebraska [Mr. NORRIS] has an amendment pending.

Mr. NORRIS. Mr. Chairman, I desire to modify——

The CHAIRMAN. Without objection, the pending amendment will be reported.

There was no objection.

The Clerk read as follows:

Page 116, line 9, strike out "seventy" and insert "one hundred and twenty-five," so that the amendment will read "one hundred and twenty-five thousand dollars."

Mr. NORRIS. Mr. Chairman, I desire to modify the amendment by changing the words "one hundred and twenty-five" to "one hundred."

Mr. TAWNEY. Mr. Chairman, with that modification I accept the amendment.

Mr. NORRIS. Mr. Chairman, the committee have agreed to make no opposition to it if that modification is made.

The CHAIRMAN. The question is on the amendment as modified.

The question was taken, and the amendment was agreed to.

Mr. DALZELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 116, after line 9, insert the following:

"For the continuation of the analyzing and testing of the coals, lignites, and other mineral fuel substances belonging to or for the use of the United States in order to determine their fuel value, etc., under the supervision of the Director of the United States Geological Survey, $200,000."

Mr. TAWNEY. Mr. Chairman, I make the point of order that the amendment is not in order.

Mr. DALZELL. Will the gentleman reserve his point of order?

Mr. TAWNEY. I will reserve the point of order.

Mr. DALZELL. Mr. Chairman, beginning about 1906, the United States Government commenced a series of tests, the testing of fuel, the testing of structural materials, and an examination as to the cause of mine explosions. Appropriations have been made in each succeeding year providing for the investigation that is named in the amendment which I have sent to the Clerk's desk. In 1906 it was $202,000, in 1907 it was $250,000, and the last year $250,000. Now, the purpose of this amendment is simply to continue those investigations which have been prosecuted during the years that I have mentioned, and in the prosecution of which a large amount of money has been invested, a very large amount of work done, and very good and valuable results, not only to the United States Government, but to the scientific world, have been attained. I have not heard from the gentleman what the grounds of his point of order are, and I therefore withhold a further statement until I hear from him.

Mr. TAWNEY. The gentleman requested me to reserve the point of order to give him an opportunity to make a statement, and that is the reason I have not before stated the grounds of my point of order. The point of order is, Mr. Chairman, that this is not authorized by law. The work which the gentleman's amendment provides for is not to continue, but to begin again. In the current sundry civil appropriation bill there is this paragraph:

And provided further, That all investigations hereunder commenced or undertaken shall be completed and fully reported on prior to the 1st day of July, 1909; and all investigations and work now in progress under appropriations heretofore made for the purposes mentioned in this paragraph shall also be completed and officially reported on before the close of the fiscal year 1909.

So far as this work is concerned, Congress has stipulated or required by law that it shall cease at the end of this fiscal year, and that all operations heretofore begun under prior appropriations shall also be concluded and a full and complete report made of the result of those investigations by the close of this present fiscal year.

Mr. NORRIS. Mr. Chairman——

Mr. DALZELL. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. DALZELL. Mr. Chairman, the authorization for these tests as originally made, I take it, was in accordance with law. It was in accordance with law in 1906, 1907, and 1908. Now, assuming that to be so, then the provision that the gentleman from Minnesota [Mr. TAWNEY] has read is simply a limitation upon the appropriation made in last year's bill. The Chair will observe that the provision is that "all investigations hereunder commenced or undertaken shall be completed and fully reported on prior to the 1st day of July, 1909." But the purpose of my amendment has no relation to the investigation commenced or undertaken. It has reference to the investigation to be undertaken and to be carried on during the succeeding year. This is a limitation which imposed upon the Geological Survey the necessity of reporting to Congress what they had already done, and I understand that they have such report in preparation, and provided that what they were then engaged at should be completed on or before the 1st day of July, 1909. But my amendment has relation not to the tests that were being made, not to the tests that were to be reported upon, but to tests that are to be made in the future; and if the tests originally authorized were in accordance with law, then my resolution looking to the future is also in accordance with law; and I submit that the point of order is not well taken.

Mr. TAWNEY. Mr. Chairman, I wish to call the attention of the Chair to the fact that when the gentleman talked about these investigative coal tests having been authorized by law back in 1906, if there was any authorization for tests made it was authorization carried in an appropriation bill, and this is the second time now when Congress has provided that these coal tests shall cease. It was written in the law, the sundry civil appropriation act for the fiscal year 1906——

Mr. NORRIS. Will the gentleman yield for a question?

Mr. TAWNEY (continuing). And in the sundry civil appropriation bill for the next succeeding fiscal year the Chair held that that terminated the service and work, and that the amendment was, therefore, not in order.

Mr. NORRIS. I would like to ask the gentleman, Mr. Chairman, this question: If it were not for the proviso contained in the last sundry civil bill, which the gentleman has read, would this amendment then be in order?

Mr. TAWNEY. I do not think it would.

Mr. NORRIS. Well, then, why rely upon this particular clause, now that he says it has nothing to do with it?

Mr. TAWNEY. The other ground upon which the point of order could be sustained has been discussed so frequently that it is entirely outside, under the language of the amendment, of the organic act creating the Geological Survey, and for that reason it has been held out of order in the past.

Mr. NORRIS. But is it not true that this very identical amendment last year was held to be in order and the point of order overruled as to it?

Mr. TAWNEY. I do not know that it was identical.

Mr. NORRIS. Of course I did not draw it, either, but I think the gentleman from Pennsylvania [Mr. DALZELL] will say that it is identically the same amendment——

Mr. DALZELL. It is precisely the same.

Mr. NORRIS (continuing). That the Chair held to be in order last year, when we did not have this particular provision in the sundry civil appropriation bill. And, therefore, Mr. Chairman, we come down to this proposition: If it were not for the particular provision contained in the last year's sundry civil appropriation bill, which the gentleman has read, then this particular amendment, if it be identical, and I assume that it is, would be in order, and it would be the duty of the Chair to overrule that point of order. Now, then, in what respect, the question arises——

The CHAIRMAN. Does the gentleman from Nebraska [Mr. NORRIS] state that this amendment is identical with last year's amendment?

Mr. NORRIS. I am informed it is by the gentleman from Pennsylvania [Mr. DALZELL]. I did not draw the amendment.

Mr. DOUGLAS. It is certainly substantially identical.

The CHAIRMAN. The Chair is inclined to differ with that statement.

Mr. NORRIS. I am assuming it is the same. If it is not the same, of course it should be put in that language, and I want to make my argument on that assumption. This particular provision which the gentleman from Minnesota [Mr.

TAWNEY] has read is a proviso contained in an appropriation bill. It does not purport by its language or any construction that could be put on it to change existing law, and the amendments that would be in order under existing law would not be made out of order by an appropriation limitation that applies only to the particular appropriation bill to which it is attached. Why, we might limit in any appropriation the work on any public building or any public work and say that at the close of the fiscal year they should do such an amount of it, or complete all that that appropriation would pay for; but if that work were authorized by law, it would not prohibit us at the next Congress to provide by another appropriation for the continuation of the work.

So that this limitation, not changing existing law, can in no wise affect an amendment that under existing law would be in order; and if this amendment is not in that shape, it can of course be put in the exact language that it was heretofore. My argument is based on the assumption that it is the same or could be made the same.

Mr. DALZELL. Mr. Chairman, I move to modify my amendment by suggesting $100,000 instead of $200,000.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to strike out "two" and insert "one." Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. In view of that concession, Mr. Chairman, I withdraw the point of order. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. DRISCOLL. Mr. Chairman, I ask to be permitted to extend a few remarks on this subject in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. Does the gentleman from Ohio desire to be recognized?

Mr. DOUGLAS. The Chair will notice that I offered an amendment.

Mr. TAWNEY. I ask that we return to the paragraph on lines 3 to 5, on page 117.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

Mr. DOUGLAS. Mr. Chairman, I would like to appeal now to the gentleman from Minnesota to consent to the amendment offered by me last night to the final clause of page 116 and at the beginning of page 117, making that appropriation $150,000 instead of $100,000.

Mr. TAWNEY. Well, Mr. Chairman, that I can not do. I happen to know a good deal about the initiation of this service, and I have no more doubt that $100,000 is all they will spend or need to spend in that service than I have about any proposition in this bill that is unanimously conceded to be correct.

The CHAIRMAN. The gentleman from Ohio has an amendment pending to that paragraph which the Clerk will report.

The Clerk read as follows:

Page 117, line 2, after the word "one," insert "fifty," so as to make it read "one hundred and fifty thousand."

Mr. FITZGERALD. What is the situation, Mr. Chairman?

The CHAIRMAN. The situation is the consideration of the amendment proposed by the gentleman from Ohio increasing the amount to $150,000 in the pending paragraph on page 117.

Mr. FITZGERALD. Is that the paragraph before the committee?

The CHAIRMAN. That is the paragraph before the committee, and the gentleman from Ohio is recognized.

Mr. DOUGLAS. Mr. Chairman, since the paragraph is brief I will read it, so as to indicate the exact character of the amendment I have offered. It is as follows:

For continuing the investigations as to the causes of mine explosions with a view to increasing safety in mining, to be immediately available, $150,000—

Instead of $100,000.

Now, Mr. Chairman, when I say that in my district—the great Hocking Valley district of Ohio—there are fourteen to fifteen thousand men who make their living by mining coal, so that there are in the neighborhood of 75,000 people in the district who are dependent upon this industry for a livelihood, I think it can be easily understood why, not only as a matter of personal interest, but a public duty, I should wish to have this appropriation adequately increased. Interest in this important matter led me abroad last summer, where I spent a couple of weeks or more in the investigation of such efforts as have been made in England, in Wales, and especially in Belgium to lessen disaster and the loss of life by mine accidents. During that investigation I spent some time at the experiment station of the Belgian Government, located at Frameries, near the city of Mons, in the Kingdom of Belgium.

Since our experiment station recently established at Pittsburg has been, in a measure, modeled upon the establishment at Frameries, I beg leave of the committee to say a few words as to what that work consists of and how it is carried on.

There are three branches of testing work done at the station at Pittsburg and at the station at Frameries: First, the testing of safety lamps; second, experiments with, and training men in the use of, life-saving or rescue apparatus which has been devised for the rescue of men overcome by gas in the mines; and the third is the testing of explosives, and experimentation with different mixtures of gas and air, and coal dust and air, or the various gases the ignition of which result in explosions.

Now, I do not intend to dwell at length upon the matter of testing lamps, except to say that these tests are made in a series of artificial galleries constructed of steel, with safety valves to prevent accident. By the use of these steel galleries different lamps can be thoroughly tested in currents of air—horizontal, vertical, and of varying force; and the result has been that a great deal has been learned with reference to the dangerous character of lamps which were at one time considered perfectly safe.

Mr. OLLIE M. JAMES. Will the gentleman allow me to ask him a question?

Mr. DOUGLAS. I will.

Mr. OLLIE M. JAMES. I should like to ask the gentleman from Ohio how much was voted last year for the purpose of making these experiments?

Mr. DOUGLAS. One hundred and fifty thousand dollars.

Mr. OLLIE M. JAMES. The gentleman's amendment is to make it a like sum this year?

Mr. DOUGLAS. Yes. I will say to the gentleman from Kentucky that meanwhile there have been in America more than 3,000 men injured and killed in mine accidents.

Mr. COCKRAN. In the last year?

Mr. DOUGLAS. In the last year. It is a horrible situation, and I submit it is one that ought to appeal, at least, to the careful attention of the members of the committee.

Mr. OLLIE M. JAMES. Did the investigation made last year result in any good?

Mr. DOUGLAS. I will say to the gentleman from Kentucky that the experiments have resulted in good, in initiating means by which the investigations can be carried on. That appropriation last year was the first appropriation made by Congress for this purpose.

Mr. EDWARDS of Georgia. I did not catch the reading of the amendment. What is the amendment?

Mr. DOUGLAS. It is simply to increase the amount appropriated from $100,000 to what it was last year, $150,000.

Mr. EDWARDS of Georgia. Then the bill now is a decrease of $50,000 from what it was last year?

Mr. DOUGLAS. Yes; and I will explain why I think it ought not to have been done, if I am given the opportunity.

Mr. EDWARDS of Georgia. Did the gentleman go before the Appropriations Committee and ask for this amount?

Mr. DOUGLAS. I did not go before the committee, because the committee have been overwhelmed with work and because I knew that the committee individually were aware of the arguments in favor of the appropriation. Furthermore, I did not appeal to them about it because I had no idea that there was any inclination on the part of the committee to reduce the appropriation below what it was last year.

Mr. OLLIE M. JAMES. The gentleman expected, I suppose, that the same amount would be appropriated this year as last?

Mr. DOUGLAS. I did. I had no thought that there would be any reduction in the amount.

Now, the second series of experiments relate to the actual saving of life. It may be known to some Members of the House, but I think it is not known to most of them, that apparatus of various sorts have been devised by which a man may put a sort of jacket upon his shoulders and helmet upon his head and safely go into a mine the fumes or gases in which would kill him in a moment without this apparatus. With it he can work freely with his hands for hours, in the presence of these deadly gases, without danger to himself, and can rescue the victims of a mine accident or ascertain the actual condition of affairs in the mine.

Mr. MACON. Why do not the mine owners organize and experiment along these lines themselves? Can they not do that?

Mr. DOUGLAS. They can.

Mr. MACON. Then why do they come to the National Government?

Mr. DOUGLAS. They do not come.

Mr. MACON. Are they not here now?

Mr. DOUGLAS. No; it is the miners themselves and the friends of humanity in the country who come to Congress asking this.

Mr. MACON. Can not the miners appeal to their employers as well as to the Congress of the United States?

Mr. DOUGLAS. They can.

Mr. MACON. Do the mine owners, then, give them no heed?

Mr. DOUGLAS. They do; they have done something in this line, but not much. The work is one which the General Government owes to this great industry.

Mr. TAWNEY. I desire to ask how much time the gentleman from Ohio [Mr. DOUGLAS] has been allowed?

The CHAIRMAN. The attention of the Chair was diverted by gentlemen who have been talking to him, and the Chair did not realize that the time of the gentleman from Ohio had overrun.

Mr. DOUGLAS. I ask unanimous consent to proceed for ten minutes.

Mr. TAWNEY. I can not consent to ten minutes. The gentleman has already spoken ten minutes. I will not object to a further extension of five minutes.

The CHAIRMAN. The Chair trusts that the gentleman from Ohio will pardon him for not notifying him when his time had expired.

Mr. DOUGLAS. The "gentleman from Ohio" very freely forgives the Chairman. [Laughter.]

This is a matter about which I feel very earnestly, and I should like to say a few words more.

Mr. TAWNEY. Just a moment before the gentleman proceeds in that line. Is the gentleman aware of the fact that the appropriation for $150,000 was made not only for the current fiscal year, but was made also to cover the then remaining portion of the fiscal year 1908?

Mr. DOUGLAS. I had forgotten that for the moment; I believe it is true, but I do not see what bearing it has.

Mr. TAWNEY. The Appropriation Committee made it $150,000 to enable them to obtain the necessary equipment, which they say have been obtained. That is the reason the appropriation is reduced. They get for the next fiscal year more than they do for the present fiscal year, as far as these tests are concerned.

Mr. DOUGLAS. I am glad the gentleman has stated that, but I hope by this amendment they will get more.

This matter of rescue work is one of the most important in this connection. I myself used one of these oxygen-producing appliances, and for some minutes I was enveloped in smoke mixed with gas from the mines lying beneath the experiment station without the slightest inconvenience. I assure the committee that this apparatus is no theoretical, experimental thing, but actual and practical. In Belgium some of the largest and oldest mines (and some of them are 200 years old) have regular crews of men equipped with this rescue apparatus.

In the third place, there are the experiments carried on at Frameries relative to explosions caused by the gases and the dust found in mines, and similar investigations are now being carried on at Pittsburg. The apparatus is simple: A covered gallery is built upon the surface of the ground. This gallery is built of wood bound with hoops of wood and steel. It is oval in shape, about 200 feet long, and about 7 feet high by 4 feet in width, and is designed to resemble as nearly as may be the actual gallery of a mine. In this gallery the explosive tests are made, the gallery being so equipped with safety valves made of paper that when the explosion occurs the gallery itself is not destroyed. Into this gallery various mixtures of dangerous gases and coal dust in varying proportions mixed with air are introduced and tested. These gases are mixed by fans playing within the gallery, and the mixture is exploded by means of a small cannon let into the wall at one end of the wooden gallery and fired by electricity. I have not time to explain the apparatus nor the experiments more in detail. Suffice it is to say that the station at Frameries, under the able administration of Mr. Victor Watteyne, one of the most remarkable scientific men of his age, and his assistants, has achieved such practical results that the mining industry of Belgium has been in many ways very greatly benefited, and the death rate in that kingdom has been reduced in recent years nearly 400 per cent; while at the same time, in this country, without any sort of governmental scientific attention to the subject, the death rate has been increased at a rate that is simply appalling.

No one can doubt who has given any careful consideration to the subject that the great mining industry of America, the conventions of miners, and the men themselves know what they are about when they appeal and appeal to the Government for this sort of research and investigation.

In conclusion, I will say that with this increased appropriation it is hoped by the officers of the Geological Survey that we can secure, probably at a low cost, some abandoned mine, which can be equipped with electricity, such as is now used for machine mining throughout the country, and that in the actual mine galleries we may carry on experiments which will lead to practical results in ameliorating the safety of mine operations. To reduce this appropriation, the object of which is to save human life and to add to the safety of the men who go down into the earth to dig our fuel, while at the same time we are spending hundreds of millions of dollars to develop and continue operations, military and naval, designed to destroy human life, would be a queer commentary upon American civilization.

I hope I need not dwell further upon this subject, and I sincerely trust that this comparatively slight increase in the appropriation, in view of the object intended, may be adopted. [Applause.]

Mr. COOPER of Pennsylvania. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed in ten minutes, and I have five minutes in which to reply.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the paragraph and amendments close in ten minutes, and five minutes be occupied by the gentleman himself.

Mr. TAWNEY. I will suggest that it close in fifteen minutes, and three minutes of the fifteen be occupied by myself.

The CHAIRMAN. The gentleman from Minnesota modifies his motion, and makes it fifteen minutes, three minutes to be occupied by himself.

Mr. TAWNEY. And I also suggest that the debate be limited to the amendment offered by the gentleman from Ohio. There is no use in making spread-eagle speeches about the appalling deaths in mines.

Mr. OLLIE M. JAMES. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. OLLIE M. JAMES. As I understand the parliamentary situation, the gentleman from Pennsylvania [Mr. COOPER] arose from his seat and was recognized by the Chair. Now, what I want to ask is how did the gentleman from Minnesota get the floor to move to curtail debate?

The CHAIRMAN. The gentleman from Minnesota was recognized by the Chair to make a motion. Will the gentleman from Minnesota kindly state his motion as modified?

Mr. COOPER of Pennsylvania. Mr. Chairman, I submit that I have the floor.

The CHAIRMAN. The gentleman from Pennsylvania will have the floor when this motion is disposed of.

Mr. TAWNEY. My motion was that debate on the paragraph and amendments close in fifteen minutes, and of that the gentleman from Pennsylvania [Mr. COOPER] is to have three minutes, Mr. WILSON of Pennsylvania, five minutes, and the balance of the time is to be divided between myself and the other gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GAINES of West Virginia. Mr. Chairman, I renew the point of order that the gentleman from Pennsylvania [Mr. COOPER] has the floor.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. COOPER] will be recognized when this motion is disposed of.

Mr. GAINES of West Virginia. But the gentleman from Pennsylvania [Mr. COOPER] has been recognized.

Mr. UNDERWOOD. Mr. Chairman, I desire to make a motion to strike out the word "fifteen," in the motion of the gentleman from Minnesota and insert the word "thirty."

The Chairman. The question is, first, on the amendment offered by the gentleman from Alabama, to the motion of the gentleman from Minnesota, to strike out the word "fifteen" and insert the word "thirty."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Minnesota as amended.

The question was taken, and the motion was agreed to.

Mr. COOPER of Pennsylvania. Mr. Chairman, I trust the amendment increasing this appropriation to $150,000 will be adopted. I think the unfortunate experience of the country in mine explosions in the last few years has demonstrated the absolute necessity that something be done; in fact, that everything be done that can be done to discover the causes of these explosions and to prevent further loss of life. Last year, I understand, something like 3,200 people lost their lives in the United States from one cause and another in and about coal mines. I think that alone is sufficient evidence to this House that ample provision should be made to discover the causes and to find remedies.

The gentleman from Minnesota speaks about the appropriation being too large. I want to call his attention to the fact that the argument was made last year that as we were only inaugurating this investigation a larger amount could not be

used. A larger sum was asked, but the officials have been able to get along this year for the reason that these investigations have been conducted upon government property, the buildings and the arsenal grounds in Pittsburg have been utilized for that purpose, thus making a great saving in inaugurating this investigation. The great mine disasters at Mononga, at Naomi, at Darr, and at Marianna, all right in that section, have demonstrated that there has been something radically wrong in the methods of operating mines. The work that is being accomplished at Pittsburg already demonstrates the value of these investigations. It was a very much discussed question at the time of the Monongo mine disaster whether coal dust would explode at all, whether or not that was the cause. Blown-out shots was another matter that was discussed. It has been demonstrated beyond peradventure that coal dust is explosive and is very dangerous. I have had occasion to visit this testing plant twice, and I am satisfied from the interest manifested there not only by coal operators, but by coal miners, superintendents, fire bosses, inspectors, and everybody, that the public interest which has been aroused in these investigations will add very much toward discovering the causes and also in discovering remedies.

There is also the use of safety lamps, the question of the use of electricity in mines, and the testing of and instruction of miners and inspectors in the use of rescue apparatus. These things, which are so important to safety in the conduct of mining operations, are being investigated. Important discoveries are being made and much valuable information gathered, which is already proving to be of great benefit in placing mines in a safe condition. The tests that are being made and demonstrations given for the instruction of those engaged in and about the coal mines have enlisted the interest and hearty approval of all and stimulated a general desire to do everything possible to improve conditions. So I say that we can not spend money more profitably and in a better cause. Fifty thousand dollars is a very small sum to quibble over when one mine explosion may blow out a dozen or a hundred lives. A failure to make proper provision for carrying on this work will be a serious mistake. The percentage of fatalities is much greater in the United States than in any other country, and has been steadily on the increase, while in Great Britain, France, and Belgium the fatalities have continually decreased. We have had experience in the last year or two which demonstrates that it is necessary that every precaution should be taken to prevent these mine disasters, and I believe the work that is being done already proves the usefulness of the investigation. The officials in charge of this work would like to have a much larger appropriation, but with the present condition of the Treasury they will be content with $150,000. Anything less than that will cripple the work which has been so auspiciously begun and carried on so successfully to the present time. [Applause.]

Mr. GRAHAM. Mr. Chairman, I am interested in this amendment and this measure on account of the vital importance to the State of Pennsylvania, as well as to the entire country; and also in the amendment that has just been inserted on motion of the gentleman from Pennsylvania [Mr. DALZELL] continuing the fuel investigation. It has been asserted, I understand, when the last appropriaton was made for fuel investigations, that this important work should cease after the expiration of the present fiscal year. Of course, I do not know with whom such an agreement or understanding could have been reached, but I find in the printed hearings before the subcommittee of the Appropriations Committee, in connection with the appropriations for the fiscal year ending June 30, 1907, that one of the officials of the Geological Survey, who appeared before that subcommittee, stated emphatically that at least ten years more would be required for these investigations. These investigations have been going on for three or four years, but in a very small and unsatisfactory manner, and it is only within the last year that they have been conducted in anything like a satisfactory way. They are now just beginning to give results and to abandon, even temporarily, this valuable equipment, which is the most complete and efficient for both general and special fuel investigations in the world, would be most unwise.

The average death rate for fifteen years in the United States is 3.11 for every 1,000 employed in coal mines, as against an average of 1.36 per 1,000 for fourteen years in Great Britain, and 1.06 for twelve years in Belgium. And the conditions in our coal mines are growing worse instead of improving. The death rate in 1897 was 2.34 per 1,000 men employed, and that for 1907 was 4.86, or over double in a decade.

The practical utility of oxygen helmets in exploring coal mines after explosions has been demonstrated by these investigations, as has also the value of certain types of resuscitating apparatus in reviving men apparently dead from the inhaling of mine gases.

Important educational work has been done in demonstrating to mine owners, operators, and inspectors the value of artificial respiratory apparatus in rescue operations after mine disasters.

The amount estimated for the expenses for this work is certainly trifling when compared with the results already attained in insuring the lives of those thousands who toil in our mines. If these investigations result in the prevention of one such horrible mine disaster as those which have occurred during the past year, I believe it would more than compensate for the entire expenditure called for.

The fuel investigations now being conducted at the Pittsburg station relate to the prevention of unnecessary waste in the mining and in the use of coal. They relate to conditions leading to more complete combustion of the fuels and the prevention of waste in the form of smoke, loss of heat, and other problems, the solution of which are of interest and importance to every person in every part of the country.

No tests or investigations at the Pittsburg fuel-testing plant are being conducted for private parties. They relate either to these general investigations or to the testing of fuels for the immediate use of the Government.

All of these investigations are supplemented or preceded by elaborate chemical investigations and analyses to insure that the most accurate results are being procured. The organization for carrying on these tests includes a corps of more than 100 civil, mechanical, mining, and electrical engineers, and 30 chemists carefully selected, trained, and experienced in the investigation of the problems involved. To stop the work now and start it again, which would most certainly be done, would mean the loss of two or more years in training new experts and a far greater loss to the Government and to the people of the whole country of the value of the results accomplished by it.

It is my opinion, Mr. Chairman, that the greater economy would be to make the appropriation provided for in this amendment and allow this important work to continue uninterrupted. And it is for the House to decide whether this money will be wisely spent and whether it will give ample return to the Government and to the people. [Applause.]

Mr. BURKE. Mr. Chairman, the appropriation for these investigations having in view the possible prevention of mine disasters and the reduction in the number of accidents and deaths resulting from mining operations, made by the last Congress for the fiscal year 1909, amounted to $150,000.

The estimates submitted for the fiscal year 1910 were for the same sum, but the committee has reported $50,000 less than this. The Appropriation Committee apparently assumed that more than $50,000 having been expended in the last year in machinery and equipment for carrying on tests of explosives at Pittsburg, the appropriation could be reduced by this amount without interfering with progress. On the contrary, but for the condition of the Federal Treasury Congress would have been asked to appropriate a considerably greater amount than $150,000, in order that these investigations might be conducted with reasonable expedition.

In his estimates for these investigations for the year 1909, the Secretary of the Interior asked for $200,000. Only $150,000 was granted by Congress. The $50,000 now asked is to be used in purchasing some of the necessary equipment provided for in the original estimates.

The estimates of the Secretary of the Interior making up the item of $150,000 for the year 1910 included an item of $20,000 for purchase of an abandoned mine and $5,000 for its equipment and operation in connection with tests on a working scale for trying out the various experiments looking to the prevention of explosions of mine gas or coal dust.

And reduction in the energy with which these investigations are being carried on, or the delay of one day in determining the fact that some explosive is dangerous or that working in some mine under certain conditions in dangerous, may mean the loss of 10 lives.

During last year over 3,200 persons were killed in coal mines in the United States. It is evident from this that the full amount of the appropriation which the department feels is necessary to carry on this work without interruption should be voted, and speedily, if Congress is not to be held responsible for the daily loss of 10 or the weekly loss of half a hundred lives.

While the appropriation was sufficient last year to permit of purchasing machinery and appliances for testing explosives to determine their safety when fired in the presence of explosive gas and dust, it was not sufficient to permit of the employment of more than three skilled mining engineers for carrying on field investigations in mines. There should be at least a dozen such men investigating conditions in the various mines

throughout the United States, especially after explosions and other disasters.

There is, moreover, urgent demand from Kentucky, from Illinois, from New Mexico, Utah, and elsewhere for the establishment by the Government of cooperative substations for mine rescue work and tests of safety lamps, and so forth. The funds available have so far permitted the establishment of only one such rescue station.

If anything is to be done toward training mine owners and miners in the use of artificial breathing helmets with which the wearers can rush into a mine after an explosion or fire, there should be available on this account alone a considerable sum in excess of the $100,000 appropriated this year.

While the results of tests of explosives are important as bearing upon their safety, it is equally important that there shall be mining engineers skilled in conducting rescue operations and equipped with the necessary paraphernalia available within a few hours' call of each of the dangerous coal-mining operations of the country.

In the work being done at Pittsburg in the laboratory in the very heart of my district, I believe there is more economy, more intelligence, and more diligence being displayed than ever characterized any new undertaking by the Government.

The proximity of the plant to the great mines of western Pennsylvania has proven of infinite value to the country during the past year. The full appropriation should be made.

Mr. CHANEY. The amendment of the gentleman from Ohio [Mr. DOUGLAS] makes the section read:

For continuing the investigations as to causes of mine explosions, with a view to increasing safety in mining, to be immediately available, $150,000—

And I am in favor of the amendment increasing this fund $50,000.

Last session $150,000 was appropriated for this purpose, a portion of which had to be used to equip a plant in which tests might be made of explosive gases, and so forth, and wherein relief systems might be tried. A plant has been equipped at Pittsburg, Pa., and was installed there last November with the money appropriated last session. The Geological Survey was fortunate in finding at Pittsburg government buildings, without building new houses, suitable for the purpose. With slight modifications of the buildings found there and some inconsiderable additions thereto the testing plant is comfortably housed and a force of men has been put to work in this service. This plant is equipped with the means and appliances to not only make tests of explosive coal dust, gases, damps, and the like, but also for the testing of effective relief work when disasters come.

At the time of the installation of this plant the Mariana disaster was yet reverberating in the mining world and rendered the interest in this installation most intense. I was at the opening of the enterprise and inspected every part of the establishment, and believe that an important start has been made.

The Geological Survey is now ready to go about the work outlined for this service. I did not go before the committee when the appropriation for this work was considered to advocate an appropriation for the coming year, understanding that the Secretary of the Interior would ask for $150,000 to carry it on, and supposing that the committee would follow his recommendation.

In the hearings, under the head "Continuations of investigations as to causes of mine explosions," Mr. Secretary Garfield said:

I have given this matter personal examination. I have been at Pittsburg, seen the character of the investigations made, and talked with mining men, experts that we have had out there going over the work of the division, and I am confident that it is of the very greatest importance to the mining industry. It is true that these same investigations might be, and in some instances have been, carried on by private enterprise. On the other hand, the field is so great, and the disasters have been so many and so terrible, that there is ample field for the work of federal, state, and private interests.

And recommended $150,000 for this work.

I believe that this sum is needed; and everyone must admit the necessity of money enough to ascertain, at the earliest practicable moment, the causes underlying the dreadful catastrophes which occur with such frequency in coal mining—catastrophes like the one mentioned at Mariana, Pennsylvania.

Director Smith, of the Geological Survey, in his testimony in the hearings before the committee, says:

At least two lives were saved by the use of the apparatus with which our inspectors are equipped; one was at Mariana, the only man who survived the disaster. If this plant had been ready for the study of preventives of mine explosions before that terrible disaster, every life in the Mariana mine might have been saved. The hope we have in this work is to prevent explosions in the future, and this work is destinued, as we believe, to accomplish this result. The Geological Survey is now planning to equip a small coal mine for this experimental work, and to engage and employ such men as will be able from their skill and study of mine conditions to discover the causes of these great disasters. To do this work and to utilize the same to the end in view will require $150,000.

The expenditure of the money appropriated last session is accounted for as follows:

Mine explosions	$20,000
Mine rescue and lighting	10,000
Explosives, tests and analyses	20,000
Building and laboratory fitting	34,000
Materials, supplies, and labor	50,000
Clerical expenses	8,000
General expenses	8,000
Total	150,000

The beginning of this beneficent work is auspicious. We look forward to the time when the coal miner does not have to take his very life into his hands when he swings into the "cage" for a day's work underneath the ground.

With assurance in his heart and his dinner bucket in his hand, he will go through the day in safety and return to his family after an eight-hour day with well-earned wages in his pocket from an honorable avocation and in complete health and strength.

When $190,000 was asked for this purpose last session, the Appropriations Committee said, "First install your plant and make ready for your investigations," and thereby cut the appropriation to $150,000. It was implied in the words of the committee that ample funds would be provided when the plant was ready to pursue the work for which it should be installed. So, when only $100,000 was found in the bill before us for this purpose we naturally want to remind the committee of the former understanding, and to ask that sufficient money be provided to carry on efficiently this important work. I trust that the amendment will prevail.

Mr. WILSON of Pennsylvania. Mr. Chairman, I believe this appropriation should be restored to the amount that was in the bill when it passed one year ago. The mining industry, like all other industries, has been going through a period of progress, and it has peculiarly affected the conditions of safety of those engaged in mining. Fifteen years ago there was less than 5 per cent of the coal mined in the United States which was mined by machinery. To-day there is approximately 35 per cent mined by machinery. Fifteen years ago, in 1893, the death rate in the mines of the United States was 2.53 per thousand persons employed. In 1907 the number killed per thousand employed was 4.86.

In my opinion, many of the difficulties that have arisen, that have created the increased dangers in mining, are due to the introduction of machinery. Under the old pick method of producing there was comparatively little dust produced in mining coal. By the introduction of machinery a vast amount of dust is produced, which accumulates on the walls and the roofs and the floors of the mines, and which is taken up in the air current, and whenever it comes in contact with a prolonged flame, such as is caused by blasting with black powder, an explosion is inevitable. One of the things which we have to determine, and which we have not yet been able to determine, is how to handle the conditions arising from the increased amount of dust created in our mines by the introduction of machinery—how to deal with the dust. We have practically been able to solve the problem of how to deal with fire damp, carbureted hydrogen, when it occurs in mines, particularly in newly developed mines.

But there is one phase of even that question that we have not been able to solve. When the coal has been worked out from under the body of the land and the roof breaks down and cracks all over the territory and fills to some extent the space that it falls into, the difficulty is to find a means of ventilation that will take the gas out of that waste territory and remove it out of the mines, so that it will not be dangerous to those employed there. The accumulation of fire damp in these wastes is the result of our inability to devise some method by which it can be taken out, and is continually a menace to those employed in the mines, and whenever there is a falling barometer, by which the air pressure against the edges of that waste space is reduced, then the gas comes out from it into the air current and is taken into where the men are at work, and again an explosion occurs. Now, the determination of a problem of that kind is one of the things that our Government ought to undertake for us. It is true that a great deal of laboratory work has already been undertaken and accomplished.

Examination of safety lamps, matters of that kind, examination of the composition and combustion of gases, examination of the nature of explosives and their effect upon gases and their effect upon dust; but as to tests and experiments of a practical nature, that never has been done and no apparatus has been provided by which practical tests can be made to deter-

mine how we are going to avoid the accidents in mines by which lives are destroyed and by which property is also destroyed which we ought to conserve.

The nature and composition of coal varies in different localities and different coal measures throughout the country. Anthracite coal having a high percentage of fixed carbon and a low percentage of volatile matter, the dust created by it is not as easily ignited and not as susceptible to explosive influences as the dust produced from other coals. The bituminous and semibituminous coals have a higher percentage of volatile matter, and even these coals vary widely in the volatility of the matter they contain, so that it frequently occurs that dust from coal having less volatile matter than another coal is more explosive because of the greater volatility of the matter which it contains.

Electricity for coal-cutting and coal-hauling machinery has been introduced into the mines extensively in recent years. As I have already stated, coal-cutting machinery produces an enormous amount of dust, and the two combined create a serious problem that undoubtedly will require a great amount of patient investigation to solve.

It is not likely that investigations of that character can be satisfactorily determined in the laboratory. What is needed is a small coal mine, or an artificial one, for experimenting with problems of this character, and I am fully convinced that the sooner an equipment of that kind is furnished the sooner we will get practical results.

Investigation into this phase of mining would be of immense benefit in protecting lives and conserving the natural resources of the mining industry. The $100,000 proposed to be appropriated by this bill is not sufficient to conduct the investigations which are absolutely necessary. One year ago the estimate made by the Interior Department asked for $195,000 to furnish the necessary equipment to proceed with this work, but the appropriation was cut down to one hundred and fifty thousand, and as a result the department has not been able to provide the equipment necessary for a complete investigation of this subject.

Even with the proportionately small amount invested in equipment the amount appropriated last year was not sufficient to carry out the experiments and investigations through the current fiscal year. That fact is recognized by the committee itself when it adds that the proposed appropriation is to be made immediately available.

With an appropriation of $100,000 to be immediately available it is to be assumed that at least one-fourth of the appropriation will be exhausted when the fiscal year commences, leaving $75,000 available during the coming fiscal year for the accomplishment of results for which an appropriation of $150,000 has been found insufficient.

The work of investigating the causes of disasters in mines in order that a remedy may be devised has not been more than started, and, in my opinion, it would be a wanton waste of lives of the future workers and an indefensible destruction of the fuel supply of coming generations to cripple these investigations at the very outstart by a failure to make the necessary appropriation to continue the work as it should be.

I desire to submit the following letter and memorandum received from the chief engineer of the Geological Survey in response to an inquiry from me for information concerning what had been done and what was being contemplated in the matter of these investigations:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, February 20, 1909.

Hon. WILLIAM B. WILSON,
House of Representatives.

DEAR SIR: The following information is furnished in response to your request to the director of this survey:

Amendment to sundry civil bill, page 117, line 2, after "one hundred" add "and fifty."

Last year Congress appropriated $150,000 for investigating mine accidents with a view to ascertaining their cause and possibly preventing the loss of life in the hazardous occupation of mining coal.

The estimate submitted to the Appropriations Committee this year carried an equal sum. The committee has reported $50,000 less than the estimates, and less than was appropriated last year. It has been said that at least this sum has been expended in procuring and equipping apparatus for the station in Pittsburg, and that the appropriation of $100,000 should be sufficient for the conduct of this work for the next year.

On the contrary, the estimates submitted of $150,000 are barely adequate for the work in hand. Last year the appropriation was not sufficient to establish substations for rescue work or to put a force of trained men in the field. The appropriation was only sufficient to establish the equipment at the Pittsburg station and to carry on the work there of standardizing the apparatus, and the beginning of testing explosives, safety lamps, and life-saving apparatus. Nevertheless, the mining engineers at the station responded promptly to all calls for help as soon as the apparatus had been received at the station.

The inclosed memorandum, page 5, shows the number of persons killed in mines per thousand employed from 1893 to 1907.

On pages 9 and 10 are listed the explosions which have occurred in the neighborhood of Pittsburg since the mine rescue apparatus has been available, and briefly outlines the work done by the employees of the Geological Survey toward rescuing miners, subduing fires, and opening up the mines after such disasters.

In addition to these lists there have recently been visited a second time the Zeigler mine, at Zeigler, Ill., and the Dering mine, at Benton, Ill.

Very truly, yours, H. M. WILSON, *Chief Engineer.*

Memorandum.

MINE ACCIDENTS DIVISION—RESULTS SOUGHT.

The testing of explosives purchased by the Government (other than for military purposes) to determine whether or not they may be accepted as complying with specifications; the establishment of a list of permissible explosives as safe for use in coal mines containing explosive mixtures of gas and dust; the determination of the condition surrounding gas and dust explosions in mines, etc.

The standardization of a system of reporting and classifying mine accidents.

The investigation of the probable causes of mine explosions as derived from careful examination in the mines both before and after such disasters.

The examination of safety lamps in use to determine their accuracy in testing the presence of gas and its percentage; also the testing of the efficiency of safety lamps to determine their relative safety in the presence of explosive mixtures of gas and air.

The demonstration and test of the efficiency, safety, and methods of use of mine rescue apparatus; instruction of miners and state inspectors in the use of rescue apparatus, and the organization of rescue operations at mine disasters.

Investigation and test as to the effect of electricity, electrical machinery, and electrical lighting, etc., upon the atmosphere in mines in which dust and inflammable gas are present. Also tests of the efficiency and safety of installation of electric wires and of the safety and efficiency of portable electric lamps for use in gaseous mines.

Investigations of the methods of mining and timbering; of using explosives and coal-cutting machines; and of methods of traction and hoisting to determine the effect of these in producing roof falls and other hoisting or traction accidents, and, in general, the various causes whereby the life of miners is imperiled as a result of the methods of extracting the coal, with a view to ascertaining means whereby these conditions may be made more safe.

RESULTS ACCOMPLISHED.

Tests have been made of the purchases of explosives for the Isthmian Canal Commission; of 110 cases containing over 1,000,000 caps and fuses; of nearly 700 cases containing a half million exploders, of which 21,000 were found to be below the specific requirements and were rejected; of nearly 130,000 cases containing 5,500,000 pounds of dynamite, of which over 200,000 pounds failed to meet the test requirements.

These rejections represent a very large money saving to the Government and the possible saving of life otherwise endangered by the use of defective explosives.

In the beginning of this testing contractors were penalized over $4,000 on account of explosives not being up to the specifications. The moral effect of this penalizing and rejection has been the submission of a much higher grade of explosive and one much more safe to handle, with the consequent saving which this represents to the Government in money and in the protection of life.

The tests of explosives in the presence of gas and dust in the explosives gallery at Pittsburg have demonstrated that a very large percentage of the explosives in use in mining, chiefly black blasting powder, is entirely unsafe when fired in the presence of fire damp or bituminous coal dust.

It has been demonstrated that some of the so-called "safety powders" will invariably cause explosions of gas when subjected to a blown-out shot.

The state mine inspectors from many States have been present at these tests of explosives, while a large number of coal companies have sent their foremen, superintendents, and fire bosses to witness such tests, the moral and educational value of which has already shown excellent results in the greater care now being exercised both in mine inspection and in the use of explosives in coal-mining operations.

Examinations have been made in a number of representative mines in the various coal fields to gather data relative to the character of the lighting and hauling equipment, the roof and methods of timbering, method of extracting coal by machinery, the kind of and method of using explosives. Samples of gas and dust and analyses thereof have been made. Measurements of the relative humidity in the mines, velocity and amount of air furnished for ventilation, and other kindred information of value in connection with the study of the causes of accidents in mines have been made as furnishing information relative to the methods of mining in vogue for reference when explosions or disasters occur in any of the mines visited.

Number of persons killed in coal mines per 1,000 employed in the United States, as compared with the number killed in Great Britain, Belgium, and France.

Year.	United States.	Great Britain.	Belgium.	France.
1893	2.53	1.55	----------	----------
1894	2.48	1.60	----------	----------
1895	2.67	1.49	1.40	----------
1896	2.79	1.48	1.16	----------
1897	2.34	1.34	1.03	----------
1898	2.59	1.28	1.04	----------
1899	2.98	1.26	.97	----------
1900	3.24	1.30	1.05	----------
1901	3.24	1.36	1.16	1.03
1902	3.49	1.24	1.07	.95
1903	3.14	1.27	1.04	.86
1904	3.38	1.24	.93	.89
1905	3.53	1.35	.91	.84
1906	3.40	1.29	.94	----------
1907	4.86	----------	----------	----------

Average death rate in United States for fifteen years is 3.11 for every 1,000 employed. Great Britain's average death rate for fourteen years is 1.36 for every 1,000 employed. Belgium's average death rate for twelve years is 1.06 for every 1,000 employed. France's average death rate for five years is 0.91 for every 1,000 employed.

The practical utility of oxygen helmets in the exploration of coal mines after explosions has been demonstrated, as has the efficiency of these helmets when used in subduing mine fires; the value of certain types of resuscitating apparatus in reviving men apparently dead from inhalation of mine gas has been demonstrated.

Important educational work has been done in demonstrating to mine owners, operators, and inspectors the value of artificial respiratory apparatus in rescue operations after mine disasters.

An extended series of tests of safety lamps on the market has been made, and those less and those most safe in the presence of explosive gas have been definitely ascertained.

Progress has been made in the preliminary investigations of the conditions under which electric currents of various voltage or potential may be safely employed in mine lighting, haulage, hoisting, etc., in the presence of explosive mixtures of gas.

The following is a statement of the tests made during the first half year of these investigations, to January 1, 1909:

Number of mine examinations	34
Analyses of explorers	43
Analyses of powders and dynamites	118
Analyses of gas, coal dust, and similar materials	336
Trauzl block tests	80
Flame tests	75
Explosive tests in presence of gas	262
Explosive tests in presence of dust	125
Explosive tests in presence of gas and dust	151
Humidity and other moisture-dust tests	7
Ballistic pendulum tests of explosives	118
Impact or shock tests of explosives	28
Lamp gallery tests of safe and unsafe lamps	100
Pressure-gauge tests	60
Miscellaneous tests	50
Total examinations, tests, and analyses	1,587

EQUIPMENT.

The mine-accidents investigations are housed in substantial brick buildings formerly occupied by the Quartermaster's Department of the Army at the old arsenal grounds, Pittsburg, Pa.

The technologic branch of the Geological Survey has expended in remodeling these buildings to uses of the mine-accidents investigations the sum of about $35,000, and in apparatus and equipment for testing nearly $40,000, representing a total investment in this work of nearly $75,000.

The investigations and tests of explosives are housed chiefly in building No. 17, which is a substantial stone, cement, and steel fireproof structure of about 50 feet by 50 feet.

On the first floor of this building are two Bischel pressure gauges for determining force generated by an explosive discharged under confinement, value $2,500.

An apparatus for testing the length and duration of flame of explosives, with cannon for discharge of same, and photographic equipment and dark room, value $1,200.

A calorimeter for determining the heat generated by various explosives, value $450.

Apparatus for determining the rate of detonation of explosives, $700.

Ballistic pendulum tests to determine power produced by detonation of various explosives, $500.

Cannon for use in tests in the explosives gallery, flame apparatus, ballistic pendulum, etc., $1,800.

Trauzl lead molds and small lead test to determine force and rate of detonation of explosives, $300.

Impact apparatus for test of susceptibility of explosives to shock in handling, $400.

Gallery for test of safety lamps in the presence of various mixtures of gas and air, $2,500.

Gallery No. 1, for test of the explosive effect of various powders when discharged in the presence of mixtures of gas, coal dust, and air, $4,500.

Magazines for storage of explosives, value $500.

Chemical and physical apparatus for grading powders and analysis of explosives used in tests or purchased for use of the Government, $3,000.

Piping, wiring, switchboard, and miscellaneous equipment and apparatus used in installation and operation of tests, $2,500.

Extra parts to imported testing apparatus, $1,000.

Mine rescue helmets and apparatus for use in entering dangerous mines or for rescue work after explosions, value $5,000.

Miscellaneous plumbing, heating, and lighting in explosives laboratories and buildings, electric wiring, steam connections, etc., $10,000.

NEED FOR FUTURE WORK.

The testing of explosives purchased by the Isthmian Canal Commission, Reclamation Service, etc., should be continued without intermission as a protection against possible loss of life, due to handling unsafe explosives, and to protect the Government against the purchase of inferior or dangerous material.

The investigations within mines should be continued in order that the condition and character of the workings in each mine may be definitely known from day to day and from year to year, so that causes of disasters may be more readily and intelligently ascertained.

The establishment of subrescue stations in each of the coal-mining fields should be pushed with vigor so that types and methods of use of the various rescue apparatus may be demonstrated in all of the coal mines, and that the mine owners may be encouraged to provide themselves with such necessary modern adjuncts to the protection of the lives of their miners.

Each of the stations should be equipped for the investigation and testing of the safety lamps in use in the various coal fields. These stations would furnish headquarters for the dissemination of information relative to disasters and for the instruction of miners in rescue operations and for superintendence and organization of such operations.

Investigations and tests into the conditions under which electricity may be safely used in mining should be pushed with vigor along lines already adopted.

Mine fires and explosions in which the use of rescue and artificial breathing apparatus has been demonstrated since July, 1908.

Name of mine.	State.	Remarks.
Star Junction	Pennsylvania	A fierce mine fire was sealed within fireproof walls; men overcome with gases were revived. Draeger apparatus used.
Hazel	do	A mine fire threatening the destruction of the mine was successfully subdued, using the Draeger apparatus, by applying water; 1 mine official badly overcome by the gases was revived.
Rend City	Illinois	The Draeger rescue apparatus was used effectively in the exploration of the mine after an explosion which killed 4 men and which set on fire a part of the mine.
Zeigler	do	The Draeger apparatus was used effectively by the station's trained men in opening up the shaft mine which was on fire. Samples of mine air were obtained and analyzed on the ground. A severe practical test was made of the apparatus in descending a deep shaft mine full of deadly poisonous gases.
Benton	do	Resuscitating apparatus was used in reviving a man who had been overcome in a mine explosion and who apparently was beyond recovery when taken out of the mine.
Victoria	West Virginia	This mine had been on fire for 6 weeks, and to attempt to open it by ordinary methods would have endangered the lives of the workmen. With the apparatus the mine was successfully opened, and the workmen experienced no ill effects.
Marianna	Pennsylvania	After the mine had exploded the Draeger apparatus was hurried to the scene and was on the ground before entrance had been effected to the mine. With the apparatus the entire mine was explored and several fires extinguished. The only living man was rescued from the mine by work effected through the use of the rescue apparatus.
Lick Branch	West Virginia	The Draeger apparatus was exhibited at this mine, it having arrived too late to be of service in the rescue of persons killed by an explosion within the mine.
Boswell	Pennsylvania	Artificial respiratory apparatus arrived 24 hours after disaster and was used in exploring the mine to determine its safety for workers unprotected with such apparatus.

I quote the following from the Report on the Mineral Resources of the United States for the year 1907, showing the great loss of life incident to mining coal:

In the 21 States and Territories from which returns were received in 1906 the total number of men killed was 2,092, while 4,800 men were injured. In the 18 States and Territories from which reports were received in 1907 there were 3,125 men killed and 5,316 injured. The death rate per 1,000 employees increased from 3.31 in 1906 to 4.86 in 1907, and the number of tons mined for each life lost decreased from 194,950 to 145,471. The State in which the lowest record in the death rate per 1,000 was made, in 1907, was Missouri, whose rate per thousand employees was 0.95, and there were 499,742 tons mined for each life lost. Michigan was second on the roll of honor as far as the death rate per thousand was concerned, and Kentucky was second in the number of tons mined for each life lost. The death rate in Michigan was 1.76 men killed per thousand employees. In Kentucky the death rate was 1.89, while Kentucky mined 336,035 tons for each life lost, and Michigan 290,837 tons. Arkansas reported a death rate of 1.97 in 1907, with 133,522 tons mined for each life lost, while Utah, with a death rate of 2.72, mined 324,601 tons for each life lost. West Virginia reported the largest death rate in 1907—12.35 per thousand, and the lowest production for each life lost, 65,969. New Mexico was second in this regard, with a death rate of 11.45 and 77,322 tons for each life lost. Alabama was third, with a death rate of 7.2 per thousand and 92,535 tons for each life lost.

Fatal and nonfatal accidents in coal mines of the United States in 1907, by States and Territories.

State or Territory.	Number of men killed.	Number of men injured.	Death rate per 1,000 employees.	Number of tons mined for each life lost.
				Short tons.
Alabama	154	85	7.20	92,535
Arkansas	[a] 10	[a] 6	1.97	133,522
Colorado	99	138	6.06	108,992
Illinois	172	596	2.62	298,356
Indiana	53	451	2.52	263,881
Iowa	41	68	2.63	184,740
Kansas	32	48	2.57	228,827
Kentucky	32	86	1.89	336,035
Maryland				
Michigan	7	47	1.76	290,837
Missouri	[a] 8	23	.95	499,742
Montana	12	52	4.39	168,071
New Mexico	34		11.45	77,322

[a] For 6 months only.

Fatal and nonfatal accidents in coal mines of the United States in 1907, by States and Territories—Continued.

State or Territory.	Number of men killed.	Number of men injured.	Death rate per 1,000 employees.	Number of tons mined for each life lost.
				Short tons.
North Dakota				
Ohio	153	662	3.27	210,081
Oklahoma (Indian Territory)	33	56	3.93	110,384
Pennsylvania:				
Anthracite	708	1,369	4.23	120,910
Bituminous	806	1,207	4.94	186,281
Tennessee				
Utah	6	82	2.72	324,601
Washington	36	95	6.06	102,237
West Virginia	729	245	12.35	65,969
Wyoming				
Total	3,125	5,316	4.86	145,471

In the following table is shown the number of fatal accidents in the coal mines of the United States, as far as the statistics have been obtained, from 1896 to 1907:

Fatal accidents in coal mines in the United States from 1896 to 1907.

States.	1896.	1897.	1898.	1899.	1900.	1901.
Alabama	28	38	45	40	37	41
Arkansas						18
Colorado	68	35	24	41	29	55
Illinois	77	69	72	84	94	99
Indiana	28	16	22	16	18	24
Iowa	22	21	26	20	29	26
Kansas	12	6	17	16	22	26
Kentucky	6	12	6	7	17	21
Maryland	6	5	4	5	7	12
Michigan				[a] 4	10	6
Missouri	16	8	9	14	10	15
Montana						
New Mexico	7	7	7	15	15	9
Ohio	41	40	52	57	68	72
Oklahoma (Indian Territory)	12	22	17	25	40	44
Pennsylvania:						
Anthracite	502	423	411	461	411	513
Bituminous	180	150	199	258	265	301
Tennessee	22	10	19	20	10	53
Utah	3	3	3		209	10
Washington	8	7	9	45	33	27
West Virginia	65	62	90	89	141	130
Wyoming						41
Total	1,103	934	1,032	1,217	1,465	1,543

States.	1902.	1903.	1904.	1905.	1906.	1907.
Alabama	50	57	84	185	96	154
Arkansas	13			8	13	10
Colorado	73	40	89	59	88	99
Illinois	99	156	157	199	155	172
Indiana	24	55	34	47	31	53
Iowa	55	21	31	24	37	41
Kansas	27	36	[a] 16	36	31	32
Kentucky	19	25	19	31	40	32
Maryland	11	13	12	13	7	
Michigan	6	8	7	8	6	7
Missouri	10	17	11	11	16	8
Montana	12				13	12
New Mexico	17	17	15	5	9	34
Ohio	81	114	118	131	127	153
Oklahoma (Indian Territory)	60	33	30	40	44	33
Pennsylvania:						
Anthracite	300	518	595	644	557	708
Bituminous	456	402	536	479	477	806
Tennessee	226	26	28	29	33	
Utah	8	7	9	7	7	6
Washington	34	25	31	13	22	36
West Virginia	120	159	140	194	268	729
Wyoming	190			12	15	
Total	1,891	1,729	1,962	2,175	2,092	3,125

[a] Six months only.

These statistics demonstrate conclusively the necessity for investigations of this character being pushed with vigor. The appropriation proposed is entirely inadequate, and I sincerely hope that the House will agree to the amendment offered by the gentleman from Ohio [Mr. DOUGLAS], increasing the appropriation to $150,000.

The men who go into our mines to work are compelled by the force of circumstances, in order to procure a livelihood for themselves and families, to take the chances incident to an extremely dangerous occupation. The fuel which they produce generates the motive power that has made our modern civilization possible.

The glow of the furnace and the hum of the mill are but slight tributes to the hard work, patient endurance, skillful application, and unsurpassed courage of the coal miner. When we see the locomotive plodding up the hillsides or rushing through the valleys, carrying with it its magnificent palaces for passengers and its mighty burdens of freight, eliminating time and reducing space as if by the magic wand of a Merlin, so that the products of any part of our country, however perishable they may be, can be secured untarnished by the taint of time in other parts of the land; that brings the balmy breezes of the South and the invigorating atmosphere of the North within a few hours' travel of each other, and makes the Plymouth Rock a near-by neighbor to the Golden Gate; when we look with pride upon the floating palace, like a great sea bird of grace and beauty, skimming across the seas, laden with its mountains of commerce and its myriads of men; when you sit cozily by your fireside at night, in the pleasure of your happy home, building castles in the air as you gaze into the embers of the hearth, remember that all these things are made possible by the hard work and self-sacrifice of the men who dig coal.

Surely we can afford to make a paltry appropriation of $150,000 out of the billion dollars we annually expend in an effort to find some way by which the lives of these men can be made more comfortable and more safe. [Applause.]

Mr. CAMPBELL. Mr. Chairman, I am one of those who took an interest in securing a sufficient appropriation to establish the testing station a year ago. I am sorry the appropriation for continuing the investigations this year is not the axact amount that was asked for by those in charge of that experimental station. This Government has never undertaken a work of this kind of greater importance than finding the causes of mine explosions that occur in the mines of this country. The death rate from mine accidents, as has been just stated by the gentleman from Pennsylvania [Mr. WILSON], is growing, and is simply appalling. There is some cause for this that ought to be within the power of scientists to discover, and the question of $50,000 or $100,000 ought not to stand in the way when a problem of so great importance is at stake. I have been told by members of the Committee on Appropriations that it is impossible to expend more than $100,000 judiciously and to the purpose. If this is true, the committee is justified in limiting the amount to $100,000, but I feel sure that if a sufficient amount of money were appropriated that more men could be employed, and that their work could be extended into all the mining districts throughout the country. It would not be necessary then to confine the experiments within any State.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. CAMPBELL. Yes.

Mr. TAWNEY. Does the gentleman think that the value of the results of these investigative tests depends upon the number of men engaged in making the investigations, or does not the value of these results depend more upon the character and ability of the men who are employed to make them?

Mr. CAMPBELL. True; but the character and the ability of all the men employed ought to be of the very highest grade——

Mr. TAWNEY. That is true.

Mr. CAMPBELL. And a sufficient number employed in experimenting in different fields, in different lines, ought to be able to discover the causes of these explosions. The experiments that are now going on are confined to Pittsburg, Pa.——

Mr. TAWNEY. Oh, no.

Mr. CAMPBELL. There are——

Mr. TAWNEY. Oh, no; it covers the entire United States.

Mr. CAMPBELL. Well, I happen to live in the center of one of the largest coal fields in the country, and I have heard absolutely nothing of any work being done there.

Mr. TAWNEY. That may be, that the gentleman has not heard of it. It may be they are not in Kansas, but I do say they are covering the entire coal fields of the United States for the purpose of ascertaining the conditions in all these different lines, and then the tests are made at Pittsburg.

Mr. CAMPBELL. It may be that the tests that are being made at Pittsburg will be valuable in Kansas and in Oklahoma and in Iowa and in other States, but the conditions differ in all these coal fields.

Mr. COOPER of Pennsylvania. I call the gentleman's attention to the fact they send all over the United States and investigate the mines of almost every State and Territory.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. CAMPBELL. I have only a limited time.

Mr. GAINES of Tennessee. Have they experimented in the coal mines on the public lands?

Mr. CAMPBELL. I have not had any information on that subject, but am informed that they have.

Mr. GAINES of Tennessee. There they have complete jurisdiction, the gentleman knows.

Mr. CAMPBELL. What I contend is this, that the experiments ought not to be limited to a few men, and that there ought to be enough men at work upon different views, upon different lines, in different fields to make discoveries of the causes of accidents in mines.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McHENRY. Mr. Chairman, some day the people who do things—those who produce the wealth of the country, like the farmer and the miner—will demand of Congress that their interests shall be given more consideration from the vast appropriations made by Congress than heretofore has been the custom. Especially is this true of the mining industry. When we think of the wonderful wealth production of the mining industry of this country and that our National Government has never yet given this industry direct recognition until the last Congress, the palpable neglect of our Government in this connection is strikingly apparent. And when we see the annual figures showing a higher rate of mortality among our miners, as compared with the mine operators of Europe, it can only be described as a crying shame upon the part of our Government. The records show an average of 10 deaths by accident in American coal mines every day.

While we are discussing this measure there is somewhere in the coal mines of this great country at least 10 men with mangled bodies and their lives crushed out. To-morrow there will be 10 more, and the next day 10 more, and so it goes on without interruption. As to the cause of these accidents experts differ. That they grow more frequent during winter months is a well-known fact. This greater frequency of accidents during a season of the year when the walls are dry is attributed by experts to a greater amount of dust. While a mine may be worked for years and every chamber familiarly known to every workingman and provided with every modern equipment, yet the next blast or stroke of the pick may uncover an unknown gas and make the mine dangerous or bring about an accident before the new danger is discovered.

The very least the National Government should do is to maintain a bureau of mines and supply it with sufficient means to carry on scientific investigations. The appropriation for which we are now asking is only $150,000. Yet, in spite of this small amount, as compared with the aggregate of our total appropriations, and considering the vast importance of the mining industry toward the development and prosperity of our country, we find Republican leaders fighting this measure, forgetful of the fact that but a few months ago, through their platform and in the columns of the press, they were begging for the miners' votes and assuring them of their undying support. If this amendment passes, it will be by a unanimous vote on this side of the House, with the help of those few on the opposite side of the Chamber who do not always respond to the party whip.

But, Mr. Chairman, even with this little appropriation, our duty toward the mine workers of America is by no means fulfilled. Last winter I had the honor to present a bill providing for the levying of a tax of 1 cent per ton on all coal mined in the United States for the alleviation of suffering of the injured miners and their families. In spite of all precautions we can use and scientific equipment we can apply to modern mining, accidents will continue to occur; less frequently, perhaps, than in former years, but it is a most hazardous calling and our mines will never be free from accidents even under the most favorable conditions.

I attended the recent Mine Owners' Convention held at Pittsburg, and while there inspected the government experimental station. No one can visit that station and witness the scientific tests and experiments being worked out and fail to be impressed with the very righteousness of such a work, to say nothing of its economic value. It seemed to be the hand of fate that just on the eve of the Pittsburg convention the country should be horrified by the terrible disaster which occurred at Marianna, Pa., killing 147 miners. I offered a resolution there asking these mine owners to go on record as advocating this humanitarian and economic principle of protecting the widows and children of helpless miners who have been killed in accident by levying a tax not exceeding 1½ cents per ton on anthracite coal and three-fourths of a cent per ton on bituminous coal. This resolution was referred to a committee, and, like most legislation resolutions which has to do with the men who toil, it dies in the committee.

It has been argued that a tax of this kind was a function exclusively for the State and not one for the National Government. I have been waiting and indulging the hope that the grand old State of Pennsylvania, which I have the honor to represent, would set the example to other States and enact such a law during its present session of the legislature. I am told that such a measure is now under consideration, and I simply desire at this time to again call the attention of Congress and the country at large to this plain duty which we owe to our people.

When the miner leaves his home in the morning and goes down into the bowels of the earth to dig out the coal which keeps our firesides warm and furnishes the power to move the wheels of our mills, railroads, and factories, he takes his life in his hands and knows not when he will return. The fact that the majority of mine workers are foreigners is all the greater reason why we should give them our protection while pursuing this hazardous employment. They trust to our laws and to our judgment, and when we compare the mine mortality statements of Europe with America, it is frightfully plain that we have not proven faithful to our trust and are trifling with the miners' lives in a reckless manner.

Why is it, Mr. Chairman, when the miner or the farmer or the workingman lays his plea before Congress for the betterment of his condition that his prayers are pushed aside unheeded? But upon the other hand, if a great railroad or a mine or timber owner or trust magnate wants special legislation, the lobby machinery is all set in harmonious motion and, usually, they get what they want.

I did not expect to speak on this subject to-day, and I do not care to take up the time of the committee any further than to voice my approval of this appropriation and to express the hope that it will pass.

But last week I received notice of a petition from Marianna soliciting collections for the widows and children of the victims of that terrible disaster. The mine owners in their convention at Pittsburg were content with a mere resolution of condolence, and it is a matter of record to the shame of those men, representing untold millions of wealth, that they should so far forget the cry of the widow and the orphans as to neglect to give them material assistance.

But these people should not be objects of charity. Let there be a national law providing for their welfare from our vast national wealth. A word from these mine owners to the Members of Congress and state legislators would bring about more favorable conditions, and as long as Congress and the state legislatures of the coal-mining States are controlled by these "divine-right" coal and railroad interests the cry of the widows and children of Marianna and other similar calamities will go unheeded.

We have been busy here spending a billion dollars of the people's money at this session of Congress, while out of this amount the committee has appropriated $100,000 for the Mining Bureau. An amendment is now offered asking an increase of $50,000 to carry on the work of this bureau. We spend days here over the most trivial things, and now when a matter is brought before the House for consideration with reference to the great mining industry of the country but thirty minutes' time can be allowed for its consideration. We are asked to give money for foreign missionaries; we are asked to give large sums for various expositions and commissions; and yet when a measure comes before the House for the conservation of the properties and lives of our mines and mine workers, must it be said that we were without heart or conscience or intelligence?

The National Bureau of Mines can collect data and devise means of economical mining, can prevent wasteful methods in mining, and eventually will discover how to increase the number of heat units per ton of coal; and in addition to all this, if the lives of a few miners can be saved the money will have been well expended.

It is urged by speakers on the opposite side that this is purely a matter of sentiment. It is needless to argue that statement in reply. I hope, Mr. Chairman, that in this mad money mania which has overtaken the American people that the minds and hearts of legislators may not become so hardened as not to heed the cry of the helpless.

So far as I am personally concerned, and while I have the honor to represent my people in this great legislative body, I shall be guided in all things by the Constitution and my own conscience; and should these at any time seem to conflict, I shall be guided by that degree of conscience which responds to the best thought of the people whom I represent. I shall vote for this amendment and sincerely hope it will pass. [Loud applause.]

Mr. TAWNEY. Mr. Chairman, I realize very fully that when there is an opportunity for Members of this House to appeal to sentiment in the interest of increasing an appropria-

tion it is almost impossible to prevent such increase. But I think as Representatives it is our duty to look at questions of this kind from a practical standpoint. There is no man who sympathizes more than I do with the unfortunate people who are exposed to these dangers. I said a year ago, when I proposed the appropriation of $150,000 instead of $190,000, which had been estimated, that I was in full sympathy with the proposition of establishing or authorizing these investigative scientific tests for the purpose of determining, if possible, the causes of mine accidents. What I did oppose in the last session of Congress was the establishment of a bureau that would take over, or attempt to take over, the control and the management of the mining industry of this country.

Now, Mr. Chairman, I am as much in favor of these scientific investigative tests as any man on this floor, but I am satisfied that no man on this floor who has spoken in favor of increasing this appropriation has been induced to do so from any other motive than that of his sympathy with the people who are exposed to these dangers, and because also the department estimated that it could expend $150,000 in these tests.

Why, the gentleman from Kansas [Mr. CAMPBELL] imagines that in order to make this service effective and reduce the death rate occasioned by accidents in mines we ought to appropriate an endless amount of money for the employment of all the scientists of the world, to put a corps of them in every mine in the United States. I call attention to the fact, Mr. Chairman, in support of the recommendation of the committee, that a year ago, for one full fiscal year and three months in another fiscal year, the department estimated that they would need $190,000. They were finally induced to accept $150,000, and out of that $150,000 they estimated that they would require for personal services $80,000. The balance of that $150,000 was to be expended in obtaining an equipment for the purpose of carrying on these investigative tests. Now, they have bought the equipment. The detailed statement of the expenditure of money for this fiscal year contained in the hearing shows that they have expended over $20,000 of the $150,000 for particular lines of equipment.

Now, Mr. Chairman, in view of the fact that this particular service is equipped with the necessary mechanical appliances, with the necessary buildings, with the necessary apparatus to continue the scientific investigative tests as to the causes of mine explosions during the next fiscal year, I submit that we ought not to appropriate money simply upon the ground of sentiment, regardless as to the amount actually necessary for the purpose of carrying on an efficient test into the cause of these mine explosions.

I yield to the gentleman from Ohio [Mr. DOUGLAS].

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I trust, therefore, the amendment will not prevail, for $100,000 is all they can spend.

Mr. DOUGLAS. I ask unanimous consent that the gentleman may have two minutes more in which to answer the question.

Mr. MANN. I object.

Mr. CHANEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STANLEY. Mr. Chairman, I make the same request.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that all gentlemen who have spoken on this question be allowed to extend their remarks in the RECORD.

The CHAIRMAN. That can not be done in Committee of the Whole.

Mr. GAINES of Tennessee. It is done.

Mr. TAWNEY. It is not done.

Mr. GAINES of Tennessee. I say it is done.

Mr. TAWNEY. Any gentleman can get his remarks extended, but you can not get general leave to print.

Mr. GAINES of Tennessee. I am asking that that very thing be allowed, and I know I am right, and it is the practice here daily.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BURKE] makes the same request. The Chair hears no objection.

Mr. STURGISS. I make the same request.

The CHAIRMAN. The Chair hears no objection.

Mr. COOPER of Pennsylvania. I make the same request.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. TAWNEY. Division, Mr. Chairman.

The committee divided; and there were—ayes 68, noes 21.

Mr. TAWNEY. I ask for tellers, Mr. Chairman.

The question was taken on ordering tellers.

The CHAIRMAN. Seventeen gentlemen have arisen; not a sufficient number; tellers are refused; the ayes have it, and the amendment is agreed to.

Mr. COOPER of Pennsylvania. I call attention to the fact that there will have to be a change made in the totals.

The CHAIRMAN. Without objection, the totals will be corrected.

Mr. TAWNEY. I ask unanimous consent to change the totals in the paragraph.

The CHAIRMAN. Without objection, the totals will be changed.

The Clerk read as follows:

Traveling and miscellaneous expenses: For traveling and other miscellaneous and emergency expenses authorized and approved by the Attorney-General, to be expended at his discretion, the provisions of the first paragraph of section 3648, Revised Statutes, to the contrary notwithstanding, $8,500.

Mr. GAINES of Tennessee. I would like to ask the chairman of the committee what significance attaches to these words, "to the contrary notwithstanding," on page 180, line 18?—

The provisions of the first paragraph of section 3648, Revised Statutes, to the contrary notwithstanding.

Mr. TAWNEY. The statute forbids the advances of any money and this is to allow the advances the statutes say shall not be made, and says "to the contrary notwithstanding."

Mr. GAINES of Tennessee. In other words, you override the statutes?

The Clerk read as follows:

Defense of suits before Spanish Treaty Claims Commission: For salaries and expenses in defense of claims before the Spanish Treaty Claims Commission, including salaries of assistant attorneys and necessary employees in Washington, D. C., or elsewhere, to be selected and their compensation fixed by the Attorney-General, to be expended under his direction, so much of the provisions of the act of March 2, 1901, providing for the Spanish Treaty Claims Commission, as are in conflict herewith notwithstanding, $60,000, of which not exceeding $200 may be expended for law books and books of reference.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask a little about this ancient history. My recollection is that a few years ago we passed a provision in this bill requiring the Spanish Claims Commission to be wound up several years ago. I may be mistaken. It may have been merely idle talk. What are the prospects of the business of that commission being wound up now?

Mr. SMITH of Iowa. There were some efforts made to close up that commission, and I have great pleasure in informing the gentleman that while heretofore this appropriation has run from $75,000 to $112,000 a year and there has been an amount appropriated for taking testimony in foreign lands—in Spain and Cuba—no appropriation is asked to take testimony abroad this year, and the estimates for attorneys' fees is reduced to $60,000. The reason for that is that the 1st day of next July will see the taking of the testimony in all the cases substantially completed.

Mr. MANN. Does not this cover the salaries of the commissioners, too?

Mr. SMITH of Iowa. No; this is for the attorneys who are to defend the cases. If these attorneys were dropped that would stop the trying of the cases in the court, but the court has a permanent appropriation.

Mr. MANN. The court has a permanent appropriation?

Mr. SMITH of Iowa. Yes, sir.

Mr. MANN. But the gentleman put in an amendment some years ago with reference to the taking of the testimony which the gentleman then thought would cause the dismissal of a large number of cases. May I ask what has been the result of that provision?

Mr. SMITH of Iowa. The statute has been highly beneficial and has resulted in good, in my judgment, although it is a new illustration of the adage, "You may write the law if I construe it." This Spanish Claims Commission proceeded to so construe the law as in a measure to destroy it.

Mr. MANN. In other words—well, I will not say what I was going to say.

Mr. CAMPBELL. I will—a nice, easy snap.

Mr. MANN. Is there any prospect in sight of the work of this Spanish Claims Commission being completed even in a reasonable time?

Mr. SMITH of Iowa. I shall be a great deal surprised and grossly deceived if it is not absolutely through in the main in the ensuing fiscal year.

Mr. MANN. The gentleman talks very much like the gentleman who first proposed it in the beginning of my service.

Mr. PERKINS. Does the gentleman honestly believe that

the work of the commission will be completed until we cease to make an appropriation?

Mr. SMITH of Iowa. The work is very nearly practically completed. The testimony has nearly all been taken in Cuba and Spain, and under the permanent appropriation carried in the organic act there is little testimony now to be taken. But they evidenced their good faith in saying that the evidence will substantially be completed by the next 1st of July, and have asked for no appropriation for the taking of testimony for the ensuing fiscal year.

Mr. PERKINS. When are they going to make their decisions?

Mr. SMITH of Iowa. But after the testimony is taken these cases have to be argued, and the Government has to pay its counsel for arguing them. This appropriation, about half of what was formerly appropriated per annum, is to carry the compensation of counsel for the Government during about half of the next fiscal year. I have no question that every particle of this business will be wound up by a year from July 1, and I shall be greatly deceived and misled if that is not true.

Mr. MANN. Will the gentleman yield for a question?

Mr. SMITH of Iowa. Certainly.

Mr. MANN. This commission at one time performed a great service for the country, in my opinion, by rendering an opinion which required some nerve as well as judicial knowledge, and which opinion has been bitterly assaulted by the claim attorneys and the claim agents and the claimants. Is that opinion still standing?

Mr. SMITH of Iowa. That opinion is still standing and is still followed.

Mr. MANN. Then I am willing to vote something further to the support of this commission.

Mr. SMITH of Iowa. Judge DIEKEMA, a former member of the commission, is here now and can make a statement about it.

Mr. DIEKEMA. Mr. Chairman, I can easily understand why a misunderstanding should have arisen in this House as to the time necessarily taken by this commission. In the first place, there was no adequate provision made by Congress for taking the testimony outside of this country. This omission was supplied by a subsequent Congress. Again, nearly all the testimony had to be taken outside of this country. Practically all of the testimony for the Government was either in Cuba or in Spain. The relations between Spain and this Government at that time were very much strained. The commission tried to get some working arrangement with Spain, because the documents were in Spain. It was easy enough for a man in Cuba to testify that a certain Spanish captain, colonel, or general did come on a certain day and loot his farm; but the records of the War Department which our Government needed in defense were in Spain. Spain refused absolutely at first to give us any inspection of her war records.

She refused to let any of her officers testify unless the commission would first agree that they would believe every word that those officers testified to; and it then became necessary, through the good offices of the Secretary of State, to get a working arrangement with Spain, and in accordance with the good old Spanish proverb, which, translated into English is, "Never do to-day what you can put off until to-morrow," it took us three years, in spite of the earnest efforts of a brilliant Secretary of State, to get any working arrangement with Spain. After Spain gave her consent I have this to say, that she lived up to it nobly and gave us every assistance in the securing of that testimony.

Now, this testimony being abroad as it was, it became necessary and just to the claimants to lay down, as the gentleman from Illinois [Mr. MANN] has well said, certain fundamental principles of law which the commission would adhere to in adjudicating the claims. The announcement of these principles disposed of many cases, and saved both the claimants and the Government large amounts of money. In some cases the testimony fills several volumes of over a thousand pages each.

The commission laid down these principles by which we would be governed, because Congress had said that these claims had to be adjudicated according to the principles of law and equity. The statute provided for regular pleadings as in a court of law. Every one of those principles, although laid down by a majority of only one of the commission, has been strictly adhered to from that day until this, and an average of only about 2 per cent of over $50,000,000 of claims heard by the commission has been allowed under these principles. Yet I believe that every dollar to which claimants were justly entitled under the treaty and statute has been allowed. While the interests of the Government have been zealously guarded, no just and legal claim has, I believe, been turned down.

Where the commission determined, among other things, that the insurrection in Cuba had gone beyond the control of the parent (Spanish) government, and that, consequently, the Government of Spain was entitled to use war measures and was exempt from liability, as in case of war, that moment the claimants came to Congress, and they have come year after year, pressing Congress for a review of these legal principles by the Supreme Court or asking for a change of tribunal; and while in ordinary courts the claimants are constantly clamoring for a speedy hearing of their cases, in this court, on the contrary, the commission was constantly urging the claimants to hurry along their cases and to present them.

Now, this is the situation: Out of over 504 cases presented, only 37 remain undisposed of. Of the more than $60,000,000 of claims, over $50,000,000 have been adjudicated up to the present time. No testimony will be taken, I believe, after July, and I can say this for Mr. J. P. Wood, of Ohio, the distinguished president of the commission, that he remains at the head of it in spite of great financial loss, because he feels a patriotic duty to complete the work with credit to himself and to his country, as well as with justice to the claimants; and what I have said of him applies to his colleagues; and while the other Spanish Claims Commission, that adjudicated the claims growing out of the Ten Years' war, sat for eleven years to determine only 140 cases, involving less than half the amount presented to the present commission, the work of the present commission, which began in 1901, will, I believe, be completed within the year to the entire satisfaction of Congress and the people of the country. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HUFF having taken the chair as Speaker pro tempore, a message from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 25, 1909:

H. R. 10752. An act to complete the military record of Adolphus Erwin Wells;

H. R. 12678. An act for the widening of Twentieth street NW., District of Columbia;

H. R. 16747. An act to amend an act approved March 2, 1907, entitled "An act for the opening of Mills avenue NE. from Rhode Island avenue to Twenty-fourth street;"

H. R. 23473. An act extending the time for final entry of mineral claims within the Shoshone or Wind River Reservation, in Wyoming;

H. R. 23864. An act authorizing the widening and extension of Minnesota avenue SE. from its present terminus near Pennsylvania avenue SE. to the Sheriff road;

H. R. 24152. An act for the widening and extension of Massachusetts avenue SE. from its present terminus near Fortieth street SE. to Bowen road;

H. R. 25139. An act to amend an act entitled "An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii, to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii," approved June 20, 1906;

H. R. 25149. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 26466. An act to amend an act authorizing the construction of a bridge across the Mississippi River at Burlington, Iowa;

H. R. 26472. An act to provide for the extension of Rittenhouse street, in the District of Columbia, and for other purposes;

H. R. 26482. An act to authorize the construction of two bridges across Rock River, State of Illinois;

H. R. 26829. An act to amend an act entitled "An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," approved April 23, 1906;

H. R. 26838. An act to authorize Behn Brothers, of San Juan, P. R., to construct a bridge across a portion of the Condado Bay, at the eastern extremity of San Juan Island, Porto Rico; and

H. R. 27864. An act granting a right of way over a strip of land along the eastern boundary of the Fort McPherson Military Reservation to the commissioners of Fulton County, Ga., for road purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Enforcement of antitrust laws: That the balance of the appropriation of $250,000, entitled "Enforcement of antitrust laws, 1909," contained in the sundry civil appropriation act approved May 27, 1908, shall be available during the fiscal year 1910, and an additional appropriation of $100,000 is hereby made for the same purpose.

Mr. BARTLETT of Georgia. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Insert at the end of line 23, page 181, the following:

"For the prosecution of the United States Steel Corporation for the violation of the antitrust laws and absorption of the Tennessee Coal and Iron Company, the sum of $50,000, or so much thereof as may be necessary, which prosecution the Attorney-General is directed to institute."

Mr. TAWNEY. I make a point of order against the amendment.

Mr. BARTLETT of Georgia. I want to be heard on the point of order.

Mr. TAWNEY. The Chair has ruled during the consideration of this bill that it is not proper for Congress to appropriate for specific salaries involved in a carrying on of some general purpose, but may appropriate generally in a lump sum. That ruling, in my judgment, applies as forcibly to this proposition as to the one on which the same ruling was made.

Mr. BARTLETT of Georgia. Mr. Chairman, I did not quite understand the gentleman from Minnesota, whether he made the point of order or reserved it.

Mr. TAWNEY. I made the point of order.

Mr. BARTLETT of Georgia. I would like to know what the point of order is.

The CHAIRMAN. The Chair understands the point of order to be that the amendment involves new legislation.

Mr. TAWNEY. Not authorized by law.

Mr. BARTLETT of Georgia. That has just been stated.

Mr. TAWNEY. I stated at the beginning that the same question was raised against it, and the ruling was that it was not within the power of Congress to appropriate specifically for salaries involved in the carrying on of some general purpose.

Mr. MANN. I make the point of order that it changes existing law.

Mr. BARTLETT of Georgia. I make the point of order that all points of order must be made at the same time, and that they can not be made in detail.

Mr. MANN. Oh, yes; you can make what point of order you please.

The CHAIRMAN. The Chair will hear the gentleman from Georgia if he desires.

Mr. BARTLETT of Georgia. Now, Mr. Chairman, this is not in violation of Rule XXI, and I want to call the attention of the Chair to some precedents which have been decided by Chairmen of this House, some of them being Chairman who are yet Members of the House and who have served long years here, notably the gentleman from New York [Mr. PAYNE] and the gentleman from Iowa [Mr. HULL].

We have here a section providing for the enforcement of the antitrust law. Those who were here in December, 1902, are familiar with the history of this section. The section was put upon the legislative, judicial, and executive appropriation bill on the 20th of December, 1902, by an amendment offered by myself, making provision for it; and at that time no gentleman on the other side—although the Appropriation Committee of the House was headed by the present Speaker—had the hardihood or the nerve to make a point of order against it. But election time is a long way off and they can be bolder now than they were then. [Laughter.]

Now, Mr. Chairman, this provision carries an appropriation of $100,000, in addition to the appropriation which has not been used. According to the testimony of the Attorney-General before the committee, they have on hand a balance of $146,426.84 for the present year, and he thinks with $100,000 they can get along with the work that was then anticipated.

We all understand that this greatest of monopolies and corporate combinations in the country has openly violated the antitrust law. We know that it has been stated in the press that this was accomplished by express consent of the Chief Executive. I do not think, if suit was instituted for a violation of the criminal statutes of the United States, the direction of the Executive could be pleaded in bar, nor do I think that any court would for a minute heed such a plea. That is all, Mr. Chairman, I care to say about that, except that something should be done to punish this most flagrant admitted violation of the antitrust law.

Now, with reference to the point of order, I desire to direct the attention of the Chair to cases which I am going to read. It is fair to say, Mr. Chairman, that in looking up these questions it is not denied by the very learned gentleman who compiled the precedents that these are precedents, but it is suggested that they are not precedents which should be now followed, because they have been since modified or overruled; but they are precedents made by Republican chairmen of the Committee of the Whole House on the state of the Union.

The first decision which I intend to read was by the gentleman from New York [Mr. PAYNE], the leader of the Republican side, and the other decision was by Mr. HULL, the chairman of the Committee on Military Affairs, both of which gentlemen have been Members of this House for a great number of years.

I read from the Parliamentary Precedents, section 514:

The Postmaster-General having general authority to transport the mails, an appropriation for a specific method of transportation was held to be a limitation.

Now, we have provided by the act of 1890 for the prosecution of the violators of the antitrust law. We have in the legislative, judicial, and executive appropriation bill directed that the Attorney-General should proceed to prosecute all violators of the antitrust law and of the interstate-commerce law, and we appropriated and have appropriated from year to year, in pursuance of the act of 1890 and in pursuance of the interstate-commerce act and various amendments thereto, various sums of money, $500,000, $250,000, and in this very bill we appropriate so much more for that purpose. The point is made that this appropriation is not provided for by existing law. The existing law requires the prosecution of the violators of the antitrust law. The point, then, is made that it is violative of Rule XXI, section 2, and also because it provides for the prosecution of a specific violation of the antitrust law, and the case I cite to the Chair upon that point is absolutely in point. I read:

The Postmaster-General having general authority to transport the mails, an appropriation for a specific method of transportation was held to be a limitation.

That decision was made on March 18, 1898. I read:

The paragraph having been read,

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, $225,000.

Mr. JOHN A. MOON, of Tennessee, made a point of order that there was no law authorizing such an appropriation.

After debate the Chairman, Mr. SERENO E. PAYNE, of New York, who is now chairman of the Committee on Ways and Means and the floor leader of the Republican party, said:

The Chair understands that the Postmaster-General is given authority generally to transport the mail. If the Chair recollects correctly, a similar point of order was made against a clause in the bill authorizing an appropriation for bicycles.

The Chair is right about the general statute authorizing the Postmaster-General to transport the mail, and the Chair thinks that this limits the appropriation to a particular way of transporting the mail, and that the clause is in order, and the Chair therefore overrules the point of order.

Now, Mr. Chairman, here is one decided by Mr. HULL of Iowa:

An amendment providing that no part of an appropriation for a certain service should be expended for service beyond that for which contracts had already been made was held to be a limitation.

On March 18, 1898, the paragraph under consideration being one making appropriations for the pneumatic-tube service for carrying mails, Mr. WILLIAM P. HEPBURN, of Iowa, proposed this amendment:

"*Provided*, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts are already entered into."

Mr. MUDD, of Maryland, made a point of order against the amendment.

The Chairman ruled, and the Chairman was Mr. JOHN A. T. HULL, of Iowa:

The Chair will overrule that point of order. This is a limitation simply on what the appropriation is for.

Mr. Chairman, there are other decisions which I might cite, but I do not care to detain the House or the committee at this time. But here is a decision exactly on the point made by the gentleman from Minnesota [Mr. TAWNEY], that it is not a violation of the rule, because it directs that the existing law shall be enforced in a particular way or against a particular offender. Here was a provision for the transmission of the mails through pneumatic tubes, and in a particular way, for which no provision of law had been made other than the provision that the Postmaster-General had authority to transport the mails under a general authority of law. Now, if that was not a violation of the rule, a provision providing for the transmission of mails through pneumatic tubes—and that was upheld as not violative of the rule—how can it be violative of the rule to provide money for the carrying out of the law in the prosecution of a certain-named violator of the law, which violation is open and notorious to the world? That is all I want to say on the point of order.

Mr. MANN. Mr. Chairman, the amendment, I think, is clearly subject to the point of order. The gentleman from Georgia [Mr. BARTLETT], himself one of the best parliamentarians in

this House, would, if anyone else had offered the amendment, have quickly seen that it is subject to a point of order. The gentleman refers for precedents to two cases where amendments were proposed as limitations.

Mr. BARTLETT of Georgia. I would interrupt the gentleman to say that I had the fairness to state to the Chair that upon consulting the authority who compiled these precedents that gentleman had stated that these were bad precedents. I do not think so, but I want to give the Chair the benefit of all my investigations, and that the more recent decisions were contrary.

Mr. MANN. Mr. Chairman, I have always found that the gentleman endeavored to be fair to everybody in discussion or in any other place. Now, the gentleman does not offer his amendment in the form of a limitation as the precedent would have provided. It is not a limitation of the appropriation even in form, and if it were it still would not be a limitation. As a matter of fact, here is a positive direction, an appropriation for a specific purpose, and that of itself constitutes an amendment obnoxious to the rule. It requires the Attorney-General to do something which he may now be authorized to do, but is not required to do.

Mr. BARTLETT of Georgia. Mr. Chairman, I will say that I drew my amendment in the exact language of the authorities to which I referred, except that I added the requirement.

The CHAIRMAN. The Chair is ready to rule. The Chair will call attention to the familiar rule, the second paragraph of Rule XXI, which reads as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The gentleman from Georgia frankly states that the precedents to which he referred have been questioned, if not overruled, in later rulings, but, in any event, the Chair does not think that they rule this case. The Attorney-General of the United States is by law vested with a wide discretion, and may exercise his judgment as to the necessity or propriety of bringing suits or instituting proceedings. This amendment, if enacted into law, would clearly control the discretion which is now vested by law in the Attorney-General by directing him to proceed against a certain specified corporation, although such action may be contrary to his judgment and his discretion, and in that particular at least change existing law. It is therefore obnoxious to the rule. The Chair sustains the point of order.

Mr. BARTLETT of Georgia. Now, Mr. Chairman, I offer the amendment striking out the words "which the Attorney-General is hereby directed to do."

The CHAIRMAN. The gentleman from Georgia offers another amendment, which the Clerk will report.

The Clerk read as follows:

For the prosecution of the United States Steel Corporation for violation of the antitrust law in the absorption of the Tennessee Coal and Iron Company, the sum of $50,000, or so much thereof as may be necessary.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph. It is absolutely a matter of special legislation. If we put that item in there, you could put in a thousand items for the prosecution of any offense which gentlemen might desire to enumerate. It is absolutely contrary and obnoxious to the rule. We might have a string of amendments here a mile long proposing an expenditure of money for any offense. If the Attorney-General is now authorized by law to make these prosecutions, then he is authorized to do it under his general appropriation; but to make a specific appropriation——

Mr. FITZGERALD. That does not prohibit the House from specifically appropriating for that purpose under the rule.

Mr. MANN. It does prohibit the House, exactly upon the same principle as it decided yesterday, where we make an appropriation for the maintenance of a biological station, and——

Mr. FITZGERALD. There is a very clear distinction.

Mr. HUGHES of New Jersey. If the gentleman will permit, I presume that the gentleman's objection is that the amendment offered is in conflict with the clause of Rule XXI which says that—

No provision changing existing law shall be in order in any general appropriation bill or in any amendment thereto.

If that is so, what existing law does this amendment change?

Mr. MANN. Oh, this is for a purpose not authorized by law. The gentleman did not read the entire rule, and did not quote the balance of it.

Mr. TAWNEY. It takes away the discretion of the Attorney-General, with which the law clothes him.

Mr. MANN. It constitutes a positive direction.

Mr. FITZGERALD. It does not.

Mr. MANN. Oh, yes; it does. Where Congress makes a specific appropriation for a particular purpose it constitutes a positive direction, which you can not put upon an appropriation bill, in my opinion. I do not care whether the steel trust is prosecuted or not——

Mr. FITZGERALD. This does not direct or compel the Attorney-General to do anything, but it puts at his disposal an appropriation to carry out the work which he is authorized to do.

Mr. GAINES of Tennessee. Mr. Chairman, I want to be heard on the point of order for a moment.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee briefly.

Mr. GAINES of Tennessee. The paragraph in the bill being subject to the point of order, but by general consent having been left in the bill, it is subject to a germane amendment. Now, the amendment is perfectly germane and completes and elaborates the meaning of the law that we have just permitted to go into the bill by consent. The point of order was made by the gentleman from Pennsylvania [Mr. BINGHAM] when the gentleman from Georgia [Mr. BARTLETT] in 1902 offered the original $250,000 to execute this law.

Mr. MANN. He may have kindly waived it, but it did not make any difference.

Mr. GAINES of Tennessee. Everybody laid down when the gentleman from Georgia offered that amendment, which came like a clap of thunder.

Again, Mr. Chairman, this is a "continuing work and object." And Mr. Speaker Carlisle considered the words "continuing object" as a more elaborate proposition or additional term than "continuing work." Prosecuting trusts is a "continuing object" or understanding of the Congress and Department of Justice.

Now, Mr. Chairman, I think I read possibly from one of the decisions that the Chair himself made:

The present chairman said he would feel no hesitation in sustaining the point of order, but that the paragraph to which the amendment is offered itself being out of order—

As I have just stated the paragraph in the bill—

Is subject to a point of order, being new legislation—

As I have just stated—

the amendment proposed is germane to the paragraph. "It has been often ruled that a paragraph out of order, having been permitted by unanimous consent to remain in the bill, may be perfected by germane amendments." That is this case. Chairman CRUMPACKER in making a similar ruling said: "The Chair construes this amendment to mean an elaboration of the proposition."

An "elaboration" of the proposed proposition, Mr. Chairman, is what the amendment does.

Mr. Chairman, I refer the Chair, on the question of discretion, to the Cleveland post-office proposition "limestone or granite," where Chairman SHERMAN sustained the point of order, that it controlled the discretion of the department as between granite and limestone. The House overruled the Chairman and held we had a right to control this "discretion" to that extent.

The CHAIRMAN. The Chair is ready to rule. It seems to the Chair that the amendment, if enacted into law in its present form, would have to be construed by the Attorney-General as controlling and limiting the discretion vested in him by the existing law. It therefore changes existing law, which is not permitted upon a general appropriation bill, being expressly prohibited by the second paragraph of Rule XXI. On that point the Chair does not have to go very far back for a precedent. It may be found in the RECORD of February 24, the day before yesterday. An amendment had been offered as follows:

Ambrose Channel, New York: For the purchase of buoys and equipment, $40,000.

A point of order was made by the gentleman from Illinois, the same point that was made here, substantially, and the occupant of the chair at that time made quite an elaborate ruling, from which the Chair quotes now only as follows:

It seems that general appropriations have been held in order, but that specific appropriations for specific purposes, even though coming under the general authorization and following the same line, have been held not in order.

So, following the precedent, the Chair sustains the point of order.

Mr. BARTLETT of Georgia. Then the ruling that the Chair now makes and follows reverses the precedent which I have cited to the Chair; in other words, the Chair does not hold these rulings as being in conformity with the law?

The CHAIRMAN. The Chair finds a distinction between the gentleman's amendment and the amendment involved in the ruling to which he refers. The Chair will state to the gen-

tleman that the post-office precedent which he cited called for the transportation of mail by a pneumatic tube or other similar device. It was general. It did not specify any particular city or any particular place. It simply appropriated for general purposes. This particular amendment which the gentleman offers to-day is for a specific purpose, and in the opinion of the Chair would control the discretion of the Attorney-General, which is not now controlled by law. The ruling cited by the gentleman from Georgia has not been strictly adhered to in later rulings, as the gentleman frankly concedes. But in any event, it does not rule this case.

Mr. HITCHCOCK. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Nebraska [Mr. HITCHCOCK] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 181, line 23, after the word "purposes," insert:
"*Provided*, That not more than $50,000 of said additional $100,000 herein appropriated shall be used for prosecutions under the antitrust laws other than the prosecution of the United States Steel Company and its officers for the violation of said laws by the purchase of the stock of the Tennessee Coal and Iron Company."

Mr. TAWNEY. I make a point of order against that amendment on the same ground.

Mr. HITCHCOCK. Mr. Chairman, I have drawn this amendment so as to avoid the objection under the rules just stated by the Chair. This is not a direction to the Attorney-General to use $50,000 in the prosecution of the steel trust for its illegal merger. It is a limitation on the expenditure of the $100,000, and prohibits the Attorney-General from using more than $50,000 of that $100,000 in any other prosecution except the prosecution of the steel trust. It does not legislate so as to require him to prosecute the steel trust.

Mr. TAWNEY. That is only another way of stating the proposition. I think it is the same proposition in another form.

Mr. HITCHCOCK. Well, Mr. Chairman, I have a right to state it in another form, provided I can state it under the rules of the House; and if it can be done in the form of a limitation and accomplish my object, that is strictly in order. This amendment is strictly a limitation upon the expenditure of that $100,000.

Mr. KEIFER. If the gentleman will allow me to interrupt him?

Mr. HITCHCOCK. Yes.

Mr. KEIFER. I do not know of any precedent of the kind that you state. I think you err in the distinction in this, that when a limitation is put upon an expenditure it is a condition, and without that condition be complied with the money will not be expended at all. But your amendment is a direction as to how it shall be used——

Mr. HITCHCOCK. No, sir.

Mr. KEIFER (continuing). Which makes it a new provision and subject to the point of order.

Mr. HITCHCOCK. This provision does not direct the Attorney-General how he shall expend the $100,000, except it prohibits him from expending more than $50,000 of it for certain other purposes than the prosecution of the steel trust. It does not direct him to expend $50,000 in the prosecution of the steel trust, but prohibits him from expending more than $50,000 for other purposes. I admit this may accomplish indirectly what could not be accomplished by the amendment offered by the gentleman from Georgia; but we have a right under the rules to place these restrictions on administrative officers in the expenditures of appropriations made here.

Mr. SHERLEY. Mr. Chairman, under the existing law it is within the province of the Attorney-General to prosecute any violators of the antitrust law; yet it is also within the province of Congress to give whatever sum of money it sees fit to enable the Attorney-General to carry out that law; and in giving that money it has the right to limit its expenditure. This does not command the Attorney-General to perform his duty in prosecuting the steel trust, but simply authorizes him to use not to exceed $50,000 in other prosecutions. Some years ago an amendment exactly similar to this provision was held in order with reference to the marine hospitals, offered by myself, wherein the amount of money that could be expended by the Secretary of the Treasury in maintenance of marine hospitals was limited by a sum that would have been expended if certain hospitals were not closed.

Mr. FITZGERALD. It would be in order to provide that no part of the fund should be expended by the Attorney-General until he shall have commenced suit against the steel trust. It is in order to provide that he shall not expend more than a certain amount of the appropriation in a specified way. It is in order to provide that money shall not be paid to recipients or beneficiaries of appropriations unless they have certain qualifications. This amendment does not impose any duty on the Attorney-General. If he commence a certain action, it makes the entire amount available; if he does not bring an action of a certain character, it makes available for the purpose set forth in the language of the paragraph only a specified amount. It is clearly a limitation under the rules.

Mr. SHERLEY. Mr. Chairman, I again suggest that this does not give the Attorney-General any wider power than he has now, and does not change the law at all. The Attorney-General now has power to institute proceedings against the steel trust if he sees fit. All that it does is to limit his expenditure in other cases.

The CHAIRMAN. The Chair desires to ask if the gentleman from Minnesota wishes to be heard.

Mr. TAWNEY. I do not know, Mr. Chairman. I think the proposition presented by the gentleman from Nebraska comes identically within the ruling which the Chair announced a few moments ago in ruling upon the amendment offered by the gentleman from Georgia. The gentleman from Nebraska admits that this is the same proposition; that it accomplishes exactly the same result.

Mr. HITCHCOCK. The gentleman is mistaken in that.

Mr. TAWNEY. The gentleman from Nebraska admitted that it accomplishes the same result and was intended to accomplish the same result.

Mr. SHERLEY. Will the gentleman yield?

Mr. TAWNEY. I can not see how a Member of the House can by indirection accomplish that which would not be permitted under the rules to be accomplished by direction.

Mr. SHERLEY. I simply suggest to the gentleman that the Chair must judge by the language and not the motive of the gentleman offering the proviso; and the gentleman knows we do it every day. The gentleman has repeatedly accomplished by a limitation that which he could not do directly.

Mr. TAWNEY. Never when the rule was invoked.

Mr. SHERLEY. The gentleman did it in the case of the canteen. It has been repeatedly done.

Mr. GAINES of Tennessee. And limitations like this are in this bill now.

The CHAIRMAN. The Chair is ready to rule.

The amendments to this paragraph, against which points of order have already been made and sustained, provided additional appropriations for a specific purpose in such language as seemed to the Chair to change existing law by controlling the discretion vested by existing law in the Attorney-General.

The amendment now offered, against which the pending point of order is made, is not entirely in the same order. The paragraph as it now stands in the bill, and to which this amendment is offered, makes available the balance of a former appropriation of $250,000 for the enforcement of the antitrust laws, and declares that "an additional appropriation of $100,000 is hereby made for the same purposes." This amendment does not add to that for any specific purpose, nor for any purpose whatever; on the contrary, it withholds part of that $100,000 by providing that not more than $50,000 of the said additional $100,000 carried in the bill as it now stands shall be used for prosecutions under the antitrust laws other than the prosecution of the United States Steel Company and its officers for alleged violations of that law, and so forth. Now, it seems to the Chair that that does not control the discretion of the Attorney-General.

It does not require him to proceed against the United States Steel Company unless, in his discretion, his duty requires him to do so under existing law. It simply withholds $50,000 for the general purposes covered by the bill as it now stands. It is a limitation upon the $100,000 appropriation made by the bill, a mere withholding of $50,000. It has frequently been held that it is within the power of the House, under the rule, to so limit appropriations. It can appropriate or not appropriate. In this instance the amendment practically says that no more than $50,000 shall be appropriated for the enforcement of the antitrust laws unless the Attorney-General shall find it his duty to use it in the manner indicated in the amendment. But there is no attempt to define or declare his duty in that regard. The Chair is unable to hold that it changes existing law and therefore overrules the point of order.

Mr. TAWNEY. I ask that the amendment be reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Page 181, line 23, after the word "purposes," insert:
"*Provided*, That not more than $50,000 of said additional $100,000 herein appropriated shall be used for prosecutions under the antitrust laws other than the prosecution of the United States Steel Company and its officers for the violation of said laws by the purchase of the stock of the Tennessee Coal and Iron Company."

Mr. HITCHCOCK. Mr. Chairman, if the antitrust laws of the United States are to be enforced at all, it becomes peculiarly important for the officers of the Government to proceed against this gigantic merger, spectacular and far-reaching in its character, which practically accomplishes the evil purpose of creating a monopoly in the steel interests of the United States. I am at a loss to see how the chairman of the Committee on Appropriations or any other gentleman on this floor can justify any objection to an effort to direct attention to this trust and to bring about the prosecution of this act of merger. There may be differences of opinion as to whether the act of the steel trust in acquiring $30,000,000 of the Tennessee Coal and Iron Company was a violation of the antitrust laws of the United States, but there can be no possible differences of opinion among honest men who want to see the antitrust laws of the United States vindicated, on the proposition that the question shall be investigated in court; and the only way it can be investigated in court is by a prosecution by the United States Attorney-General under the antitrust law.

Now, Mr. Chairman, at the other end of the Capitol there have already been during this present session extensive investigations of the question involved in the act of the administration in giving practical assent to this merger. Those investigations have shown that the circumstances of the panic offered no justification for a stretch of administrative authority. The investigations before the committee of the Senate at the other end of this Capitol indicate that this panic was not stayed by the proceeding under which the great American Steel Company gobbled the entire $30,000,000 of stock of what was practically its only rival in the country.

Those investigations show that the syndicate holding Tennessee Coal and Iron stock was embarrassed, but that syndicate was only embarrassed because the banks known as the "Morgan group" of banks were forcing the syndicate to pay their notes secured by Tennessee Coal and Iron stock. The men behind those banks and the men behind the steel trust were largely identical. In one capacity they squeezed the syndicate and intensified the panic. In another they brought influence to bear to induce the administration at Washington to consent to this merger so as to stay the panic.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HITCHCOCK. I ask unanimous consent for one minute more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Nebraska may proceed for one minute. Is there objection?

There was no objection.

Mr. PARSONS. I ask that the gentleman from Nebraska have five minutes more for the purpose of answering some inquiries.

Mr. TAWNEY. I object.

Mr. HITCHCOCK. So that I say, even if staying a panic would have been sufficient justification for the administration to violate the law, that justification does not appear from the evidence taken at the other end of the Capitol. It appears that it saved no bank and no important house from ruin. It appears that it was only used as an excuse to permit the powerful men behind the national steel trust to acquire its rival, and it seems to me, therefore, doubly important—a branch of this Government having been involved and probably tricked and deceived into assent to this act—it seems to me doubly important that above all prosecutions in the country this prosecution should take precedence over all others. [Applause.]

Mr. TAWNEY. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in five minutes, and that the gentleman from Illinois [Mr. MANN] be recognized to close the debate.

Mr. SHERLEY. I suggest that the gentleman does not want to close debate. I am a member of the committee, and I may want to discuss the matter.

Mr. TAWNEY. Does the gentleman from Kentucky want to discuss it?

Mr. SHERLEY. I do.

Mr. TAWNEY. The gentleman said he might want to.

Mr. SHERLEY. I say I do want to.

Mr. TAWNEY. I move that all debate close in ten minutes.

Mr. CLARK of Missouri. Mr. Chairman, I would like to make a suggestion to my friend from Minnesota. He and I have been here a long time, and he knows that it will save time to give these gentlemen what time they want.

Mr. TAWNEY. I know that unless we conclude the consideration of this bill very soon it will be impossible for us to get it to the Senate in time to be presented for the approval of the President before the 4th of March.

Mr. CLARK of Missouri. Nobody is trying to consume time; we want to argue the question.

Mr. TAWNEY. But you are consuming time.

Mr. CLARK of Missouri. Of course we are consuming time, and we have a right to.

Mr. TAWNEY. Unless we close debate on the paragraph we will have to adopt some other measure of getting the bill through.

Mr. BARTLETT of Georgia. Mr. Chairman, I desire to ask the gentleman from Minnesota if he will not make it fifteen minutes.

Mr. TAWNEY. Yes, Mr. Chairman; I will modify the request and make it fifteen minutes and yield five minutes to the gentleman from Georgia with the understanding that the gentleman from Illinois is to close the debate.

The CHAIRMAN. The gentleman from Minnesota modifies his motion to close debate on the paragraph and amendments thereto in fifteen minutes.

The question was taken, and the motion was agreed to.

Mr. TAWNEY. Now, Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

[Mr. BARTLETT of Georgia addressed the committee. See Appendix.]

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry. Are not the proponents of a proposition entitled to close debate?

Mr. TAWNEY. Mr. Chairman, by unanimous consent the gentleman from Illinois [Mr. MANN] was given the right to close debate.

Mr. GAINES of Tennessee. We proposed the amendment on this side.

The CHAIRMAN. The Chair would state that on an amendment, under the five-minute rule, in Committee of the Whole the rule strictly enforced allows only two arguments, one in favor of the amendment and the other against it, but by unanimous consent that time has been extended, and naturally the gentleman from Minnesota, the chairman of the Appropriations Committee, would have the right to make the argument in opposition to the amendment. In fact, it was so understood when unanimous consent was granted.

Mr. GAINES of Tennessee. That is, to conclude the debate?

The CHAIRMAN. The rule strictly enforced permits only two arguments, the first one by the gentleman who makes the amendment and the other by one gentleman in opposition. The Chair will recognize the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, it seems to me that my distinguished friend, the chairman of the Committee on Appropriations, gave utterance to an unfortunate remark when he objected to a discussion of this matter on the ground that it was political speech making. Mr. Chairman, I have not been noted in this House either for the baiting of corporations or for partisan speeches, but if there be any politics in this proposition, the politics got into it by virtue of the action of an Executive without warrant of law. When the President of the United States assumed that his office authorized him to give promise of immunity to the Steel Corporation for absorbing the Tennessee Coal and Iron Company, he raised a question which ought not to be political, but which ought to be moral, and which, if the gentleman wants to make it political, I am willing to meet him on that plane. In my judgment, the antitrust law must either be enforced against all or against none of its violators. If it be a bad law, we owe it to ourselves to repeal it or to amend it. If it be a good law, we ought to enforce it impartially; and if there is one indictment that lies against the Government of America, it is that the laws are not enforced impartially against all violators.

In my judgment, the evidence that has been adduced in this case shows that so far as a panic was to be averted by permitting this merger, that panic itself was threatened in order to effect the merger, and the men and the banks of New York that were tottering, and that were made the excuse for asking the President to permit the doing of this, had been put into that proposition by stronger financial men and institutions for the purpose of bringing about a condition where they might get the President to give them what they believed to be an immunity for violation of the law. Whether his action was done in good faith or bad faith, it was done without right, and the facts as now developed do not show that his action was a wise one, and the proposition confronting us here is whether we will have the law enforced against all violators or against some. Now, this is a crude legislative way of getting at it. It is not the way we would like to legislate, but the fault lies not with us. The point of order was made to a direct amendment to the bill by the gentleman from Illinois [Mr. MANN]. This

proviso, if carried, at least will express the opinion of Congress as to the duty of the Attorney-General; and if the next Attorney-General be amenable to the sentiment of Congress and to the plain letter of the law, this prosecution will be instituted. If the law has not been violated, these men need not fear it. If it has been, they should be punished the same as any other violator of the law.

Now, if this be politics, if this be a political or partisan speech, make the most of it. The fault lies with you and not with us. We have heard a great deal of the square deal and we have seen less of it, and in this instance I insist that Congress show that it proposes that while the antitrust law is on the statute books it shall be enforced against all violators or against none. I hope the amendment will prevail.

Mr. MANN. Mr. Chairman, I do not have and do not propose to express, therefore, any opinion as to whether there was a violation of the antitrust law by the steel company in its so-called "merger" with the Tennessee Coal and Iron Company. I have not paid attention either to the discussions in the Senate or in the press upon the subject. I do not know whether there ought to be a prosecution or whether there ought not to be a prosecution, but I have a very firm opinion with reference to the question now before the House, which is to withhold $50,000 of the amount we propose to appropriate for the enforcement of the antitrust law and prohibit its use except upon special terms.

Mr. SHERLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Not at present. If the Attorney-General of the United States under his oath of office concludes that he should commence this prosecution, then he has the power to use the money which is appropriated here, and if he should conclude not to use the money for that purpose, then he has taken out of his hands $50,000 which he might use to enforce prosecutions against some one else, so that in the final analysis the amendment of the gentleman is to simply take away from the appropriation $50,000 now proposed for the enforcement of the antitrust law, and the gentlemen over there who are claiming that we ought to enforce the antitrust law propose to deprive us of $50,000 for that purpose.

Mr. SHERLEY. Will the gentleman now yield?

The CHAIRMAN. The gentleman has declined to yield.

Mr. SHERLEY. The gentleman declined to yield at that time. Will the gentleman now yield?

Mr. MANN. I will yield for a short question.

Mr. SHERLEY. Can not we cure the gentleman's objection, if that is the point the gentleman makes, by increasing the appropriation by $50,000?

Mr. MANN. If they need that amount of money, if that is the amount of money they ought to have, then we ought to appropriate it, but to say in the end that we restrict them to the extent of $50,000 will not be cured by any amount. The Attorney-General has the power under the law to commence prosecutions. Do gentlemen think they can force the Attorney-General to do this against his conscience?

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. MANN. No; not now. I did not interrupt the gentleman. Now, Mr. Chairman, I do not know whether the President was right in his actions or not. I know this: That no man in this country so has the confidence of the people of the country as to the enforcement of the antitrust laws and other laws equally against the rich and the poor as President Roosevelt has. [Applause.] The present Department of Justice has not been endeavoring to enforce the laws against the poor and not against the rich, and I have no doubt that if the next Attorney-General, when he comes to examine the facts in this case, believes that the law has been violated, he, under his oath of office and his power, will commence the prosecution which the gentlemen now for political reasons, in the expiring days of the administration, seek to use in an effort to kick the lion who is departing. [Loud applause.]

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Nebraska.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. BARTLETT of Georgia) there were—ayes 72, noes 97.

Mr. HITCHCOCK. Mr. Chairman, did the Chair count one vote on the Republican side?

The CHAIRMAN. The Chair counted all gentlemen standing on either side.

Mr. BARTLETT of Georgia. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. TAWNEY and Mr. BARTLETT of Georgia) reported that there were—ayes 81, noes 113.

So the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That it is the sense of the House of Representatives of the United States of America, the grand inquest of the Nation, that the merger made about November, 1907, by and between the United States Steel Corporation and the Tennessee Coal and Iron Company, both with headquarters in the city and State of New York, was and is, and the subsequent operations of said corporation and company in interstate and foreign commerce are, of supreme public importance and are acts more than probably done in violation of an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890.

Provided further, That the United States district judge in and for the southern district of the State of New York, holding court in the city of New York, be, and he is hereby, respectfully requested by this House to fully charge, at an early day, the grand jury to fully investigate said merger and the subsequent operations of said corporation and company in interstate and foreign commerce and trade, and that the United States district attorney in and for said district in the city and State of New York be, and he is hereby, directed to submit to said grand jury all information and evidence he possesses or can by due industry and careful research procure, which tend to show probable cause to believe said corporation and company by said merger or their subsequent operations aforesaid have violated said act, and otherwise in this proceeding aid said court and jury to see the law faithfully executed.

Mr. TAWNEY. Mr. Chairman, I make the point of order against that amendment that it is new legislation.

The CHAIRMAN. The amendment is plainly in violation of paragraph 2 of Rule XXI, which concludes with these words:

Nor shall any provision changing existing law be in order in any general appropriation bill.

This is a general appropriation bill. The amendment has no relation to any appropriation. It is full of proposed new legislation and if enacted into law would, of course, change existing law. The point or order is sustained.

The Clerk will read.

Mr. GAINES of Tennessee. I desire for a moment to discuss the point of order.

The CHAIRMAN. The Chair does not desire to hear further discussion; the amendment is so manifestly in violation of the rule.

Mr. GAINES of Tennessee. It is manifestly germane, and shows what Congress means by this antitrust fund and law, and directs the officer to execute the law. It is entirely germane.

The CHAIRMAN. The point of order was not addressed to the germaneness of the amendment.

The Clerk read as follows:

Suits to set aside conveyances of allotted lands: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney-General, to be immediately available, $50,000: *Provided*, That the sum of $10,000 of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma.

Mr. CARTER. I make a point of order against that provision.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. CARTER. The point is that it appropriates money to be used for a purpose not authorized by existing law.

Mr. FITZGERALD. These suits are brought in pursuance of the law.

Mr. CARTER. The suits are not brought in accordance with law, as I will show the gentleman if he will give me his attention.

These suits are brought under section 6 of the act of May 27, 1908, commonly known as the "restriction bill," which provides as follows:

And at the request of any allottee having restricted land, he shall, without charge, except the necessary court and recording fees and expenses, if any, in the name of the allottee, take such steps as may be necessary, including the bringing of any suit or suits and the prosecution and appeal thereof, to cancel and annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other incumbrance of any kind or character, made or attempted to be made or executed in violation of this act or any other act of Congress, and to take all steps necessary to assist said allottees in acquiring and retaining possession of their restricted lands.

Now, Mr. Chairman, I have a telegram from the Attorney-General, which states that——

The CHAIRMAN. The Chair desires to hear the gentleman on the point of order.

Mr. CARTER. I am addressing myself, I will state, to the point of order. If the Chair will permit me to read this telegram from the Attorney-General, that will explain my point. He says:

DEPARTMENT OF JUSTICE, *February 20, 1909.*

Hon. C. D. CARTER,
House of Representatives:

Answering telegram: Some 23,000 defendants grouped in a few suits in cases of sales of nonalienable lands; dismissed as to some 2,000; tracts involved estimated 35,000; see from size from 10 acres up. Suits brought by Government as complainant, not in name of Indians.

CHARLES J. BONAPARTE,
Attorney-General.

Now, you will observe that these suits have not been brought in the name of the allottee, as the law directs, but in the name of the United States. They have been brought on land on which restrictions did not exist, as can be proven. They have not been brought at the request of the allottee at all, but, on the contrary, without the permission or consent of the allottee, and in many instances over what would have been his protest had he been consulted.

As proof of this, I will state my own case.

I have felt all along that I was a most unfortunate and neglected individual, for, from the best information obtainable, I have stood as the one lone person who ever made a land trade in the eastern judicial district of Oklahoma against whom some kind of legal proceedings have not been instituted. Every other individual who ever made a trade has been sued, gotten his name in the papers, and has been advertised generally. Yet me and my transaction have not been considered of sufficient importance to merit notice. I really resent this seeming slight, and had begun to experience some little trepidation for fear my constituents, nearly all of whom have been sued, might grow suspicious and accuse me of standing in with the powers that be in order to be exempted from this litigation, but on yesterday my anxiety was relieved to some extent. An attorney called at my office during my absence and told my secretary that suit had been brought to cancel a mortgage which I gave to a loan company represented by him. No action has been brought against me, it is true, and I still stand somewhat in awe of the suspicion of my folks at home; but the suit, as I am informed, was instituted to cancel a mortgage given to an insidious loan company, who had committed the heinous crime of imposing upon my ignorance and incompetency to the extent of loaning me money at a rate of interest 2 per cent less than I was able to secure any other place.

There is no question but that the application of these funds has been diverted from the purpose for which they were appropriated. The purpose for which this money was appropriated was for paying the court costs and investigating conditions in the eastern district of Oklahoma in order that suits might be brought with some degree of intelligence, thereby obviating the very unfortunate procedure which has transpired—that of instituting proceedings against everybody and every transaction, no matter how legitimate the trade may have been.

Since the suits are brought in the name of the United States, it certainly should not be necessary to pay court costs. The federal court certainly should not demand court costs in a case instituted in the name of the Federal Government. That would be like taking money from one pocket and putting it in the other. As to the investigation, no examination whatever was made prior to the bringing of the suits. The transactions were not looked into to see whether the grantor had a legal right to convey the property before suit was brought. My information is that only the court records were examined and suit brought upon every conveyance that had been recorded, regardless who the conveyor was and regardless even whether he was a tribal allottee or not.

Suits have been brought to cancel deeds given by men of admitted intelligence and financial ability, many of them who are not on the rolls and never claimed any interest in the tribal estates. Many others who are on the rolls, not on account of any Indian blood, but by reason of their marriage to ladies of the infinitesimal amount of 1-256 part Indian blood, and still others, Mr. Chairman, who are not Indians at all, but negroes who had the good fortune to have had former masters who had the generosity to divide their patrimony with their erstwhile slaves.

I am extremely anxious for the protection of our Indians. I want to see a thorough investigation of every transaction upon restricted land, and I stand ready and willing at all times, now and in the future as I have in the past, to assist any department, any society, or any individual, either on the floor of this House or any other place, in protecting the incompetent Indian and in bringing his plunderer to justice; but it is easy enough to distinguish from the departmental records, and this is the only way it can be determined, just what allottees are not restricted and just what transactions are legal and valid.

It is not necessary to incur the difficulty and expense of calling into court a single one of the parties to the transaction, for as a matter of fact such evidence would not be competent under the law. The records of the Dawes Commission at Muskogee show conclusively just what Indians have a right to make conveyances and on just what dates each one assumed such right. Under the present law the right of an allottee to convey his allotment depends, in most cases, entirely upon his degree of blood. The rolls of the Five Civilized Tribes are made conclusive evidence as to the age and quantum of blood of these allottees. So that if these records had been examined before suit was brought it could have been determined beyond the peradventure of a doubt whether or not the allottee had the right to alienate his land at the time the deed was made.

These tribal rolls are alphabetically indexed, many thousand copies having been published in book form.

It can not be justly claimed that any pressure for time was responsible for the careless manner in which these suits have been brought. The fact that the authority to do this work only existed sixty days before removal of restrictions became effective has nothing to do with the case.

It would take not to exceed one minute to the name to refer to these rolls and determine the restricted allottee from the unrestricted allottee before suit was brought. Examination of at least 50 of these names could be made per hour. At this rate, counting eight hours as a working day, 400 investigations could be made per day; counting twenty-five working days for a month, 10,000 could have been thoroughly investigated by one clerk before the suits were brought. Two clerks, then, at the salary of, say, not to exceed $125 per month, could have investigated this entire list of 23,000 defendants between the dates of May 27 and July 27, 1908, and still had almost half their time left.

But it was not necessary for these suits to be brought before the restriction bill became effective. There was no time limit and could have been no laches, but if it was necessary to bring these suits prior to the time the restriction bill became effective, then the thing necessary was not done and the thing unnecessary was done, because not one of these suits was instituted until after July 27, 1908, the date upon which the law became effective.

While the harm done legitimate business interests of our country is beyond the power of description by words, I hope that this committee may be able to imagine the stagnation created by such a course as has been pursued in Oklahoma.

Let us see what has been the effect of this wholesale bringing of suits. A suit brought on every deed recorded, every land sale litigated, and every party to the sale, whether white man, Indian, or negro, brought into court at an enormous expense, both to the Government and litigant. This, you understand, involves almost every person in the eastern judicial district of the State with energy sufficient to try to get a home. Many purchasers not having sufficient money to make full payment on the land gave mortgages to procure money for the final payments. Suit has been brought against the whole shooting match, and every legitimate investor has simply withdrawn his money from these transactions and refused absolutely to either buy land or loan money on same, for the very sufficient reason that no matter how good his title may be, no matter how plain the law may be upon the subject, he feels sure that suit will be brought to cancel the transaction, thereby entailing unknown expense and trouble.

I will read to you from the letter of Hon. Lee Cruce, president of the Ardmore National Bank, one of the largest financial institutions in our State. This will give some idea of the conditions that prevail.

Mr. Cruce is a tribal citizen of the Choctaw-Chickasaw tribe. His letter follows:

To show with what absolute carelessness and recklessness these suits are being filed, I will instance two cases: L. W. Cruce bought a piece of land from an allottee and afterwards transferred the land to John Carlock and Carlock procured a loan on it. Several weeks ago suit was filed against L. W. Cruce to cancel the conveyance made from the original allottee to him. He went to Muskogee, gave them the proofs they required, and the suit was dismissed. Since that time suit has been filed against Mr. Carlock to cancel the conveyance of the same land sold to him by L. W. Cruce, neither of whom is an Indian nor an allottee.

Now, here is a case in which no Indian or allottee is interested, the suit, so far as the interest of the allottee was concerned, having been dismissed prior to the bringing of the suit to cancel the transaction between these two white men, neither of whom make any pretensions to Indian citizenship and neither

of whom can be considered, by any distortion of the very worst paternalism, a ward of the Federal Government.

I presume when this suit against Mr. Carlock is dismissed another suit will be brought to cancel the mortgage given to the loan company; and if the loan company has rediscounted the note, a suit will be in order to cancel that transaction, and so it will go on interminably, when as a truth the only cause in which an action would lie was disposed of in the dismissal of the first suit.

Another case called to my attention is that of Cutch Smith. Cutch Smith has, I should judge, about one thirty-second Chickasaw blood. He is an intelligent man of affairs, light complected, blonde hair, and blue eyes; and if I were to introduce him to you as an Indian you would suspect my veracity. He sold a part of his allotment to his father, Jordon Smith, an intermarried citizen with no Indian blood whatever, for which his father gave him $1,300. Cutch invested the money in cattle. His father, who is getting very old, who is a good business man and reasonably well fixed financially, decided to give back the land to Cutch, and made a deed conveying the same from Jordon Smith, the white father, to Cutch Smith, the blonde Indian son. Now, suit has been brought against Cutch Smith, the man to whom the land was originally allotted, to force him to redeed the land to his father who bought it in the first place.

An attorney bought a piece of land from a Creek allottee, paying part cash and giving a mortgage on the land for the unpaid balance. Suit has been brought to cancel the mortgage which the white man has given the Indian to secure payment of the money to the Indian. Mr. Chairman, these are not isolated cases, but give a fair insight of what is taking place in the eastern part of the State.

Thus you will see that business has been completely paralyzed in that part of the State on account of these suits. These suits have intimidated and prevented the honest investor and homeseeker entering the market and paying a legitimate price for these lands, and enabled the unscrupulous adventurer to get title and possession for a merely nominal consideration, for the reason that he had no competition. They have prevented legitimate dealing in land, prevented permanent improvements on land, prevented home building, and have left the Indian who has land for sale at the mercy of the land grafter who buys the land for a song, for he is the only man that understands the intricacies of the transactions and is willing to take chances on perfecting his title in court.

Now, for the remedy. I have shown you how this investigation can be made for less than $500. I have explained why no court costs should be necessary, since the suits are brought in the federal courts in the name of the United States. Now, we have three prosecuting attorneys in that district and only one federal judge to try the cases. It seems to me that these three attorneys should be able to take care of all the business that can be attended to by one federal judge, especially when a part of the time of that federal judge is consumed in other civil matters in which these attorneys are not concerned.

The Attorney-General in his statement before the Committee on Appropriations admitted that an unexpended balance of the appropriation made for the current year exceeded $24,000. This would be $23,000 more than enough for the consummation of these suits. So that if this item goes out he would still have left 23 times as much money as is necessary for the conclusion of these matters.

We know of the large deficit confronting us in the Treasury, and it does seem to me that this House should wake up to the fact that such unnecessary expenses as these must be curtailed.

I presume, Mr. Chairman, the complicated parliamentary procedure by which this House does business serves some good purpose, but to a new Member, in the innocence of his first term, I submit that the complex rules of the House are a clouded and uncertain nightmare.

There is one thing, however, about this intricate procedure which I think I am beginning to understand in a vague and indefinite sort of way, and that is this: that it is the duty of the House, the duty of this committee, and the duty of the Chair to administer these rules in strict accordance with the plain letter of the well-defined established law. This rule should apply with equal force with relation to unauthorized appropriations on general supply bills, for it is claimed that there is an avenue by which such matters may be brought to consideration otherwise than on appropriation bills.

Mr. MANN. Will the gentleman yield for a question?

Mr. CARTER. I will.

Mr. MANN. Does the gentleman think that because the law officers may violate the law, or violate the gentleman's conception of the law, that makes the appropriation in the bill subject to a point of order?

Mr. CARTER. Well, Mr. Chairman, when all is said that can be said for that contention, it must be admitted in the last analysis at the most this is a moot question. At the very greatest, it can not be claimed that the legal right to bring and maintain these suits in the manner in which they have been brought is res judicata. Therefore, I insist that if this item is permitted to remain in this appropriation bill it provides an appropriation to be used for a purpose unauthorized by any established existing law.

If these suits were confined to those on restricted land, you would hear no protest from me; but when suits are brought to cancel deeds given to land on which no restrictions existed at the time of the passing of the deeds, when suits are brought to cancel deeds given by one white man to another, neither of whom were upon any tribal rolls or claim the right to be there, and who therefore can not be considered in any sense a ward of the Federal Government, I think it is high time somebody called a halt.

The CHAIRMAN. The Chair is ready to rule. The Attorney-General of the United States has a very wide discretion and jurisdiction to bring suits in the eastern judicial district of Oklahoma or anywhere else, either upon the request of the Secretary of the Interior or upon his own motion. Now, the Chair can not assume that this money which is appropriated in the bill, apparently to be used in the wisdom of the Attorney-General, will be used by him in the prosecution of any suits not authorized by law. The Chair must therefore overrule the point of order.

Mr. CARTER. Mr. Chairman, I offer the following amendment, which I send to the desk and which I think is in accordance with the law.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Beginning with line 24, page 181, strike out all down to and including the word "dollars" in line 2, page 182, and insert in lieu thereof the following:

"Suits to remove cloud from titles: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma in pursuance of existing law, to be expended under the direction of the Attorney-General, to be immediately available, $20,000; but no suits shall be brought or maintained in cases where the allottee has had his restrictions removed."

Mr. MANN. I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained. It manifestly changes existing law.

Mr. FERRIS. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Insert after line 8, on page 182:

"*Provided*, That no part of this appropriation shall be used in the bringing or maintaining any suit involving title to lands upon which restrictions have been heretofore removed."

Mr. FERRIS. Mr. Chairman, I think this amendment ought to be adopted by this House; first, on its merits; second, because I do not believe a point of order lies against it.

The CHAIRMAN. No point of order has been made against it.

Mr. FERRIS. I desire to speak to the merits of the amendment. This amendment does not seek to abridge the right of the Attorney-General to bring suits when necessary; but it does place a limitation upon that department in the bringing of suits that, in my judgment, and in the judgment of citizens most intimately acquainted with the facts, well know that they are unnecessary. In the eastern half of the State in which I live the Secretary of the Interior and the Attorney-General have instituted about 32,000 suits, involving numerous tracts of land and numerous citizens in useless litigation. The result, as was suggested by my colleague, is disastrous and, indeed, a very great hardship upon the State and a hardship upon the Indian citizens as well. Two thousand of those suits have, on the motion of the Attorney-General himself, been dismissed, admitting himself that they were wholly unwarranted. Last May Congress passed an act removing the restriction from certain citizens in Oklahoma to the amount of about 10,000,000 acres. The Interior Department, in the face of that act, and in face of the positive provisions of that act of Congress, brought suits indiscriminately to cancel conveyances, cancel mortgages; most all, if not all, brought without the request, consent, or consultation of the allottee of the land.

Now, gentlemen of this House, I cite as a glaring example of what has been done by that department in the State of Oklahoma the fact that a suit was recently instituted against my colleague [Mr. CARTER], seeking to cancel a mortgage that he had executed since his restrictions had been removed. These suits were not brought with his consent, not in his name, not at

his request. I hope the amendment will be adopted, in the interest of my State and in the interest of the people that reside there.

The act of May 27, 1908, removes all restrictions of whatsoever kind or character, and the bringing of 32,000 suits, indiscriminately and ill-advisedly, as I believe, is a menace to the welfare of the State, is a menace to the Indian citizen. It destroys values; it drives away capital; it retards the growth and development of the State.

The amendment offered provides that the fund shall only be used with reference to lands which are now restricted, letting alone the lands and citizens upon which restrictions have been removed.

I submit these lands and citizens should be let alone to enjoy their property, as other unrestricted lands and citizens are entitled to do.

I certainly have no objections to suits against conveyances where lands are restricted, but, on the contrary, am bitterly opposed to suits being brought against lands and citizens which are by legislation released from restrictions.

Mr. SMITH of Iowa. Mr. Chairman, this amendment ought not to be adopted for several reasons. First, that it provides that no suit shall be instituted to set aside conveyances or transfers in the State of Oklahoma where the restriction has been removed, and it does not make any provision for cases in which conveyances were made before the restrictions were removed; but independent of that it is absurd for the Congress of the United States to sit here and, in appropriating money for the Department of Justice to enforce the laws of the United States, attempt to settle in this Chamber just which suits ought to be brought and which suits ought not be brought. All such matters must of necessity be left to the law officers of the Government.

Mr. FERRIS. I hope the gentleman will yield for a question.

Mr. SMITH of Iowa. I do not know that I care to yield, although I do not like to be discourteous. I was about to ask for a vote.

Mr. FERRIS. I hope the gentleman will yield, because I feel sure the membership of this House does not care to inflict an appropriation on the citizens of any State that is obnoxious to their citizenship. I will ask the gentleman from Iowa if, in his judgment as a Member of Congress and as a member of the Committee on Appropriations, he thinks Congress ought to appropriate money for the Attorney-General's office to bring suits against lands and citizens, in the absence of their request or consent, in Oklahoma, upon whom the restrictions have been heretofore absolutely removed by act of Congress?

Mr. SMITH of Iowa. I do not think there should be any prohibition as to bringing suits to recover lands conveyed by those whose restrictions have been removed, if these conveyances were made before the removal of restrictions.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FERRIS. Division!

The committee divided; and there were—ayes 44, noes 82.

Mr. FERRIS. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Oklahoma, Mr. FERRIS, and the gentleman from Iowa, Mr. SMITH, will take their places as tellers.

The committee again divided; and the tellers reported—ayes 47, noes 92.

So the amendment was rejected.

Mr. SMITH of Iowa. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto be now closed.

The question was taken, and the motion was agreed to.

Mr. CARTER. Mr. Chairman, I move to amend by striking out the words "fifty thousand," in line 4, page 182, and inserting in lieu thereof "twenty thousand."

The Clerk read as follows:

Page 182, line 4, strike out "fifty thousand" and insert "twenty thousand."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. FERRIS. I offer the following amendment:

The Clerk read as follows:

Insert after "Oklahoma" in line 8, on page 182:

"*Provided*, That no part of this appropriation shall be used in bringing or maintaining any suit that has been instituted without the consent or request of the allottee of the land involved."

The CHAIRMAN. The question is on the amendment.

Mr. FERRIS. Mr. Chairman——

The CHAIRMAN. All debate is closed.

The question being taken, the amendment was rejected.

The Clerk read as follows:

JUDICIAL.

UNITED STATES COURTS.

Expenses of the United States courts: For defraying the expenses of the Supreme Court; of the circuit and district courts of the United States, including the district court in the Territory of Hawaii; of the supreme court and court of appeals of the District of Columbia; of the district court of Alaska; of the circuit courts of appeals; of suits and preparations for or in defense of suits in which the United States is interested; of the prosecution of offenses committed against the United States; and in the enforcement of the laws of the United States, specifically the expenses stated under the following appropriations, namely:

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word. I ask the attention of the committee in order that I may read, as pertinent to the motion, a little production in verse which I hold in my hand. It comes from the Baltimore Sun and is entitled:

ONLY ONE MORE.

Hang the big stick in the closet,
Put the megaphone away;
Twine the Ananias members
With the olive and the bay;
Over all the happy country
Swells the tide of coming rest;
Let the weary cease from troubling,
North and South and East and West.

Be the strenuous life forgotten,
Blistering epithets put by;
Tear "mendacious" from the language,
Let no varlet whisper "lie."
Pack "my policies" for shipment,
Take a long breath once again,
While the land gets back its reason,
And the wild bear seeks its den.

Take vacation, tired typewriters!
Special messages no more
Burn the air along the highway
Ere they reach the Senate door;
Put the horses in the stable,
Peace is dawning, sweet and grand;
Only one more week of Teddy—
Hail, Columbia, happy land!

[Laughter.]

The Clerk read as follows:

For payment of salaries, fees, and expenses of United States marshals and their deputies, $1,350,000, to include payment for services rendered in behalf of the United States or otherwise. Advances to United States marshals, in accordance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this act; but no disbursement shall be made prior to July 1, 1909, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year 1908 or prior years.

Mr. SMITH of Iowa. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 183, line 8, strike out the word "eight" and insert in lieu thereof the word "nine."

Mr. SMITH of Iowa. This is merely to correct a clerical error.

The amendment was agreed to.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Provided, That from and after July 1, 1909, each field deputy marshal shall, as his compensation, receive the gross fees, including mileage as provided by law, earned by him, not to exceed $1,500 per fiscal year, or at that rate for any part of fiscal year; and in addition shall be allowed his actual necessary expenses not exceeding $2 per day while endeavoring to arrest under process a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided*, That in special cases where, in his judgment, justice requires, the Attorney-General may make an additional allowance, not in any case to make the aggregate annual compensation of a field deputy in excess of $2,500, or more than the gross fees earned by such deputy.

Mr. MACON. I make the point of order against the paragraph just read.

Mr. SMITH of Iowa. The point of order is well taken.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

In all, $47,620.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word, for the purpose of making an inquiry of the chairman of the committee in charge of the bill with regard to a section passed yesterday, on page 97, "Expenses of regulating immigration." The proviso which appears on page 98 sets forth—

That on and after July 1, 1909, all head tax collected pursuant to the provisions of section 1 of the said act of February 20, 1907, together with all fines, rentals collected, and moneys received from other sources under the laws regulating the immigration of aliens into the United States, shall be covered into the Treasury to the credit of miscellaneous receipts.

I desire to ask the Chairman whether the committee in the consideration of this proviso passed upon the question of the availability of such appropriations out of the immigrant fund, which this provision proposes to abolish, as have already been made and not yet used.

Mr. TAWNEY. I will answer the question of the gentleman as far as I can by saying that when we were considering the provision carried in this bill and which the gentleman read, we took into consideration the amount of money in this fund, unexpended but allotted to certain purposes, which Congress has previously directed to be paid out of the immigration fund. Whether those allotments that we were informed were made are sufficient to meet the expenditure authorized, I do not know.

My colleague on the committee [Mr. SMITH of Iowa] had a recent conversation with the disbursing officer of the department and can give perhaps more specific information regarding the subject.

Mr. SMITH of Iowa. I am not able to give a final answer, because the matter has been broached so recently that great consideration has not been possible. It is clear to me, however, that if the contracts are let before the 1st of July there is no doubt whatever about their being payable out of the head tax. If the contracts are let after that date, there is great doubt.

Mr. MOORE of Pennsylvania. I call the gentleman's attention to the report of the Commissioner-General of Immigration, which states that there are some amounts which are presumed to have been reserved out of the immigration fund, but your provision clearly appears to do away with the fund as a separate account and brings the money directly into the Treasury of the United States. Inasmuch as in good faith certain laws were enacted providing appropriations out of the immigration fund, which may not have been used, I desire to know whether the specific amounts thus appropriated will hold after the 1st of July. Of course, I did not know whether the gentleman could answer me or not.

Mr. SMITH of Iowa. It is not possible to give an absolute final answer as to what will be the effect if no contract is let until after the beginning of the next fiscal year.

Mr. MOORE of Pennsylvania. It is the opinion of the gentleman that the appropriations previously made would hold intact up to the 1st of July?

Mr. SMITH of Iowa. I have no doubt on that subject.

The Clerk read as follows:

Payment to the Catholic Church in Porto Rico: To give effect on the part of the United States to the basis of settlement of all matters in dispute between the Roman Catholic Church in Porto Rico on the one part and the United States and the people of Porto Rico on the other part, signed at San Juan, P. R., on August 12, 1908, by commissioners for the United States, the Roman Catholic Church of Porto Rico, and the people of Porto Rico, respectively, the Secretary of the Treasury is hereby authorized to pay to the bishop of Porto Rico, as the representative and trustee of the Roman Catholic Church in that island, and for the exclusive benefit of the Roman Catholic Church in Porto Rico, the sum of $120,000, in full satisfaction of all claims of every nature whatsoever relative to the properties claimed by the Roman Catholic Church in Porto Rico which are now in the possession of the United States, to wit, the building known as the Santo Domingo Barracks, and the land pertaining thereto, and the site of the building formerly known as the Ballaja Brarracks, now known as the Infantry Barracks, both properties in the city of San Juan, P. R.: *Provided*, That the Roman Catholic Church shall guarantee the title to, and shall relinquish all rights and actions regarding said properties, and that the said properties shall belong exclusively to the United States: *And provided further*, That upon the acceptance of this sum the Roman Catholic Church shall relinquish all claims of any kind whatsoever against the United States arising in Porto Rico prior to the approval of this act.

Mr. GARRETT. Mr. Chairman, to that I make a point of order, or reserve it.

Mr. SMITH of Iowa. What is the point of order?

Mr. GARRETT. That it is not authorized by existing law.

Mr. SMITH of Iowa. We shall insist that it is authorized by existing law.

Mr. GARRETT. That makes the issue, then.

Mr. SMITH of Iowa. I deny that the point of order is well taken. Does the gentleman from Tennessee want to be heard on his point of order?

Mr. GARRETT. I make the point of order that there is no existing law; that it is new legislation and obnoxious to the second section of Rule XXI.

The CHAIRMAN. The Chair will hear the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, in Porto Rico, prior to its annexation to the United States, there was a union of church and state. Upon the annexation of Porto Rico to the United States there arose an issue, difficult to determine, to whom the property belonged which was controlled by the Roman Catholic Church and which had been acquired in large measure by public taxation. A portion of the property of the Catholic Church was taken possession of by the Government of the United States for military uses—for barracks and quarters—and a portion was taken possession of by the territorial government of Porto Rico.

Subsequently a suit was brought to test the right to this property, and between the government of the people of Porto Rico and the Roman Catholic Church that case was carried to the Supreme Court of the United States, and it was held that the property belonged to the Roman Catholic Church and not to the people of Porto Rico. The United States Government was not a party to that action.

Mr. MADISON. Will the gentleman yield for a question?

Mr. SMITH of Iowa. I do not want to be questioned now until after I have finished.

Mr. MADISON. The gentleman is making a mistake, and he wants to correct it.

Mr. SMITH of Iowa. When I get through I will gladly yield to the gentleman, as I always do. When the case was determined by the United States Supreme Court, it was not an adjudication between the United States and the Roman Catholic Church, because of the fact that the United States was not a party or privy to that proceeding.

Subsequently to this decision, the United States being in possession of certain of these lands for military purposes, negotiations were entered into between the State Department, represented by Robert Bacon, and the Bureau of Insular Affairs in the War Department, and the Bishop of Porto Rico and the government of the people of Porto Rico, whereby all of these matters were settled and adjusted, and it was agreed that the United States should take and hold permanently the site of certain barracks at Santo Domingo and adjacent land for military purposes and pay therefor the sum of $120,000 in full, and that the government of Porto Rico should pay $180,000 in three annual payments of $60,000 each for the portion of the property of the Catholic Church which was being taken by the people of Porto Rico. This stipulation was followed with a request that the $120,000 necessary to comply with this contract upon the part of the United States be appropriated. Now, it must be borne in mind not only that this contract has been thus made for the purchase of this land and the settlement of this controversy, but that this land is being bought for military-post purposes, a thing strictly within the jurisdiction of the Committee on Appropriations in the sundry civil bill.

Mr. JONES of Virginia. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of Iowa. Mr. Chairman, having thus briefly stated the circumstances, I will yield first, begging the pardon of the gentleman from Virginia [Mr. JONES], to the gentleman from Kansas [Mr. MADISON], if he desires to ask me a question.

Mr. MADISON. Mr. Chairman, I wanted merely to make this correction which the gentleman wants made, and that is that this case never was decided by the Supreme Court of the United States. It was decided by the supreme court of Porto Rico and appealed to the Supreme Court of the United States, but before the case was tried in the Supreme Court of the United States it was compromised and settled. That is the reason I interrupted the gentleman.

Mr. FITZGERALD. That is right.

Mr. SMITH of Iowa. My recollection is otherwise, but as that is not of vital importance, I defer to the recollection of the gentleman from Kansas.

Mr. PARSONS. Mr. Chairman, I will state to the gentleman that there was a case which came to the Supreme Court of the United States and that decided that the church property of Porto Rico belonged to the Roman Catholic Church and not to the municipalities, although the municipalities had in the past, under the union of church and state, contributed large amounts to their support, so that there is no doubt but what these properties belonged to the Roman Catholic Church.

Mr. SMITH of Iowa. That has been decided by the Supreme Court of the United States.

Mr. GARRETT. Mr. Chairman, this particular case is now pending in the Supreme Court of the United States.

Mr. SMITH of Iowa. Oh, I did not intend to announce that any adjudication was made by the Supreme Court of the United States that was binding upon the United States, but expressly disclaimed it; but the Supreme Court of the United States has passed upon the proposition that this property, all of it, as I understand, without having jurisdiction as to this part, belonged to the Roman Catholic Church and not to the people of Porto Rico.

Mr. JONES of Virginia. Oh, no——

Mr. SMITH of Iowa. All this class of property, perhaps I ought to say.

Mr. JONES of Virginia. I would suggest to the gentleman that the case before the court of Porto Rico involved the title to the property that Porto Rico holds and not that held by the United States. The United States was not a party to that suit.

Mr. SMITH of Iowa. I fully understand that.

Mr. JONES of Virginia. And that was the case which was appealed to the Supreme Court of the United States. It never has been tried and disposed of. The Supreme Court has never decided that case.

Mr. WASHBURN. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WASHBURN. Mr. Chairman, I would inquire if the Chair is hearing an argument on the question of a point of order or listening to a discussion on the merits?

The CHAIRMAN. The Chair was endeavoring to hear a discussion on the point of order, but was unable to hear it.

Mr. SMITH of Iowa. Mr. Chairman, all these suggestions amount to nothing with reference to the vital point before the Chair. While it may be that gentlemen may differ in their method of statement, as a matter of fact these decisions are just as I have always understood them. That is to say, in the case pending before both the supreme court of Porto Rico and the Supreme Court of the United States, it was held that this class of property belonged not to the municipalities, but to the Roman Catholic Church.

Mr. JONES of Virginia. The case has never been heard in the Supreme Court of the United States.

Mr. SMITH of Iowa. One of the cases of a similar character has.

Mr. JONES of Virginia. Oh, no.

Mr. LARRINAGA. Yes; the case of the municipality, although not similar, was decided in the way the gentleman from Iowa states.

The CHAIRMAN. The Chair will state that in a discussion of a point of order it is hardly worth while to discuss the merits of the proposition.

Mr. SMITH of Iowa. Mr. Chairman, we are purchasing this just as we are spending money in this bill to buy land for military posts, and that power has been exercised every year for many years in this identical bill, to appropriate money for the acquisition of lands for military posts, and the mere fact that an agreed price was here made by compact does not destroy the power to purchase this property.

The CHAIRMAN. The Chair will ask the gentleman from Iowa if he insists that we could appropriate in this bill for new military posts?

Mr. SMITH of Iowa. This is not a new military post, but an old military post, long established, for about ten years.

Mr. JONES of Virginia. About seventy years. Since 1838.

The CHAIRMAN. The Chair will ask if it is not new so far as this Government is concerned?

Mr. FITZGERALD. No; it is not.

Mr. SMITH of Iowa. It is old so far as this Government is concerned. This Government took possession and has been maintaining a military post there ever since the Spanish war, and we are now buying the balance of the title to the land on which the military post stands.

Mr. JONES of Virginia. Mr. Chairman, on that point there is a difference of opinion, and I would like to be heard as to the facts involved.

Mr. SMITH of Iowa. If there is any difference of opinion, of course the gentleman will state his; but that is the ground upon which I claim this is in order, that we have occupied this existing military post for ten years past, and more.

The CHAIRMAN. The Chair would ask the gentleman from Iowa if he thinks it would be in order under the rule in a general appropriation bill to appropriate without specific authority for the purchase of an old post which had been taken possession of by the Government?

Mr. SMITH of Iowa. I should say that if we had possession of a post under color of title and we exercised control over it and exclusive possession, and it was proposed to remove a cloud upon the title, a dispute as to the title, that the perfection of the title of the United States to this ownership of the military post, the acquisition of what remains of the title, is just as much in order upon a general appropriation bill as the acquisition of an additional tract of land where we held an old military post.

The CHAIRMAN. The Chair would like to ask the gentleman from Iowa, Suppose a section of the army in Iowa, for instance, should settle upon a tract of land of 10,000 or 15,000 acres and camp there, would that constitute such authority of law for its purchase as to support an item in the next general appropriation bill making an appropriation to pay for that land?

Mr. SMITH of Iowa. I am glad the Chair asked that question, because it enables me to point out very conclusively the distinction between that case and the case before the committee now. The United States went to Porto Rico and conquered this post and took it as the property of Spain. We seized it as an act of war, a thing impossible in the suggested case in Iowa. Now we come at the ownership of these titles, these tracts being exclusively to the title of Spain, but that title is now in dispute; it has not been adjudicated, but we have been in possession for ten years or more under our claim of conquest and of right, and now in order to clear away the cloud upon the title we buy that cloud upon the title, and it can not bear any relation to the Iowa case suggested by the Chair for that reason.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Chairman, I desire to call the attention of the Chair to two paragraphs in the report of Mr. Robert Bacon, which I think have a bearing on the point at issue in support of the appropriation. Mr. Bacon was appointed to confer with the Roman Catholic Church and the people of Porto Rico relative to these claims in Porto Rico, and in his report says:

> Under the terms of this memorandum the United States is to pay the Roman Catholic Church in Porto Rico the sum of $120,000, in full settlement of all claims of every nature whatsoever relative to the property claimed by the church which are now in possession of the United States. These properties are:
>
> First. The site now occupied by the Ballaja Barracks, or as the building is now known the "infantry barracks," in San Juan, and the Santo Domingo Barracks and the land pertaining thereto. Both of these are on the lands reserved for military purposes in the city of San Juan.

I think that disposes of that fact.

Mr. GARRETT. Mr. Chairman, having made the point of order, I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARRETT. The point of order was made, not as a shot in the dark, but with knowledge of this case. This matter has been before the committee of which I am a member, the Committee on Insular Affairs. I think there has been another bill of precisely the same character before the Committee on War Claims, though I am not sure as to that, but I know it has been before our committee, and it is a matter we discussed a good deal in committee, and on which we have never reached a vote. I do not concur in the conclusions of the gentleman from Iowa as to the ownership of the property.

Mr. HARRISON. Will the gentleman yield for a question?

Mr. GARRETT. Certainly.

Mr. HARRISON. Will not the gentleman admit that the concordat between the Pope and the Queen of Spain confirmed the title of all land from which the friars had been formerly dispossessed and restored title to the church except as to those church properties for which the Government of Spain gave 3 per cent bonds, and that being so, will not the gentleman admit that such bonds were not given for any of this church property in Porto Rico?

Mr. GARRETT. Well, I will say to the gentleman that his statement is in accord with my understanding of the facts, but I think it is very significant that the Government of Spain never did issue its bonds to the churches in Porto Rico. It complied with the terms of the concordat. And I think it is very significant that they did not issue the bonds and give them to the church for properties in Porto Rico.

Mr. HARRISON. If the gentleman will permit me, did not that leave the title to those properties in the church?

Mr. GARRETT. The concordat did not mention these specific properties.

Mr. HARRISON. It referred to these properties as well as to all others.

Mr. GARRETT. It referred in general terms. Now, these properties originally belonged to the Dominican and Franciscan friars. In 1838 those orders seem to have been abolished by the Spanish Government, and the Spanish Government took over the property. Now, the Spanish Government was in uninterrupted possession of this property from 1838 until the time of its cession to the United States.

Mr. FORNES. Will the gentleman yield for a question?

Mr. GARRETT. I will in a moment, but first let me keep my promise and yield to the gentleman from Massachusetts [Mr. WASHBURN].

Mr. WASHBURN. I would like to ask my friend from Tennessee if it is not a fact that the supreme court of Porto Rico decided that the title to the identical property, concerning which we are now engaged in discussing, was in the Roman Catholic Church?

Mr. GARRETT. Well, we differ about that. There was an opinion——

Mr. WASHBURN. I have the opinion in my hand.

Mr. GARRETT. I have the opinion also, and I have examined it, I will say to the gentleman, and am familiar with it.

Mr. BURLESON. They expressly state that the United States was not a party.

Mr. GARRETT. As to this property—the gentleman does not intend to say that this property was involved?

Mr. BURLESON. Yes; that is what he says.

Mr. COCKRAN. Is the gentleman familiar with the case of Ponce *v.* the Roman Catholic Apostolic Church, 210 United States, pages 316, 317?

Mr. GARRETT. I am not so familiar with that as I am with the case here involved.

Mr. COCKRAN. Let me ask the gentleman if he does not recognize this language as that used by Chief Justice Fuller, of the Supreme Court, and whether it does not cover the Roman Catholic Church and all the rest:

The title of the Roman Catholic Church in Porto Rico to temples erected and dedicated to religious uses is not affected by the fact that some of the funds for building or repairing the churches were public funds, appropriated for that purpose by the municipality of Ponce, where such appropriations were made without reservation or restriction.

Mr. GARRETT. No; I will say to the gentleman that I do not think that principle applies in this case at all. This is not that case.

Mr. COCKRAN. What is the distinction?

Mr. GARRETT. In this case the Spanish Government had uninterrupted and undisputed possession of this property from 1838 until the time that it ceded to the Government of the United States.

The CHAIRMAN. The Chair is ready to rule. In passing upon the point of order the Chair is not permitted to consider the merits of the proposition involved, but must rule on the point of order only.

Now, the second paragraph of Rule XXI of the House reads as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any appropriation bill or in any amendment thereto.

That applies only to general appropriation bills. It would be quite competent, undoubtedly, for the proper committee—say the Committee on Insular Affairs—to bring in a bill which would carry not only the authority for the purchase, but the authorization for the appropriation also.

Mr. SMITH of Iowa. May I ask whether the Chair means to hold that the purchases of army post sites in the insular possessions is a matter within the jurisdiction of the Insular Committee? Is that the meaning of what the Chair has just stated?

The CHAIRMAN. It might be proper for the Military Committee, if it is to be used for a military post. Certainly one of the committees—the Committee on Insular Affairs or the Committee on Military Affairs—could bring in a bill which would authorize an appropriation.

The gentleman from Iowa [Mr. SMITH] suggests that the Government of the United States has already seized this property as the property of Spain, that its title is clouded, and that this is to remove the cloud.

To remove the cloud requires legislation which is not permitted on a general appropriation bill. The attention of the Chair has not been pointed to any such authority for this purchase as would justify providing for it in a general appropriation bill such as this is. But, further than that, this paragraph contains two provisos:

Provided, That the Roman Catholic Church shall guarantee the title to, and shall relinquish all rights and actions regarding said properties, and that the said properties shall belong exclusively to the United States: *And provided further*, That upon the acceptance of this sum the Roman Catholic Church shall relinquish all claims of any kind whatsoever against the United States arising in Porto Rico prior to the approval of this act.

It not only appropriates without the previous authority of law required by the rule to make it in order upon this kind of a bill, but also comes in contact with the rule by changing existing law in several particulars.

The Chair is therefore compelled to sustain the point of order.

The Clerk read as follows:

Wreck of the battle ship Maine: The President is authorized, with the consent of the Republic of Cuba, to invite proposals for removing the wreck of the battle ship Maine from the harbor of Habana, and to communicate to Congress as soon as may be practicable estimates, based on proposals received hereunder, for the expenses of such removal.

Mr. DOUGLAS. Mr. Chairman, I reserve the point of order on that.

Mr. SULZER. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, I hope the gentleman will make the point of order and save time.

Mr. DOUGLAS. I think "the gentleman" has the right to reserve the point of order for the purpose of making a speech on this item.

The CHAIRMAN. The gentleman can only do that by unanimous consent.

Mr. TAWNEY. Regular order!

Mr. DOUGLAS. Mr. Chairman, I make the point of order.

Mr. TAWNEY. I concede it.

The CHAIRMAN. The gentleman from Minnesota concedes the point of order, and the Chair sustains it.

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SULZER. I rise for the purpose of asking the gentleman from Ohio to withdraw his point of order.

The CHAIRMAN. The point of order has been sustained. The Clerk will read.

Mr. SULZER. I trust the gentleman from Ohio will withdraw the point of order. This is a very important matter. The *Maine* should be raised; and I hope the provision in this bill to do it will not be stricken out on a point of order.

Mr. DOUGLAS. I will not withdraw it; I will reserve it.

Mr. SULZER. I want to be heard on this proposition.

The Clerk read as follows:

House of Representatives Office Building: For maintenance, including miscellaneous items, and for all necessary services, $31,600.

Mr. SULZER. Mr. Chairman, it is a matter of much regret to me, and I know it will be to thousands and thousands of others throughout the country, that the provision in this bill to raise the wreck of the *Maine* has been stricken out on a point of order made by the gentleman from Ohio [Mr. DOUGLAS].

I am at a loss to understand the motive of the gentleman, and I sincerely hoped he would withdraw the objection when I appealed to him to do so. The patriotic people of the land have insisted for years, and now demand more vigorously than ever, that the *Maine* be raised. Congress should heed this demand. Our dereliction in this matter is humiliating and little less than a national disgrace.

The honor of the country demands that the *Maine* be raised. Public sentiment has been aroused and will not be appeased until the wreck of the *Maine* is raised; the truth of her destruction told; the derelict removed from menacing commerce; and the bodies of the brave sailors who sacrificed their lives on the altar of their devotion to country recovered and brought home and decently interred in the national cemetery. The records in the Navy Department show that at least 63 bodies were never recovered or accounted for, and are now entombed in the wreck of the *Maine*. For some inexplicable reason the *Maine* has never been raised and these bodies of the Nation's heroic dead recovered and brought home for burial. Our neglect to recover these remains is a big black blot on our boasted gratitude and patriotism, and our refusal to raise the wreck for fear it may appear the *Maine* was destroyed by an internal explosion is too cowardly to contemplate. No true American is afraid of the truth. We can afford to say we were mistaken. We can not afford to have it said we are afraid of the truth.

Governor Magoon voiced this idea in a statement he made just before leaving Cuba, in which he said that our neglect to remove the wreck is attributed by many, especially the large Spanish contingent in Cuba, to the fear that its removal will disclose the fallacy of the popular belief that the *Maine* was destroyed by a torpedo or mine. So generally does this opinion prevail, says the governor, that the Cuban Government has been deterred from removing the wreck as an obstruction to navigation. And only last month the President, in response to this suggestion and the patriotic demands from all over the country, sent a special message to the Congress, in which he said, in substance, that the wreck of the *Maine* should be removed from Habana Harbor and that he hoped the Congress would see the wisdom of passing appropriate legislation for its speedy accomplishment. But nothing is done, and every day's delay is deepening the blush of national shame on the face of every patriotic American.

Mr. Chairman, my conscience is clear. The fault is not mine. I have done, and I am trying to do, my duty in the premises. Long, long ago I introduced a bill to raise the wreck of the *Maine* from the slime and mud of Habana Harbor. The bill speaks for itself, and I now send it to the Clerk's desk and ask to have it read in my time.

The Clerk read as follows:

A bill (H. R. 21176) to raise the wreck of the U. S. battle ship Maine in Habana Harbor, and remove the bodies therein to Arlington Cemetery for interment.

Be it enacted, etc., That the Secretary of the Navy be, and he hereby is, authorized and directed to forthwith prepare and publish proposals requesting bids for the removal of the wreck of the U. S. battle ship Maine, now sunk in Habana Harbor, and have the bodies therein brought to Washington for interment in the national cemetery at Arlington; and that the contract or contracts for the purposes herein specified shall be let to the lowest responsible bidder.

SEC. 2. That the President be, and he hereby is, authorized and directed to make the necessary arrangements, if any be necessary, for the purposes herein designated, with the Republic of Cuba.

SEC. 3. That any money now at the disposal of the Navy Department is hereby made applicable for the purposes herein specified, and if the same be not sufficient to carry out the purposes herein specified, then such sum of money as may be necessary to meet all the requirements of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

SEC. 4. That this act shall take effect immediately.

Mr. SULZER. Mr. Chairman, that bill of mine is now slumbering in the Committee on Naval Affairs, where it has been pigeonholed ever since I introduced it. I have done everything in my power to get it reported, but thus far without success. I say, now, it should be speedly reported and passed ere this session of Congress adjourns. The House should have an opportunity to vote on the bill, and if this right were granted, I know the bill would pass by an overwhelming majority. This bill will accomplish the object desired, and it meets with the approval of the patriotic people of this country. The failure of the Committee on Naval Affairs to act on this bill has been disappointing to the friends of the *Maine's* heroic dead; but I am not disheartened. In season and out of season I shall keep working for this legislation until the *Maine* is raised and the bodies of our dead sailors are brought home for interment. The Naval Affairs Committee of this House has been recreant in this matter. The members of this committee are to blame for the disgraceful neglect and delay. The veterans of the Spanish-American war, from one end of the country to the other, are very much in favor of my bill, and nearly every camp has passed resolutions urging its speedy enactment into law. Our neglect of the dead sailors buried in the wreck of the *Maine* is a shame and a disgrace. The wreck of the *Maine* must be raised. The bodies of our gallant seamen must be brought home and interred with their ill-fated comrades in the national cemetery. Every sentiment of gratitude and every prompting of patriotism should impel us to do this. I shall keep up the fight until it is done. Sooner or later the Congress must do its duty. We must find out if the *Maine* was destroyed by an explosion from within or without. Let the truth be known to all the world, and forever dissipate doubt—forever clear the sky of history. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Chairman, I regret my time is so limited. However, I now ask unanimous consent to extend my remarks by printing in the RECORD some recent data in my possession bearing directly on the subject under discussion.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks as indicated. Is there objection? [After a pause.] The Chair hears none, and the request is granted.

The matter referred to follows:

RED OAK, IOWA, *February 22, 1909.*

Hon. WILLIAM SULZER, *Washington, D. C.*

DEAR SIR: You truly said February 16, 1909, "The delay has been disappointing to the friends of the *Maine* heroes, deceased," and that you will persist in your efforts until the *Maine* is raised, and the bodies of the dead sailors are brought home for burial.

My son, Darwin Merritt, an assistant engineer, is entombed in the wreck. My affection for him prompted me to thank you for your laudable efforts. Two other sons, one a member of the Roosevelt Rough Riders and the other a member of the Fifty-first Iowa Volunteers, who served in the Philippines, and thousands of others are deeply interested in the matter.

I am not unmindful of the feelings of the friends and relatives of the other 62 who died in the performance of duty; a word from you to the general public not reached by the CONGRESSIONAL RECORD would enable our people through our Congressmen and Senators to remind them of their plain duty. I have not seen any allusion to the subject in the newspapers of my own State.

Yours is a familiar name in nearly every household, and the writer, being a former resident of your State (Potsdam) emboldens me to address you and to say that I am,

Respectfully yours, W. W. MERRITT.

RAISE THE "MAINE."

Raise the *Maine* from Cuban waters
For Columbia's sons and daughters
To the surface of the ocean
With a glorious emotion!

Raise the *Maine*, renowned in story,
And with everlasting glory
Let her sail from sea to sea,
Grand emblem of our liberty!

Raise the *Maine* and let us save
The wreck of glory from its grave,
To teach the people, far and wide,
That Freedom is our hope and pride!

Raise the *Maine* for noble heroes
Who have whipped the Spanish Neroes
From this Western Hemisphere,
And nevermore to reappear!

"Raise the *Maine*," brave SULZER utters,
And in Congress no one mutters
Argument in opposition
To this bill and its grand mission!

Raise the *Maine*, for God and honor,
When again our glorious banner
Shall go shining round the world
From the *Maine* mast, flashed, unfurled!

JOHN A. JOYCE.

WASHINGTON, D. C.

Moorfield Storey, president; David Greene Haskins, jr., treasurer; and Erving Winslow, secretary. Executive committee: Albert S. Parsons, chairman; Charles Gordon Ames, James H. Bowditch, Gamaliel Bradford, Frederick Brooks, Charles Fleischer, William Lloyd Garrison, Edwin Ginn, Albion A. Perry, A. A. Putnam, Josiah Quincy, John Ritchie, Frank B. Sanborn, Charles Warren, and Fiske Warren, president, treasurer, and secretary ex officio.

THE ANTI-IMPERIALIST LEAGUE,
20 CENTRAL STREET,
Boston, February 19, 1909.

Hon. WILLIAM SULZER.

DEAR SIR: Will you kindly let me know the exact position of your renewed effort for raising the *Maine?* I have collected a quantity of evidence which seems to prove that it was destroyed by an internal explosion, and my own belief is that the President's recommendation for raising the wreck at this late date is attributable to the fact that it has been ascertained that the action of the water upon the wreck has been such that nothing can be determined now by its removal. You are aware, I presume, that Gen. W. J. Palmer, of Colorado, offered, through us, to pay half a million dollars for raising the wreck at a period when its condition would have probably afforded the necessary evidence.

I am, your obedient servant, ERVING WINSLOW,
Secretary.

[Editorial from the Evening Star, Washington, Saturday, February 20, 1909.]

RAISE THE "MAINE."

Far better than merely authorizing the Secretary of the Navy to ask for bids for the removal of the *Maine's* wreck from Habana Harbor, as proposed by the House Appropriations Committee in the new sundry civil bill, will be a direct authorization to remove the hulk without further delay. The lapse of eleven years since the ship was sunk without effort to raise it is discreditable to the United States. Further procrastination is calculated to increase the criticism which is now directed against this Government, even though the naval administration may be going through the motions of learning the cost.

Nearly a year ago Representative SULZER, of New York, introduced a bill authorizing and directing the removal of the wreck in order that the bodies of the 63 sailors now entombed within the twisted steel plates of the ill-fated ship might be given decent burial. This bill, for some reason not plain, has lain in committee without action. Meanwhile Congress has been repeatedly importuned to act, and especially of late in connection with the evacuation of the island by American troops and since then in connection with the anniversary of the disaster. These requests and demands for action have come from patriotic organizations, from newspapers voicing public sentiment, and from individuals. The paragraph in the sundry civil bill may be the answer vouchsafed. But it does not go far enough.

The Secretary of the Navy has already reported that he does not know how much the work of removal will cost. Congress should not be particular. The hulk should be raised, the dead removed and buried, and the so-called "mystery" of the disaster forever revealed, whatever the expense may be. In all likelihood this contract will not call for many thousands of dollars—10, 15, 20, or perhaps 25. Though the expense ran to $50,000, or even to $100,000, this Government should willingly bear it, as the price of a peremptory duty. The Government is not so poor that it must hesitate and count the dollars and know the cost to a penny before it proceeds to give the final word. The Secretary of the Navy can be intrusted with the commission under a lump-sum appropriation.

In his remarks before the House on the 16th of this month on this subject Mr. SULZER thus eloquently stated the national responsibility in this matter:

"During the Spanish-American war our battle cry was, 'Remember the *Maine!*' Have we forgotten that? Have we, forsooth, so soon forgotten the *Maine?* Should not every prompting of patriotism impel us not only to remember the *Maine*, but to raise the *Maine?* The veterans of the Spanish-American war, from one end of the country to the other, are very much in favor of action along the lines of my bill, and nearly every camp has passed resolutions favoring its speedy enactment into law. Our neglect of the dead sailors buried in the wreck of the *Maine* is a shame and a disgrace. The wreck of the *Maine* must be raised. The bodies of our gallant seamen must be brought home and interred with their ill-fated comrades in the national cemetery. Let us do our duty. Let us enact this law. Let us raise

the *Maine*. Let us find out for all time if the *Maine* was destroyed by an explosion from within or without. Let the truth be known to all the world. I am not afraid of the truth. No true American is afraid of the truth. The raising of the *Maine* will forever dissipate doubt—forever clear the sky of history—forever be a credit to our heart and our courage and our manhood and our patriotism and our gratitude to our heroic dead."

The House should grasp its present opportunity and add to the paragraph in the sundry civil bill the language necessary to carry the project into immediate execution.

[Editorial from the Marine Journal June 13, 1908.]

OUR DEAD IN HABANA HARBOR.

[From the New York Sun.]

When Representative SULZER made his appeal in the House recently adjourned for an appropriation to raise the wreck of the *Maine*, he obtained consent to print in the CONGRESSIONAL RECORD the following letter from Rear-Admiral F. E. Chadwick, now on the retired list:

"Admiral Luce has sent me your letter to him in regard to raising the *Maine*. He suggests that, as a member of the board of inquiry upon the cause of her loss, I give you my views in the matter.

"I have always held that the ship should be raised and the work be done in a way to allow a thorough examination of her condition as she lies. This would, of course, require the building of a cofferdam which could be pumped out. It should have been done at once after the war. While absolutely sure that the conditions will be found such as described in our report, the question of result should have no bearing in the matter. The board did its duty according to its lights, and I am sure that I can answer for the other surviving members, as well as for myself, in saying that we should welcome any new light which exposing the wreck might bring.

"Our failure to raise the wreck has undoubtedly given an impression to many of a want of openness and straightforwardness on the part of the Government. It is our duty to remove this. We can afford to say we were mistaken; we can not afford the imputation of fearing the truth."

We would remind Congress, which will adjourn in a few days, that not only the surviving members of the *Maine* board of inquiry, but the veterans of the Spanish war, as the resolutions of many of their posts attest, maintain it to be the duty of the Government to raise the wreck of the *Maine* and give sepulture in American soil to the bodies of the American sailors that were never recovered. Theirs would have to be a common grave, because Congress for ten recurring years has failed to execute a purpose to which it should have been moved by humanity as well as by patriotism. The place for that grave is the national cemetery at Arlington.

[Editorial from New York Sun, May 19, 1908.]

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Twice every year—on the anniversary of the day when 231 American seamen sank to their death in the shattered hull of the *Maine* and again on Memorial Day—the neglected wreck in Habana Harbor is decorated with appropriate ceremonies. Shall it always be the shroud of the dead forgotten by Congress?

As long as the poor relics of a once gallant crew are abandoned to the offices of the sea the American flag waving over the spot will be a reminder of the reproach, not the glory, of a nation. Ten minutes of the time of the House would remove that reproach. We are sure that the Representatives agree with the board of inquiry, with the Spanish war veterans, with the American people, that the wreck of the *Maine* ought to be raised, reveal what it may. Mr. SULZER challenged any Member of the House to stand up and object, and not a man spoke.

We urge Mr. SULZER to make one more appeal to his fellow-Representatives before they return to their homes to take part in the beautifull Memorial-Day ceremonies—one more appeal in behalf of the unburied dead that lie in the ooze of Habana Harbor.

[Editorial from New York Evening Sun, February 20, 1909.]

PAYING THE PRICE OF NEGLECT.

The latest development in the matter of raising the *Maine* from the mud and slime of Habana Harbor, where it entombs the mortal remains of some three-score of the bluejackets and marines who went down with the battle ship, is that inquiry will be made to determine the feasibility as well as the cost of the project. What question of feasibility is there, what question can there be, when national honor and duty, too long unheeded, make the raising of the *Maine* imperative?

As for the question of cost, it is to be hoped that there is no suggestion in the proposed inquiry implying the provision of an excuse to Congress for not doing at all that which should have been done long ago. Of course the price may, in the opinion of hard-headed Congressmen, who have so much use for Government expenditure in their own districts, be regarded as a pretty stiff one to pay for a lot of dead sailors of our navy—there were 63, were there not, whose bodies were never recovered from the wreck?—and for the shattered hulk of the battle ship whose destruction precipitated one of our wars. It would have been easier to raise the *Maine* then than it is now, and it would not have cost so much had Congress provided for this discharge of a plain duty, this fulfillment of a patriotic obligation when it was first urged upon its attention some years since, and the greater cost of the task now will be a memorial to congressional neglect.

Still, whatever the price of neglect, it looks as though the country would demand that it be paid, for recognition of the fact that the *Maine* ought to be raised is fast becoming the categorical imperative—"Raise it!"

[Editorial from Rutherford American, February 25, 1909.]

COMMENT BY THE WAY.

The wreck of the battle ship *Maine* in Habana Harbor should be raised. Surely time enough has elapsed since the Spanish-American war for this work to be done, and the demand of 100,000 Union and Confederate veterans and Spanish-American war soldiers should not be ignored. A little paragraph from a letter of Rear-Admiral Chadwick, retired, seems to us to fit the case exactly: "Our failure to raise the wreck has undoubtedly given an impression to many of a want of openness and straightforwardness on the part of the Government. It is our duty to remove this. We can afford to say we were mistaken; we cannot afford the imputation of fearing the truth."

[From Newark News, February 23, 1909.]

A NATIONAL REPROACH.

ARLINGTON, *February 22, 1909.*

To the Editor of the News:

SIR: No degree of heartless indifference and unconcern for a nation's dead and the honors due "the last full measure of devotion" to service under the flag of any civilized nation can be compared to that which is openly and justly charged against the General Government of the United States in its treatment of the wreck of the battle ship *Maine* and the dead which it has entombed since her terrible taking off in 1898.

Individual and associate survivors of the Union armies are perhaps more impressed, or sensible to, the immediate demoralizing effect of this flagrant national indifference upon those who would identify themselves with service in our army and navy, and the work of enlistments generally, which is now almost in a state of alarm in its search for desirable recruits. What can we say against the worst that has been charged to the administration at Washington when Governor Magoon deliberately reports in reference to the famous wreck lying in Habana Harbor as follows? "Thousands of Americans and other thousands of other nationalities, annually enter the harbor of Habana, and probably not one omits to express regret and censure for the deplorable spectacle. It has become a national reproach and an international scandal."

Yours, truly,

ALFRED KING.

[Editorial from New York Sun, February 21, 1909.]

WHY NOT PASS THE SULZER BILL?

We observe that the sundry civil appropriation bill as reported to the House on Friday contains a provision authorizing the President to invite proposals for removing the wreck of the *Maine* from the harbor of Habana and to furnish Congress with the estimates.

As about eight working days of the session remain, and the call for bids and the responses would apparently consume more time, the good faith of the House in this matter is not strongly in evidence, especially as legislation would be required if the wreck of the *Maine* is to be removed, and the House has not had an opportunity to vote on Representative SULZER'S bill, which directed the Secretary of the Navy to invite bids, accept the lowest, and have the wreck removed and the bodies of the dead buried at Arlington. The necessary arrangements with the Government of Cuba were provided for in Mr. SULZER'S bill, as well as the cost of the undertaking if in excess of a fund already available.

It is gratifying to see the House, so long inert under majority leadership, take any step that promises, however vaguely, the consummation so earnestly desired by the American people; but the easiest way, the most practical and fairest, if the Hon. WILLIAM SULZER is to have the credit that belongs to him for faithful and patriotic endeavor, is to pass his bill and send it to the President before March 4.

It is not too late to do this.

[From the New York World, Monday, February 22, 1909.]

ARBUCKLE ASKS UNITED STATES TO LET HIM RAISE THE "MAINE"—BROOKLYN MILLIONAIRE WHO FLOATED THE CRUISER "YANKEE" ANNOUNCES THAT NEGOTIATIONS ARE UNDER WAY—CONFIDENT HE CAN LIFT THE SUNKEN BATTLE SHIP—DECLARES THAT WORK SHOULD BE DONE TO SETTLE FOREVER THE CAUSE OF EXPLOSION.

John Arbuckle, who floated the cruiser *Yankee* from Spindle Rock after others had abandoned the task as hopeless, announced last night that he was in negotiation with the Government to raise the *Maine*. He declared with the utmost confidence that he can bring the battle ship to the surface and tow her to a dry dock with less difficulty than he had in floating the *Yankee*.

If he can obtain a reasonable appropriation and permission to make the attempt to float the battle ship, Mr. Arbuckle declares that he will surely be able to settle for all time the question whether the United States was justified in going to war with Spain because of the blowing up of the vessel in Habana Harbor in 1898.

Hundreds of thousands of words have been written which purported to show conclusively just what happened to the *Maine;* voluminous reports have been made by experts and amateurs as to whether the vessel blew herself up or struck a sunken mine. Not long ago a circumstantial story was published giving the details of the supposed plot, and how an American, to save his life, was compelled to touch off the mine.

NONE KNOWS WHAT HAPPENED.

But, in the most guarded way, it has for a long time been admitted by the government officials that nobody really knows to the last certainty just what actually happened.

"It is true that there have been negotiations between me and government officials in Washington," Mr. Arbuckle said last night at his

home in Brooklyn, "but anything to be said regarding the details of the negotiations should come from Washington.

"I would like nothing better than to undertake to raise the *Maine*, aside from all money considerations," he added. "It would be a patriotic act which somebody ought to undertake. I am deeply interested in the invention of compressed-air devices for raising vessels, and I am so thoroughly convinced that I have a device which would surely float the *Maine* that I am most impatient to get at the work.

"It is sincerely to be hoped that Congress will act favorably upon the proposed legislation looking to an appropriation to lift the battle ship. I realize that the experts have said it could not be done, but they said the same thing before the *Yankee* was raised.

DIVERS EXAMINE WRECK.

"I have had divers make as close an examination as possible of the sunken *Maine*, and the conditions involved in the undertaking. Informal plans, the length of time the work will probably require, and an approximate estimate of the cost have all been carefully figured out and laid before the proper authorities. Even the special compressed-air device that would be used has been planned, and I am all ready to go to work as soon as the proper authority is granted by the Government.

"The experts have overestimated the difficulties to be overcome. Conditions in Habana Harbor are much more favorable for such an undertaking than were the conditions we met with in floating the *Yankee*. In Habana Harbor the rise and fall of the tide are slight, and there never is a heavy sea. I should like to begin the work at once, but of course it will be necessary to wait until all possible complications are removed and an appropriation is granted by Congress. That may be soon or never, but, regardless of whether I have anything to do with the work, I thoroughly believe somebody ought to undertake the work. We have already waited too long, and in justice to ourselves, if not to Spain, there ought no longer to be any doubt as to just what happened to the *Maine*.

Mr. DOUGLAS. Mr. Chairman, I am sorry to run counter to the sentiment of my friend from New York [Mr. SULZER], for whom I have a warm esteem; but if this proposition be founded upon commercial reasons, then I say, let the Republic of Cuba remove the wreck of the *Maine*.

Mr. SULZER. You will not give Cuba permission to do it.

Mr. DOUGLAS. Excuse me. I can not be interrupted. I have but two minutes, and I did not interrupt the gentleman. In the second place, if it be a matter of justice, let the Kingdom of Spain remove the wreck.

Mr. SULZER. That would be a beautiful display of patriotism on our part, would it not?

Mr. DOUGLAS. As far as sentiment is concerned, there are no bodies left in the *Maine*. The bodies of the poor fellows who went down with the *Maine* have long since become food for fishes. To bring their ghastly remnants home would be simply to reopen the wounds in the hearts of their families and friends, which now, thank God, are measurably healed.

But, above all, it would reopen the old question as to how the *Maine* was sunk. We have a new *Maine* now in our navy, and I see no good reason, founded either in sentiment or anything else, why we should undertake the expense of raising the wreck from the harbor of Habana. The sinking of the *Maine* was not only a most dramatic event, but it marked an era in the history of this Republic and of the world. But eleven years have now elapsed; the Spanish war, with all of its tremendous results, so far as they have developed, are matters of history; and for my own part I believe that it is time to put aside the old war cry, "Remember the *Maine*," as a war cry, and to remember her only in connection with the triumphs of our soldiers and sailors and the great events to which the tragic destruction of that great ship was indeed the opening door.

Mr. GOULDEN. Mr. Chairman, I desire to compliment the committee on the excellent bill (H. R. 28245), with the accompanying report (No. 2205), now under consideration.

I am especially interested in this paragraph, page 196, which provides for the preliminary steps for the raising of the ill-fated battle ship *Maine*, a matter already too long delayed.

The item is as follows:

WRECK OF THE BATTLE SHIP "MAINE."

The President is authorized, with the consent of the Republic of Cuba, to invite proposals for the removal of the wreck of battle ship Maine from the harbor of Habana, and to communicate to Congress as soon as may be practicable estimates, based on proposals received hereunder, for the expense of such removal.

Monday, the 15th of this month, occurred the eleventh anniversary of the sinking of the *Maine*. On that day I introduced H. R. 28138, which I shall print in the RECORD as a part of my remarks.

Two other bills had previously been introduced by my colleagues from New York [Mr. SULZER and Mr. CALDER]. My bill was referred to the Committee on Appropriations. I at once followed this up with letters to each of the distinguished members of that committee, urging immediate action.

It is a matter of pride to every American citizen that the committee acted so patriotically in this matter and included the above item in the bill now being considered.

The press of the country—the New York Herald of the 14th instant and the Philadelphia Press of the 19th instant especially—had articles on this subject. In both cases these usually well-informed newspapers were in error. The strictures of the Herald writer are not applicable to the Committee on Appropriations, and that of the Press is evidently written without a knowledge of the provision in this bill.

With the consent of the committee, I shall publish both articles, and simply add that I trust that the provision will pass and that this shame on the Republic will be removed:

A bill (H. R. 28138) providing for the raising and removal of the wreck of the U. S. battle ship Maine, in Habana Harbor, and have the remains found therein brought to Washington for interment in the national cemetery at Arlington, Va.

Be it enacted, etc., That the President be, and he is hereby, authorized and directed to arrange for the raising and removal of the wreck of the U. S. battle ship Maine from the harbor of Habana, Cuba, and have the remains found therein brought to the city of Washington, D. C., for interment in the national cemetery at Arlington, Va.

SEC. 2. That such sum of money as may be necessary to meet all the requirements of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the same is hereby made immediately available.

This was the bill introduced by me.

FORGET THE "MAINE!"

[By Rupert Hughes.]

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"Forget the *Maine!*" That seems to be the revised watchword of our Navy Department. On February 15 flowers were placed on the ship whose stark and unburied bones had projected obscenely from the waters of Habana Harbor for ten years. This is the eleventh anniversary of the sinking of the historic cruiser.

The war brought on by the disaster has been fought and forgotten, and the cry "Remember the *Maine!*" has ceased to be even a topic for vaudeville punsters. The harbor in which the derelict lies, too low for beauty and too high for oblivion has been under our control for ten years.

The retirement of Governor Magoon on January 28 marks the second evacuation of Cuba by the United States. Many valuable properties have been brought away, but the *Maine* is left in the mud. This is not for any lack of efforts to induce those in authority to give her a decent burial. Even a dime-museum showman tried to buy her and bring her home. Even he was refused.

Why is the *Maine* not raised?

Echo answers, Why? Patriotism answers, Why?

Suspicion sneers, Why?

The day after the ship was sunk you could hardly have found an American who did not believe that she had been foully done to death by a treacherous enemy. To-day you can hardly find an American who believes Spain had anything to do with it. On the grounds of the most cynical common sense this feeling finds its strongest basis.

Such an act of perfidy would have been insanity at a time when Spain, unable to conquer the rebellious Cubans, was confronted with the menace of a stupendous ally, whom she was doing more than her historic pride permitted to appease. A Spanish man-of-war was most active in rescuing the wounded, and Spanish officers immediatey visited the wreck with offers of help, sympathy, and regret, and their behavior, as Captain Sigsbee himself recorded, was marked with "exquisite tact." The first bodies recovered were buried with military honors in a plat donated by the Spanish Government.

Almost before the war was started the belief that Spaniards sank the *Maine* was discarded for elaborate and complicated theories to the effect that the Cubans sank her in order to drive the United States to action. These theories are a little too ingenious to be convincing.

The Spanish and the Americans sent commissions and divers to examine the wreck. The Spanish commission reported that she was sunk by an internal explosion. Such an explosion has occurred on many war ships in our and other navies. It was only recently that the Japanese had such a disaster in the case of the cruiser *Matsushima*, which sank herself by internal explosion, with a loss of 107 lives.

The American board of inquiry, which was given every freedom and facility by the Spanish officers, came to the conclusion—

"That the ship was destroyed by the explosion of a submarine mine, which caused the explosion of two or more of her forward magazines;" and "that no evidence has been obtainable fixing the responsibility for the destruction of the *Maine* upon any person or persons."

This finding, admitting, as it did, that part of the damage was done by the *Maine's* own magazines, was accepted as sufficient in this country in spite of Spanish protests and the incredulity of foreign naval experts. President McKinley ordered Spain to get out of Cuba at once.

There is a story that an important dispatch from Spain was withheld, as an important dispatch from France was garbled by Bismarck on the eve of the Franco-Prussian conflict. In any case, war was declared April 25 and post dated April 21, 1898.

This was eleven years ago, and the *Maine* still lies in the ooze in a foreign harbor, an eyesore, a heartache, a blot on the escutcheon. Most of the bodies of the sailors were brought home to their native soil after some agitation. But 63 bodies were left in the wreck and have remained to add the last touch of impiety and shame to the scandal. Every conceivable reason urges that the ship also should be given honorable burial. Efforts were made to raise and bring home some of the Spanish wrecks after the naval massacre of Santiago. But no step has been taken to bring the carcass of the *Maine* to the light of day. Every crusade in this behalf has been squelched by the authorities. People are growing impatient, patriots indignant, skeptics intolerable, and the reiterated Why? Why? Why? is beginning to have the weight of an argument.

More people than would confess it have come quietly to this belief: "They will not raise the *Maine*, because they are afraid to. There are facts which only the muddy harbor of Habana can conceal."

Is this true?

If it is, there is the more reason for raising the ship.

Is the Nation itself to play the hypocrite, the coward, and the liar?

Shall Uncle Sam both fear and conceal the truth?

The *Maine* must be raised from the mud.

God said "Let there be light."

[From the Philadelphia Press.]

CONGRESS AND THE MAINE.

The only recognition which the eleventh anniversary of the sinking of the *Maine* in Habana Harbor secured in Congress is the introduction of a bill by Representative GOULDEN, of New York, for the raising and removal of the wreck from Habana Harbor. This bill does not stand the ghost of a show at this stage of the session. It might be incorporated as an item in some one of the appropriation bills still unacted upon, but apparently there is no such intention.

The sundry civil bill at the present time contains a provision for the creation of a commission to inquire into the question of raising the wreck of the *Maine*. This is better than nothing, but it postpones the raising of the *Maine* indefinitely, and even leaves the ultimate fate of that vessel in doubt. That wrecked American battle ship should be removed. This country owes that much to Cuba, as the wreck is an obstruction in Habana Harbor and a menace to navigation there. It operates, too, to shoal the harbor at that point. But there are more potent reasons why this country should act. The neglected wreck of an American battle ship in a foreign harbor is an unpleasant spectacle. National pride should prompt us to remove it. The bodies of 63 American seamen are supposed to be held in that wreck. The Goulden bill provides for their interment in Arlington Cemetery.

The proposal to raise the *Maine* is approved and strongly indorsed by practically the entire newspaper press of the country. It is hard to understand the indifference of Congress to this matter. The American fleet is coming home after a triumphant voyage around the world. The national pride in this fleet and its great achievement is naturally just now very strong. It is a good time to remember the fleet of 1898 and make an honorable and suitable provision for the first and only great sacrifice in our conflict with Spain and give honorable burial to the American seamen whose bodies are imprisoned in the sunken battle ship in Habana Harbor.

I regret more than words can express the fact that the item has gone out on a point of order. It may be new legislation, and therefore not properly on an appropriation bill. The Committee on Naval Affairs, before which the bill of my colleague [Mr. SULZER] has been for several years, should take this matter up and report out a bill to raise the *Maine*. This is a duty devolving upon this Government, and Congress should insist upon its being done.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Office of the Deputy Public Printer: Deputy Public Printer, $4,500; inspector of paper and material, $2,000; 1 clerk of class 4; 2 clerks of class 1; 1 clerk, $900; 1 chemist, $1,400; 1 messenger, $840; 1 messenger boy, $420; in all, $14,260.

Mr. MANN. I ask unanimous consent——

Mr. PERKINS. I make a point of order, which I am entirely willing to reserve until the gentleman from Illinois [Mr. MANN] has said what he wishes to say.

Mr. MANN. I wish to ask unanimous consent to return to line 3 on that page and strike out the words "of Representatives," so that it will read: "House Office Building."

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to line 3, page 198, and to strike out the words "of Representatives." Is there objection?

There was no objection.

The amendment was agreed to.

The CHAIRMAN. Will the gentleman from New York now state his point of order?

Mr. PERKINS. I make a point of order against the following words, in lines 9 and 10, page 199:

Inspector of paper and material, $2,000.

There is no such office. If this bill passes in the form in which it is drawn, it will create a new office, and therefore is subject to a point of order. I think the committee probably intended to make an appropriation for an officer created by statute, who is not an inspector of paper and material, but who is officially created to represent the Joint Committee on Printing, to act in various particulars, to examine material and other articles received by the Printing Office, to see whether they correspond with the requirements of contracts. That, I imagine, is the official whom the Committee on Appropriations had in view. If the gentlemen of the committee will allow me to offer an amendment designating this official properly, I will withdraw the point of order.

Mr. SMITH of Iowa. What is the proposed amendment?

Mr. PERKINS. The proposed amendment is to insert, after the word "material," in line 10, page 199, the words:

As provided for in section 20 of an act to provide for the public printing and binding, approved January 12, 1895.

I think that is what the committee had in view, but the designation given here is not a proper one, as it does not describe all his duties.

Mr. TAWNEY. We accept the amendment.

The CHAIRMAN. The Chair understands the gentleman from New York to withdraw his point of order and to offer an amendment, which the Clerk will report.

Mr. TAWNEY. It is the same man the gentleman is talking about.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 199, line 10, after the word "material," insert the words "as provided for in section 20 of an act to provide for the public printing and binding, approved January 12, 1895."

The amendment was agreed to.

The Clerk read as follows:

Except the appropriations for salaries in the office of the superintendent of documents, and for stores and general expense for the office of the superintendent of documents, all appropriations made herein under "Government Printing Office" shall be considered in apportioning the allotments for printing and binding to the several executive departments, bureaus, and independent offices of the Government: *And provided further*, That no other fund appropriated by this act, or any other act, shall be used for services or other purposes in the Government Printing Office, or in the office of the superintendent of documents, of the character specified in the foregoing paragraphs, except in cases of emergency arising after the passage of this act, and then only on the written order of the Public Printer; and the aggregate of all salaries or other expenses thus paid, in addition to those specifically appropriated for above, shall be reported to Congress each year in connection with the annual estimates.

Mr. PERKINS. Mr. Chairman, I make a point of order against the provision beginning on page 202, line 10, down to the word "Government" in line 17, on the ground that it is new legislation.

Mr. TAWNEY. I submit that the point of order comes too late, we have passed that paragraph.

Mr. PERKINS. Oh, no; this is just at the close of the paragraph just read. There are two provisos contained in the paragraph and the point of order is as to the first proviso.

Mr. TAWNEY. I desire to ask the gentleman from New York, who has had a very wide experience on the Committee on Printing, what objection he has to requiring that the expenses of the office of the Public Printer, the amounts appropriated for holidays and half holidays, the amount appropriated for annual leaves, and the amount appropriated for the Deputy Public Printer's office be included in the aggregate cost of the public printing or the maintenance of our public-printing establishment—this provision excepts from the cost only the expense of the superintendent of documents—and whether he does not think that the exception should be made from the expense of maintaining the institution?

Mr. PERKINS. In reply to the question put by the gentleman from Minnesota, I will say that I make the point of order because I think it furnishes an instance of the evil of attempting legislation on appropriation bills.

Mr. SMITH of Iowa. May I ask the gentleman just what it is that his point of order runs to? I can not understand from his reference to the first proviso.

Mr. PERKINS. It includes line 10 and all the lines down to the word "Government," in line 17. It is not a restrictive proviso, it is a regulation; I beg the gentleman's pardon.

There has been a great deal of trouble, as is known to Members of the Printing Committee, and perhaps to some extent to some others in the House, with reference to the method in which the departments should be charged for the work done. Under the law as it now is the department is charged for the work out of the appropriation which is allowed that department. For instance, if a department was allowed $100,000, the work done is charged up by the Public Printer, and when that amount is exhausted its right to public printing is exhausted.

That matter, as it stands now, is in the hands of the Public Printer, and during the changes of Public Printers—during the last few years several extreme and unfortunate changes have been made—the departments have complained, and I think with some justice, that it was impossible for them to make estimates of the amount that they should reasonably ask, because, beginning first with an estimate of printing at a certain price, before the appropriation had run out they have been met with estimates of a very much larger price, and they are entirely helpless in the hands of the Public Printer.

Now, the Joint Committee on Printing, which has been endeavoring and has succeeded in largely increasing their actual superintendence over the printing department, believing it to be in the interest of economy and good government that that control should be still further increased, have reported a bill which is now on the calendar, but which can not be considered in the

few days left of this session. In that we have adopted, after a good deal of care, a system of fixed prices that should be charged for the various work that is done, and giving the superintendence, where I think it should be given, to the Joint Committee on Printing, so that if there is any trouble or controversy between the department and the Public Printer that committee will have the final decision.

The adoption of the legislation contained in this bill, although I doubt not the provision was put in with the best intentions, is one making a temporary change that would be of no value. The point of order is not made with the intent that there shall be no legislation on the subject, for the committee has prepared with great care a bill, and as soon as it can will bring before the House for action a carefully regulated system; and for this reason I feel bound, on behalf of the committee, at this time to make a point of order against the provision contained in the bill.

The CHAIRMAN. The paragraph against which the point of order is made seems clearly to involve legislation changing existing law upon a general appropriation bill—contrary to the rule. The point of order is therefore sustained.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment in place of the matter stricken out. It is a limitation on the appropriation not subject to the objection of the gentleman from New York.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In expending the sums herein, under the Government Printing Office, there shall be included in determining the cost of printing and binding all such sums except those for and under the office of the superintendent of documents.

Mr. PERKINS. Mr. Chairman, I beg to save the point of order on that. It is plainly legislation and limiting the authority of the Public Printer.

Mr. TAWNEY. Mr. Chairman, it does not limit the discretion of the Public Printer in the least, and I think the amendment is clearly in line with the decision of the Chair on the point of order made against the amendment of the gentleman from Nebraska. This, Mr. Chairman, limits the expenditure of this appropriation which is made for the public printing of all branches of the Government, including congressional printing. It does not in any way change or affect any existing law, and it is providing that of the amount thus appropriated and expended the expenditures on account of the office of superintendent of documents shall not be charged against the appropriation for public printing and binding.

Mr. PERKINS. Mr. Chairman, I wish to direct the attention of the Chair to the law:

That when any department shall require printing or binding to be done, the Public Printer shall furnish an estimate of the cost of the principal items for such printing and binding, so called upon, after which requisitions shall be made by him upon the department, and he shall place the cost thereof to the debit of such department.

The CHAIRMAN. The Chair is prepared to rule. It seems to the Chair that this amendment is legislation. It does not limit the purpose for which the sums may be appropriated, but directs the manner in which the cost of printing and binding shall be determined. The Chair sustains the point of order.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the chairman if he can inform the committee of the total cost of the Government Printing Establishment.

Mr. TAWNEY. Does the gentleman mean the total annual cost?

Mr. HEPBURN. Yes.

Mr. TAWNEY. The appropriation for the current fiscal year is $5,690,790, and the amount carried in this bill is $5,682,290.

Mr. HEPBURN. Does that include all of the printing of the various departments?

Mr. TAWNEY. Yes.

Mr. HEPBURN. As well as the congressional printing?

Mr. TAWNEY. Yes.

Mr. HEPBURN. Does that sum include the sum of $200,000, or so much as may be necessary, to pay for holidays?

Mr. TAWNEY. Yes.

Mr. HEPBURN. Does it also include the sum of $325,000, or so much as may be necessary, to pay for services of annual leaves?

Mr. TAWNEY. Yes. Let me state also to the gentleman that the Committee on Printing want to exclude that cost of $525,000 from the cost of printing for the various departments, and pay it out of the Treasury.

Mr. HEPBURN. Will the gentleman now kindly answer another question? I think that some of these employees are paid by the day and some of them by the piece and some of them by the hour. How are their services estimated, valued, for the purpose of the half holidays and the purpose of the annual leaves?

Mr. TAWNEY. They are estimated on the basis of the average product of their labor while engaged in the service of the Printing Office, just the same as they are in the office of the Bureau of Printing and Engraving, where per diem men are allowed pay. The average price for the time employed during their service determines the amount of compensation they shall receive for doing nothing.

Mr. HEPBURN. Then a man would get part payment for three hundred and sixty-four days for the one day of extraordinary labor that he happened to perform.

Mr. TAWNEY. Yes; when he was not in the institution. Mr. Chairman, for the purpose of making a statement which has been suggested by the inquiry of the gentleman from Iowa, I shall move to strike out the two last words. I do not think this House or the country has any idea of the amount of money paid out by the Government of the United States to the employees here in the District of Columbia annually for holidays, half holidays, and for annual leaves. For that purpose, or for the purpose of getting this information before the House and the country, I interrogated the Public Printer and ascertained how much was expended on account of half holidays by Executive order and how much on account of whole holidays and how much on account of annual leaves, and for the first time these several amounts are specifically appropriated for in this bill.

The total number of employees in the Government Printing Office is 4,000. That, we will assume, represents one-seventh of the total number of employees in the District of Columbia. The total amount appropriated and expended by the Government to the employees of the Printing Office for annual leaves, whole holidays, and half holidays being $525,000 a year, would be one-seventh of the total amount required to meet the amount paid for holidays and for annual leave for all the clerks in the government service here in Washington, which amount is in the neighborhood of $4,000,000 annually, and that amount is exclusive of the annual sick leave.

Mr. COX of Indiana. Mr. Chairman, I beg the gentleman's pardon, but I could not understand what the gentleman said. I did my best to understand the gentleman, but could not do so, and I desire to ask the gentleman for some information. Can the gentleman inform the committee about how much the total salaries amount to that are paid out in the District of Columbia in the various bureaus here?

Mr. TAWNEY. The total salaries—I can not. I was talking about the total amount paid for half holidays, whole holidays, and annual leave, exclusive of annual sick leave, one-seventh of which is the amount carried in this bill $525,000.

Mr. COX of Indiana. I found in the hearings, I think, a statement that there was a loss to the Government on account of leaves of absence amounting to something like three and a half million dollars a year.

The Clerk read as follows:

For printing and binding for Congress, including the proceedings and debates, and for rents, $1,141,232. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

Mr. SULZER. Mr. Chairman, I desire to ask the gentleman from Minnesota if this appropriation for the Public Printer will be sufficient to print all the proceedings incident to the taking of the next census if the bill to take the next census should require it to be done by the Government Printing Office?

Mr. TAWNEY. No; we do not carry in this bill at all for the printing incident to the taking of the next census.

Mr. LIVINGSTON. There is no law authorizing any appropriation whatever.

Mr. SULZER. Oh, I know that. The census bill will be passed in the extraordinary session of the next Congress, and I am in favor of the census printing being done by the Government Printing Office instead of being done by private concerns. That is all, and the gentleman from Minnesota has answered my inquiry.

The Clerk read as follows:

For printing and binding the annual report of the director, monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, $140,000; and said amount shall cover all printing and binding on account of said publications of the Geological Survey.

Mr. PERKINS. Mr. Chairman, I make the point of order against lines 3 to 8, inclusive, on page 207, on the ground it is an authorization contrary to the provisions of law.

The CHAIRMAN. The Chair will hear the gentleman from Minnesota.

Mr. TAWNEY. I will say, Mr. Chairman, that there is a statute expressly providing for specific appropriations for printing and binding for the Geological Survey.

Mr. PERKINS. Yes; but the point of order is not made on that. The statute of 1907, Mr. Chairman, approved March 30, 1906, provides, with all documents originating from any department, which includes the Geological Survey, where a certain portion of the documents are taken by the department and a certain portion by Congress, after the initial cost of typesetting, that the further cost of printing and binding shall be divided between the department and Congress in proportion to the amounts that are allotted to those respective bodies.

The act as it is reported here complies with that provision of law with reference to appropriations made for the various departments except in reference to the Geological Survey. Here, as the Chairman will see, is an appropriation of $140,000, and it violates the law by covering all the printing and binding on account of publications of the Geological Survey. In other words, Mr. Chairman, the provision here is in the same form of last year, and it is by reason of the inconvenience that arose last year that I make the point of order. When it comes to the publications of the Geological Survey, the Public Printer, instead of dividing the cost between the department and the Congress, as he does in reference to all other appropriations where there is a publication that is sent partly to Congress for distribution and partly to the department for distribution, can make no such division under his clause, because it says that the $140,000 is the entire amount on account of publications of the survey. There is therefore no possibility of a division, and the practical results have been this: The last appropriation was $175,000 altogether, the same as is in the present appropriation bill, $35,000 of which, under the first clause, is for bulletins, and so forth; $140,000 for other publications; in all, $175,000.

Now, under the distribution as provided by law, if Congress had taken the portion of the publication to which it was entitled there would have been charged against the Congress $89,000 and the $175,000 would have been charged, $86,000 to the department and $89,000 to the Congress, but as a result of the provisions directed by the Joint Committee on Printing, which have become part of the law, the entire publication authorized is not now printed by the Public Printer. He is directed by the Joint Committee on Printing, if, for instance, 10,000 copies are authorized, to print only, we will say, 5,000, and if the 5,000 are exhausted then he is directed to print a further edition. If, as is often the case, the second edition equals the supply, then the further editions are never printed. The result was that in the last year, of the $89,000 of publications of the Geological Survey which the Congress was entitled to take, it did take only $52,000 for its share. The balance, to be called for by Members of Congress, was never allotted to the Congress.

Now, as a result of the provision being in the same form as it is now, there is not a saving of $37,000, which there would have been if the provision in reference to the Geological Survey had been drawn in compliance with the requisites of the law. The Geological Survey is unable to say what amount of money it can actually draw, because no man can say how much the Congress will take. It was entitled to take $89,000 last year, but only took $52,000. Whether it would take the full $89,000, or whether it would take $52,000, no man could say in advance. The Public Printer had no right to allow the $37,000, and for this reason, Mr. Chairman, because this provision is contrary to the provision of the law, I feel bound to make the point of order against it, because it works both unfortunately and expensively.

The CHAIRMAN (Mr. MANN in the chair). Does the gentleman from New York make the point of order on the entire paragraph? Will the gentleman from New York state whether he makes the point of order on the ground that the printing and binding of these reports is not authorized at all?

Mr. PERKINS. I do not.

The CHAIRMAN. Or on the ground that it is authorized to be done in another manner?

Mr. PERKINS. The ground is on the statement that "said amount shall cover all printing and binding on account of said publications of the Geological Survey;" shall be charged in part to the congressional allotment and in part to the Geological Survey.

The CHAIRMAN. The Chair will hear from the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, the gentleman from New York concedes that the publication of all the reports of the director, the monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources are all authorized by law in the appropriation for the printing of all these provisions. Now, in accordance with his interpretation of the law, there should be an apportionment of this appropriation. The law does not specifically require the appropriation act to make this apportionment. If the law specifically directs an apportionment of the appropriation, the provision authorizing or making the appropriation is not necessarily out of order or in violation of the law which authorizes the appropriation to be made for this printing. This is the provision that has been carried in this appropriation for many years, and it is there in pursuance of an express provision of the statute. Now, if the gentleman's interpretation of the law is correct, that we should in submitting the appropriation apportion that appropriation, then the point of order might be good, but I submit that inasmuch as he concedes the authority for the appropriation the manner in which the appropriation is made does not make this appropriation obnoxious to the rule.

The CHAIRMAN. Does the gentleman from New York [Mr. PERKINS] make the point of order on the entire paragraph or on the last clause?

Mr. PERKINS. I suppose that is objectionable, except that if the last clause goes out there should be a modification in the amount. I would suggest to the gentleman from Minnesota——

Mr. TAWNEY. The last clause is the limitation as to the cost of all printing.

Mr. PERKINS. I suppose that makes the whole paragraph objectionable.

The CHAIRMAN. The Chair is prepared to rule. The paragraph provides for the printing and binding of certain publications of the Geological Survey, making an appropriation of $140,000, and contains this clause:

And said amount shall cover all printing and binding on account of the publications of the Geological Survey.

Without that clause no more money than the $140,000 could be expended unless the law now provides for the publication in some other manner and directs publication. If the law now provides for the publication of the report so that the expense will be over $140,000, or even if there is no provision of law, this in the one case would change the existing law and in the other case would create new law, so that it is obnoxious to the rule. The Chair, therefore, sustains the point of order.

Mr. PERKINS. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 206, after line 22, strike out all up to and including line 8, on page 207, and insert in lieu thereof the following:
"For printing and binding the annual report of the director, monograph, professional papers, bulletins, water-supply papers, and the report on mineral resources, and including not exceeding $35,000 for engravings and illustrations necessary therefor, $135,000; and said amount shall cover all printing and binding and engraving on account of said publications for the Geological Survey."

The CHAIRMAN. Does the gentleman ask unanimous consent to return to the paragraph for the purpose of offering the amendment?

Mr. PERKINS. Yes; I do.

Mr. TAWNEY. I object.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 206 for the purpose of offering an amendment. Is there objection?

Mr. TAWNEY. I object.

Mr. PERKINS. I offer a new paragraph.

The Clerk read as follows:

Insert in lieu of the paragraph stricken out:
"For printing and binding the annual report of the director, monograph, professional papers, bulletins, water-supply papers, and the report on mineral resources, $100,000; and said amount shall cover all printing and binding and engraving on account of said publications for the Geological Survey."

Mr. TAWNEY. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman.

Mr. SMITH of Iowa. The point of order was made against the amendment offered by the gentleman from New York.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For the Department of Agriculture, including not to exceed $25,000 for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the provisions of public resolution No. 13 of the first session Fifty-ninth Congress, and also including not to exceed $125,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, $460,000.

Mr. McHENRY. Mr. Chairman, I move to strike out, on line 20, page 207, the word "twenty" and insert in its place the word "seventy."

The Clerk read as follows:

Page 207, line 20, strike out "twenty" and insert "seventy."

Mr. McHENRY. Mr. Chairman, every farmer in the United States and every other person interested in the farmer or in agriculture should have free access to the valuable information collected by the Department of Agriculture. But under the limited appropriation you prevent this by not providing the Secretary with sufficient funds for the publication of bulletins, reports, and so forth, and the general dissemination of information resulting from this national department for scientific research.

Agriculture represents the most important wealth-producing industry in the world. The farmer is the man who keeps the wheels of industry moving. During our recent panic it was the farmer alone, through the selling of his products in foreign markets, who saved the trade balance in our favor. The farming industry is the one industry which has saved the finances of the country from absolute ruin during the past eighteen months of panic. The farmer bears the greater share of the burden of taxation and receives less recognition, less protection, and less return from the National Government than any other class of men.

In this amendment which I have offered, asking for a wider distribution of farm literature by the Agricultural Department, I am not asking any special favor for the farmer. I am simply asking that this department shall be made of direct and material assistance to the great industry which it represents. The farmer is paying for this information. Why should he not have it? If the Agricultural Department is doing good work (and of this there can be no doubt), let the farmers know about it. If the Agricultural Department makes a new discovery or propounds a new scientific theory of practical value, then our 6,000,000 American farmers should be immediately advised of the departmental finding in order that they may try out these experiments in a practical way on their farms.

There has been much discussion with reference to the conservation of our natural resources. To conserve the soil, to increase its fertility, to produce greater crops from the same number of acres of land and the same amount of labor presents the true principle of practical economics and the true and most valued source of natural resource conservation. The American farmer owes a duty to posterity. The old farm homestead should be handed down to the future generation in a higher state of production and greater fertility than when received by the present generation from their ancestors. But we find, on the contrary, an alarming decline in soil fertility. I know of abandoned farms in my State. They are to be found all throughout the East and South. I know of farms being offered for sale at prices but little above the actual cost of the farm buildings.

The abandonment of the soil is an infallible danger signal of national decline. We see our farm boys by the hundreds of thousands leaving the old farm homes for the seemingly more alluring employment of the factory and mill. This is caused in many cases by sheer necessity. In others by isolation and smaller remuneration. To keep the boys on the farm, farm life must be made both attractive and profitable, and in this particular the National Bureau of Agriculture can render great services.

We spend hundreds of millions of dollars on the navy and army and forestry reservation, but give grudgingly of our support to the one industry most important to national welfare.

Now, is it not better for the country to restore and maintain the fertility of these lands than to spend untold millions of dollars in the national irrigation and land-reclamation schemes, which are of doubtful merit and uncertain results? The time is coming when every inch of available soil must be made productive. The time is coming, and that, too, within a period of twenty-five years, when we shall have to import foreign wheat to feed the American Nation; and when that time comes, Mr. Chairman, may God pity the workingman who has to buy bread for his family.

Mr. Chairman, I am proud of my State and of my district. The Pennsylvania farmer ranks second to none anywhere. He lives like a prince. He is giving to the world its finest specimens of manhood and womanhood. He is a business man. He is a student. He knows that there are greater possibilities in his soil than he has yet produced.

He appreciates the cooperation of the Government and he wants to know what the Agricultural Department is doing, which is his right and privilege.

Under the present method of distribution of farm bulletins and documents each Member of Congress is allotted 10,000 copies. Mr. Chairman, I have 10,000 farmers in my district. The department has issued during the past year 10 different bulletins which would be of interest to the Pennsylvania farmer. Every farmer should have not only one of these bulletins but all of them. If they are not of value they should not be published. If they are of value, then every farmer or every man who has a garden should be entitled to receive the bulletins if they want them.

During the last year I have distributed over 50,000 bulletins in addition to my congressional allotment. I have done this at my own expense. Our farming industry represents about 40 per cent of the entire population of the country. The farmer, as I have said, pays the greater portion of both direct and indirect taxes. Now let us see how he fares at the hands of the National Government in the matter of appropriations. We have appropriated $200,000,000 for war purposes. We have appropriated $32,000,000 available for a secret service spy system. We have appropriated $10,000,000 for the Indians. In the limited time I have I can not enumerate the various appropriations.

The sundry civil bill, which we now have under consideration, carries an appropriation of $137,000,000, of which for the purpose of agriculture we appropriate $12,000,000, and of this amount allow $125,000 for the placing of this information in the hands of the farmers.

Mr. Chairman, I think the American farmer is at least entitled to as much consideration as the Indian. We give to the Indians the very best lands in the United States. We build and maintain for them free schools and colleges. I am not finding any fault with the Indian appropriation; but I do think that if the common or high school education is good enough for the American farmer boy, it ought to be good enough for the Indian; and if it is the purpose of this National Government to continue its policy of building and maintaining colleges and seminaries for the Indians, then it is time that we take under consideration the building of agricultural high schools and colleges for the boys and girls of the American farmers and American workingmen.

We are not asking this now; we simply want the Department of Agriculture to be put upon a business basis and contribute real service to the farmer. We are not increasing the cost of the department. Our fixed charges there each year are practically the same; but if the country is to get an adequate return for the annual expenditure of $12,000,000 for the maintenance of the Agricultural Bureau, this return will have to come, like nearly everything else, from the direct energies of the farmers.

There are thousands of farmers in the United States to-day who do not know that an Agricultural Department exists at Washington. At this session of Congress we appropriated the enormous total of $1,000,000,000. Of this amount, 1 per cent is applied to the farming industry, while, according to the recent published interview of our able chairman of the Appropriation Committee, 70 per cent of our total appropriations are applied for the purposes of war. One per cent for production, 70 per cent for destruction. Maintain this ratio of governmental expenditures for a few years longer and our experimental Republic will be but a repetition of the history of fallen nations of the world.

We wonder why in the midst of a panic the prices of the farm products have continued at a high level. In this connection I ask permission to insert in the RECORD an editorial which I read this morning in the Washington Post:

Mr. James J. Hill, one of the most powerful intellects and one of the clearest minds in the country, a business man second to none in achievement, as well as in capacity, thinks the tariff a problem trivial compared with the graver matter of soil depletion and thriftless farming seen all over the country from ocean to ocean.

Mr. Hill declares that agricultural production has not kept pace with foreign immigration; and unless our farmers are taught how to enhance the fertility of their soil and at the same time increase the yield of their area, the whole thing will go to pot, or words of that import.

The tendency of immigrants to congregate in cities and industrial centers increases the burden upon the farmer in feeding the country. The disparity between production and consumption grows greater daily, in spite of the increase in farm products.

The French Canadians drove American artisans out of the mills and shops of New England and have themselves been driven out by Italians, who are being driven out by Slavs. Ninety per cent of our glass operatives are foreigners who know no English. The employees of the steel trust are 80 per cent foreign born. Of the school children of New York City, more than 20 per cent are foreign born, and more than 80 per cent are of foreign parentage. In Chicago the percentage is even more adverse to the native.

Thus it is that our urban population is above 50 per cent of the total. Is it any wonder that the American farmer is unequal to the occasion and unable longer to afford the American citizen that advantage of advantages—cheap food?

There can be no true prosperity which does not bring prosperity to all the people. If the cost of living equals or exceeds

the income of the workingman, it matter not what his wages may be; if it takes all his wages to live, he is not receiving his share of the general fruits of prosperity. With the decreasing fertility of the soil and the increasing population of our country, it follows inevitably that food products will become constantly dearer. We frequently say that the farmer is the backbone of the country, but we rarely stop to analyze this statement. The future of our country depends absolutely upon the farmer, and our National Agricultural Department has a work before it of great importance not only to the people of this country, but to all the world, and Congress should be broad enough and liberal enough to provide sufficient funds for carrying on this great work, and I trust the amendment which I have offered will pass the House.

In Pennsylvania we have a splendid state agricultural department and a splendid state college. But the National Bureau has an advantage over the state departments in the dissemination of information through the medium of free access to the mails. The National Agricultural Bureau should be a great national clearing house of agricultural development. In any event, the people have the right to know how the $12,000,000 annual expenditure of the National Bureau is being used. Through the mediums of these monthly reports and educational papers the people can determine for themselves. I am told there are over 2,000,000 volumes of various public documents which have accumulated during the recent years in the various departments. Various efforts upon the part of Members to secure them have been of no avail.

The Government Printing Office and our Educational Bureau should be discontinued if the result of their work, for which the taxpayers' money has been so lavishly used, is not placed in the home libraries of American citizens. Any effort upon the part of the National Government to encourage agriculture or to elevate the condition of the farmer and increase the productive capacity of the soil is worthy of our united support, and in this the people as a whole agree. The time is here for us to get back to the soil, to live simpler and more natural lives, and it is time for Congressmen to get back to the Constitution and spend the people's money in a manner which will bring about the greatest good to the greatest number. [Great applause.]

Mr. CHAIRMAN. The question is upon the amendment.

Mr. COX of Indiana. Mr. Chairman, may we hear the amendment reported again?

The amendment was again read.

The question being taken, on a division (demanded by Mr. MCHENRY) there were—ayes 52; noes 74.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have an amendment which I wish to offer.

Mr. TAWNEY. I ask unanimous consent that all debate on the paragraph and amendments be now closed.

Mr. HUMPHREYS of Mississippi. I object, Mr. Chairman. I have an amendment.

Mr. TAWNEY. I move that all debate——

The CHAIRMAN. The gentleman from Mississippi is recognized for the purpose of offering his amendment, which the Clerk will report.

The Clerk read as follows:

After the word "direct," in line 2, page 208, add:

"*Provided*, That all such bulletins not ordered distributed prior to April 30, 1910, shall revert to the Secretary of Agriculture for miscellaneous distribution and for making up quotas for the next fiscal year."

Mr. SHERLEY. I make a point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HUMPHREYS of Mississippi. I move to strike out the last word.

Mr. TAWNEY. Now, I move that all debate on the paragraph and amendments be now closed.

The motion was agreed to.

The Clerk read as follows:

For the Department of Agriculture, including not to exceed $25,000 for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the provisions of public resolution No. 13 of the first session Fifty-ninth Congress, and also including not to exceed $125,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, $460,000.

For the Department of Commerce and Labor, including the Coast and Geodetic Survey, $375,000: *Provided*, That no part of this allotment shall be expended for printing and binding for the Bureau of the Census.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word. I have a letter here from the Agricultural Department, which I wish to print in the RECORD. I went to see the gentleman from Minnesota and tried to explain the matter to him——

Mr. TAWNEY. I have no objection to the gentleman printing the letter, but I make the point of order that he is not discussing the amendment.

Mr. HUMPHREYS of Mississippi. I should like to make a statement. If the gentleman will permit me to do that——

Mr. TAWNEY. I can not do it, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota makes the point that the gentleman from Mississippi is not speaking to his amendment.

Mr. HUMPHREYS of Mississippi. That is entirely true, but I will only take a few moments. I tried to explain this matter to the gentleman from Minnesota here on the floor, and he declined to extend to me the courtesy of listening to me.

The CHAIRMAN. The gentleman desires unanimous consent to proceed for how long?

Mr. HUMPHREYS of Mississippi. Two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have a letter here from the Chief of the Division of Publications in the Department of Agriculture, in explanation of the amendment which I have just offered. He says that the law was changed inadvertently, and that there are now, as a result of that change, 2,000,000 farmers' bulletins in the Department of Agriculture, carried over from last year, which are not available for general distribution; and he further says unless he is given the permission provided for in this amendment, an appropriation will be necessary to provide storage room, or else he will need authority to destroy them. They are accumulating there at the rate of 2,000,000 a year. This amendment simply provides that they may be distributed to the people for whom they are supposed to have been published. That is the purpose of my amendment, and I wanted to explain it to the House in the hope that the point of order would not be insisted on. I ask now to print this letter of the department in the RECORD in the hope that the reasons there set out so clearly may eventually appeal to the judgment of the Committee on Appropriations.

The CHAIRMAN. Is there objection?

There was no objection.

The letter is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
DIVISION OF PUBLICATIONS,
Washington, D. C., February 23, 1909.

Memoranda for Mr. HUMPHREYS:

Provision for the printing for the United States Department of Agriculture for the fiscal year ending June 30, 1910, is contained in the sundry civil bill, H. R. 28425, page 207, as follows:

"For the Department of Agriculture, including not to exceed $25,000 for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, and in pursuance of the provisions of public resolution No. 13 of the first session Fifty-ninth Congress, and also including not to exceed $125,000 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, $460,000."

The provision for the reversion of undistributed quotas of farmers' bulletins, which was inadvertently omitted two years ago when the provision for printing farmers' bulletins was taken out of the agricultural appropriation bill and included in the appropriation for general printing and binding for the department, where it now occurs, was as follows:

"*Provided*, That all such bulletins not ordered distributed prior to April 30, 1910, shall revert to the Secretary of Agriculture for miscellaneous distribution and for making up quotas for the next fiscal year."

If inserted, it would come in properly after the word "direct," in line 2, page 208.

On July 1, 1908, there remained to the credit of Senators, Representatives, and Delegates 2,071,563 Farmers' Bulletins to be carried over to their account for the fiscal year ending June 30, 1909. It is likely that a considerable number will not be called for this year, and will likewise have to be carried over after June 30, 1909. The disadvantage in this arrangement is that the bulletins are tied up and can not be used, while at the same time there are urgent requests for them which we are unable to supply; and, in the second place, our storage facilities are inadequate for the continued housing of uncalled-for bulletins. The insertion of the reversion clause would make them available for distribution April 30, both by the Secretary and by Senators, Representatives, and Delegates, to whom he could assign additional allotments. In other words, the bulletins could and would be distributed to the people for whose information they are printed.

JOS. A. ARNOLD.

The Clerk read as follows:

For the Supreme Court of the United States, $10,000; and the printing for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order.

Mr. FITZGERALD. I wish to ask the chairman of the committee an explanation of the paragraph that has just been read.

Mr. TAWNEY. I can answer in a word, Mr. Chairman. My colleague on the committee was absent when this provision went into the bill. That is the reason he is inquiring now.

The Clerk read as follows:

For the Library of Congress, including the copyright office, and the publication of the Catalogue of Title Entries of the copyright office, and binding, rebinding, and repairing of library books, and for building and grounds, Library of Congress, $202,000.

Mr. SULZER. Mr. Chairman, I move to amend by inserting, in line 19, page 208, after the words "two hundred and," the word "twenty."

The Clerk read as follows:

Line 19, page 208, after the words "two hundred and," insert the word "twenty."

Mr. SULZER. Mr. Chairman, just a few words in favor of my amendment. The copyright division is the most important bureau in the Library of Congress. The work being done there is a most important work along comprehensive lines. It is necessary for the chief of that division, in order to do the work pressing on him more and more every day, to have additional assistance, and this increased appropriation is necessary so that the work can be done properly and expeditiously. Mr. Solberg, the efficient head of this copyright bureau, is doing a most commendable work, and I am glad to know his labors are thoroughly appreciated by the people of this and other countries. He deserves well of the Congress, and he should have all the clerical help he requires to keep this bureau up to the highest standard of efficiency. I trust the amendment offered by me will be agreed to, so that this bureau of copyrights shall not be in any way hampered or impeded.

The question was taken, and the amendment was lost.

The Clerk read as follows:

The Public Printer may hereafter, in his discretion, pay printer-linotype operators and printer-monotype keyboard operators at a rate not exceeding 60 cents per hour: *Provided*, That when the exigencies of the service require that work be performed on Sunday the Public Printer may, in his discretion, pay to employees not receiving annual salaries not exceeding 50 per cent in addition to the regular rate paid for such work.

Mr. MACON. Mr. Chairman, I reserve a point of order against that paragraph for an explanation from the chairman as to its merits.

Mr. TAWNEY. The law governing the compensation of printers in the Government Printing Office does not include linotype or monotype operators. Therefore there is no fixed compensation for these men, while the compensation of all the other operatives in the Printing Office is fixed by statute. This is the rate now paid. It is a rate, however, below the rate paid in the large printing establishments in the large cities of this country. It is sometimes embarrassing to the Public Printer because of the pressure brought for increased compensation which he can not give without creating friction between these particular operatives and others outside who are receiving different compensation for like work. The necessity for this grows out of the fact that when the law was passed there was no thought of the Government ever employing a linotype or monotype operative. This is the rate they are now receiving.

Mr. MACON. You are simply trying to fix it by law?

Mr. TAWNEY. Yes.

Mr. MACON. What is the necessity for the law?

Mr. LIVINGSTON. So that it can not be increased.

Mr. MACON. Well, now as to the other provision:

Provided, That when the exigencies of the service require that work be performed on Sunday the Public Printer may, in his discretion, pay to employees not receiving annual salaries not exceeding 50 per cent in addition to the regular rate paid for that work.

Mr. TAWNEY. Until the 1st of January, or in the month of January, 1909, the operators or employees in the Government Printing Office who are employed on Sunday always received time and half time. In January the Comptroller of the Treasury ruled that this extra payment for Sunday work was not authorized by law.

Now, the practice in printing offices or establishments outside of the District of Columbia is to allow double time for Sunday work, while the Government Printing Office allows time and half time, and this is to legalize what has been the practice of the Government Printing Office for a great many years.

Mr. MACON. I want to say that I do not believe in legalizing a violation of the Sunday law or a desecration of the Sabbath.

Mr. TAWNEY. But the gentleman does not want to increase the cost of operating the Government Printing Office, which he will do if we are not able to pay time and half time, because, as I say, in other establishments outside of the city they pay double time.

Mr. MACON. Why is there any necessity for laboring on the Sabbath in the Printing Office?

Mr. TAWNEY. During the sessions of Congress, as the gentleman knows very well, there has to be a corps of printers employed there all the time.

Mr. MACON. I am opposed to Congress sitting on the Sabbath and opposed to other employees of the Government working on that day.

Mr. TAWNEY. So am I; and I am opposed to sitting nights, but we have to do it. [Laughter.] We make it necessary for the Printing Office to employ people on Sunday in order to have our work done in time.

Mr. MACON. I am opposed to the Members of the National Congress setting a bad example for the people. Sitting here at night does not violate any law of God and violates no commandment.

Mr. TAWNEY. I do not think the gentleman from Arkansas ought to place himself in the attitude of increasing the cost of the Government Printing Office.

Mr. MACON. I do not think a defeat of this provision would increase the expenses of that office.

Mr. TAWNEY. We shall have to have the work done just the same. If we do not conform to the custom which has obtained in the office for many years in allowing time and half time, then we shall have to pay double time.

Mr. ROBERTS. We shall have to pay commercial prices.

Mr. HUGHES of New Jersey. I want to suggest to the gentleman that time and half time is the most effective way of preventing work being done on Sunday, because, naturally, the Government Printer is interested in keeping down expenses in his establishment, and this will cause him to try to have the work cleaned up before Sunday, because he knows that he must pay the penalty by having it done on Sunday. That has been the uniform experience of manufacturers.

Mr. MACON. I would like to ask the gentleman from New Jersey if he knows any officer or employee in this Government that is interested in cutting down the expenses of his department or bureau? If so, I wish he would give the House the benefit of his name. I am sure all of us would like to know it.

The CHAIRMAN. The time of the gentleman from Arkansas has expired. Does the Chair understand that the gentleman withdraws his point of order?

Mr. MACON. Yes; I withdraw the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word in order that I may make a statement that will save the time of the committee. On page 13, after line 19, there was an amendment, which I offered, appropriating money for a public building at Everett, and which was passed without prejudice and is still pending. I have found out since then that the Treasury Department has money on hand for that purpose, and I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn. [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. I ask unanimous consent also to print in the RECORD two letters which I have here respecting the same.

I was moved to offer the amendment by the statement in the letter to the Speaker, quoted in my letter to the Supervising Architect. But further inquiry shows that the department has on hand not only sufficient money to purchase the site, but also $23,000 to be used in the construction of the building, if necessary. All that can be used before another appropriation bill will be passed. Further, it is doubtful if the building will be commenced within the next year.

Under these circumstances, there being no necessity for an appropriation, I withdraw it.

The CHAIRMAN. Is there objection?

There was no objection.

The letters are as follows:

FEBRUARY 24, 1909.

Mr. JAMES K. TAYLOR,
Supervising Architect, Treasury Department,
Washington, D. C.

DEAR SIR: When the sundry civil appropriation bill was reported I discovered that no provision was made for the construction of a building at Everett, Wash. I was told by the committee that this was because the site had not yet been selected. I immediately called up Mr. Beekman Winthrop, Assistant Secretary of the Treasury Department, and was informed by him that this was an error, that the site had been selected. He also kindly offered to bring this fact to the attention of the committee. In pursuance of that promise, as I presume, a letter was, at his suggestion, I suppose, written to the Speaker of the House of Representatives. I received a copy of this letter from Mr. Winthrop, which was as follows:

FEBRUARY 20, 1909.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: Referring to act approved May 30, 1908, which authorized the purchase of a site and erection of a building at Everett, Wash., at a cost of $135,000, I have the honor to state that a site has been acquired, and in order that work on the building may be commenced in the near future an appropriation of $40,000 is necessary.

I have therefore earnestly to recommend that the following item be included in some appropriation bill of the present Congress:

"Everett, Wash., post-office and custom-house: For prosecution of work under present limit, $40,000."

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

To-day, when I read this communication to the committee, which was at that time considering the sundry civil bill, Hon. JAMES A. TAWNEY, chairman of the Committee on Appropriations, stated that you had appeared before the committee and stated that there was no necessity for an appropriation at this Congress, for if it was made, it could not be used within the next fiscal year, and that there was already $35,000 now available for the purchase of a site and also to apply on the construction of a building. I will be delighted to have you harmonize this statement, if you made it, with a statement made in the letter referred to by the Hon. J. B. Reynolds, Acting Secretary.

I would appreciate an immediate answer in writing to this communication, and hope that therein you will set forth the facts fully so that there can be no misunderstanding as to what the real condition is.

Yours, truly,

W. E. HUMPHREY, M. C.

TREASURY DEPARTMENT,
Washington, February 25, 1909.

MY DEAR MR. HUMPHREY: There has been, apparently, some confusion with regard to the appropriation for a building at Everett. Through some error the department, on January 15, reported that a site for the building at Walla Walla had been chosen. As a matter of fact, the site in that city has not yet been selected, while a site for a post-office in Everett was selected shortly after the preparation of the report submitted to the Committee on Public Buildings and Grounds by the Secretary of the Treasury on January 15.

In accordance with your recent telephone request, I directed that a letter be prepared, setting forth these facts, and requesting that an appropriation be included in the sundry civil bill for the commencement of the work at Everett. When this letter was sent, I had forgotten that the sum of $35,000 had already been appropriated, and of this amount but $12,000 had been expended for a site, leaving a balance of $23,000 available to begin work upon the building.

Inasmuch as in the regular order of business there are a number of buildings for which plans will have to be prepared before those for the Everett post-office can be taken up, I am inclined to believe that this sum of $23,000 will be sufficient for all work that can be done before the end of the next legislative session.

It will, therefore, in my opinion, be unnecessary to make any provision for Everett in the pending sundry civil bill.

Sincerely, yours,

BEEKMAN WINTHROP.

Hon. W. E. HUMPHREY,
House of Representatives.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

THE ISTHMIAN CANAL.

To continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

Mr. MANN. Mr. Chairman, I offer the following formal amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert in line 3, page 210, after the word "two," the words "and acts amendatory thereof or supplementary thereto."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, $150,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 210, line 7, after the word "dollars," add:

"*Provided*, That not more than $5,000 of this appropriation shall be paid as compensation to the secretary of the commission."

Mr. FITZGERALD. Mr. Chairman, some years ago I was instrumental in discovering that the Isthmian Canal Commission had in the city of Washington a secretary to whom was paid a salary of $10,000 a year. As the result of the agitation at that time, the secretary was ordered to the Isthmus in the belief that his services might be so much more valuable there that he would earn the compensation fixed. In the hearings before the Committee on Appropriations this year it was ascertained that the effect of sending the secretary to the Isthmus was to provide him not only with a salary of $10,000, but with a furnished house that cost $11,000, a horse and wagon, and a coachman. The commissioner who testified before the committee was asked to state the duties of the secretary of the commission, and he submitted for the information of the committee a statement prepared by the secretary himself. His duties as secretary, as stated by himself, are as follows:

The duties of the secretary of the commission are to reply to letters requesting information in regard to all phases of canal work, to receive visitors seeking such information and to supply it to them, to edit the Canal Record, and, under the direction of the chairman, to hear and investigate grievances of employees and make reports and recommendations on the same to the chairman.

Mr. Chairman, it seems to me that the type of man required to perform these duties does not deserve or can not earn $10,000 a year, even on the Isthmus. The particular portion of his duties that appeal to me with some force was that which stated that his duty was to receive visitors on the Isthmus seeking information and to supply the information. This may account for the fact that there is so much misinformation about what is being done on the canal, or it may account for the impossibility of those desiring information to obtain accurate information. At all events, it seems to me, considering all the information at the hands of the committee and considering the duties, that a fair and reasonable compensation for this officer is $5,000 per year.

I do not desire to deprive him of any reasonable compensation. I prefer to err upon the side of generosity, but so far as I have been able to ascertain, his services can not be worth at the utmost more than $5,000 a year, and it seems to me that commencing on the 1st of next July it would be proper to limit his compensation to $5,000.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

Mr. ESCH rose.

The question was taken, and the Chairman announced that the ayes had it and that the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I ask for a division.

Mr. EDWARDS of Georgia. It is too late to demand a division.

The CHAIRMAN. The Chair is unable to hear the gentleman from Minnesota.

Mr. TAWNEY. I ask for a division.

The CHAIRMAN. A division is demanded.

Mr. FITZGERALD. It is too late.

The CHAIRMAN. The Chair understands the gentleman was on his feet.

Mr. FITZGERALD. I beg the Chair's pardon, but the gentleman was not on his feet at all until after the Chair announced the result of the vote.

The CHAIRMAN. The gentleman in the rear of the hall, the gentleman from Wisconsin [Mr. ESCH], was upon his feet.

Mr. TAWNEY. Mr. Chairman, I will state that the gentleman from Wisconsin [Mr. ESCH] desired to address the Chair on the amendment. I did not think that the vote was going to be taken. I called for a division, however, after the result was announced. The gentleman from Wisconsin, however, was seeking recognition before the Chair put the question to the committee.

Mr. SHERLEY. But he did not obtain recognition, and the Chair decided and announced the vote.

The CHAIRMAN. The Chair saw the gentleman rise, but was unable to hear for what purpose the gentleman rose.

Mr. ESCH. Mr. Chairman, I rose simply to make reply to the remarks made by the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, so far as I am concerned I have no objections to permitting the gentleman to make reply, and then to take the vote over.

Mr. BONYNGE. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the gentleman from Wisconsin be permitted to proceed for five minutes.

Mr. GAINES of West Virginia. Mr. Chairman, a parliamentary inquiry. I have no objection to hearing the gentleman from Wisconsin on this subject or any other, but does that request carry with it also vacating the action of the House on this vote? In that case I should object.

The CHAIRMAN. Objection is heard.

The committee informally rose, and the Speaker resumed the chair.

LEAVE TO PRINT.

Mr. CHANEY. Mr. Speaker, I offer a petition and ask unanimous consent that it be printed.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

SUNDRY CIVIL BILL.

The committee resumed its session.

The Clerk read as follows:

Sixth. To continue the equipment and construction of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, $700,000; no part of said sum shall be expended until the obligation of the Panama Railroad Company for the full amount thereof, and drawing 4 per cent interest, payable to the United States, shall have been delivered to the Secretary of the Treasury of the United States, and by him accepted.

Mr. HARDY. Mr. Chairman, I offer an amendment to the sixth section. That section reads:

To continue the equipment and construction of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, $700,000.

It seems to me that if the phraseology be perfected it should read to be disbursed directly—not under that commission, but under the supervision and authorization of the commission. I move, therefore, to amend that section in that manner.

Mr. MANN. Will the gentleman permit a question?

Mr. HARDY. In just a moment.

Mr. MANN. I desire to ask the gentleman if he is personally familiar with the matter?

Mr. HARDY. I do not know that I am.

Mr. MANN. Then, will the gentleman permit me to say this work is done directly by the Isthmian Canal Commission?

Mr. HARDY. You mean under its direction, I suppose.

Mr. FITZGERALD. It is really done by the commission, as I understand.

Mr. MANN. To be disbursed directly under the Isthmian Canal Commission.

Mr. HARDY. Under their authorization; but we are proposing——

The CHAIRMAN. The Chair would suggest that the gentleman send his amendment to be reported from the Clerk's desk before he speaks to his amendment.

Mr. HARDY. I can read it so the Clerk can readily get it. After the word "the," in line 25, page 211, insert the words "supervision and authorization of" the Isthmian Canal Commission.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 211, at the end of line 25, insert "supervision and authorization of."

The CHAIRMAN. Does the gentleman from Texas desire to be heard? If not, the question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. HARDY. Mr. Chairman, I wish now to offer an amendment to strike out all that portion of section 6 which follows the words "seven hundred thousand dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 212, strike out all in paragraph 6 after the word "dollars," in line 2.

Mr. HARDY. Now, on that amendment, Mr. Chairman, I wish to be heard for just a moment. This section provides that when the Isthmian Canal Commission disburses $700,000 it shall first take the bonds of the Panama Railway Company, payable to the United States, to bear 4 per cent interest on the disbursement. That seems to me to be a work of supererogation, the Panama Canal Company being indirectly the United States, and the United States is issuing bonds to itself for $700,000 for this improvement of its own property. The purpose of my amendment is to expose the fiction of the Panama Railway Company and bring out the fact that there is absolutely no Panama Railway Company on the Isthmus of Panama, and that the so-called "Panama Railway Company" is a pure fiction, if not a fraud.

I understand it to be a fact that the United States owns every dollar of the bonds and stock of that so-called "company" now, and this section proposes that it shall issue to its owner more bonds. Why? The Lord only knows why there should nominally be an isthmian railway or Panama Railway Company in existence, unless it be to provide certain salaries for certain men who are given temporarily the trusteeship of certain stocks of that road. It seems to me that this railroad property, belonging to the Government, should be administered simply as government property, and not under the fiction of a corporation existing in New York State, I believe. What is the purpose of that corporation? Is this road governed by any of the laws of the State of New York? Is there any reason on earth for the perpetuation of the existence of the Panama Railway Company—a fiction; in fact, a nonexisting thing? Every dollar of the property belongs to the United States, and yet that company is asked to issue bonds bearing 4 per cent interest, payable to the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. I submit that that ought to be stricken out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. HARDY].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. HARDY. Division, Mr. Chairman.

The committee divided; and there were—ayes 52, noes 79.

So the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I desire to ask unanimous consent to extend remarks in connection with the Panama Canal in the RECORD.

The CHAIRMAN. Is there objection?

Mr. GAINES of Tennessee. I object.

The Clerk read as follows:

Seventh. For miscellaneous expenditures, cable and telegraph service, stationery and printing, local railway transportation, special trains, including pay-train service; transportation of currency to the Isthmus, recruiting and transporting laborers, transporting employees from the United States, repatriating laborers and employees, actual necessary traveling expenses while on the Isthmus on official business; and all other incidental and contingent expenses not otherwise provided for, for the departments of construction and engineering, quartermaster's, subsistence, disbursements and examination of accounts, and labor, quarters and subsistence, $1,000,000.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to withdraw the objection that I made to the gentleman from Illinois [Mr. MADDEN] extending his remarks in the RECORD.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to extend my remarks on the Panama Canal in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SABATH. Mr. Chairman, I move to strike out the last three words, "$1,000,000," in section 7.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 212, line 19, strike out "$1,000,000."

Mr. SABATH. Mr. Chairman, I desire to send to the Clerk's desk an article pertaining to this section and, in fact, to the expenditure, the same to be read in my time.

The CHAIRMAN. Without objection, it will be read in the time of the gentleman from Illinois.

There was no objection.

The Clerk read as follows:

Inasmuch as the Treasury will be $130,000,000 shy by the end of the fiscal year, it seems to us that Congress might do a little pruning on the Panama Canal expenditures. A sensible man, if he found himself running behind, would postpone outlays on matters not immediate and essential. Why should not Congress temporarily cut down the big appropriations for the canal?

The cost of the canal work at present is enormous. The operations are carried on as though the Treasury were apoplectic and needed bleeding. Records are broken frequently, and the efforts of the diggers seem to increase in intensity, in spite of the fact that the canal plans are subject to change. No one pretends to know what the total cost will be; or, if anyone knows, he will not take the public into his confidence.

The Post does not have the hardihood to declare that the canal will not work wonders when it is completed. Experts, both military and commercial, have convinced the country that the canal will revolutionize traffic, increase the efficiency of the fleets, and so forth, and the people thus far have cheerfully approved of the colossal expenditures. We do venture the suggestion, however, that the canal is not an immediate necessity of commerce or defense. The country can get along, somehow, even if the opening of the canal is delayed a few years. And if the Treasury is already short, with a prospect of still greater deficiencies resulting from tariff reduction and shrinkage of internal revenue, why should not this costly work at Panama be curtailed?

Pending the adjustment of the national finances, including the all-important question of tariff legislation, it would be wise, in our opinion, to cut down the force at Panama.

Mr. SABATH. Mr. Chairman, in addition, I ask unanimous consent to insert the following article, pertaining to the Panama Canal, in the RECORD, not wishing to take up the time of the House.

The CHAIRMAN. Is there objection?

Mr. DOUGLAS. Mr. Chairman, I object.

Mr. GAINES of Tennessee. Gentlemen, I am not going to agree to any more unanimous consents on that side. I have just withdrawn one objection by request.

Mr. SABATH. Mr. Chairman, I sent it to the Clerk's desk to be read. I did not wish to take up all the time I had, namely, the five minutes.

During the reading,

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. Mr. Chairman, I again ask unanimous consent to insert the article in the RECORD.

The CHAIRMAN. Is there objection?

Mr. GAINES of West Virginia. I think we have gone too far in inserting newspaper articles in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The article is as follows:

CANAL PLANS AGAIN—THE LOGIC OF THE SITUATION SAID TO REQUIRE A SEA LEVEL CANAL.

To the Editor of The Tribune.

SIR: The remarks made by Mr. Taft on the eve of sailing for the Isthmus, as quoted in the Tribune of January 28, show that the canal problem now appears in its true light. Mr. Taft apparently realizes that the sea-level plan has in its favor the elements of time

and cost, and appreciates the fact that the Gatun dam is but one of the many questions whose satisfactory answer is found only in a sea-level canal. He also realizes that the actual results attained by Goethals, Sibert, Slifer, and their able allies and faithful subalterns of more than three times the estimated million yards per month makes the sea-level canal, the canal without danger question of risk, the logical type.

I do not intend to quote the long list of horrors, destruction of property, and loss of life that have resulted from dam failures from the time of the bursting of the Johnstown dam up to date, nor to ask space for the long list of wrecked dams that the best engineering talent judged to have an ample factor of safety, but I may at least remind you of two items of news which appeared on a single day, last Saturday. One, from Merida, Yucatan, told us that a series of earthquake shocks have started fissures in the foundation of the water-supply reservoirs of several large towns, and the towns are threatened with serious suffering as a result of the loss of their water supply. The other, from Johannesburg, South Africa, reported that by the bursting of a dam the Witwatersrand gold mine, in the southwestern part of the Transvaal, was flooded and 10 white men and 150 natives were drowned. The water from this dam also flooded the the lower section of the town of Elsburg, where a number of houses were swept away and 13 persons perished.

Although the majority of the first board of consulting engineers at Panama favored a sea-level canal, the board which now accompanies Mr. Taft was nominated at the suggestion of one of the lock members of the old board. Two others are men of national fame as experts in dam construction. The other two are in the service of the Government and can be expected to make a mathematical demonstration in favor of the lock system that will be convincing to any who may, through lack of consideration, already favor the lock type. To be of value, the report of the engineers who accompany Mr. Taft must cover the following points:

1. Is it true that the present average rate of excavation is over 3,000,000 yards a month, whereas the original estimate was 1,000,000?
2. Is it true that this rate of excavation is susceptible of increase in the daytime, and also that night work is perfectly practicable, thereby doubling the rate and halving the time of completion?
3. Is it true that the present rate of excavation would complete a sea-level canal of a minimum width of 200 feet, as originally planned, in far less time than that now estimated for a lock canal?
4. Is it true that at the present rate of excavation a sea-level canal of a minimum bottom width of 300 feet can be opened in the same time as now estimated for a lock canal?
5. Is it true that impact rock-shattering methods have been shown in the London conference to excavate submarine rock for less than one-fifth the estimated cost at Panama?
6. Is it true that a sea-level canal of 300 feet minimum can be navigated more quickly than a lock canal?
7. Is it true that it would be impossible to block traffic in such a sea-level canal for over two weeks, and that only by sinking a vessel?
8. Is it true that the foundations of the proposed Gatun dam are not all that could be desired?
9. Is it true that in dry weather the filtration of the water under pressure in the proposed Gatun Lake might possibly exceed the inflow?
10. Is it true that during a drought the passage of a single vessel through the locks would consume four hours' flow of all the streams into the lake?
11. Is it true that in dry weather traffic through a lock canal would have to be suspended?
12. Is it true that Panama is in an earthquake region?
13. Is it true that from 1901 to 1905 there were at Panama seven tremors and four light shocks, some of such severity that people ran out of their houses?
14. Is it true that a slight quake might cause a fissure that would result in the cutting out of the entire lake or the ruin of the locks?
15. Is it true that experience on the Manchester Canal and the "Soo" demonstrates the mathematical certainty of accidents to the locks proposed at Panama?
16. Is it true that an accident to the locks would probably mean the draining of the lake to such an extent as would require about a year to refill for navigation?
17. Is it true that submarine and aerial navigation has reached such a stage that a hostile force could destroy the locks despite fortification?
18. Is it true that tropical winds and fogs would be more serious for navigation in a lock canal than in a sea-level canal?
19. Is it true that the chief engineer and also the builder of the Manchester Canal are on record in favor of a sea-level canal at Panama for reasons in their own experience?
20. Is it true that the Masters and Pilots' Association and the shipping interests are a unit in favor of sea level at Panama?
21. Is it true that insurance rates would be higher through a lock canal?
22. Is it true that cost of operating a sea-level canal would be but a fraction of that of operating a lock canal?
23. Is it true that with millions of people on the Pacific coast dependent on the traffic through the canal for their livelihood a serious suspension of traffic would cause widespread suffering and financial disaster?
24. Is it true that the decision in favor of a lock canal was made in good faith, and that a change to sea level now, in view of the splendid achievements of the United States Army engineers, implies censure to no one?
25. Is it true that we, as a nation, can not afford to have any canal at Panama but the best possible type for continuous practical service?

If the study of the present advisory board of engineers covers these points, their recommendation must be for a sea-level canal at Panama. Otherwise, however wide their reputation, they will simply demonstrate an adherence to their favorite construction, irrespective of the requirements of the situation, and render a report that will be void of influence, for the indisputable logic of the situation requires that the Panama Canal be at sea level.

HENRY G. GRANGER,
Member American Institute of Mining Engineers.

NEW YORK, *January 30, 1909.*

The Clerk read as follows:

Eighth. For pay of the member of the commission in charge, of officers and employees other than skilled and unskilled labor, including foremen, subforemen, watchmen, messengers, and storekeepers, of the department of civil administration, including those necessarily and temporarily detailed for duty away from the Isthmus, $470,000.

Mr. HARRISON. Mr. Chairman, against that paragraph I make the point of order that it is not authorized by existing law, and that it is obnoxious to the second paragraph of Rule XXI of the House. Does the Chair desire to hear me on the point of order?

The CHAIRMAN. The Chair will first hear the gentleman from Minnesota [Mr. TAWNEY] or the gentleman from Iowa [Mr. SMITH] as to the question of fact, whether there is authority for the pay of these officers.

Mr. SMITH of Iowa. He is the member of the commission in charge.

Mr. TAWNEY. He is a member of the commission, and the commission is certainly authorized by law. He is the member of the commission in charge of the officers and employees.

The CHAIRMAN. The Chair will hear the gentleman from New York [Mr. HARRISON] briefly.

Mr. HARRISON. Mr. Chairman, this subject has been discussed by me in the House before, and I will not now detain the committee nor try to make an extended speech upon this matter. I shall merely submit a brief legal argument for the Chair's consideration on the point of order.

The authority of law under which the President was governing the Panama Canal Zone was given to him in the Fifty-eighth Congress. We made to him a delegation of our authority to make laws governing the Panama Canal Zone, but by the second section of that law we limited that right to the end of the life of the Fifty-eighth Congress. It is a well-established precedent and rule of law that when a legislative body delegates its authority that delegation is to be strictly construed. Therefore the Chair must strictly construe that delegation in this instance, and must conclude that the right given the President to make laws on the Panama Canal Zone expired with the life of the Fifty-eighth Congress.

Now, in the first session of this Congress a resolution passed this House calling upon the President to explain by what right or authority he was continuing to exercise the right to make laws upon the Panama Canal Zone subsequent to the termination of the life of the Fifty-eighth Congress. In response to that resolution the President sent a message to the House in which he explained what he considered to be his authority for so doing. I have once before answered the President's message, and for the information of the Chair I shall briefly do so again.

The CHAIRMAN. The Chair does not care to hear further argument on the point of order. He is ready to rule.

Mr. HARRISON. Will the Chair permit me, if he does not care to hear an argument upon that point, to make a statement for his consideration as to another side of the point of order, which I should have submitted had I been in the House last year at the time the original point of order was made? The Chair overruled the point of order at that time, and the reason that he gave for so doing is found in the limitation of this second clause of paragraph 21 of the rules.

The paragraph reads:

No appropriations shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The point that the Chair relied on, as I understood it, was that this was a "continuation of a public work or object already in progress." I submit for the consideration of the Chair that in the precedents in the House theretofore it was uniformly held that the limitation applied only to physical, tangible matters, such as the construction of public buildings or a canal or a dam site, and did not refer to the payment of salaries to officers, even if those officers—which is not the case in the present instance—had been appointed under a previously existing law. A case in point is cited in Hinds's Precedents. I will read from the index on page 110:

Appropriations to continue the duties of the commission are held not to be a continuation of a public work.

Which case I find in volume 4, section 3720. I therefore submit to the Chair that this being only one of a long series of precedents bearing upon this point, the limitation does not apply to the case under consideration. There is, therefore, no reason for overruling the point of order. Should the Chair care to indulge me, I would be glad to submit to his consideration my reasons why the appropriations in this paragraph have no authority under existing law. But I understand the Chair to say that he does not care to hear any argument on that point.

The CHAIRMAN (Mr. OLMSTED). The Chair would, under ordinary circumstances, be glad to hear the gentleman from New York at length; but in view of the present condition of the business of the House and of the committee, and in view of the fact that the present occupant of the chair fully considered this

matter and ruled upon it last year, the Chair must decline the pleasure of hearing the gentleman further.

The same point of order was made one year ago to this same paragraph in the sundry civil appropriation bill for the current year. The present occupant of the chair ruled upon it then. Without stopping to read it, the Chair adopts and adheres to that ruling, which may be found in the CONGRESSIONAL RECORD for May 7, 1908. It contains a discussion of this whole subject. The Chair will call the attention of the gentleman from New York to the fact that it did not rest upon the proposition that the appropriation was for the continuation of a government work in progress, but said, after ruling that there was authority for that appropriation, that "if there were any doubt upon that point, there would still remain the fact that an appropriation in continuation of appropriations for a government work or object already in progress requires no previous authority of law, but is excepted out of the rule." The Chair overrules the point of order now for the same reasons as it did then.

Mr. HARRISON. I beg the Chair's indulgence for a moment. Did I understand the Chair to reiterate his ruling that this is a "continuation of a public work?"

The CHAIRMAN. The ruling that was made a year ago was not rested upon that single proposition. The Chair overrules the point of order upon the same ground as that on which the point of order was overruled a year ago.

The Clerk read as follows:

Eleventh. For pay of the member of the commission in charge of officers and employees other than skilled and unskilled labor, including hospital dispensers, internes, nurses, attendants, messengers, office boys, foremen, subforemen, watchmen, and stewards, of the department of sanitation on the Isthmus, including those temporarily detailed for duty away from the Isthmus, $725,000.

Mr. DOUGLAS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. How does it happen that both paragraph 11 and paragraph 8 seem to contain the same provision?

For pay of the member of the commission in charge of officers and employees other than skilled and unskilled labor—

And so forth.

Mr. TAWNEY. Because they are in charge of different departments. The organization is divided into different departments, and one commissioner is at the head of one department and another at the head of another.

Mr. DOUGLAS. It seems curious that the bill does not say that in some way.

The Clerk read as follows:

In all, $33,638,000, the same to be available until expended: *Provided*, That all expenditures from the appropriation herein and hereinafter made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and the amount of bonds authorized by said section is hereby increased to $160,000,000.

Mr. FITZGERALD. I wish to reserve a point of order on the language in lines 15, 16, and 17.

And the amount of bonds authorized by said section is hereby increased to $160,000,000.

Mr. Chairman, with the indulgence of the committee, I wish to make just a brief statement on this matter.

Under the Spooner Act the bond issue authorized in case the Panama route was selected was $130,000,000. In addition to the authorization of bonds up to $130,000,000, $50,000,000 were appropriated. At that time the belief existed that the cost of the canal would be about $185,000,000. It appears now that the canal will cost, including sanitation and other features, about $375,000,000. It is an important question to determine, and to determine definitely, how much of the cost of the canal shall be paid from the current expenses of the Government and how much shall be provided from the proceeds of bonds.

Up to the present time there have been expended, including the $50,000,000 appropriated to pay the canal company and the Republic of Panama, about $170,000,000. Out of the authorization of $130,000,000 bonds there have been issued about $84,000,000. So that to-day there is available for the purpose of raising money for the canal authorizations about $46,000,000 in bonds. At this time there is in the Treasury an available cash balance of $140,000,000. Up to the present time there is a deficit in the Treasury (that is the expenditures exceed the receipts for the present fiscal year) of about $84,000,000. At the rate at which we are expending, and considering our income, the deficit this year will reach not $114,000,000, as predicted by the Secretary of the Treasury, but $150,000,000, as predicted by myself on the 30th of May last.

I wish, with the permission of the House, to insert in the RECORD at this place the figures to demonstrate that the deficit this year will be $150,000,000.

Revenues estimated by Secretary of Treasury for 1909, $788,796,956; expenditures, $902,796,956; deficit, $114,000,000. In addition $19,000,000 will be carried in the general deficiency act and $800,000 was appropriated in the urgent deficiency act. As the deficit on February 20 was over $84,000,000 for the twelve months ending June 30, 1909, instead of $114,000,000, as estimated by the Secretary, the deficit will be about $130,000,000; plus $20,000,000 of deficiencies brings the deficit to $150,000,000, as predicted by me on May 30, 1909.

Considering the financial condition of the country, it is highly important that bond issues should not be authorized in a haphazard manner. Forty-six million dollars more can be realized for the canal by the issuance of bonds, and before an additional $30,000,000 are authorized some definite plan should be agreed upon. It seems to me that instead of adding from year to year as we appropriate money authorizations to issue bonds for practically the amount of our appropriations, and so in fact making the complete cost of the canal be paid from bond issues, Congress should, after careful consideration, determine what per cent should be paid from the current revenues and what per cent from the proceeds of bonds.

Mr. UNDERWOOD. I would like to ask the gentleman from New York whether or not the proposed issue of bonds is necessary at this time, to take care of the expenditures on the canal or the deficit in the Public Treasury due to the fact that the revenues are not sufficient to meet the expenditures.

Mr. FITZGERALD. A present it is not necessary to issue bonds to obtain the money, nor to authorize the additional bond issue to obtain the money appropriated in this bill for the canal. There is a margin of $46,000,000 in the authorized bond issue—$46,000,000 still can be issued. This bill carries about $33,000,000 for the canal, so that there is a margin of about $13,000,000.

Mr. UNDERWOOD. Above the expenditures for this year?

Mr. FITZGERALD. Above the expenditures for this year. I want to call the attention of the committee to this fact, that the bonded indebtedness of the country at this time is $897,000,000——

Mr. SMITH of Iowa. I think the gentleman's attention ought to be called to the fact that the authorized expenditure of $135,000,000 bond issue is only $130,000,000.

Mr. FITZGERALD. The gentleman is correct.

Mr. MANN. Will the gentleman yield for a question? It has been suggested before our committee and before the Senate Committee on Interoceanic Canals that there be a law passed largely increasing the amount of bonds authorized. I will say frankly to the gentleman that, as far as my judgment is concerned, it seems to me more desirable to leave that matter in the hands of the Committee on Appropriations to authorize the bond issue, as they make the appropriations, rather than to encourage the idea that there was a large bond issue which could be made by bringing in a bill and passing it and increasing the bond limit to a very large degree.

Does not the gentleman from New York believe that it is a little safer to authorize the bonds as we go along with the recommendation of the appropriations rather than to force the committee having legislative jurisdiction of the subject to bring in a bill authorizing a large increase in the number and amount of bonds and thereby encourage the idea that all the money should be paid out of a bond issue?

Mr. FITZGERALD. I think not. It would make little difference. This administration in the past year, unable to issue bonds in order to provide the currency required for certain purposes, resorted to the issue of $14,000,000 of certificates of indebtedness, bearing 3 per cent interest.

Mr. MANN. Oh, if the gentleman is going to discuss the matter in a partisan way——

Mr. FITZGERALD. I want to make a brief statement in regard to some other matters, but I do not wish to cut off the inquiry of the gentleman from Illinois. My intention is not to make a partisan speech at this time, but to call the attention of the committee with some seriousness to some of these things which I think important.

The bonded indebtedness of the country is $897,503,000, and on the 30th of June last year $711,000,000 of this issue, in addition to other bonds, were deposited in the Treasury as security for circulation. Now, it seems to me, and the one objection I have to adding to the authorization year by year is that inevitably as we authorize appropriations we would authorize an equal amount of bonds, and eventually outside of the money appropriated—the $50,000,000—the entire cost of the canal will be paid from the proceeds of bonds.

Mr. MANN. I venture to say that the gentleman's position is extravagant in the end.

Mr. FITZGERALD. I think not.

Mr. MANN. I know the gentleman thinks not, because the gentleman never desires to be extravagant.

Mr. FITZGERALD. I want to say that the statement of the gentleman from Illinois that my position is an extravagant one is hardly justified by the facts.

Mr. MANN. That is only my opinion about the results.

Mr. FITZGERALD. My purpose is not to help extravagance; it is to prevent it.

Mr. MANN. I understand the gentleman's position.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SMITH of Iowa. Does the gentleman from New York intend to insist upon the point of order?

Mr. FITZGERALD. I intend, after the statement of the gentleman from Iowa, to insist upon the point of order.

Mr. SMITH of Iowa. Then, I shall make no statement.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. No.

The CHAIRMAN. The Chair sustains the point of order. It is clearly legislation on an appropriation bill. The Clerk will read.

The Clerk read as follows:

No part of the foregoing appropriations for the Isthmian Canal shall be applied to the payment of allowances for longevity service or layover days other than such as may have accumulated under existing orders of the commission, prior to July 1, 1909.

Mr. BOUTELL. Mr. Chairman, against that paragraph I make the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOUTELL. I will reserve the point of order, if it is desired.

Mr. SMITH of Iowa. The gentleman better make it. I insist that it is not well to make it.

Mr. HUGHES of New Jersey. I make the point of order.

Mr. BOUTELL. Mr. Chairman, I insist upon my point of order, on the ground that this paragraph is new legislation.

Mr. SULZER. And I think it changes existing law, or what amounts to the same thing.

Mr. BOUTELL. It was not carried in the appropriation bill of last year, or in any previous appropriation bill.

Mr. FITZGERALD. It is a limitation on the appropriation.

Mr. HUGHES of New Jersey. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUGHES of New Jersey. To discuss the point of order. I want to call the attention of the Chair to the fact that this longevity pay attempted to be done away with by this paragraph is provided for in what is the law on the Isthmus and in the construction of the Isthmian Canal. It is provided for in an order of Secretary of War Taft, promulgated by him under the direction and with the authority of the President of the United States, who is the chief ruler and source of law on the Isthmus, if there is any law there.

Mr. SULZER. Mr. Chairman, just a word. This matter was thoroughly discussed in the last session of Congress, and at the request of the then Secretary of War——

Mr. TAWNEY. I beg the gentleman's pardon. It was not discussed at that time.

Mr. SULZER (continuing). Who is now the President-elect of the United States, it was agreed that these mechanics on the Isthmus of Panama should get this longevity pay, and it is a shame that an attempt is now to be made to violate the promise.

Mr. TAWNEY. Oh, that question was never discussed in this House at all.

Mr. SULZER. Well, Mr. Chairman, I beg the gentleman's pardon. I discussed it myself.

Mr. BOUTELL. Mr. Chairman, I insist that this is new legislation, and the language is such as not to bring it within the general provisions of a limitation, and even if it should be considered a limitation, the language certainly must be construed over and beyond the limitation as authorizing this longevity pay after the 1st of July, 1909; and so in any view you may take it, whether as merely new legislation or as a limitation, still there is in the limitation itself the implied legislation that longevity pay should be allowed after July 1, 1909. So that it seems to me there is no escape from holding it is new legislation. It is not a simple limitation.

The CHAIRMAN. It seems to the Chair that this does not impose any new duties or conditions except that it withholds the appropriations made in this act for the payment of allowances in certain directions. It seems to the Chair to be a limitation upon the appropriations made under the act, and the Chair overrules the point of order.

Mr. BOUTELL. I move to strike out the paragraph.

Mr. SULZER. And I trust that motion will prevail.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Page 215, strike out lines 1, 2, 3, 4, and 5.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. BOUTELL. Mr. Chairman, on that I desire to be heard very briefly. On page 13 of Senate Document 539, Sixtieth Congress, second session, being a message of the President of the United States transmitting the report of the special commission appointed to investigate the conditions of labor and the housing of government employees on the Isthmus of Panama, is this paragraph:

LONGEVITY PAY.

Longevity increase should apply to all American employees receiving less than $5,000 a year salary. Longevity pay, as we understand, is offered to induce those who have become acclimated to continue in the service. If this be the principle, then civil engineers, foremen, bookkeepers, and others who have become acclimated and who have familiarized themselves with the work on the Isthmus are entitled to longevity increase, equally with shop mechanics, engineers, and those employed on repair and excavation work.

The provisions of the longevity order issued May 1, 1907, by Mr. Taft, the Secretary of War, make liberal and appropriate increase in the wages of various classes of workmen as follows:

(a) All employees not native to the Tropics who occupy the positions herein designated shall be granted the following increases in pay for length of continuous service on the Isthmus: Five per cent on the basic or class rate for the second year, with a cumulative addition of 3 per cent on the basic rate for each subsequent year, provided, however, that such cumulative increase shall not exceed a total of 25 per cent of the basic rate.

That order, issued by the Secretary of War on the 1st of May, 1907, was under the full powers vested in him by law, and is the present law to-day concerning the longevity pay of the workmen mentioned on the canal.

Mr. WILSON of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. BOUTELL. With pleasure.

Mr. WILSON of Pennsylvania. If this clause is enacted into law, will it not result in a reduction in wages to a certain class of workmen now engaged on the Panama Canal?

Mr. BOUTELL. It certainly will at some time or other, with this limitation.

Mr. TAWNEY. If the gentleman will permit me to state, it does not affect the compensation of any man who is now getting longevity pay or the man who gets it at any time between now and next July.

Mr. WILSON of Pennsylvania. It does affect those who would be entitled to it after the 1st of July?

Mr. SULZER. That is correct.

Mr. TAWNEY. Those who are obtaining longevity pay now under existing orders will continue to receive longevity pay. It was not intended to extend to the entire service——

Mr. WILSON of Illinois. Oh, no——

Mr. TAWNEY. Well, the administration of this law means, unless this is suspended, an increase in the cost of the canal by some five or six million dollars.

Mr. BOUTELL. The chairman of the Committee on Appropriations states the effect of this limitation exactly as I understand it, and it is precisely on account of that effect that I submit, in all candor, this paragraph should be stricken out. What it does is simply this: It gives to those who have already earned longevity status under Secretary Taft's order lonegvity pay, but deprives those who have been working down there for the longevity status from the right to the increased pay. That is all there is in it. It makes a discrimination between those who have been there a certain length of time and earned their longevity status and those who have not been there long enough to earn their longevity status, and I submit in all fairness and in all justice to the men who have gone down there that no discrimination should be made among these workmen.

It is hard enough to get the right class of workmen to go to the canal and stay there, and we ought not to put any impediment in the way of getting the best men and keeping them there. This discrimination should go out of the bill. [Applause.]

Mr. SULZER. Mr. Chairman, I concur in all my friend from Illinois [Mr. BOUTELL] has said in regard to this matter. He is right about it, and this paragraph should be stricken out. I hope it will be stricken out in justice to our mechanics in the Panama Canal Zone who are doing the greatest work of the centuries.

Now, Mr. Chairman, I ask unanimous consent to print in the RECORD on this longevity-pay question a letter from Mr. T. J. Dolan, the general secretary and treasurer of the steam shovel and dredge men.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

INTERNATIONAL BROTHERHOOD OF
STEAM SHOVEL AND DREDGE MEN,
Chicago, Ill., February 23, 1909.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

DEAR MR. SULZER: I wired you to-day as follows:

"Item sundry civil appropriation bill, page 215, lines 1 to 5, affects our men at Panama and should be defeated, as it will be a breach of faith in promises made to skilled American labor at Panama. Please get our friends to help you on this matter."

I also sent the following telegram to Congressman TAWNEY to-day:

"Item sundry civil appropriation bill, page 215, lines 1 to 5, is breach of faith, according to my understanding, with skilled American mechanics at Panama. As I understand the matter, when Mr. Taft was Secretary of War he made the agreement with the men at Panama in reference to the longevity. I believe that good faith should be kept in the matter. Hope you will agree to cut the item out."

As I understand the proposition, when Mr. Taft made the agreement at Panama in the spring of 1907 with the skilled mechanics down there, it was understood that they were to participate in the longevity during the construction of the canal.

If this item goes through on page 215, lines 1 to 5, sundry civil appropriation bill, it simply means that the men who have been getting an increase of wages there each year for excellent work and competent service will be cut off, and, according to my understanding of the matter, they will be placed back on the old scale of wages. This will mean a reduction of wages to a great many skilled mechanics there, if the proposition is as I surmise it is.

For instance, a shovel engineer who would now be making $230 or $240 per month would be cut down to $210 per month after this bill went into effect the 1st of July, as the minimum standard scale of wages at Panama for shovel engineers is $210 per month. This rule, as I understand it, would apply to all skilled American mechanics on the canal in every department, which would include all the railroad men, shovel men, machinists, and, in fact, every skilled American who is in the operating or construction department on the Panama Canal work.

I believe that there are enough honorable Members in Congress to defeat this item, as it will certainly cause a great deal of dissatisfaction among the men employed at Panama if this provision is adopted. I do not believe that Congress can afford to go on record at the present time in favor of cutting wages on the Isthmian Canal; and, according to my surmise of the matter, it means that it will cut the wages back to the minimum standard, if this item is adopted.

I hope and trust that this item will be buried so deep that it will never be heard of again.

Wishing you success in the matter, and extending you the thanks of our entire organization for helping us to defeat this item, I remain,

Yours, very truly,

T. J. DOLAN,
General Secretary-Treasurer.

Mr. SMITH of Iowa. Mr. Chairman, this longevity and overtime pay already costs the Government of the United States $400,000 a year on the canal. It is not necessary to pay it to get men to go there, because they do not get it when they go there. It is a thing in the distant future, a reward for staying there a long time. The price that brings them there includes no such pay. Now the head of the Panama Canal Commission says it is impractical to go on discriminating between these men by mere executive action; that all classes of men are clamoring to have this system of longevity and overtime pay extended to them that are not covered at all by the order here referred to, and if this pay is thus extended the cost of this canal would be vastly increased beyond the $400,000 a year that the system is now costing us. This proposition is not to cut off those who have earned this pay nor to cut off those who earn it in the early months to come, but to provide that it shall not be paid to any except such as may have accumulated this right under existing orders of the commission before the 1st day of next July. If this amendment to the law is defeated, it means that this House to-night deliberately votes more than $5,000,000 of the people's money in payment for this canal beyond what is needed. I think this amendment ought to be defeated and I hope it will be, and I call for a vote.

Mr. BOUTELL. Will the gentleman yield for a question?

Mr. HUGHES of New Jersey. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Iowa [Mr. SMITH] yield to the gentleman from Illinois [Mr. BOUTELL]?

Mr. SMITH of Iowa. I will yield to the gentleman from Illinois for a question.

Mr. BOUTELL. I thought the gentleman would. I would like to ask the gentleman from Iowa whether this provision and limitation in the pending bill, if he knows, meets with the approval of Secretary Taft, who issued this longevity pay order?

Mr. SMITH of Iowa. I am not able to say, because, as the gentleman well knows, during no portion of the compilation of this bill has the President-elect been appearing before committees, but I do know that that man who is now at the head of the construction of this canal and its completion does believe in it. I refer to Colonel Goethals, the president of the commission, and I have no reason to believe that anybody else differs from him.

Mr. BOUTELL. Colonel Goethals is not the man who issued the longevity order.

Mr. SMITH of Iowa. The longevity order was issued when it was difficult to get men, but now it is not difficult to get them; and under the rules of the House, as I understand it, this amendment is only subject to debate for five minutes on a side without unanimous consent, and therefore I call for a vote.

Mr. WILSON of Illinois. Mr. Chairman——

Mr. HUGHES of New Jersey. Mr. Chairman——

The CHAIRMAN. Under the rules of the House but one speech is in order on a side—one by the maker of the amendment for five minutes and one by the opposition for the same length of time.

Mr. HUGHES of New Jersey. Mr. Chairman, I move a substitute.

Mr. SMITH of Iowa. Mr. Chairman, I move that all debate on the paragraph and amendments thereto be now closed.

Mr. WILSON of Illinois. Mr. Chairman——

The CHAIRMAN. The gentleman from Iowa moves that the debate on the paragraph and amendments thereto be now closed.

Mr. WILSON of Illinois. Mr. Chairman, I would like to ask the gentleman from Iowa if he will yield for a question?

Mr. SMITH of Iowa. If I have any time remaining, I will yield for a question; but I insist on the motion.

Mr. WILSON of Illinois. The gentleman has stated here that the extra expense under this means $400,000 a year.

Mr. SMITH of Iowa. For those now.

Mr. WILSON of Illinois. I understand from the pamphlet which I have here, submitted by the House Committee on Appropriations, page 42, that when Colonel Goethals was asked about this very provision he said:

There is included in the estimate an expense account for longevity of $162,000; overtime, $377,000; and adjustment of salaries, $243,000.

Mr. SMITH of Iowa. Without the last item, the increased expense on that basis would be over $500,000. The longevity and overtime are referred to in the section. But adjustment of salaries is not referred to in the paragraph under consideration.

Mr. WILSON of Illinois. As a matter of fact, the longevity proposition does not make $400,000 difference.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] moves that all debate on the paragraph and amendments thereto be now closed.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. HUGHES of New Jersey. Division, Mr. Chairman.

The committee divided; and there were—ayes 89, noes 18.

So the motion was agreed to.

Mr. DRISCOLL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. SMITH of Iowa. Question, Mr. Chairman.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, to strike out the paragraph.

Mr. SULZER. Division, Mr. Chairman. I would ask all the friends of honest workingmen to stand up.

The committee divided; and there were—ayes 49, noes 86.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That all sums appropriated by this act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year 1910, and all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

SEC. 8. Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

Mr. FINLEY. Mr. Chairman, I reserve the point of order as to section 8. That is new legislation.

Mr. SMITH of Iowa. I hope the gentleman will not make the point of order. This was previously offered as an amendment to the legislative appropriation bill, but it went out on a point of order. But every gentleman who criticised it then has since examined it and become satisfied that this is of great importance in the matter of preventing future deficits in the Treasury.

Mr. FINLEY. What as to this point: The President of the United States then would pass on such of the estimated appropriations as in his judgment should be cut?

Mr. SMITH of Iowa. The object of this is simply to put upon the President of the United States, who is the head of all the departments, a measure of responsibility to see that the estimates are cut within the revenues, or else call upon him to propose a bond issue or new taxes covering the deficiency, and thereby take the odium that it would bring to his administration.

Mr. FINLEY. Does not the gentleman think that it is the business of Congress to cut the appropriations to fit the revenues?

Mr. SMITH of Iowa. It is important that we should have Congress, as well as the Executive, to state where the cut ought to be made. It is possible for Congress to do much in that direction; but the President, being the head of all the departments, can greatly aid in pointing out where these reductions can be made with the least injury to the public service.

Mr. FINLEY. There is nothing to hinder the President of the United States now from making any effort in that direction he wishes.

Mr. SMITH of Iowa. There is no estimate coming from the President.

Mr. FINLEY. I understand they come from the heads of the various departments.

Mr. SMITH of Iowa. Through the Treasury Department.

Mr. FINLEY. Yes.

Mr. SMITH of Iowa. Now, this proposition is, when these subordinates have first made their estimates for the next fiscal year, and they reach the Secretary of the Treasury, and it there appears that these estimates exceed the estimated revenues, the President is called upon by Congress—we can not command him—to see where, in his judgment, these estimated appropriations can best be reduced to bring them within the estimated revenues, or what tax should be imposed upon the people, or what bonds should the people issue to cover the deficiency. Then Congress as well has the power it has now; but it has placed upon the Chief Executive the burden and the responsibility for the action of his subordinates in that particular. [Applause.] I hope the gentleman will withdraw his opposition.

Mr. FINLEY. Is not the chief value of this section that the President, when the revenues are insufficient to meet the expenditures, will then be called upon to make recommendations as to raising such taxes to meet the deficiency as is necessary?

Mr. SHERLEY. If the gentleman will permit a suggestion. To my mind the great value of this lies in two propositions: First, it places upon the party in power the responsibility for unnecessary expenditures. Second, it secures such a statement of all the estimates of the departments and the revenues with which to meet them presented to Members of Congress, so that they can see what relation the revenues bear to the expenditures. If we could have sent to Congress a statement of that kind, showing, for instance, that there would be nearly 70 per cent of the expenditures that would go for war purposes and for pensions, Members would have a chance to discuss in a broad sense the expenses of government; and it is to bring about such a statement as would permit a real discussion of a budget in the true sense that this provision is proposed.

Mr. FINLEY. Does the gentleman think that with this section enacted into law the President would make a cut in his recommendations for the support of the War Department?

Mr. SHERLEY. I do not care very much whether he recommended any or not. If we can get the statement made by the party in power that shows what these expenditures are to be for, then we can have a full debate upon the budget such as has never been known in the Congress of the United States for a generation.

Mr. FINLEY. Then, I take it that the rules of the House will necessarily be changed. I withdraw the point of order.

Mr. GAINES of West Virginia. A parliamentary inquiry. Was the point of order withdrawn?

Mr. MANN. I reserve the point of order.

The CHAIRMAN. The gentleman from South Carolina withdrew the point of order.

Mr. MANN. I reserve the point of order.

Mr. Chairman, I will be perfectly frank. I do not intend to insist upon the point of order. The gentleman from Iowa has just stated that all of those who formerly had objected to this had changed their minds. I have not changed my mind on the subject. I think I am a little more set than I was before. The gentleman from Iowa, a most valuable Member of the House and of the Committee on Appropriations, has given a great deal of attention to this subject. This matter being somewhat in the nature of an experiment, I am willing to defer to his judgment, although I think in the end he will be exceedingly sorry if it is enacted into permanent law. I therefore withdraw the point of order.

The Clerk read as follows:

SEC. 10. After June 30, 1909, where the salary or compensation of any officer, agent, clerk, or employee in the service of the United States is at an annual or monthly rate the following rules shall be followed in computing the amount due: An annual salary or compensation shall be devided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payment for a fractional part of any calendar month there shall be paid such proportion of one of such installments, or of the amount of the monthly salary or compensation, as the number of days in the fractional part of that month bears to the actual number of days in that month.

Mr. ROBERTS. Mr. Chairman, a point of order.

Mr. DRISCOLL. I make a point of order against that paragraph.

Mr. BENNET of New York. I make a point of order.

Mr. TAWNEY. The point of order is conceded.

The CHAIRMAN. The Chair understands the gentleman from Minnesota to concede the point of order. The point of order is sustained.

Mr. TAWNEY. Now, Mr. Chairman, I offer as a separate section the amendment which the Clerk has, and which I ask him to read.

The Clerk read as follows:

Insert as section 10:

"That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail hereafter or heretofore made, or otherwise, personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

Mr. TAWNEY. Mr. Speaker, I move the adoption of the amendments and the passage of the bill, and on that I demand the previous question.

Mr. WILLIAMS. There is a right, I take it, to call for a separate vote upon amendments.

Mr. TAWNEY. After the motion is made to do that, it will be time enough——

The SPEAKER. One moment. Will the gentleman withhold his motion temporarily?

Mr. TAWNEY. I will withhold the motion temporarily.

MODIFICATION OF RULE XXVIII.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report (H. Rept. No. 2273) from the Committee on Rules.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. What has become of the sundry civil bill?

The SPEAKER. The sundry civil bill is reported to the House from the Committee of the Whole House on the state of the Union, and is pending; and this is a privileged report that comes in ahead of that.

Mr. WILLIAMS. Now, Mr. Speaker, the question I propounded was with this intent: I do not want to lose the opportunity to ask for a separate vote on the Alaskan game amendment reported from the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman will be given, of course, under the rules of the House, any privilege that it is the sense of the majority under the rule he should have. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 597.

Resolved, That during the remainder of this session Rule XXVIII shall be, and hereby is, modified in the following particular:

"The vote on agreeing to the motion shall in all cases be by majority instead of by two-thirds; and upon the demand of any Member opposed to the motion, a second shall be considered as ordered."

Mr. DALZELL. Mr. Speaker, the propriety of adopting this rule must be apparent to everyone. This is Friday night preceding the Thursday on which the Congress must adjourn. There are a great many bills necessary to be considered——

Mr. WILLIAMS. Will the gentleman yield for a question?

Mr. DALZELL. I would rather finish my sentence, but I will.

Mr. WILLIAMS. The question I wish to ask is this, Whether the gentleman, representing the majority of the House, is going to give to the members of the Committee on Rules who represent the minority any opportunity to debate this or not.

Mr. DALZELL. I propose, after making a few remarks, to call for the previous question; and I call for the previous question now.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 130, noes 65.

Mr. UNDERWOOD. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 91, answered "present" 4, not voting 183, as follows:

YEAS—108.

Allen	Driscoll	Keifer	Reeder
Andrus	Dwight	Kennedy, Iowa	Reynolds
Barclay	Ellis, Oreg.	Kennedy, Ohio	Roberts
Bartholdt	Englebright	Knapp	Rodenberg
Beale, Pa.	Focht	Knowland	Scott
Bennet, N. Y.	Fordney	Küstermann	Sherman
Bennett, Ky.	Foss	Lafean	Smith, Cal.
Bingham	French	Law	Smith, Iowa
Bonynge	Gaines, W. Va.	Loudenslager	Smith, Mich.
Boutell	Gardner, Mich.	McCreary	Southwick
Bradley	Gardner, N. J.	McKinney	Stevens, Minn.
Brownlow	Graff	Madden	Sturgiss
Burton, Del.	Greene	Madison	Sulloway
Butler	Guernsey	Malby	Tawney
Calder	Haugen	Martin	Taylor, Ohio
Campbell	Hawley	Miller	Thistlewood
Capron	Hayes	Mondell	Thomas, Ohio
Caulfield	Henry, Conn.	Norris	Tirrell
Chaney	Higgins	Nye	Townsend
Chapman	Holliday	Olcott	Volstead
Cole	Howell, Utah	Olmsted	Vreeland
Cook, Colo.	Howland	Overstreet	Waldo
Cousins	Hubbard, Iowa	Parker	Washburn
Cushman	Hubbard, W. Va.	Parsons	Weeks
Dalzell	Huff	Payne	Wood
Dawson	Jenkins	Pollard	Woodyard
Douglas	Jones, Wash.	Pray	The Speaker

NAYS—91.

Adair	De Armond	Houston	Rothermel
Aiken	Denver	Howard	Rucker
Alexander, Mo.	Dixon	Hull, Tenn.	Russell, Mo.
Ashbrook	Ferris	Humphreys, Miss.	Russell, Tex.
Bartlett, Ga.	Finley	James, Ollie M.	Sabath
Beall, Tex.	Foster, Ill.	Johnson, S. C.	Shackleford
Bell, Ga.	Fulton	Jones, Va.	Sheppard
Booher	Gaines, Tenn.	Keliher	Sherley
Brantley	Gardner, Mass.	Kimball	Sherwood
Broussard	Garner	Lamb	Sims
Brundidge	Garrett	Lever	Slayden
Burgess	Gillespie	Lloyd	Spight
Burleson	Gordon	McHenry	Stanley
Burnett	Gregg	Macon	Stephens, Tex.
Byrd	Griggs	Moon, Tenn.	Sulzer
Candler	Hamilton, Iowa	Murdock	Thomas, N. C.
Carlin	Hamlin	Nelson	Tou Velle
Carter	Hardwick	O'Connell	Underwood
Clark, Mo.	Hardy	Patterson	Wallace
Cockran	Harrison	Peters	Wiley
Cooper, Tex.	Hay	Pou	Willett
Cox, Ind.	Helm	Rainey	Williams
Davenport	Hobson	Ransdell, La.	

ANSWERED "PRESENT"—4.

Adamson	Clayton	Ellerbe	Langley

NOT VOTING—183.

Acheson	Cravens	Gilhams	Hull, Iowa
Alexander, N. Y.	Crawford	Gill	Humphrey, Wash.
Ames	Crumpacker	Gillett	Jackson
Ansberry	Currier	Glass	James, Addison D.
Anthony	Darragh	Godwin	Johnson, Ky.
Bannon	Davidson	Goebel	Kahn
Barchfeld	Davis	Goldfogle	Kinkaid
Barnhart	Dawes	Goulden	Kipp
Bartlett, Nev.	Denby	Graham	Kitchin
Bates	Diekema	Gronna	Knopf
Bede	Draper	Hackett	Lamar, Fla.
Birdsall	Durey	Hackney	Lamar, Mo.
Bowers	Edwards, Ga.	Haggott	Landis
Boyd	Edwards, Ky.	Hale	Laning
Brodhead	Ellis, Mo.	Hall	Lassiter
Burke	Esch	Hamill	Lawrence
Burleigh	Estopinal	Hamilton, Mich.	Leake
Burton, Ohio	Fairchild	Hammond	Lee
Calderhead	Fassett	Harding	Legare
Caldwell	Favrot	Haskins	Lenahan
Cary	Fitzgerald	Heflin	Lewis
Cassel	Flood	Henry, Tex.	Lindbergh
Clark, Fla.	Floyd	Hepburn	Lindsay
Cocks, N. Y.	Foelker	Hill, Conn.	Livingston
Conner	Fornes	Hill, Miss.	Longworth
Cook, Pa.	Foster, Ind.	Hinshaw	Lorimer
Cooper, Pa.	Foster, Vt.	Hitchcock	Loud
Cooper, Wis.	Foulkrod	Howell, N. J.	Lovering
Coudrey	Fowler	Hughes, N. J.	Lowden
Craig	Fuller	Hughes, W. Va.	McCall
McDermott	Morse	Reid	Sterling
McGavin	Mouser	Rhinock	Swasey
McGuire	Mudd	Richardson	Talbott
McKinlay, Cal.	Murphy	Riordan	Taylor, Ala.
McKinley, Ill.	Needham	Robinson	Wanger
McLachlan, Cal.	Nicholls	Ryan	Watkins
McLain	Padgett	Saunders	Watson
McLaughlin, Mich	Page	Slemp	Webb
McMillan	Pearre	Small	Weems
McMorran	Perkins	Smith, Mo.	Weisse
Mann	Porter	Smith, Tex.	Wheeler
Marshall	Pratt	Snapp	Wilson, Ill.
Maynard	Prince	Sparkman	Wilson, Pa.
Moon, Pa.	Pujo	Sperry	Wolf
Moore, Pa.	Randell, Tex.	Stafford	Young
Moore, Tex.	Rauch	Steenerson	

So the previous question was ordered.

The following pairs were announced:

For the session:

Mr. McMORRAN with Mr. PUJO.

Mr. WANGER with Mr. ADAMSON.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. FASSETT with Mr. ANSBERRY.

Mr. COOK of Pennsylvania with Mr. RICHARDSON.

Mr. ACHESON with Mr. HILL of Mississippi.

Mr. McGAVIN with Mr. PRATT.

Mr. ADDISON D. JAMES with Mr. LAMAR of Florida.

Mr. CARY with Mr. WEISSE.

Mr. DAWES with Mr. LASSITER.

Mr. CALDERHEAD with Mr. CLARK of Florida.

Mr. BIRDSALL with Mr. BOWERS.

Mr. COUDREY with Mr. CALDWELL.

Mr. MALBY with Mr. CRAIG.

Mr. AMES with Mr. CLAYTON.

Mr. ELLIS of Missouri with Mr. SMITH of Missouri.

Mr. JACKSON with Mr. WOLF.

Mr. MANN with Mr. FITZGERALD.

Mr. FAIRCHILD with Mr. RIORDAN.

Mr. MUDD with Mr. TALBOTT.

Mr. LOUD with Mr. PADGETT.

Mr. DRAPER with Mr. HACKNEY.

Mr. DENBY with Mr. HACKETT.

Mr. DAVIDSON with Mr. GOLDFOGLE.

Mr. DARRAGH with Mr. GODWIN.

Mr. COOPER of Wisconsin with Mr. GLASS.

Mr. COOPER of Pennsylvania with Mr. GILL.

Mr. CONNER with Mr. FORNES.

Mr. CASSEL with Mr. FLOYD.

Mr. BURTON of Ohio with Mr. FAVROT.

Mr. BURLEIGH with Mr. ESTOPINAL.

Mr. BURKE with Mr. EDWARDS of Georgia.

Mr. BATES with Mr. CRAVENS.

Mr. BARCHFELD with Mr. CRAWFORD.

Mr. BANNON with Mr. BRODHEAD.

Mr. ANTHONY with Mr. BARTLETT of Nevada.

Mr. ALEXANDER of New York with Mr. BARNHART.

Mr. HAMILTON of Michigan with Mr. KIPP.

Mr. GRAHAM with Mr. JOHNSON of Kentucky.

Mr. GOEBEL with Mr. HUGHES of New Jersey.

Mr. GILLETT with Mr. HUMPHREYS of Mississippi.

Mr. FOULKROD with Mr. HITCHCOCK.

Mr. FOSTER of Vermont with Mr. HENRY of Texas.

Mr. FOELKER with Mr. HEFLIN.

Mr. ESCH with Mr. HAMMOND.

Mr. DUREY with Mr. HAMILL.

Mr. HUGHES of West Virginia with Mr. LENAHAN.

Mr. HOWELL of New Jersey with Mr. LEGARE.

Mr. HEPBURN with Mr. LEAKE.

Mr. HILL of Connecticut with Mr. LEE.

Mr. HASKINS with Mr. FLOOD.

Mr. HARDING with Mr. LAMAR of Missouri.

Mr. HAGGOTT with Mr. KITCHIN.

Mr. LANDIS with Mr. LIVINGSTON.

Mr. McCALL with Mr. MAYNARD.

Mr. LOWDEN with Mr. McLAIN.

Mr. LOVERING with Mr. McDERMOTT.

Mr. McKINLAY of California with Mr. MOORE of Texas.

Mr. McKINLEY of Illinois with Mr. MURPHY.

Mr. McLAUGHLIN of Michigan with Mr. PAGE.

Mr. McMILLAN with Mr. NICHOLLS.

Mr. MOON of Pennsylvania with Mr. RANDELL of Texas.

Mr. HULL of Iowa with Mr. LEWIS.

Mr. KAHN with Mr. LINDSAY.

Mr. WHEELER with Mr. TAYLOR of Alabama.

Mr. LORIMER with Mr. WATKINS.

Mr. LONGWORTH with Mr. WEBB.

Mr. LAWRENCE with Mr. WILSON of Pennsylvania.

Mr. STERLING with Mr. SMALL.

Mr. SLEMP with Mr. SAUNDERS.
Mr. PRINCE with Mr. RYAN.
Mr. HALE with Mr. ROBINSON.
Mr. PEARRE with Mr. RHINOCK.
Mr. NEEDHAM with Mr. REID.
Mr. MOORE of Pennsylvania with Mr. RAUCH.
Mr. WATSON with Mr. SMITH of Texas.
Mr. DIEKEMA with Mr. SPARKMAN.
Mr. CURRIER with Mr. ELLERBE.

Mr. LANGLEY. Mr. Speaker, I came in immediately after my name was called, and I desire to announce myself as present.

The result of the vote was then announced as above recorded.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. I did not hear the announcement. Was there a quorum present disclosed by the vote?

The SPEAKER. Yes; 202 members were present.

Mr. DALZELL. I suggest, Mr. Speaker, there is no debate on this proposition.

Mr. GARDNER of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARDNER of Massachusetts. I rise for the purpose of inquiring whether there has been debate on the main proposition. Is not there twenty minutes on a side?

The SPEAKER. There was debate on the main proposition.

Mr. WILLIAMS. The gentleman from Pennsylvania debated it by saying he was in favor of it. [Laughter.]

Mr. DALZELL. The gentleman from Mississippi would not allow me to go further.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 80, noes 75.

Mr. DALZELL. Mr. Speaker, I make the point that no quorum is present.

Mr. WILLIAMS. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. There is no quorum present. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members; as many as favor agreeing to the resolution will, as their names are called, answer "aye," as many as are opposed will answer "no," those not voting will answer "present," and the Clerk will call the roll.

The question was taken; and there were—yeas 103, nays 98, answered "present" 7, not voting 178, as follows:

YEAS—103.

Allen	Ellis, Oreg.	Jones, Wash.	Reynolds
Andrus	Englebright	Keifer	Roberts
Barchfeld	Fairchild	Kennedy, Iowa	Rodenberg
Barclay	Focht	Kennedy, Ohio	Scott
Bartholdt	Fordney	Knapp	Sherman
Beale, Pa.	Foss	Knowland	Smith, Cal.
Bennet, N. Y.	French	Lafean	Smith, Iowa
Bennett, Ky.	Gaines, W. Va.	Langley	Snapp
Bingham	Gardner, Mich.	Law	Stevens, Minn.
Bonynge	Gardner, N. J.	Loudenslager	Sturgiss
Boutell	Graff	McCreary	Sulloway
Brownlow	Greene	McKinney	Swasey
Butler	Guernsey	McLaughlin, Mich.	Tawney
Campbell	Hamilton, Mich.	Madden	Taylor, Ohio
Capron	Haugen	Martin	Thomas, Ohio
Caulfield	Hawley	Miller	Townsend
Chaney	Hayes	Mondell	Volstead
Chapman	Henry, Conn.	Nye	Vreeland
Cole	Higgins	Olcott	Waldo
Cushman	Holliday	Olmsted	Wanger
Dalzell	Howell, Utah	Overstreet	Washburn
Davis	Howland	Parker	Weeks
Dawson	Hubbard, W. Va.	Payne	Wood
Draper	Huff	Pollard	Woodyard
Driscoll	Humphrey, Wash.	Pray	The Speaker.
Dwight	Jenkins	Reeder	

NAYS—98.

Adair	Ellerbe	Hubbard, Iowa	Ransdell, La.
Adamson	Ferris	Hull, Tenn.	Rauch
Aiken	Flood	Humphreys, Miss.	Robinson
Alexander, Mo.	Foster, Ill.	James, Ollie M.	Rothermel
Ashbrook	Fulton	Johnson, Ky.	Rucker
Barnhart	Gardner, Mass.	Jones, Va.	Russell, Mo.
Bartlett, Ga.	Garner	Kelher	Russell, Tex.
Beall, Tex.	Gillespie	Kimball	Sheppard
Bell, Ga.	Godwin	Kitchin	Sherwood
Booher	Gordon	Lamb	Slayden
Brantley	Gregg	Lever	Spight
Broussard	Griggs	Lloyd	Stanley
Brundidge	Hackney	McHenry	Stephens, Tex.
Burleson	Hamilton, Iowa	Macon	Sulzer
Byrd	Hamlin	Moon, Tenn.	Thomas, N. C.
Candler	Hardwick	Murdock	Tou Velle
Carlin	Hardy	Murphy	Underwood
Carter	Harrison	Nelson	Wallace
Clark, Mo.	Hay	Nicholls	Watkins
Clayton	Heflin	Norris	Webb
Cooper, Tex.	Henry, Tex.	O'Connell	Wiley
Cox, Ind.	Hepburn	Page	Williams
Davenport	Hobson	Pou	Wilson, Pa.
De Armond	Houston	Prince	
Dixon	Howard	Rainey	

ANSWERED "PRESENT"—7.

Calder	Finley	Goldfogle	Padgett
Ellis, Mo.	Fornes	Goulden	

NOT VOTING—178.

Acheson	Douglas	Kahn	Needham
Alexander, N. Y.	Durey	Kinkaid	Parsons
Ames	Edwards, Ga.	Kipp	Patterson
Ansberry	Edwards, Ky.	Knopf	Pearre
Anthony	Esch	Küstermann	Perkins
Bannon	Estopinal	Lamar, Fla.	Peters
Bartlett, Nev.	Fassett	Lamar, Mo.	Porter
Bates	Favrot	Landis	Pratt
Bede	Fitzgerald	Laning	Pujo
Birdsall	Floyd	Lassiter	Randell, Tex.
Bowers	Foelker	Lawrence	Reid
Boyd	Foster, Ind.	Leake	Rhinock
Bradley	Foster, Vt.	Lee	Richardson
Brodhead	Foulkrod	Legare	Riordan
Burgess	Fowler	Lenahan	Ryan
Burke	Fuller	Lewis	Sabath
Burleigh	Gaines, Tenn.	Lindbergh	Saunders
Burnett	Garrett	Lindsay	Shackleford
Burton, Del.	Gilhams	Livingston	Sherley
Burton, Ohio	Gill	Longworth	Sims
Calderhead	Gillett	Lorimer	Slemp
Caldwell	Glass	Loud	Small
Cary	Goebel	Lovering	Smith, Mich.
Cassel	Graham	Lowden	Smith, Mo.
Clark, Fla.	Gronna	McCall	Smith, Tex.
Cockran	Hackett	McDermott	Southwick
Cocks, N. Y.	Haggott	McGavin	Sparkman
Conner	Hale	McGuire	Sperry
Cook, Colo.	Hall	McKinlay, Cal.	Stafford
Cook, Pa.	Hamill	McKinley, Ill.	Steenerson
Cooper, Pa.	Hammond	McLachlan, Cal.	Sterling
Cooper, Wis.	Harding	McLain	Talbott
Coudrey	Haskins	McMillan	Taylor, Ala.
Cousins	Helm	McMorran	Thistlewood
Craig	Hill, Conn.	Madison	Tirrell
Cravens	Hill, Miss.	Malby	Watson
Crawford	Hinshaw	Mann	Weems
Crumpacker	Hitchcock	Marshall	Weisse
Currier	Howell, N. J.	Maynard	Wheeler
Darragh	Hughes, N. J.	Moon, Pa.	Willett
Davidson	Hughes, W. Va.	Moore, Pa.	Wilson, Ill.
Dawes	Hull, Iowa	Moore, Tex.	Wolf
Denby	Jackson	Morse	Young
Denver	James, Addison D.	Mouser	
Diekema	Johnson, S. C.	Mudd	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BEDE with Mr. BURGESS.
Mr. BURTON of Delaware with Mr. BURNETT.
Mr. COOK of Colorado with Mr. COCKRAN.
Mr. COUSINS with Mr. DENVER.
Mr. CRUMPACKER with Mr. GAINES of Tennessee.
Mr. DOUGLAS with Mr. GARRETT.
Mr. GRONNA with Mr. HELM.
Mr. HINSHAW with Mr. JOHNSON of South Carolina.
Mr. HULL of Iowa with Mr. LIVINGSTON.
Mr. MADISON with Mr. PETERS.
Mr. PARSONS with Mr. SABATH.
Mr. PORTER with Mr. SHACKLEFORD.
Mr. LAWRENCE with Mr. SHERLEY.
Mr. LANING with Mr. SIMS.
Mr. SMITH of Michigan with Mr. WILLETT.

Mr. GOLDFOGLE. Mr. Speaker, I will ask if my colleague [Mr. CALDER] has voted?

The SPEAKER. He has not.

Mr. GOLDFOGLE. I stand paired with him. Otherwise I would vote "no." I desire to be recorded.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. GOLDFOGLE, and he answered "Present."

The SPEAKER. Upon this vote the ayes are 103, noes 98, present 7—a quorum. The Doorkeeper will open the doors. The ayes have it, and the resolution is agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules, agree to the amendments to the sundry civil appropriation bill (H. R. 28245), and pass the bill.

The SPEAKER. The question is on the motion of the gentleman from Minnesota to suspend the rules, agree to the amendments to the sundry civil appropriation bill, pass the bill.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. Is it in order to call for a separate vote on either of the amendments?

The SPEAKER. Not under a motion to suspend the rules.

Mr. WILLIAMS. Mr. Speaker, under the rule that has just come in and been passed, then the power of the House to pass separately upon an amendment to appropriation bills has been parted with.

The SPEAKER. The power of the House to work its will by a majority has not been parted with.

Mr. WILLIAMS. The power of the House by a majority to prevent a majority of the House from voting separately on amendments has been parted with.

Mr. TAWNEY. Mr. Speaker, I call for the regular order.

Mr. CLARK of Missouri. Mr. Speaker, I demand a second. I understand that that gives twenty minutes' debate on a side.

The SPEAKER. Absolutely. A second will be considered as ordered. The gentleman from Missouri is entitled to twenty minutes and the gentleman from Minnesota to twenty minutes.

Mr. TAWNEY. Mr. Speaker, I have no desire to occupy any more time on the sundry civil bill and its amendments than has been occupied by the House the last three or four days and nights. I reserve the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, the proposition before the House is to suspend the rules and pass the greatest appropriation bill that comes before this House. I recognize the necessity of passing this bill at an early date, but there are a large number of amendments in the bill.

There is nobody who desires to vote on every amendment which has been adopted in the Committee of the Whole, but when an amendment is placed on a bill the membership of this House, under the rules, has a parliamentary right under ordinary circumstances, a constitutional right, to force the House to vote on amendments that have been put on the bill in Committee of the Whole. The majority of this House has adopted a rule that has no precedent in the parliamentary history of this House for its brutality. Never before have we ever adopted a rule to authorize this House to suspend the rules and pass legislation by a majority vote, under suspension of the rules, except in the time of a filibuster. There is no filibuster existing in this House to-day. Nobody desires to start a filibuster. Every gentleman here desires to see the appropriation bills pushed through at the earliest possible moment.

Mr. CAMPBELL. Was the gentleman present last night?

Mr. UNDERWOOD. I was here a part, but not all of last night.

Mr. CAMPBELL. There are some of us who were here until half past 3 this morning, and we witnessed a filibuster that commenced early in the evening and continued throughout the night.

Mr. UNDERWOOD. I do not know what the gentleman calls a filibuster.

Mr. TAWNEY. We do.

Mr. UNDERWOOD. But the gentleman knows that it was within the power of the chairman of the Committee on Appropriations to enforce the rules of this House and hold the debate on every amendment that was offered here to five minutes in the affirmative and five minutes in the negative, and if he did not do so, then he allowed debate to run to a point where possibly it went to extreme limits. But it was within the power of the chairman of the committee in charge of this bill to restrict the debate to the items in the bill by merely enforcing the rules of the House.

Mr. CAMPBELL. I will say that the chairman used every possible effort to limit debate and to prevent the filbuster.

Mr. UNDERWOOD. I do not see anything in the RECORD where the chairman of the committee made a point of order against the debate along that line, and if he did not make a point of order he did not use the power that was in his hands to enforce the passage of the bill.

Mr. TAWNEY. If the gentleman will permit me, I will say that I moved to close debate, and on every motion of that kind the minority availed itself of every opportunity under the rules to delay the determination of that question by a demand for a division, by a demand for tellers, and by making the point of no quorum, and everything else.

Mr. UNDERWOOD. The gentleman is one of the best parliamentarians in this House, and it is not necessary for me to inform the House that he knows the rules of the House and that he did not have to move to close debate.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. Does the gentleman from Minnesota want to use any of his time?

Mr. TAWNEY. I do not know that I will.

Mr. CLARK of Missouri. I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, if any gentleman objects to my discussing this cloture rule which has just been adopted, I wish they would call me to order promptly. Mr. Speaker, we have just voted for a rule under the supposition that it is a rule to expedite business, and for that purpose alone. I was not here last night. I know nothing about the scenes that took place. I believe there was disorder, and yet I believe substantial progress was made. Disorder is a bad thing, but denying to Members the right to amend a bill or a resolution is worse. A rule has just been adopted, and yet few Members know what it means, as this rule was brought in to-night. Members have come in here in a hurry on the call of the House and have voted without any conception of what they voted for. To my mind this way of legislating exceeds in its ill effect any possible result which could arise if two or three of the appropriation bills failed to pass at this short session of Congress. We are to have an extra session and could pass such bills at our leisure.

There is only one thing I hope, Mr. Speaker, and that is that we shall not find that we have adopted a rule ostensibly for the purpose of shutting off debate and stopping filibustering, but really framed to prevent Members of this House from offering amendments which they have a right to offer.

Mr. CLARK of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS]. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Speaker, this House had a startling illustration while it was considering the sundry civil appropriation bill of the carelessness with which it does business. The delegate from Alaska [Mr. CALE], not being present when a particular amendment to the bill was reached and passed, came in later and by unanimous consent obtained an opportunity to be heard. He made such a succinct, clear, and concise statement that it brought the minds of all right-thinking Members to the conclusion that the amendment adopted in the committee ought to have been defeated. I sought this afternoon to get a separate vote on that amendment in accordance with a natural and normal rule of this House.

Before that happened, while the gentleman from Minnesota [Mr. TAWNEY] was upon his feet presenting the sundry civil bill and immediately after the Chairman of the Committee of the Whole had made his report to the Speaker, the gentleman from Pennsylvania [Mr. DALZELL] was recognized to bring in a special rule from that occult and mysterious committee of which I am a nonacting member—the Committee on Rules. That report adopted the following rule:

That during the remainder of this session Rule XXVIII shall be, and hereby is, modified in the following particular:

"The vote on agreeing to the motion to suspend the rules shall in all cases be by majority instead of by two-thirds, and upon the demand of any Member opposed to the motion a second shall be considered as ordered."

The special rule was delivered by the three majority members of the Committee on Rules without a ten-minute, without a five-minute, without a one-minute notice to the minority members of that committee that it was to come up for consideration, and it cut off all votes on separate amendments not only upon this great appropriation bill, but upon every other appropriation bill until the end of the session whenever the motion to suspend shall be made.

No amendment passed in the Committee of the Whole shall hereafter be separately considered in the House of Representatives, if our parliamentary leaders do not want it done.

Last session a rule like this was brought in. There was then an excuse for it. We, on this side, were resorting to every course that we could in order to force the House to vote upon certain propositions. It was contended upon that side that our course was revolutionary and had to be met with revolutionary methods. At this session there is nothing of that sort going on, with the exception of a little by-play last night that everybody understood. There has not been the slightest indication of any desire to hold up the House for any length of time. We are told at the very last minute, gentlemen—Representatives of the American people—that we are compelled to have this rule, because we are so near the end of the session that, without it, without construing two-thirds to be a majority, and without overriding the rule for the demand for a second, we can not finish the appropriations that are necessary to the support of the Government.

I pass by the question that we are to have an extra session within eleven days after this House adjourns. If the statement that the great supply bills are so far behind as advocates of this rule state be true, Mr. Speaker, it is the most stupendous indictment of you as Speaker of this House that ever was drawn since the House of Representatives has been in existence. [Applause on the Democratic side.] If it be true, it proves your inefficiency, your absolute incompetency, and your inability to take care of and handle the House of Representatives and see that its ordinary routine business is attended to in time. If it be true, it proves that the majority upon the Republican side of the House is guilty of absolute inefficiency and incompetency,

if not of insanity. You are as a party incapable of governing the country on regular and common routine lines.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. I will yield to the gentleman as much of the five minutes remaining as he desires.

Mr. WILLIAMS. What have you done—and will not admit that you did it—or left undone, without honest confession of your own neglect? What has happened that is abnormal or difficult enough to prevent this House of Representatives, composed of alleged intelligent Members, under alleged intelligent management, from attending to the ordinary business of the country as previous Houses have done and passing the great supply bills? I will tell you what is happening; and it is happening more and more every year, not only here, but in the Senate. There is an absolute—no; I will not say conspiracy—habit, let us call it. There is a growing habit of taking up all the time possible in the committees and giving the body of the House and the Senate both as little time as possible to consider legislation. [Loud applause on the Democratic side.] In whose interest, and for whom? In the interest of the machine gang in the Senate and the machine gang in the House. [Renewed applause.]

Only in the interest of the few men who really know legislation, who stand before the country as the chief officers and the chief leaders of both bodies, men having their own way in secret legislation by committees securing the legislation that they want, and that the balance of you may have nothing to say about. The longer a bill remains in committee, the greater the opportunity to put private projects or corporation jobs in the bill and the less chance for light. You have got to the contemptible point where you can not even get a separate vote on an amendment to a great supply bill. [Applause.]

I am speaking without any passion or partisanship. I am speaking as a man who is going to retire from the House, and will not enter the other body soon enough thereafter that anything I have to say will have any effect upon immediately future legislation. You gentlemen, some of you, who have been talking throughout the country, telling how you wanted to amend the rules so that the majority of the House could handle itself, every man of you except one voted for this resolution. [Applause on the Democratic side.] You have cut your own throats, tied your own hands, you boasted insurgents and reformers. I said all except one; I am informed——

Mr. GARDNER of Massachusetts. The gentleman is mistaken.

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. WILLIAMS. Of course.

Mr. GARDNER of Massachusetts. The gentleman was mistaken. There was a very substantial number voted with the gentleman.

Mr. WILLIAMS. When we stood up I did not see but two. I beg pardon, I did see another, but I am informed that there were about half a dozen.

Mr. OLLIE M. JAMES. There were five or six over there.

Mr. WILLIAMS. However many, or rather however few of you there were, you have cut your own throats, you have tied your own hands, when we were ready—I can not tell what happens in committees without violating the rules of this body, and I am not going to do that—but we were ready to give you every possible opportunity for a rule whereby the majority of the House of Representatives could handle the business of the House of Representatives, and you have failed us, yourselves, and the country by adopting this rule.

And the Committee on Rules has reported two other rules out almost equally drastic, and when you adopted this rule you did not give to the Members of the minority upon the Committee on Rules an opportunity even to tell the country what the rule meant. The gentleman from Pennsylvania [Mr. DALZELL], resorting to the ordinary common parliamentary trick—I call it a trick, because that is all it is—took up about two minutes in saying that he was in favor of the adoption of the rule, and then called for the previous question, and the ordinary twenty minutes for debate given under the rule could not be granted, because the Chair ruled that the question had been debated by the gentleman from Pennsylvania. That trick is so common. [Loud applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. GARDNER].

Mr. GARDNER of Michigan. Mr. Speaker, the House always listens with interest to the gentleman from Mississippi; he is sometimes instructive, often entertaining. But I resent, on behalf of the Committee on Appropriations and of other committees charged with making appropriations and of this side of the House, that we have entered into a conspiracy with ourselves or with anybody else, or of the habit to delay the reporting of bills. The gentleman knows that this session is covered by about eighty days of actual work if you use all the holidays. Here is a report of the hearings on a single bill in one volume of 1,100 pages and another volume of 300 pages; and that committee had estimates before it of $162,000,000, involving almost every known interest in this Government and for every island possession. That committee sat by day and by night. It would have been recreant to its trust, it would have been unfaithful to this Congress, it would have been unworthy of the confidence of this House, had it not gone thoroughly into the questions involving so many millions of dollars.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Michigan this question: Is there any reason why the Appropriations Committee should not have met here on the 10th day of November and gotten up the appropriation bills, just as well as the Committee on Ways and Means met here to get up the tariff bill? Then you would have had these bills ready to put in the House.

Mr. GARDNER of Michigan. We could have gotten here, and the gentleman also could; but, Mr. Speaker, the law requires that the estimates shall be made to the Congress before the hearings shall begin, and the estimates were not submitted on the 10th day of November [applause on the Republican side], nor could they have been submitted earlier than the opening of the session of Congress.

Mr. CLARK of Missouri. I should like to ask the gentleman another question.

Mr. GARDNER of Michigan. If I can have more time.

Mr. CLARK of Missouri. The gentleman from Minnesota [Mr. TAWNEY] has control of the time. What is the reason you could not have gone up to these departments and fished out these estimates on the 10th of November, just as well as to wait until they sent them in to Congress?

Mr. GARDNER of Michigan. Mr. Speaker, I am astonished at the question of the gentleman from Missouri, a man whom I have delighted to follow in many things.

Mr. CLARK of Missouri. You had better follow me all the time, and you will be all right.

Mr. GARDNER of Michigan. The gentleman from Missouri made the best Republican speech the other day that I have heard in the House in a long time, and he made votes by it; but the gentleman should know that the estimates must be submitted according to law, and that in considering these estimates the committee must proceed in an orderly way.

Mr. CLARK of Missouri. Another question: Is it not true that the Appropriations Committee in days gone by have met here in vacation, before Congress convened, and begun their work on appropriation bills?

Mr. GARDNER of Michigan. Very rarely in the last ten years.

Mr. CLARK of Missouri. Well, they have done it?

Mr. LLOYD. Mr. Speaker——

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Missouri?

Mr. GARDNER of Michigan. Not now. I want to finish this point, and then I will be glad to listen to the gentleman.

Now, this sundry civil is but one of several bills involving larger or smaller amounts, but in the aggregate, mark you, one thousand million dollars, all to be investigated and reported upon and presented to this House in an intelligent manner.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. TAWNEY. I yield two minutes more to the gentleman from Michigan.

Mr. GARDNER of Michigan. One thousand million dollars to be considered and reported upon and enacted into law in less than ninety days' time. Instead of charging the majority, and particularly the working committees, with dereliction of duty or conspiracy, the gentleman ought, in frankness, to acknowledge that not only the minority but the Congress and the Nation are under obligations to the men who work days and nights to accomplish, in an intelligent and faithful manner, their duty relative to the reporting of these bills. [Applause on the Republican side.]

Mr. WILLIAMS. Will the gentleman submit to an interrogatory right there?

Mr. GARDNER of Michigan. Yes; certainly.

Mr. WILLIAMS. Does not the gentleman agree with me that it is not the sole duty of members of committees, but the duty of Members of the House, representing the entire country, to be acquainted with the details of these great supply bills? And does the gentleman agree with me that unless these committees

get in their bills early enough the average Representative practically knows nothing about what is contained in them?

Mr. GARDNER of Michigan. In the first place, you have the Book of Estimates, which my friend from Missouri would have us follow and search out. You have the published documents, which he would have us go over before the estimates are made. These are open to every Member, just as much as to the members of the committee.

Mr. WILLIAMS. Now, I know the gentleman from Michigan so well, and his candor and frankness and fairness. Does the gentleman from Michigan pretend that a Member of the House, except on his own committees, can keep up with all the estimates of every sort prepared for all the different committees in the House? The gentleman knows that Members not on a committee must get their information from the committee, and that the committee ought to report early enough to give them that information.

The SPEAKER. The time of the gentleman from Michigan has again expired.

Mr. TAWNEY. I ask for a vote on agreeing to the motion.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. CLARK of Missouri. Yeas and nays!

The yeas and nays were ordered.

The question was taken; and there were—yeas 140, nays 106, answered "present" 7, not voting 132, as follows:

YEAS—140.

Alexander, N. Y.	Englebright	Hughes, W. Va.	Parker
Allen	Esch	Hull, Iowa	Payne
Barchfeld	Fairchild	Humphrey, Wash.	Pollard
Barclay	Fitzgerald	Jenkins	Porter
Beale, Pa.	Focht	Jones, Wash.	Pray
Bede	Fordney	Keifer	Prince
Bennet, N. Y.	Fornes	Keliher	Rauch
Bennett, Ky.	Foss	Kennedy, Iowa	Reeder
Bingham	French	Kennedy, Ohio	Reynolds
Bonynge	Gaines, W. Va.	Knapp	Roberts
Boutell	Gardner, Mass.	Knopf	Rodenberg
Boyd	Gardner, Mich.	Knowland	Scott
Bradley	Gardner, N. J.	Küstermann	Sherman
Brownlow	Goulden	Lafean	Slemp
Burleson	Graff	Laning	Smith, Iowa
Butler	Graham	Law	Smith, Mich.
Calderhead	Greene	Lindbergh	Steenerson
Campbell	Gronna	Loudenslager	Stevens, Minn.
Capron	Guernsey	McCall	Sturgiss
Caulfield	Hall	McCreary	Sulloway
Chaney	Hamilton, Mich.	McKinley, Ill.	Swasey
Chapman	Harding	McKinney	Tawney
Cole	Hawley	McLachlan, Cal.	Taylor, Ohio
Cooper, Pa.	Hayes	Madden	Thistlewood
Cousins	Henry, Conn.	Mann	Thomas, Ohio
Cushman	Hepburn	Marshall	Townsend
Dalzell	Higgins	Martin	Volstead
Darragh	Hinshaw	Miller	Vreeland
Davis	Holliday	Mondell	Waldo
Dawson	Howell, N. J.	Murdock	Wanger
Draper	Howell, Utah	Nelson	Washburn
Driscoll	Howland	Nye	Weeks
Durey	Hubbard, Iowa	Olcott	Wheeler
Dwight	Hubbard, W. Va.	Olmsted	Wood
Ellis, Oreg.	Huff	Overstreet	Woodyard

NAYS—106.

Adair	Foster, Ill.	Johnson, Ky.	Russell, Tex.
Adamson	Gaines, Tenn.	Johnson, S. C.	Sabath
Aiken	Garner	Jones, Va.	Shackleford
Alexander, Mo.	Garrett	Kimball	Sheppard
Ashbrook	Gillespie	Kipp	Sherley
Barnhart	Glass	Kitchin	Sherwood
Bartlett, Ga.	Gordon	Lamb	Sims
Beall, Tex.	Gregg	Lassiter	Slayden
Booher	Griggs	Lee	Smith, Cal.
Brundidge	Hackney	Lenahan	Smith, Tex.
Burnett	Hamilton, Iowa	Lever	Sparkman
Candler	Hamlin	Lloyd	Spight
Carlin	Hammond	McHenry	Stanley
Carter	Hardwick	Macon	Stephens, Tex.
Clark, Mo.	Hardy	Moon, Tenn.	Sulzer
Clayton	Harrison	Moore, Tex.	Thomas, N. C.
Cook, Colo.	Hay	Murphy	Tou Velle
Cox, Ind.	Heflin	Nicholls	Underwood
Craig	Helm	O'Connell	Wallace
Davenport	Henry, Tex.	Page	Watkins
De Armond	Hobson	Patterson	Webb
Denver	Houston	Rainey	Wiley
Dixon	Howard	Randell, Tex.	Willett
Estopinal	Hughes, N. J.	Ransdell, La.	Williams
Favrot	Hull, Tenn.	Robinson	Wilson, Pa.
Ferris	Humphreys, Miss.	Rothermel	
Flood	James, Ollie M.	Russell, Mo.	

ANSWERED "PRESENT"—7.

Brantley	Finley	Goldfogle	Snapp
Calder	Godwin	Padgett	

NOT VOTING—132.

Acheson	Bates	Burleigh	Cockran
Ames	Bell, Ga.	Burton, Del.	Cocks, N. Y.
Andrus	Birdsall	Burton, Ohio	Conner
Ansberry	Bowers	Byrd	Cook, Pa.
Anthony	Brodhead	Caldwell	Cooper, Tex.
Bannon	Broussard	Cary	Cooper, Wis.
Bartholdt	Burgess	Cassel	Coudrey
Bartlett, Nev.	Burke	Clark, Fla.	Cravens
Crawford	Hackett	Loud	Pou
Crumpacker	Haggott	Lovering	Pratt
Currier	Hale	Lowden	Pujo
Davidson	Hamill	McDermott	Reid
Dawes	Haskins	McGavin	Rhinock
Denby	Haugen	McGuire	Richardson
Dickema	Hill, Conn.	McKinlay, Cal.	Riordan
Douglas	Hill, Miss.	McLain	Rucker
Edwards, Ga.	Hitchcock	McLaughlin, Mich.	Ryan
Edwards, Ky.	Jackson	McMillan	Saunders
Ellerbe	James, Addison D.	McMorran	Small
Ellis, Mo.	Kahn	Madison	Smith, Mo.
Fassett	Kinkaid	Malby	Southwick
Floyd	Lamar, Fla.	Maynard	Sperry
Foelker	Lamar, Mo.	Moon, Pa.	Stafford
Foster, Ind.	Landis	Moore, Pa.	Sterling
Foster, Vt.	Langley	Morse	Talbott
Foulkrod	Lawrence	Mouser	Taylor, Ala.
Fowler	Leake	Mudd	Tirrell
Fuller	Legare	Needham	Watson
Fulton	Lewis	Norris	Weems
Gilhams	Lindsay	Parsons	Weisse
Gill	Livingston	Pearre	Wilson, Ill.
Gillett	Longworth	Perkins	Wolf
Goebel	Lorimer	Peters	Young

So the rules were suspended, and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. LANGLEY with Mr. RIORDAN.

Mr. SOUTHWICK with Mr. SMALL.

Mr. MORRIS with Mr. COOPER of Texas.

Mr. CALDER with Mr. GOLDFOGLE.

Mr. FULLER with Mr. BYRD.

Mr. FOSTER of Vermont with Mr. POU.

Mr. BARTHOLDT with Mr. BROUSSARD.

Mr. ANDRUS with Mr. LEGARE.

Mr. WATSON with Mr. BRANTLEY.

Mr. SPERRY with Mr. RUCKER.

Mr. WILSON of Illinois with Mr. LEWIS.

Mr. SNAPP with Mr. BELL of Georgia.

The SPEAKER. Upon this vote the yeas are 140, the nays 106, present 7. The yeas have it, and the motion prevails.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I call up the conference report on the bill (H. R. 25392) making appropriations for the expenses of the government of the District of Columbia, and I ask that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

Mr. GILLESPIE. I object.

The SPEAKER. Object to what?

Mr. GILLESPIE. To the statement being read instead of the report.

The SPEAKER. Then the report will be read.

The Clerk began to read the report.

Mr. GILLESPIE. Mr. Speaker, I wish to withdraw my objection to the reading of the statement in lieu of the report.

The SPEAKER. The Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 5, 7, 8, 14, 21, 23, 24, 27, 28, 29, 30, 32, 34, 41, 42, 43, 45, 46, 50, 52, 55, 60, 62, 63, 67, 69, 71, 78, 81, 83, 85, 89, 91, 93, 94, 98, 99, 100, 101, 102, 106, 108, 109, 110, 112, 113, 114, 116, 117, 118, 119, 120, 121, 123, 124, 127, 129, 131, 133, 147, 148, 150, 152, 155, 156, 158, 160, 162, 163, 164, 165, 166, 167, 168, 169, 174, 194, 195, 208, 211, 213, 214, 215, 216, 217, 227, 228, 229, 234, 235, 237, 240, 243, 254, 255, 258, 259, 261, 266, 267, 284, 288, 296, 297, 300, 304, 305, 309, 313, 319, 322, 324, 329, 330, 331, 332, 336, 338, 341, 343, 345, 346, 349, 351, 354, 355, 359, 361, 371, 372, 378, and 382.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 10, 11, 12, 13, 16, 17, 18, 19, 20, 31, 33, 35, 36, 37, 38, 53, 57, 64, 65, 66, 70, 79, 80, 82, 84, 86, 87, 88, 90, 95, 96, 103, 104, 105, 111, 115, 122, 125, 126, 134, 139, 140, 141, 142, 144, 145, 149, 151, 153, 157, 170, 171, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 197, 198, 212, 218, 219, 220, 222, 223, 224, 225, 226, 230, 231, 236, 241, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 262, 264, 265, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 285, 286, 287, 289, 290, 291, 292, 293, 294, 295, 302, 307, 310, 311, 312, 316, 317, 320, 321, 325, 328, 333, 334, 335, 347, 348, 350, 353, 356, 367, 369, 370, 374, 376, 379, 381, and 385; and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one hundred and five thousand six hundred and fifty-four dollars;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirty-eight thousand seven hundred and thirty dollars;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-one thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "six;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirty-four thousand three hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "municipal architect, whose duty it shall be to prepare and supervise the plans for and superintend the construction of all municipal buildings, and the repair and improvement of all buildings belonging to the District of Columbia under the direction of the Engineer Commissioner of the District of Columbia, three thousand six hundred dollars; and all laws or parts of laws placing such duties upon the inspector of buildings of the District of Columbia are hereby repealed;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "two hundred thousand seven hundred and eighty-two dollars;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: ": *Provided*, That hereafter there shall be assessed and collected an annual wheel tax on all automobiles or other motor vehicles owned and operated in the District of Columbia having seats for only two persons the sum of three dollars, and on all such vehicles having seats for more than two persons an additional tax of two dollars for each additional seat;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "nine thousand four hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "six thousand dollars;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-nine thousand four hundred and twenty-five dollars;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "assistant, one thousand dollars;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirty-nine thousand three hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "purchase and maintenance of motor cycles;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "nineteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirty-six thousand dollars;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: On page 22, line 11, of the bill strike out "a permanent" and insert in lieu thereof "permanent;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "seventy-one thousand dollars;" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "two thousand dollars;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "fourteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty thousand dollars;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "ten thousand dollars;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Northwest: To widen Thirteenth street extended ten feet on the easterly side, between Park road and Monroe street, and grade and improve the same, two thousand five hundred dollars, and the Commissioners of the District are hereby required to commence immediately the work herein provided for;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "One hundred and ninety-seven thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "Seventy-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128,

and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: " : *Provided*, That the above public-convenience stations be located on public space to be selected by the Commissioners of the District of Columbia, and the jurisdiction and control of such portion of any public reservation so selected as shall be required for the location of such stations and their approaches is hereby transferred from the United States official having charge of said reservation to the Commissioners of the District of Columbia, such transfer to take effect on the date of notice by the said commissioners to the said United States official of the location of the sites for said stations;" and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "three thousand dollars;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "assistant electrical engineer, who shall perform the duties of the electrical engineer in the absence or disability of the latter, and shall have the same qualifications as to ability and technical knowledge as is required by law of the head of the department, one thousand eight hundred dollars:" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "forty-five thousand two hundred and ninety-five dollars;" and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "eleven thousand dollars;" and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "four thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: At the end of said amendment, after the word "years," insert the following: " : *Provided*, That section five of an act entitled 'An act relating to the sale of gas in the District of Columbia,' approved June sixth, eighteen hundred and ninety-six, and all remedies therein provided, be, and the same are hereby, repealed, and all pending proceedings thereunder shall be vacated, and no judgment, decree, finding, permit, or valuation of any kind mentioned or intended to be mentioned in said section shall be made or ascertained.

"On and after the passage of this act every corporation engaged in the manufacture and sale of gas or electricity in the District of Columbia shall open and keep a set of books in manner and form prescribed by the Interstate Commerce Commission.

"The charter of the Washington Gaslight Company is hereby amended so as to increase the membership of its board of directors to seven."

And the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "fifty-two thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "seventeen thousand dollars;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "two thousand five hundred dollars;" and the Senate agree the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one hundred and ten thousand four hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "seventy-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "ninety-two thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "nine hundred dollars;" and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "three thousand dollars;" and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "two thousand dollars;" and the Senate agree to the same.

Amendment numbered 202: That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "three thousand dollars;" and the Senate agree to the same.

Amendment numbered 203: That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "five hundred dollars;" and the Senate agree to the same.

Amendment numbered 205: That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "eleven thousand three hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "forty-seven thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 209: That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For equipment, grading, and improving six additional school playgrounds, seven hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 210: That the House recede from its disagreement to the amendment of the Senate numbered 210,

and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For maintenance and repairing eighteen playgrounds now established, nine hundred dollars; in all, one thousand six hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 221: That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "nine hundred and twenty-seven thousand four hundred and seventy-three dollars and fifty-two cents;" and the Senate agree to the same.

Amendment numbered 233: That the House recede from its disagreement to the amendment of the Senate numbered 233, and agree to the same with an amendment as follows: After said amendment insert as a new paragraph the following:

"That the following-described persons in the District of Columbia are hereby declared to be vagrants:

"Idle persons who, not having visible means of support, live without lawful employment; persons wandering abroad and visiting tippling shops or houses of ill fame, or lodging in groceries, outhouses, market places, sheds, barns, or in the open air, and not giving a good account of themselves; persons wandering abroad and begging, or who go about from door to door or place themselves in the streets, highways, passages, or other public places to beg or receive alms.

"All persons leading an idle, immoral, or profligate life who have no property to support them and who are able of body to work and do not work, including all able-bodied persons without other visible means of support who shall live in idleness upon the wages or earnings of their mother, wife, or minor child or children.

"Every person known to be a pickpocket, thief, burglar, or confidence operator, either by his own confession or by his having been convicted in the District of Columbia or elsewhere of either of such offenses, and having no visible or lawful means of support, when found loitering around in any building, park, highway, street, avenue, alley, or reservation, steamboat landing, railroad depot, station, banking institution, broker's office, place of amusement, room, store, shop, public place, or car or omnibus or other vehicle, or at any public gathering or assembly.

"Persons upon whom shall be found any instrument, tool, or other implement used for the commission of burglary or the commission of any other crime against property, or for picking locks or pockets, who shall fail to give a good account of the possession of the same, and all persons who by the common law are vagrants, whether embraced in any of the aforegoing classifications or not.

"That every person in the District of Columbia who shall be convicted of vagrancy under the provisions of this act shall be required to enter into security in a sum not exceeding five hundred dollars, conditioned upon his good behavior and industry for the period of one year, and if he shall fail to give such security he shall be committed to the workhouse in the said District for a term not to exceed one year. The security herein mentioned shall be in the nature of a recognizance to the District of Columbia with a surety or sureties to be approved by the police court of the said District, in which court all prosecutions under this act shall be conducted in the manner now provided by law for the prosecution of offenses against the laws and ordinances of the said District, but nothing contained in section forty-four of the Code of Law for the District of Columbia shall be so construed as to create or give to the accused, in prosecutions under this act, any right to trial by jury not existing by force of the Constitution of the United States."

And the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: ", or so much thereof as may be necessary;" and the Senate agree to the same.

Amendment numbered 239: That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "forty-eight thousand and eighty dollars;" and the Senate agree to the same.

Amendment numbered 242: That the House recede from its disagreement to the amendment of the Senate numbered 242, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirteen thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 256: That the House recede from its disagreement to the amendment of the Senate numbered 256, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "five hundred and eight thousand two hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 257: That the House recede from its disagreement to the amendment of the Senate numbered 257, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "ten thousand dollars;" and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-seven thousand dollars;" and the Senate agree to the same.

Amendment numbered 263: That the House recede from its disagreement to the amendment of the Senate numbered 263, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one hundred and nineteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 268: That the House recede from its disagreement to the amendment of the Senate numbered 268, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "one hundred and eighteen thousand seven hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 283: That the House recede from its disagreement to the amendment of the Senate numbered 283, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-seven thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 298: That the House recede from its disagreement to the amendment of the Senate numbered 298, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "four hundred dollars;" and the Senate agree to the same.

Amendment numbered 299: That the House recede from its disagreement to the amendment of the Senate numbered 299, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "sixteen thousand nine hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 301: That the House recede from its disagreement to the amendment of the Senate numbered 301, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said Senate amendment insert the following:

"Municipal court: For five judges, at two thousand five hundred dollars each; one judge, at the rate of two thousand five hundred dollars per annum for six months; clerk, one thousand five hundred dollars; assistant clerk, one thousand dollars; and janitor, four hundred and eighty dollars; in all, sixteen thousand seven hundred and thirty dollars;

"For rent of building, one thousand five hundred dollars;

"For contingent expenses, including books, law books, books of reference, fuel, light, telephone rental, and all other necessary miscellaneous items and supplies, seven hundred and fifty dollars; in all for the municipal court, eighteen thousand nine hundred and eighty dollars.

"For the following from March first to the end of the fiscal year nineteen hundred and nine: One clerk, at the rate of one thousand five hundred dollars per annum, five hundred dollars; one assistant clerk, at the rate of one thousand dollars per annum, three hundred and thirty-three dollars and thirty-three cents; one janitor, at the rate of four hundred and eighty dollars per annum, one hundred and sixty dollars; for rent of building, five hundred dollars; for furniture and equipment of rented building, two thousand five hundred dollars; in all, three thousand nine hundred and ninety-three dollars and thirty-three cents.

"The unexpended balance of the appropriation provided for the compensation of six justices of the peace by the District of Columbia appropriation act, approved May twenty-sixth, nineteen hundred and eight, is hereby reappropriated and made

available for the compensation of the judges of the municipal court from March first to the end of the fiscal year nineteen hundred and nine.

"The unexpended balance of the appropriation of four hundred dollars each for justices of the peace, for rent, clerical services, stationery, and other expenses, provided by the District of Columbia appropriation act, approved May twenty-sixth, nineteen hundred and eight, is hereby reappropriated and made available from March first to the end of the fiscal year nineteen hundred and nine for contingent expenses of the municipal court, including books, law books, books of reference, fuel, light, telephone rental, and all other necessary miscellaneous items and supplies."

And the Senate agree to the same.

Amendment numbered 303: That the House recede from its disagreement to the amendment of the Senate numbered 303, and agree to the same with an amendment as follows: At the end of said amendment, after the word "dollars," insert the following: " : *Provided*, That all appropriations herein made for said reformatory and workhouse are hereby made immediately available;" and the Senate agree to the same.

Amendment numbered 306: That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "seven hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 308: That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "fifteen thousand one hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 314: That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirty-nine thousand three hundred and thirty-six dollars;" and the Senate agree to the same.

Amendment numbered 315: That the House recede from its disagreement to the amendment of the Senate numbered 315, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 318: That the House recede from its disagreement to the amendment of the Senate numbered 318, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-two thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 323: That the House recede from its disagreement to the amendment of the Senate numbered 323, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "forty thousand nine hundred and ninety-two dollars;" and the Senate agree to the same.

Amendment numbered 326: That the House recede from its disagreement to the amendment of the Senate numbered 326, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "seven thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 327: That the House recede from its disagreement to the amendment of the Senate numbered 327, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "For care and treatment of indigent patients, under a contract to be made with the Sibley Hospital by the Board of Charities, three thousand dollars;" and the Senate agree to the same.

Amendment numbered 337: That the House recede from its disagreement to the amendment of the Senate numbered 337, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirteen thousand seven hundred and seventy-five dollars;" and the Senate agree to the same.

Amendment numbered 339: That the House recede from its disagreement to the amendment of the Senate numbered 339, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "seven hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 340: That the House recede from its disagreement to the amendment of the Senate numbered 340, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "forty thousand and twenty-five dollars;" and the Senate agree to the same.

Amendment numbered 342: That the House recede from its disagreement to the amendment of the Senate numbered 342, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two placing officers, at eight hundred and forty dollars each;" and the Senate agree to the same.

Amendment numbered 344: That the House recede from its disagreement to the amendment of the Senate numbered 344, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "eight thousand five hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 352: That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "thirteen thousand one hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 357: That the House recede from its disagreement to the amendment of the Senate numbered 357, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "eight thousand and twenty dollars;" and the Senate agree to the same.

Amendment numbered 358: That the House recede from its disagreement to the amendment of the Senate numbered 358, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twelve thousand dollars;" and the Senate agree to the same.

Amendment numbered 360: That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "twenty-three thousand and seventy dollars;" and the Senate agree to the same.

Amendment numbered 362: That the House recede from its disagreement to the amendment of the Senate numbered 362, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "foreman, three hundred and sixty dollars; and night watchman for six months, at twenty-five dollars per month, one hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 363: That the House recede from its disagreement to the amendment of the Senate numbered 363, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "three thousand eight hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 364: That the House recede from its disagreement to the amendment of the Senate numbered 364, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 365: That the House recede from its disagreement to the amendment of the Senate numbered 365, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "Five thousand nine hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 366: That the House recede from its disagreement to the amendment of the Senate numbered 366, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "Two thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 368: That the House recede from its disagreement to the amendment of the Senate numbered 368, and agree to the same with amendments as follows: On page 85, in line 19, strike out the word "other," and add at the end of the amended paragraph the following:

"The said commissioners are hereby empowered to prescribe the penalty or penalties for violation of any charge fixed by them."

And the Senate agree to the same.

Amendment numbered 373: That the House recede from its disagreement to the amendment of the Senate numbered 373, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "index clerk, one thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 375: That the House recede from its disagreement to the amendment of the Senate numbered 375,

and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert the following: "meter computer, one thousand dollars;" and the Senate agree to the same.

Amendment numbered 377: That the House recede from its disagreement to the amendment of the Senate numbered 377, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "eighty-one thousand eight hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 380: That the House recede from its disagreement to the amendment of the Senate numbered 380, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "forty-one thousand dollars;" and the Senate agree to the same.

Amendment numbered 383: That the House recede from its disagreement to the amendment of the Senate numbered 383, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "sixty-two thousand dollars;" and the Senate agree to the same.

Amendment numbered 384: That the House recede from its disagreement to the amendment of the Senate numbered 384, and agree to the same with an amendment as follows: At the end of said amendment, after the word "Columbia," insert the following: "Hereafter the Commissioners of the District of Columbia shall not submit, nor shall the Secretary of the Treasury transmit to Congress, regular annual estimates for expenses of the government of the District of Columbia for any fiscal year that shall exceed in the aggregate a sum equal to twice the amount of the total estimated revenues of the District of Columbia for such fiscal year. Said estimates shall take into consideration and embrace all charges against the said revenues arising under appropriations other than the regular District of Columbia bill. Such annual estimates shall not be published in advance of their submission to Congress at the beginning of each regular session thereof;" and the Senate agree to the same.

WASHINGTON GARDNER,
MARTIN B. MADDEN,
ALBERT S. BURLESON,
Managers on the part of the House.

J. H. GALLINGER,
S. B. ELKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 25392, making appropriations for the expenses of the government of the District of Columbia for the fiscal year 1910, submit the following written statement in explanation of the effect of the recommendations in the accompanying conference report, namely:

The Senate by its amendments added $2,134,822.64 to the bill, of which sum it is agreed and recommended that the Senate recede from $1,410,726.67, and that the House agree to the sum of $724,095.97.

With reference to certain of the Senate amendments the effect of the action agreed upon and recommended is as follows:

On amendment No. 39: Provides for a municipal architect at $3,600 as proposed by the Senate.

On amendment No. 44: Insert a provision imposing an annual wheel tax on all motor vehicles in the District of Columbia, at the rate of $3 for each two-seated vehicle and $2 for each additional seat.

On amendment No. 72: Appropriates $71,000 instead of $35,500, as proposed by the House, and $100,000, as proposed by the Senate, for paving streets and avenues.

On amendments No. 80 to 97, inclusive, with reference to the improvement of certain county roads and surburban streets: Appropriate in the aggregate $197,700 instead of $133,600, as proposed by the House, and $254,200, as proposed by the Senate.

On amendment No. 104: Appropriates $85,000 as proposed by the Senate for widening the bridge across Piney Branch.

On amendment No. 105: Appropriates $5,000, as proposed by the Senate, to investigate the ownership of land and riparian rights along the Anacostia River.

On amendment No. 115: Appropriates $35,000, as proposed by the Senate, for cleaning snow and ice from streets, sidewalks, cross walks, and gutters.

On amendments Nos. 123 and 124: Appropriates $1,500, as proposed by the House, instead of $10,000, as proposed by the Senate, for playgrounds.

On amendment No. 140: Fixes, as proposed by the Senate, the price of street gaslights at $18 each per annum for lamps equipped with flat-flame burners.

On amendment No. 141: Fixes the price of street gaslights equipped with incandescent mantle burners at $20.85 each per annum, as proposed by the Senate, instead of $18 each per annum, as proposed by the House.

On amendment No. 143: Inserts a provision repealing section 5 of the act relating to the sale of gas in the District of Columbia, approved June 6, 1896, and also inserts a provision authorizing contracts to be entered into for lighting streets with gas or electricity for a period of not exceeding three years.

On amendment No. 145: Fixes the price of lighting streets by electricity at $85 per lamp, as proposed by the Senate, instead of $80, as proposed by the House.

On amendment Nos. 213, 214, 215, 216, and 217: Strikes out the appropriations proposed by the Senate for school buildings as follows:

Two hundred and fifty thousand dollars for a normal school building, $25,000 for refitting Franklin School building, $40,000 for repairs of Central High School building, $25,000 for repairs of Business High School building, and $10,000 for ground adjacent to Fillmore School.

On amendments Nos. 218, 219, and 220: Insert appropriations proposed by the Senate for school buildings as follows:

One hundred thousand dollars for additional ground for extension of McKinley Manual Training School, $95,000 for further extension of McKinley Manual Training School, and $4,000 for purchase of lots adjacent to Petworth School.

On amendment No. 221: Appropriates $60,000 instead of $50,000, as proposed by the House, and $100,000, as proposed by the Senate, for additional amount for repairs and improvements to school buildings.

On amendment No. 233: Inserts a provision applicable to vagrants in the District of Columbia.

On amendments Nos. 266 and 267, relating to the fire department: Strikes out the appropriations proposed by the Senate of $55,000 for a new engine company in the vicinity bounded by H and I streets and Eleventh and Thirteenth streets, and $37,000 for a new truck company in the vicinity of Twelfth and H streets NW.

On amendment No. 301: Inserts necessary appropriations for the new municipal court established by an act enacted at the present session of Congress.

On amendment No. 303: Inserts the provision proposed by the Senate with reference to sites for reformatory and workhouse.

On amendment No. 361: Strikes out the appropriation of $50,000 proposed by the Senate for buildings for a school for feeble-minded children.

On amendment No. 372: Strikes out the appropriation of $179,000 proposed by the Senate for the extension of water mains.

On amendment No. 382: Inserts, as section 7, the provision proposed by the Senate extending until June 30, 1910, authority to advance out of the general fund of the Treasury of the United States such sums as may be necessary to meet the general expenses of said District, as authorized by Congress; and a provision is added thereto requiring that hereafter the estimates for the government of the District of Columbia, submitted for any fiscal year, shall not exceed in the aggregate a sum equal to twice the amount of the total estimated revenues of the District of Columbia for such fiscal year.

WASHINGTON GARDNER,
MARTIN B. MADDEN,
A. S. BURLESON,
Managers on the part of the House.

Mr. COOK of Colorado. Mr. Speaker——

Mr. GARDNER of Michigan. Mr. Speaker, I move——

Mr. COOK of Colorado. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman's question could hardly interrupt the conference report, which is of the very highest privilege, perhaps the most highly privileged of all, because a conference report can interrupt a motion to adjourn.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the conference report be adopted.

The question was taken, and the conference report was agreed to.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I call up the conference report on the bill H. R. 26916, the Indian appropriation bill, and

ask unanimous consent that the statement be read in lieu of the report.

Mr. WILLIAMS. Reserving the right to object, Mr. Speaker, if the gentleman from New York is to move to adopt the report without suspending the rules, I shall not object.

Mr. SHERMAN. That is what I am going to do.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purpose for the fiscal year ending June 30, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 9, 21, 22, 34, 43, 51, 57, 62, 63, 74, 76, 77, 78, 83, 84, 92, 94.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 8, 10, 11, 12, 13, 14, 15, 16, 17, 20, 23, 24, 25, 26, 27, 29, 35, 36, 37, 38, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 73, 75, 80, 85, 86, 88, 89, 90, 93, 95, 96, 97, 98, 99, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "company," in line 9, and insert the following: "under such terms and conditions and such rules and regulations as may be prescribed by the said Secretary;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 2 strike out the word "act" and insert "provision;" in line 4 strike out the words "the said Secretary shall negotiate with the Indians for;" and in line 5 strike out the words "said land;" and after the word "price," in the same line, strike out the word "so;" in line 9 strike out the words "the provisions of this act" and insert "the terms of this provision;" and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert the following:

"That the Secretary of the Interior be, and he hereby is, authorized, under the direction of the President, to allot any Indian on the public domain who has not heretofore received an allotment, in such areas as he may deem proper, not to exceed, however, eighty acres of agricultural or one hundred and sixty acres of grazing land to any one Indian, such allotment to be made and patent therefor issued in accordance with the provisions of the act of February 8, 1887" (24 Stat. L., 388).

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 2 of the proposed amendment, after the word "tribes," insert "and Osage Indians in Oklahoma;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In line 10, after the word "reservation" insert: "This provision shall not apply to the lands formerly comprising Indian Territory;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 3, after the word "Arizona," insert the words "and New Mexico;" at the end of said amendment add the words "the same to be immediately available;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Beginning with the word "Repairs," in line 20, strike out all down to and including the word "dollars," in line 26; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Beginning with the word "Repairs," in line 20, strike out all down to and including the word "dollars," in line 26; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "moneys" insert the words ", not exceeding one hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In line 25 of the proposed amendment, after the word "agreement" insert the words "and also any sum or sums paid by the United States to or for the benefit of said Indians, whether as a gratuity or otherwise, except such sums as have been paid for a specific purpose and an adequate consideration;" in line 51, after the word "judgment," strike out the words "or out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated, to be reimbursed to the United States from the funds of the Confederated bands of Ute Indians;" in line 62 after the word "appealed," strike out the balance of the proposed amendment; and the Senate agree to same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 2 of the proposed amendment, after the word "Heyl," insert the words "upon surrender of the certificates herein referred to."

In line 5, after the word "of," strike out the balance of the proposed amendment and insert "one thousand five hundred dollars, the same to be accepted in full payment and discharge of seven hundred and fifty dollars of Kaw scrip and the interest thereon;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In line 1 of the proposed amendment strike out "seven" and insert "five;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In line 1 of the proposed amendment strike out the words "sixty-six" and insert "fifty-eight;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert as follows:

"The Commissioner of Indian Affairs is hereby authorized to expend in behalf of said Indian school at Wahpeton, N. Dak., the unexpended balance of the item of five thousand dollars appropriated by the act of April 30, 1908, for the purchase of live stock, seed, equipment of farm, and machinery; and also to expend for said school the unappropriated balance of the appropriation of two thousand five hundred dollars made in said act of April 30, 1908, for the construction of concrete walk, driveways, and grading, and the unexpended balance of said two appropriations is hereby appropriated out of any money in the Treasury not otherwise appropriated."

And the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: At the beginning of the proposed amendment, strike out the words "Whatever of said work remains uncompleted on said date shall be turned over to the United States Indian agent at the Union Agency, Okla., to be by him completed: *Provided;*" at the end of the amendment insert: "The Secretary of the Interior is directed immediately after July 1, 1909, and prior to December 1, 1909, to pay allottees out of the funds of the Creek Nation the amounts severally due for the equalization of their allotments. In making such payment for the equalization of the Creek allotments eight hundred dollars shall be taken as the standard value of an allotment: *Provided*, That the payment of such funds for the equalization of allotment shall be a final and conclusive settlement of all claims for the equalization of allotments in the Creek Nation: *And provided further*, That as a condition precedent to any such payment the Creek national council shall pass an act, in form approved by the Secretary of the Interior, discharging the United States from all claim and demand on this account;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, strike out the word "July" and insert the word "December;" in line 6, strike out the word "nine" and insert the word "ten," and add: "The surface only of the segregated coal and asphalt lands of the Choctaw and Chicka-

saw nations shall be subject to condemnation under the laws of the State of Oklahoma for state penal institutions, county and municipal purposes, and for sewers and water systems: *Provided*, That the title to the surface of any lands so condemned shall revert to the Choctaw and Chickasaw nations upon its ceasing to be used for the purpose for which it was condemned, and the tribal relation is hereby continued for such purpose, and no title to any mineral rights in said lands so condemned shall be acquired hereunder;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: At the end of the proposed amendment add: "*Provided*, That in no event shall the amount thus paid exceed five thousand dollars;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Strike out all of proposed amendment and insert: "That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma, and pay out the same for the benefit of the members of said tribes for their maintenance and support and improvement of their homesteads for the ensuing year in such manner and under such regulations as he may prescribe;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Strike out all of the proposed amendment, and in line 22, on page 47 of the bill, after the word "education" strike out the word "at" and insert "of;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In line 4 of the proposed amendment, after the word "organization," strike out the balance of the amendment and add "engaged in mission or school work on any Indian reservation, for such lands thereon as have been heretofore set apart to and are now being used and occupied by such organization for mission or school purposes;" and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In line 12, after the word "dollars," insert the words "to be immediately available;" and the Senate agree to the same.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JNO. H. STEPHENS,
Managers on the part of the House.

MOSES E. CLAPP,
CHARLES CURTIS,
ROBT. L. OWEN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The Senate has receded from amendments Nos. 1, 6, 9, 21, 22, 34, 43, 51, 57, 62, 63, 74, 76, 77, 78, 83, 84, 92, and 94. These amendments in the aggregate proposed to add to the bill $466,000.

The House receded from amendments Nos. 2, 5, 8, 10, 11, 12, 13, 14, 15, 16, 17, 20, 23, 24, 25, 26, 27, 29, 35, 36, 37, 38, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 59, 60, 61, 64, 65, 66, 67, 68, 69, 70, 71, 73, 75, 80, 85, 86, 88, 89, 90, 93, 95, 96, 97, 98, and 99. From the balance of the amendments the House receded with amendments, as hereinafter explained.

Amendments Nos. 2, 8, 12, 13, 15, 23, 25, 26, 29, 35, 64, 69, and 91 are merely phraseological or correction of errors in addition.

Amendments Nos. 3, 4, and 5, Nos. 3 and 4 of which are receded from with amendments, and No. 5, receded from without amendment, all relate to the same subject, and should have been considered as one amendment. Together they provide a method by which railroad companies, through application to the Secretary of the Interior, may obtain title to property required for gravel pits and other necessary purposes upon a compensation which the Secretary of the Interior considers adequate. This is a general proposition.

From amendment No. 7 the House receded with an amendment which struck out all the matter inserted by the Senate and inserted in lieu thereof a provision which amended the general allotment act for Indians, so that hereafter 80 acres of agricultural lands can be allotted to an Indian instead of 160 acres.

Amendments Nos. 10 and 11 together provide that the $200,000 appropriation for irrigation of land shall be immediately available and available until expended.

Amendment No. 14 simply makes clear that it is intended to use the money therein appropriated for schools for such purposes as are not otherwise specifically provided for in this bill.

Amendment No. 16 excludes from the operation of the House provision in reference to investigating the question of timber on Indian reservations the Menominee Indian Reservation in Wisconsin, for the reason that a special bill was passed a year ago relative to the timber upon this particular reservation.

Amendment No. 17 gives authority to the Commissioner of Indian Affairs to designate somebody to sign his correspondence when both he and the Assistant Commissioner are absent from the office.

Amendment No. 18 provides that all allotted lands, except those in the Five Civilized Tribes and the Osage Nation, may be leased for mineral purposes with the approval of the Secretary of the Interior.

Amendment No. 19 provides that where an Indian has received an allotment of land which is unsuited for the purpose for which it was intended, that that allotment may be canceled and another allotment on any untaken public lands may be given therefor, but is so amended that the provision does not apply to the lands heretofore within the Indian Territory.

Amendment No. 20 provides that the Indian agents shall annually report to the Commissioner of Indian Affairs with reference to such material as they may have on hand at their agencies which is no longer required for use at such agencies.

Amendment No. 24 authorizes the payment of $445 to two employees of the Indian Service, whose accounts were disallowed by the auditor, although the disbursement was made under the direction of the Secretary of the Interior.

Amendment No. 27 authorizes the payment of $930 to the contractor who constructed certain works at the Truxton Canyon Indian School, which amount was withheld from his final payment under the terms of the contract. The Indian Office reports that it was through no fault of the contractor that the work was not completed in the specified time.

Amendment No. 28 appropriates $40,000 for the purchase of certain lands and water rights for the use of the Navaho Indians in Arizona and New Mexico.

Amendment No. 30 provides for the disposal of the Fort Lewis School, in Colorado, and makes provision for the continuance of that school during the coming fiscal year if the school is not disposed of. The House provision simply disposed of the school without providing for its continuance in case of failure to dispose of it.

Amendment No. 31 is the same as amendment No. 30, except that it refers to the Grand Junction School, instead of Fort Lewis School.

Amendment No. 32 authorizes the Secretary to expend, from the money in the Treasury belonging to the Ute Indians, a sum not exceeding $150,000 for irrigating 10,000 acres of land.

Amendment No. 33 resubmits the claim of the Federated Band of Utes against the United States to the Court of Claims, with certain enlarged jurisdictional powers in relation thereto.

Amendment No. 36 makes the appropriation therein provided for reimbursable.

Amendment No. 37 makes provision for the payment of the claims of certain Indians whose improvements to lands, it is alleged, will be ruined by the construction of an irrigation dam site.

Amendment No. 38 gives authorization for the sale of certain lands belonging to certain Indians, the lands being located in Kansas and the Indians now residing in the Northwest. The purpose of the amendment is to save these Indians the unnecessary travel to and from Kansas to procure the income from their property and invest the proceeds of the sale of their lands in Kansas in property where they now reside.

Amendment No. 39 provides for the payment of scrip issued years ago for the Kaw Indians and which, save these two certificates, have heretofore been paid.

Amendment No. 40 relates to the disposal of the Morris School, Minnesota, and does not change the intent of the House provision, but more particularly describes the property which is to be disposed of.

Amendment No. 44 authorizes the use of $1,000 of the fund of the White Earth bands of the Chippewa Indians in an annual tribal celebration.

Amendment No. 45 provides that any moneys repaid to the United States out of the appropriation heretofore made and

reimbursable shall be reexpended for the benefit of the Fort Belknap Indians, under the same conditions as originally expended.

Amendment No. 46 makes reimbursable the appropriation therein made.

Amendment No. 47 makes immediately available $100,000 of the $250,000 appropriated for the purpose of constructing an irrigation system on the Flathead Reservation in Montana.

Amendment No. 48 makes the proceeds from the sale of timber, as well as lands, available to reimburse the Government for moneys expended for the Indians.

Amendment No. 49 extends the provision of the statute relating to the sale of liquor to Indians to the Flathead Indians in Montana after they have received their allotments.

Amendment No. 50 makes provision for the sale of all merchantable timber on the portion of the lands embraced within the Flathead Indian Reservation in Montana.

Amendment No. 52 makes provision for the extension of the provisions of law relating to the sale of liquor to Indians to the Indians on the Fort Peck Reservation in Montana.

Amendment No. 53 provides for an extension of the time within which the lands of the Crow Reservation in Montana shall be disposed of in accordance with the terms of the act opening all such reservations.

Amendment No. 54 appropriates $1,500 for the purpose of employing the so-called "line riders" to prevent encroachments by cattlemen upon Indian property.

Amendment No. 55 strikes out of the bill the provision for the disposal of the Indian school at Genoa, Nebr.

Amendment No. 56 reduces from $7,000 to $5,000 the amount appropriated for the construction of a barn at the Genoa School.

Amendment No. 59 strikes from the bill the provision which was made necessary when amendment No. 55 was in the bill.

Amendment No. 60 provides that the funds capitalized in the Treasury for the Winnebago Indians shall bear 5 per cent interest until withdrawn from the Treasury.

Amendment No. 61 changes the terms under which the Secretary is authorized to pay the money in the Treasury to the Winnebago Indians, making provision for taking of a new census of said Indians before any money is paid out.

Amendment No. 65 appropriates $25,000 for the completion of the irrigation system on the Zuni Reservation in New Mexico.

Amendment No. 66 makes provision for the payment of 5 per cent interest upon the funds of the Seneca Indians, of New York, capitalized and placed in the Treasury for their benefit until such time as the money is withdrawn from the Treasury and paid to said Indians.

Amendments Nos. 67 and 68 increase the appropriation so that there shall be maintained at the Cherokee School, North Carolina, 200 rather than 160 pupils.

Amendment No. 70 makes appropriation of $5,000 for heating and lighting plant at the Wahpeton School, North Dakota.

Amendment No. 71 is a change of total made necessary by amendment No. 70.

Amendment No. 72 reappropriates the unexpended amount of moneys appropriated for said purpose at said school for the fiscal year 1909.

Amendment No. 73 authorizes the Secretary of the Interior to turn over to the officers of certain counties in the State of Oklahoma, upon terms approved by the Secretary of the Interior, certain property.

Amendment No. 75 increases by $15,000 the amount appropriated for clerical work and labor in connection with the sale of inherited lands of the Five Civilized Tribes.

Amendment No. 79, as agreed to in conference, strikes out the provision for doing away with the office of Commissioner to the Five Civilized Tribes and makes provision for allottees of the Cherokee, Choctaw, and Chickasaw nations who have small remnants of allotments yet due them to receive money in lieu of lands to conclude such allotments, and also makes provision for the payment of the balance now in the Treasury belonging to the Creek Nation to the members of such nation, making the basis of an allotment $800 instead of $1,040, which was supposed would be the value of an allotment.

Amendment No. 80 gives the Secretary of the Interior authority to limit the amount paid to members of the tribal council of various Indian tribes known as the "Five Civilized Tribes."

Amendment No. 81 permits persons who have taken out town-lot patents in the Five Civilized Tribes, and who have defaulted in payment thereon, to now make good that default by paying the amount due plus 10 per cent interest thereon. It also limits the time within which freedmen of the Choctaw and Chickasaw nations can acquire the amount of allotment due them to December 1, 1910.

Amendment No. 82 authorizes the Court of Claims to allow the Secretary of the Treasury to pay certain Eastern Cherokee Indians for services heretofore rendered by them in attending their tribal councils, limiting the amount so to be paid to $5,000.

Amendment No. 85 provides for the payment of 5 per cent interest upon the capitalized fund of the Seminole Indians so long as that fund remains in the Treasury.

Amendment No. 87, as agreed to in conference, authorizes the withdrawal of $250,000 of the Kiowa, Apache, and Comanche tribal funds and the expenditure thereof by the Secretary of the Interior for the support and improvement of the members of said tribe during the coming year.

Amendment No. 88 authorizes the Secretary of the Interior, if he deems wise, to set aside 640 acres of land for the benefit of a Choctaw orphan industrial school.

Amendment No. 89 authorizes the Secretary of the Interior to issue a patent to a certain mission on the Pottawatomie Reservation, in Oklahoma.

Amendment No. 90 directs the Attorney-General to advance an action pending in the Supreme Court of the United States against the governor of the Choctaw Nation.

Amendment No. 93 changes the phraseology of the House provision for the disposal of the Chamberlain School, South Dakota.

Amendment No. 95 authorizes the Secretary of the Interior to pay a small balance due the Flandreau Indians to the members of the said tribe per capita.

Amendment No. 96 provides for the reservation of certain property in South Dakota as a cemetery for the use of the Standing Rock Indian Reservation.

Amendment No. 97 makes the appropriation therein provided for reimbursable.

Amendment No. 98 makes provision for the transfer of the Panguitch School in Utah to that State upon conditions therein named.

Amendment No. 99 makes provision for the proper protection of the Uncompahgre, Uintah, and White River Utes to certain waters needed for their use.

Amendment No. 100, as agreed to in conference, grants to the Secretary of the Interior authority to issue patents to any religious organization for property occupied by such organization for school or mission purposes upon any Indian reservation.

Amendment No. 101 makes provision for the legal representatives of a deceased claimant to be brought into a suit now pending in the Court of Claims under authority heretofore issued.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JNO. H. STEPHENS,
Managers on the part of the House.

Mr. SHERMAN. Mr. Speaker, I move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the conference report on the naval appropriation bill (H. R. 26394) and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report on the naval appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. GAINES of Tennessee. How long is the report?

Mr. FOSS. It is not long.

The SPEAKER. The Chair hears none, and the Clerk will read.

Mr. WILLIAMS. Mr. Speaker, I did not hear the motion of the gentleman from Illinois, and I merely want to know whether the gentleman moves to suspend the rules?

Mr. FOSS. No; I do not.

The SPEAKER. The gentleman has called up the conference report, and now the Clerk is proceeding to read the statement.

Mr. WILLIAMS. It is a plain motion to adopt a conference report.

Mr. FOSS. That is all I intend to make.

The SPEAKER. There is no reason to believe that any other motion will be made at this time than that. The Clerk will read.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes,

having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 55; and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the proposed amendment insert the following: "unless in case of minors a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the proposed amendment insert the following: "extraordinary emergency;" and the Senate agree to the same.

On the amendments of the Senate numbered 58 and 59 the committee of conference have been unable to agree.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the second conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amendment No. 1 provides that "The provisions of the act approved June 29, 1906, entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes,' providing for the retirement in the next higher grade of officers of the navy who served during the civil war, shall not operate to deprive any officer of the navy who has been, or may be, retired since the passage of that act of the right to increased rank and pay to which, but for the passage of said act, he would have been entitled;" and the House recedes.

Amendment No. 7 provides that all employees of navy-yards, gun factories, and naval stations shall be granted fifteen days' sick leave in addition to the fifteen days' leave of absence now provided for by law; and the Senate recedes.

Amendment No. 11 relates to recruiting, and in lieu of the proposed amendment insert the following: "unless in case of minors a certificate of birth or a verified written statement by the parents, or either of them, or, in case of their death, a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment;" and the House recedes with the above amendment.

Amendment No. 18: The House recedes with the following amendment, striking out the proposed amendment and inserting "extraordinary emergency," which changes the restriction for the purchase of powder from any trust or combination in restraint of trade from the emergency of war to an extraordinary emergency.

Amendment No. 39 directs the Secretary of the Navy to investigate and report to Congress the advisability of establishing a naval base on the coast of the State of California south of San Francisco, and the Senate recedes.

Amendment No. 55 provides that officers and enlisted men of the Marine Corps shall serve as heretofore on board ships of the Navy, and the House recedes.

The committee of conference has been unable to agree on the following amendments:

Amendment No. 58 strikes out the following from the House bill:

"*Provided*, That no part of the above appropriation shall be used for the payment of the construction of any collier the total cost of which shall exceed $900,000."

Amendment No. 59: "That there shall be kept, in the discretion of the President, as far as practicable, one-half of the Navy of the United States on the Pacific at all times."

GEO. EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

Mr. FOSS. Mr. Speaker, this report leaves in disagreement only two matters, one relating to a collier to be built on the Pacific coast and the other relating to the disposition of the fleet. I move the adoption of the report.

Mr. GAINES of Tennessee. Mr. Speaker, I will ask the gentleman what is done about this powder-trust amendment in the bill? I would like to know what language is in there now.

Mr. FOSS. The language "of extraordinary emergency" in place of the word "war."

Mr. SHERLEY. Is there any change in the limitation on the price of smokeless powder?

Mr. FOSS. No change in the limitation at all.

Mr. SHERLEY. That is still left in the bill?

Mr. FOSS. Yes.

Mr. GAINES of Tennessee. Will the gentleman give us an example of "an extraordinary emergency?" I suppose he knows the language that he was using.

Mr. FOSS. That is a matter that is left with the Secretary of the Navy, or rather with the President of the United States.

Mr. GAINES of Tennessee. I am glad that we have got that much in on the powder trust.

Mr. FOSS. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on the adoption of the conference report.

The question was taken, and the conference report was agreed to.

Mr. FOSS. Mr. Speaker, on Senate amendment 58 I move that the House further insist on its disagreement.

The SPEAKER. The gentleman from Illinois moves that the House do further insist on its disagreement to Senate amendment 58.

Mr. GAINES of Tennessee. What is that amendment?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment 58: Page 62, line 16, strike out all after "dollars" down to and including "dollars," in line 19; that is to say, strike out the following:

"*Provided*, That no part of the above appropriation shall be used for the payment of the construction of any collier the total cost of which shall exceed $900,000."

Mr. KNOWLAND rose.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSS. I yield to the gentleman.

Mr. KNOWLAND. Mr. Speaker, I wish to move that the House recede from its disagreement to the Senate amendment No. 58 and concur in the same.

The SPEAKER. The gentleman from California moves that the House do recede from its disagreement to the Senate amendment No. 58 and concur in the same.

Mr. FOSS. How much time does the gentleman desire?

Mr. KNOWLAND. I will ask for about fifteen minutes.

Mr. FOSS. I yield to the gentleman from California for fifteen minutes.

Mr. CLARK of Missouri. Mr. Speaker, before the gentleman begins, I would like to ask the chairman of the committee what this amendment is.

Mr. FOSS. Mr. Speaker, this limits the cost of a collier to $900,000.

Mr. CLARK of Missouri. That is, limits the House action or the Senate?

Mr. FOSS. The limitation is the action of the House.

Mr. CLARK of Missouri. And the Senate struck it out?

Mr. FOSS. The Senate struck it out. Last year we provided for two colliers, one to be built by private contract and the other to be built on the Pacific coast in the navy-yard, and since that time bids have been received by the Secretary of the Navy and the contract has been entered into for this collier to be built by private contract, to cost $822,000. Now, the Secretary of the Navy, from the estimates which he has received from the navy-yard on the Pacific coast, at Mare Island, estimates that this collier, if built in the navy-yard, will cost twice as much as the contract price already entered into with the private shipbuilding concern.

Mr. CLARK of Missouri. Cost twice as much?

Mr. FOSS. Yes.

Mr. CLARK of Missouri. And this motion is to recede and concur in the Senate amendment striking out the House limitation?

Mr. FOSS. The gentleman from California makes that motion. It is to strike out the House provision.

Mr. CLARK of Missouri. It strikes out the House limitation on the cost?

Mr. FOSS. Yes. I yield fifteen minutes to the gentleman from California.

The SPEAKER. The gentleman from California is recognized for fifteen minutes.

Mr. KNOWLAND. Mr. Speaker, I desire that the House and the country be fully acquainted with the exact status of this particular matter. A year ago the Committee on Naval Affairs, through its chairman, acquiesced in an amendment offered on the floor of the House by a distinguished member of that committee, providing for the building of two fleet colliers to cost $1,800,000 each, it being then supposed that these colliers would be constructed by contract in a private shipbuilding yard. An amendment to this amendment was offered by the gentleman from Virginia [Mr. MAYNARD], making it mandatory that one of these colliers be constructed in a navy-yard. The chairman of the committee then vigorously opposed the second amendment, declaring that to build in a navy-yard would entail additional cost, submitting documentary evidence in support of his contention.

This House, however, by a very decisive vote, went on record in favor of the sound policy of occasionally building vessels in government yards in order to maintain in these yards an efficient and thoroughly trained force, capable of constructing vessels of our navy should a combination exist among the private firms—conditions which have in the past prevailed. The amendment was adopted, the vote being 156 in favor to 43 against. Let this be impressed upon the minds of the Members of this House, that by the overwhelming vote of over 3½ to 1 this Congress decided that one of these colliers should be built in a navy-yard. When the bill reached the Senate, the senior Senator from California added to the amendment the words "Pacific coast," and the Navy Department designated the Mare Island Navy-Yard. Some of the material was actually contracted for.

It is now claimed that these colliers which were to cost $1,800,000 when a private yard was to construct them, can now be built for $800,000 or $900,000. An attempt was made in the present naval bill to change last year's law and construct this particular collier in a private yard, but I made the point of order against the paragraph and it was sustained. In order to still thwart the will of Congress, an amendment was inserted under "Construction and machinery" providing that no part of the appropriation should be used for the construction of any collier to cost over $900,000, the purpose of the limitation being to prevent a navy-yard from building the vessel, this low bid from private contractors being, so the Secretary of the Navy stated, below the actual cost of labor and material. This amendment was stricken out in the Senate and is now in dispute.

The statement that it will cost 100 per cent more to construct this collier in a navy-yard is ridiculous.

Mr. KIMBALL. Will the gentleman yield for a question?

Mr. KNOWLAND. Certainly.

Mr. KIMBALL. Who made that statement?

Mr. KNOWLAND. The statement has been made by the Secretary of the Navy. Now, I want——

Mr. KIMBALL. Which Secretary of the Navy?

Mr. KNOWLAND. Secretary Newberry. The statement was just made by the chairman of the committee that estimates had been received from the Mare Island Navy-Yard stating that the colliers could not be built for less. I challenge absolutely that statement, because I have telegrams and letters from the Mare Island Navy-Yard stating that they can build this collier for less than $1,800,000.

Mr. SLAYDEN. How much less?

Mr. KNOWLAND. I want to call attention to the fact that the Mare Island Navy-Yard has just completed the building of the collier *Prometheus*. The collier cost, I believe, a little over a million and a half dollars. In his testimony before the Naval Committee, Secretary Newberry stated, on page 360 of the printed hearings, that these colliers are 2 knots slower in speed, and consequently have considerably less power and are considerably less expensive. Notwithstanding these admissions on his part, he still claims that while they are less expensive than the collier we have just completed in California, it will cost more to build this particular collier at the same yard. The Secretary of the Navy declares that the private shipbuilding firms are taking these colliers at a loss in order to maintain the efficiency of their plants.

The highest figure as to additional cost between navy-yard and private construction has been 12 or 15 per cent, due to the eight-hour day and special holidays. It will not cost $1,800,000 to construct this collier in a navy-yard. It can not be constructed below the cost of material and labor, which the $900,000 limitation would mean, but it can be constructed at a far less cost than originally estimated, because it is a cheaper collier than the ones now nearing completion and which cost about $1,550,000.

A $900,000 limit is placed on this collier when even the Secretary of the Navy declares on page 363 of the hearings that he doubts if such low bids can be obtained for more colliers and estimates the vessels at $1,250,000.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. KNOWLAND. Certainly.

Mr. SHERLEY. What is the size of this collier compared with the one that has already been built in the Mare Island Navy-Yard?

Mr. KNOWLAND. I think its dimensions are about the same.

Mr. SHERLEY. What is its tonnage?

Mr. KNOWLAND. It may carry a few thousand tons more, but is built along the lines of a commercial collier instead of a naval collier.

Mr. SHERLEY. I understand it is a couple of thousand tons greater.

Mr. KNOWLAND. Yes; but 2 knots slower in speed.

Mr. SHERLEY. The difference in speed would make up the difference in bulk.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. KNOWLAND. Yes.

Mr. GAINES of Tennessee. Have the prices for building these vessels been reduced since the Government threatened or began to make these vessels in the navy-yard?

Mr. KNOWLAND. They have been reduced $800,000 within a year.

Mr. GAINES of Tennessee. Eight hundred thousand dollars within a year? Are those official facts now, or is it just the opinion of the gentleman?

Mr. KNOWLAND. I state nothing but what is official.

Mr. GAINES of Tennessee. I understand the gentleman may have a personal opinion, but I want the facts.

Mr. KNOWLAND. Those are the facts.

Mr. GAINES of Tennessee. I am glad to know it is the official fact as well as the gentleman's personal opinion.

Mr. KNOWLAND. I want to again call attention to this fact, that I admit to the Members of this House that, in my opinion, the navy-yard can not compete, can not build the colliers for $900,000, when they are taken at a loss both as to material and as to labor.

Mr. RYAN. May I interrupt the gentleman?

Mr. KNOWLAND. Certainly.

Mr. RYAN. The adoption of the amendment proposed by the gentleman will have the effect of requiring, then, what Congress ordered to be done some time ago?

Mr. KNOWLAND. The adoption of my amendment will; yes.

Mr. RYAN. And build the collier in the government navy-yard?

Mr. KNOWLAND. In the government navy-yard. If the amendment is not adopted, then what situation do we find? We find this: You can not change an existing law in an appropriation bill.

Now, leaving this limitation upon the bill, what is the situation? The Government has been demanding colliers for years; they are sorely needed.

Mr. MADDEN. Does the gentleman wish the House to understand that a legislative enactment on an appropriation bill would not be as effective as in some other bill?

Mr. KNOWLAND. Not when it changes existing law.

Mr. MADDEN. Why, of course it is the same.

Mr. KNOWLAND. If the point of order is not made.

Mr. MADDEN. If it is enacted.

Mr. KNOWLAND. If it is enacted; yes. I understand, if no objection is made, then, of course, it stands; but "the gentleman from California" is generally on hand with an objection. But if this limitation is allowed to stand, what is the situation? We find that the Government will not be able to build this collier; you will not be able to give it to a private shipbuilding firm; and the result will be that an act of Congress will not be carried out and the Navy Department will be deprived of a much-needed collier.

Mr. SHERLEY. I can tell the gentleman where he can get two ships where there is not now enough water to float them.

Mr. KNOWLAND. The gentleman should give that information to the Secretary of the Navy.

Mr. SHERLEY. He could get it from the testimony of Colonel Goethals, who would then be able to get a class of ships that he could use instead of those that he can not now use.

Mr. KNOWLAND. Mr. Speaker, I want to say in conclusion that the people of California are decidedly interested in this matter. Congress, by a vote of three to one, decided that these colliers should be built in the navy-yard in the State of California. It was the mandate of Congress. The matter was discussed over and over again upon this floor.

Congress voted by a decisive vote that California should build this collier, and we of that State feel that in justice to us, in justice to our mechanics, this collier should be built where Congress declared it should be built. [Loud applause.]

Mr. FOSS. Mr. Speaker, I desire to ask the Clerk to read a letter from the Secretary of the Navy.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, February 26, 1909.

DEAR MR. FOSS: Referring to your inquiry for particulars as to recent bids submitted for the construction of a collier of 12,500 tons cargo capacity and a speed of 14 knots, also as to the estimated cost of building such a collier at the navy-yard, Mare Island, I beg to append hereto a tabular statement of the bids submitted for the construction of such a collier by contract, and give below the estimated cost of constructing such a vessel at the Mare Island yard.

It should be noted that the bids for the construction of this collier by contract are decidedly low and are believed to be well below the average cost of such a vessel, due to the very depressed state of the shipbuilding market at the present time.

As to the estimated cost of building one of these colliers at the navy-yard, Mare Island, it should be noted that this collier is to be built from the same plans as the contract-built vessel, and as this collier has not yet been contracted for, and full plans are not available, detailed estimates could not be prepared at the navy-yard, Mare Island. An estimate based upon the actual cost to date, and the estimated cost for completion of the collier *Prometheus*, now under construction at the navy-yard, Mare Island, will, however, give substantially accurate data as to what should be the probable cost of the 12,500-ton collier.

You will probably recall the fact that the original limit of cost for the collier *Prometheus* was $1,250,000. This limit of cost was subsequently increased by act of Congress to $1,550,000. The estimated cost to complete the *Prometheus* indicates that the authorized limit of cost will be very closely approached, if not exceeded. Certainly there will be no considerable margin.

The horsepower of the proposed 14-knot collier is 7,200, while that of the *Prometheus* is 7,500, the latter, though a much smaller vessel, having a speed of 16 knots. Making allowance for the simpler type of machinery of the 14-knot collier, and considering the actual cost of the machinery of the *Prometheus*, it is believed that the machinery of the proposed 14-knot collier could not be built at the navy-yard, Mare Island, for less than $450,000.

Assuming that the cost of the hull of the 14-knot vessel, as compared with the cost of the hull of the *Prometheus* will vary somewhat in the proportion of the actual hull weights, and making some slight reduction on account of the simpler form of construction of the 14-knot collier, it is estimated that the actual cost of construction of the hull of the 14-knot collier, including all auxiliary machinery and equipment, will not be less than $1,300,000, so that the total estimated cost of this collier, if built at the navy-yard, Mare Island, will be approximately $1,750,000.

As indicated in the beginning of this communication, bids recently submitted for the construction of the 14-knot collier can not be considered as accurately representing what should be the probable contract price of such a vessel under a normal condition of the shipbuilding market.

In comparing the cost of navy-yard work with contract work due allowance should be made for the less hours of labor, at approximately the same daily pay as that prevailing in outside yards; also twenty-six and one-half days' leave and holidays, for which full pay is allowed, without corresponding work. Provision must also be made for full pay during absence from work when such absence is the result of accident suffered in the yard, and if pending legislation is adopted still further expense will be incurred by reason of full pay during sick leave of navy-yard employees.

If, therefore, the 14-knot collier is to be built at the navy-yard, Mare Island, the original limit of cost of $1,800,000 should not be modified.

Very truly, yours, TRUMAN H. NEWBERRY,
Secretary.

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

[Appendix to accompany letter from the Secretary of the Navy to Hon. George E. Foss, chairman House Committee on Naval Affairs, under date of February 26, 1909.]

Bids submitted by various shipbuilding firms for the construction of a 14-knot collier of a cargo-carrying capacity of 12,500 tons:

Newport News Shipbuilding and Dry Dock Company.

Class I	$790,000
Class II	825,000

William Cramp & Sons' Ship and Engine Building Company.

Class I	$805,000
Class II	775,000

Fore River Shipbuilding Company.

Class I	$933,000
Class II	954,000

Maryland Steel Company.

Class I	$993,800
Class II	1,011,400
Class III	1,027,350

New York Shipbuilding Company.

Class I	$1,074,000
Class II	1,104,000

After careful consideration of all the features of the various designs submitted, the board on construction unanimously recommended the acceptance of the Class I bid of the William Cramp & Sons' Ship and Engine Building Company, with the addition of a special form of winch, at an increase in the bid price of $17,500, making the contract price for the selected collier $822,500.

This contract has been actually awarded.

T. H. N.

Mr. FOSS. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Speaker, this is a plain, simple, business proposition, as the statement of a few facts will illustrate. The Government was building two colliers—one in the navy-yard at Brooklyn, one in the navy-yard at Mare Island, California. The cargo capacity of these colliers was 5,000 tons. The cost of them ranged from one million and a half to $1,850,000. The one built at Mare Island Navy-Yard cost about one million and a half; the one built in the Brooklyn Navy-Yard, $1,850,000. The proposition reported by the committee in the naval bill to the House, based upon the testimony of the Secretary of the Navy and his earnest recommendation, was to authorize the purchase of two colliers under the authorization of the appropriation bill of a year ago. Upon a point of order, raised by the distinguished gentleman from California [Mr. KNOWLAND], they went out of the bill.

Thereupon, the House placed in the bill this limitation upon the cost, providing that the appropriation should not be used to construct a collier to cost more than $900,000, the Secretary of the Navy stating that he could get larger colliers and equally as good—though 2 knots slower, but amply fast to fill the requirements—for between $800,000 and $900,000. When the bill went over to the Senate, the Senate by amendment struck out the House limitation. The conferees have refused to agree to the Senate amendment, insisting that we can not afford to build in a navy-yard a collier for $1,850,000 when we can buy it in the market for $900,000; and we have adhered to the House proposition.

Mr. WILSON of Pennsylvania. Why is it that comparisons can not be had on the same type of collier? One is 2 knots slower than the other.

Mr. PADGETT. Because the ones that were authorized in the bill four years ago, and being built in the Brooklyn and Mare Island navy-yards, were provided to be 16 knots; the ones provided in the bill of a year ago were to be of 12,500 tons cargo.

Mr. WILSON of Pennsylvania. Is it not a fact that the faster the vessel the greater the cost?

Mr. PADGETT. Well, the difference in speed is only 2 knots, whereas the difference in cargo capacities is a difference between 5,000 and 12,500.

Mr. WILSON of Pennsylvania. There is a good deal of comparison in different types of boats.

Mr. PADGETT. But the 12,500 carrying capacity more than compensates the loss of the 2-knot speed, the ordinary traveling speed of the fleet being about 10 knots; but 14 knots is ample for all practical purposes. So that the whole thing is simply a business proposition, getting two colliers that would carry in the aggregate 25,000 tons for one collier that would carry 5,000 tons.

Mr. KNOWLAND. Will the gentleman yield for a question?

Mr. PADGETT. Yes.

Mr. KNOWLAND. Does the gentleman know that before the *Prometheus* and the other collier which was built at the Brooklyn Navy-Yard were commenced the Secretary of the Navy endeavored to get a contract to construct those colliers for less than the amount at which they were constructed in the navy-yard, and he could not get a bid?

Mr. PADGETT. I do not know what it was in the past. I am only speaking of what is offered at present, and the concrete proposition that we are dealing with now.

The SPEAKER. The gentleman's time has expired.

Mr. FOSS. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I believe that the presentation of a few facts will convince the House that the competition between the Government and the private contractor has been of immense saving to the Government, and that an effort to stop government competition is what is behind the amendment insisted upon by the House.

In 1902 Congress authorized two first-class battle ships of 16,000 tons displacement and 18 knots speed. The limit of cost was $4,212,000, and that is given in the official reports as the cost of the government-built ship.

The contract price of the ship built by private contract was $3,990,000. A year later a ship of the same capacity, the same size, identical in every respect, the *Vermont*, was built by

contract for $4,179,000—a difference of $33,000 from the cost of building in the navy-yard.

Last year Congress authorized two battle ships of 21,825 tons displacement, with a speed of 20¾ knots.

Now let me show the effect of government competition upon the price. The law provided that one of these ships should be built by contract and that the other should be built in a government yard. The limit of cost fixed by the Naval Committee is $6,000,000, and yet the Government has contracted to build this ship of 21,000 tons displacement for less money than it paid to build by contract the ship of 16,000 tons displacement. [Applause.] The contract price of the *Louisiana* was $3,990,000. That was the vessel of 16,000 tons displacement.

The contract price of the *Utah*, being built in competition with a vessel—the *Florida*—in a navy-yard, is $3,946,000, or $44,000 less than a ship 20 per cent smaller. A few years ago a collier was authorized to be constructed at the Mare Island Navy-Yard. I have here a list of ten bids that were made to build colliers by contract. The Naval Committee recommended to this House that they should not cost more than $1,800,000.

Not a single one of the bids made on the 13th of May last is as much as $1,100,000. There were ten bids below $1,100,000, and yet the Secretary of the Navy begged the Naval Committee to make the limit of cost $1,250,000 with those bids opened and in his possession. Those who remember what happened when the naval bill was before the House know why this amendment to limit the amount to be spent on any collier to $900,000 was put in. The Naval Committee brought in a recommendation that four colliers be built by contract, two additional to the two authorized last year, provided that those authorized to be built in a navy-yard should be built by contract; and the private contractors agreed that if the Government would reverse its action and take these colliers away from the navy-yards they would build four colliers for what the Navy Department and the Naval Committee originally estimated it would take to build two. In addition, the committee provided for a fifth collier identical with the other four, and they put the limit of cost $100,000 in excess of the price that they said that they could build the four of them for. This is the last attempt on behalf of the shipbuilding trust, and I hope that this House will deny its appeal to prevent honest competition by the government yards. [Applause.]

Mr. FOSS. I yield three minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, it is very important that our navy-yards should be maintained in an efficient condition of equipment and with skilled workmen assembled, and I believe the Naval Committee have taken full consideration of this important matter. I believe that our navy-yards are now in a position to do efficient work, and that the Naval Committee intend to and will from time to time provide work for these navy-yards to do.

Mr. Speaker, we are just now at a peculiar point in the shipbuilding industry. It is just as though you found a bargain counter in colliers, where actually you can get them for about three-quarters of the normal price. I believe that if the cost of building ships in the navy-yards was 12 or 15 or 20 or even 25 per cent in excess of the cost of building them by private contract, that this Naval Committee would not have made this change nor would it to-day be asking the House to stand for this contention; but it is a question of saving not $200,000, but of saving between $500,000 and $600,000. We must have economy henceforth in every direction. We believe you want to sustain us, and we want to save the country $500,000 or $600,000 next year, and the next year we will provide work for the Mare Island Navy-Yard.

Mr. KNOWLAND. Will the gentleman from Alabama yield for a question?

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. FOSS. I will yield the gentleman one minute more.

Mr. KNOWLAND. We all appreciate the great efforts which the gentleman from Alabama is making for the increase of the navy. He is very anxious that a sufficient number of colliers should be provided to accompany the fleet. I would like to ask the gentleman from Alabama what the result would be if the amendment offered by me does not prevail. Will not the result be that the Government will be deprived of this collier?

Mr. HOBSON. I do not think so. I think the Government would get it in a shorter time.

Mr. KNOWLAND. Will the gentleman answer how?

Mr. HOBSON. Because the time of building by contract is shorter than the time of building in the navy-yard.

Mr. KNOWLAND. Under the existing law you can not build this collier in a private shipyard.

Mr. HOBSON. I did not so understand. If that is the case, my position is exactly the reverse, because we ought to have the ships.

Mr. KNOWLAND. I am glad the gentleman agrees with me.

Mr. HOBSON. I hope the chairman of the Naval Committee will straighten out that question. I will ask the chairman of the Naval Committee, if he will be kind enough to answer, If we vote this down, do we lose the ship?

Mr. FOSS. I would state to the gentleman that, in my judgment, we would lose the ship this year.

Mr. HOBSON. Then, Mr. Chairman, I beg one minute to assert that we had to hire 49 foreign ships to take our coal in a time of peace across the Pacific Ocean. We ought not to lose one day, nor one week, nor one month of time in getting additional colliers, and therefore I stand for the amendment, and I hope others will do likewise. [Applause.]

Mr. FOSS. Mr. Chairman, I now yield five minutes to the gentleman from New York [Mr. WALDO].

Mr. WALDO. Mr. Speaker, I am not one of those that desire work done in the navy-yards at a loss to the Government, but I am one of those, however, who believe that a part, at least, of the work of building vessels for the navy should be done in the government yards for many reasons. In the first place, we have great plants at Mare Island, at the navy-yard in New York, and at various other navy-yards, that have been established at great cost to the Government. Large forces of skilled mechanics have been assembled from all parts of the country, and all this will be a practical loss to the Government if we stop building at the government yards. Secondly, if we stop building at government yards the vessels that will be added to our navy will be much below the high standard of construction and finish which has been set by those that have been built in the navy-yards.

Thirdly, the vessels will not be delivered until two or three, or even four years after the date fixed by contract. At the time the *Connecticut* was finished in the Brooklyn Navy-Yard and the *Louisiana* at the Newport News yard there were then in the Newport News yard six ships that were from ten to fifty-two months behind time, and the loss alone to the Government in interest, to say nothing of the use of the vessels, was much more than the difference in cost between the construction at the navy-yard and in private yards.

Fourthly, the moment we stop keeping the Government yards fitted with tools, machinery, and skilled mechanics to make repairs upon naval vessels, the extra cost in repairs will be two or three times in excess of the difference in cost of construction in the government yards over that in private yards. This has been proved time and again by the experiences of our Navy Department.

Fifthly. If we do not continue our policy of building in our navy-yards, we shall soon cease to have skilled, practical, and experienced naval constructors. There will then be no one to plan our war ships so that we may have the latest and best models and construction, and no one qualified to inspect vessels built in private yards to insure our obtaining vessels in accordance with contract.

Lastly, it seems to me that this action of the House committee is intended to provide for the purchase of vessels, to cease building in government yards eventually altogether, and that will be the result if we stop now.

If, instead of wasting some fifteen or twenty million dollars every year deepening our harbors for the benefit of foreign ships, work of no use to our vessels, because the harbors are already deep enough for any vessels we have, we would spend that amount on our own merchant marine, the private yards would be so busy building American vessels that they would not come here and beseech Congress every year to allow them to build inferior ships for our navy. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FOSS. I yield two minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Chairman, if I can have the attention of the House a moment possibly we may get this mysterious question straightened in our minds. The Government desires to have a collier built. It has decided by law to build it at its own shop, in its own shipyard. We do not change that phase of the case by placing now a new limitation on the cost. It seems to me that the matter of the limitation is indifferent. It is going to be done by the Government by day work——

Mr. SHERLEY. Will the gentleman yield?

Mr. SMITH of California. I have not the time—and by the purchase of material by the officers of the Government, and presumably at the best market price. Therefore, what does it signify in the long run whether the limit of cost be

one figure or another? The net result must be that we will get the collier as cheaply as the government agent can build it, or else we will get no collier at all. If we now place a limit beyond which the navy officials can not go, and they can not build the collier within that limit, then we get no collier at all; but it we get the collier, it will be at the reasonable cost of the Government's own agents.

Mr. FOSS. Mr. Speaker, I yield half a minute to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, in that half minute I simply desire to say that if the House insists on its position, the Senate can concur with an amendment, and we can authorize the building of the ship in private yards and save this money.

Mr. FOSS. Mr. Chairman, I yield three minutes to the gentleman from New Jersey [Mr. LOUDENSLAGER].

Mr. LOUDENSLAGER. Mr. Speaker, this is simply a business proposition. There does not seem to be much strength in the argument that the House did something a year ago in respect to which information now coming to the House changes the entire situation. The Naval Committee and the House placed this limit at $1,800,000 a year ago for these two colliers. It makes no difference now whether these colliers are 2 knots slower or not. They carry at least 2,500 more net tons of cargo coal, and the one that is authorized in this bill to be built by outside plants is exactly the same as is to be built in the navy-yard; and the limitation does not change the authority at all. If the navy-yard at Mare Island can build a vessel as cheaply as outside parties, which has heretofore been contended by those who have advocated building in the navy-yards that it can do, a collier will be given to the Government.

If the navy-yard can not do that, if it is to cost fourteen or fifteen or sixteen hundred thousand dollars, it can not build it, and that is the proposition for the House to decide at this time.

Mr. KELIHER. Will the gentleman yield, Mr. Speaker?

Mr. LOUDENSLAGER. Yes.

Mr KELIHER. Mr. Speaker, I would like to ask the gentleman how many colliers were appropriated for in the naval bill this year?

Mr. LOUDENSLAGER. In the naval bill or in the naval bill as it passed the House?

Mr. KELIHER. In the present pending bill.

Mr. LOUDENSLAGER. One collier.

Mr. KELIHER. Will the gentleman kindly indicate why, with this great bargain sale of colliers, his committee did not take advantage of it and order an appropriation for more?

Mr. LOUDENSLAGER. I desire to say to the gentleman that the Naval Committee did, and that it brought in a provision to change the law of last year, to change that authorization and the amount of the appropriation, and it put in three additional colliers, but some of the Members of the House saw fit, under the rules of the House, to make a point of order against it.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSS. Mr. Speaker, I yield one minute to the gentleman from Iowa [Mr. DAWSON].

Mr. DAWSON. Mr. Speaker, the question for this House to decide is whether it wants two colliers or one collier for $1,800,000. In the naval appropriation bill last year, acting on the estimates of the Navy Department, we provided for one collier to cost $1,800,000, and to be built in the Mare Island Navy-Yard. Now, by reason of changed conditions of the shipbuilding industry, we find that we can get two colliers of substantially the same efficiency for the price of the one which was provided for last year. If the amendment offered by the gentleman from California prevails, we get only one collier for $1,800,000. If the House provision prevails, we get two colliers for the same money, and that is all there is to it.

Mr. HOBSON. Mr. Speaker, I would like to ask the gentleman from Illinois a short question. If you do not build a collier, how do you know that you will save money on it; how do you know you get it cheaper?

The SPEAKER. The time of the gentleman has expired.

Mr. COOPER of Pennsylvania. Mr. Speaker, I would like to ask the chairman of the Committee on Naval Affairs a question.

The SPEAKER. Does the gentleman yield?

Mr. FOSS. Yes.

Mr. COOPER of Pennsylvania. It was stated by the gentleman from California who makes this motion that this collier can be built for considerably less than $1,800,000. I, for one, would like to know what information the gentleman from Illinois has on that subject and what it will cost to build this collier.

Mr. FOSS. The most recent communciation from the Secretary of the Navy, which has just been read from the Clerk's desk, states we should not reduce the limitation of $1,800,000 by a single dollar, and that is based upon the facts gained in connection with the construction of the collier *Prometheus* at the Mare Island Navy-Yard, the same navy-yard where it is proposed to build this collier.

Now, Mr. Speaker, I wish to say just a word. There is plenty of work for our navy-yards in repairing our ships. There is no necessity for building ships or colliers at the present time in order to keep the labor in our navy-yards employed. I want that fact distinctly understood. Now, one year ago we provided for two colliers, one to be built by private contract and the other in a navy-yard on the Pacific coast, but since that time, since the House made that provision, the Secretary of the Navy finds that we can obtain two colliers for practically the limitation placed upon one collier of last year. This is, as the gentleman from Tennessee has well stated, a simple and practical business proposition.

Do you wish to save this money, or not? The gentleman from New York [Mr. FITZGERALD], the apostle of economy in this House, is in favor of our building this collier at the increased cost of a hundred per cent. I am surprised at his position, and I often wonder whether or not if the gentleman did not live in such close proximity to the Brooklyn Navy-Yard he would take this position upon the floor of this House. Now, gentlemen, this is the question: Do you want to save the money, or not? Do you want to build up the navy on lines of the strictest economy, or not? That is the question before the House at this moment. Mr. Speaker, I call for a vote and I hope this motion will be voted down.

Mr. HEFLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HEFLIN. I rise for the purpose of asking unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Mr. Speaker, our Government has very properly adopted the policy of suitably marking the important battlefields of the Republic. One of the most important and far-reaching battles in the scope of its wholesome influence on American civilization was General Jackson's decisive battle with the Indians at Horseshoe Bend, on the Tallapoosa River, in the State of Alabama. I desire to publish in the RECORD a memorial to Congress, giving some of the reasons why this battle ground should be set apart as a national park and monuments erected thereon.

MEMORIAL FOR BATTLE PARK—SENT BY HORSESHOE BEND COMMISSION—WOULD ESTABLISH PARK—ASKS THAT BILL OF REPRESENTATIVE HEFLIN BE ADOPTED—DR. THOMAS M. OWEN, SECRETARY OF THE COMMISSION, YESTERDAY SENT PAPERS PRAYING FOR ESTABLISHMENT OF A MILITARY PARK.

When the Horseshoe Bend Commission was organized last Wednesday, a memorial was adopted looking to the passage by Congress of a bill introduced by Hon. J. T. HEFLIN for the establishment of the Horseshoe Bend Battle Park and the appropriation of a sufficient sum for the purchase of land on which the battle was fought.

The memorial as sent to Washington by Dr. Thomas M. Owen, secretary of the commission, is as follows:

The battle of Horseshoe Bend, March 27, 1814, between the Americans and the Creek Indians.

Memorial of the Horseshoe Bend Battle Commission of the State of Alabama, praying Congress to establish a military park on the Horseshoe Bend battlefield.

To the Congress of the United States:

GENTLEMEN: Your memorialists, the Horseshoe Bend Battle Commission, duly and regularly constituted under and by virture of an act of the legislature of Alabama, approved August 16, 1907, respectfully petition and memorialize your honorable bodies to take early and favorable action upon H. R. 26395, introduced in the House of Representatives by Hon. J. T. HEFLIN, Representative from the Fifth Alabama District.

As your memorialists are informed, the legislation contemplated by the proposed bill has ample warrant in numerous acts, either creating national military parks, or in the publication of historical documents, or in monumenting historic spots, or in otherwise commemorating historic incidents in the past life of our country. In such legislation public opinion throughout the United States has unanimously concurred. But while much has been done on the part of the Federal Government in the patriotic direction indicated, there undoubtedly remain many points and places which, from the importance of the occurrences which took place upon them or in their vicinity, ought either to become the property of the Government or ought to be suitably commemorated in a permanent and lasting way.

Therefore in determining upon future action on the part of Congress, it is respectfully urged that due consideration be given those great events in the history of our country which in a certain sense have heretofore been neglected, and consequently in a sense forgotten. The bill above referred to has for its object the establishment of the Horseshoe Bend Battle Park and the appropriate monumenting or marking of what is commonly known as the "Horseshoe Bend battle ground," located on the Tallapoosa River, in the county of Tallapoosa, in the State of Alabama. Although the significance of this battle as one of the decisive battles in the long line of historic battles of the country has been emphasized again and again by both the local and the general historian, it has never yet received that attention, either from the State or General Government, which its importance has demanded. The bill of Mr.

HEFLIN seeks to meet what appears to be an apparent duty, long neglected, and, we believe, in a way which ought to commend itself to immediate and favorable action on the part of your honorable bodies. Hereinafter are set forth the principal acts connected with the subject, and to these careful and thoughtful attention is invited. It is believed that they will abundantly demonstrate the historic significance of the battle, and the great patriotic and educational value of the proposed legislation.

THE PLACE.

The point where the battle was fought occupies a unique place in the history of the Creek Indians, and it is to-day a romantic and picturesque spot in a prosperous section of the State. Parton, in Life of Jackson (1864), volume 1, pages 512 and 514, says of the bend in which the battle was fought:

"The attention of the reader is now to be directed to a remarkable 'bend' of the River Tallapoosa, about 55 miles from Fort Strother, the scene, for so many weeks, of General Jackson's strenuous endeavors. The bend of which we speak is about midway between the source and the mouth of the Tallapoosa. It occurs where the stream is not fordable during the spring rains, but is not wide enough to present a very serious obstacle to an Indian swimmer. From the shape of this peninsula the Indians called it Tohopeka, which means Horseshoe. It contains a hundred acres of land, since a cotton field. The neck or isthmus is about 350 yards across. The ground rises somewhat from the edge of the water. It was a wild, rough piece of ground, abounding in places which would afford covert to an Indian warrior. At the time of which we write the surrounding country for a hundred miles or more was a nearly unbroken wilderness of forest, swamp, and cane, marked only by the trail of wild beasts and the 'trace' of wild men. As well from its situation as its form, this place was entitled to be styled the heart of the Indian country."

BRIEF DESCRIPTION OF THE BATTLE.

While full and detailed accounts of the battle will be found in the appended documents and papers, a brief sketch is not inappropriate here. Hon. Willis Brewer, author of Alabama; Her History, Resources, Public Men, etc. (1872), page 547, describes it in a terse and graphic way:

"At Okfuskee, on the Tallapoosa, the British established a fort in 1735, and occupied it for several years for the purpose of alienating the Upper Muscogees from the French. Near Okfuskee, within and at the apex of the Horseshoe Bend, stood Tohopeka, where the Indians collected to resist Jackson Chula Harje (Old Mad Jackson), as they called him. They constructed a breastwork of timber across the mouth of the little peninsula, and were so confident of victory that they permitted their wives and children to remain in the town. The principal chief present was Manaowa, who led the party that killed Gen. William McIntosh twelve years after, and there were not less than 1,000 warriors present.

"General Jackson, with nearly 3,000 troops, left Fort Strother March 14, 1814, reached Fort Williams on the 21st, and on the 27th appeared before the place. General Coffee, with the cavalry, crossed the river and encircled the town on the east bank; then sent over a detachment to set fire to the village, and which made a vigorous attack on the rear of the Indian line. At the same time two pieces of artillery opened on the breastworks in front, and at noon the Tennesseans moved to the assault of them. The struggle at the breastworks was desperate, and lasted for some minutes; but the whites thronged over, and the Indians slowly fell back to the shelter of the undergrowth. Pressed vigorously, they took refuge in the reeds and thickets on the river bank. Jackson sent a flag of truce to obtain their surrender, but they fired on it. Torches were thrown into the thickets and the blaze drove many into the river, where they were killed by Coffee's troops. Night closed the conflict; Tohopeka was in ashes, and the hopes of the surviving Creeks lay in the dust saturated by the blood of three-fourths of their bravest warriors. A number were killed in the river, and 557 bodies were counted on the peninsula. Of the Tennesseans 32 were killed and 99 wounded; of the Cherokees, 18 were killed and 36 wounded; and of the tory Creeks, 5 were killed and 11 were wounded. Jackson returned to Fort Williams the next day."

SIGNIFICANCE OF THE BATTLE.

As indicated above, the wide significance of the battle of Horseshoe Bend has been emphasized again and again by both local and general historians. Your memorialists will not, however, rest on this mere general statement. They have caused to be assembled the views of representative historians and others, which it is believed will conclusively show the far-reaching character of the campaigns of Gen. Andrew Jackson, which terminated with the battle of Horseshoe Bend. These expressions, if they have any meaning at all, place this engagement not only among the great engagements of modern warfare but also among the epoch-making events in world history. The following are submitted:

Colyar, A. S., Life and Times of Andrew Jackson (1904), vol. 1, p. 162: "The loss was severe in Jackson's army, but it was destruction to the Creek Nation, and was the end of the campaign."

George Bancroft's eulogy, June 27, 1845, in Monument to Gen. Andrew Jackson (1846), p. 39:

"In six short months of vehement action the most terrible Indian war in our annals was brought to a close; the prophets were silenced; the consecrated region of the Creek Nation reduced through scenes of blood. The avenging hero sought only the path to peace. Thus Alabama, a part of Mississippi, a part of his own Tennessee, and the highway to the Floridas, were his gifts to the Union. These were his trophies."

Halbert and Ball, The Creek War of 1814 (1895), the fullest general work on the subject, p. 275:

"This battle may well be placed alongside of that destruction that came upon the Pequods in New England. Of that, Maryn says, 'It was not a battle—it was a massacre.' The well-informed reader will note more than one point of similarity between the old Pequod war and the Creek war. Perhaps the one was as needful as the other. The one blotted out a small tribe; the other subdued a great people."

M. Kenney and Ball, Indian Tribes of North America (1842), volume 2, page 100:

"The whole fight was of the most desperate character. The waters of the Tallapoosa River were red with blood. Of 900 warriors led into that sanguinary fight by Menawa, only 70 survived and 1 only, who fled at the first discharge of cannon, escaped unwounded."

Fiske, History of the United States for Schools (1899), page 299, says: "Andrew Jackson, with his Tennessee troops and a few United States Regulars, made a bloody campaign of nearly seven months, ending with the great battle of Tallapoosa (Horseshoe Bend) in March, 1814, which finally broke the Indian power in the Southwest."

John Frost, Indian Battles, Captivities, and Adventures (1859), page 351:

"This decisive victory put an end to the Creek war. In the short period of five months, from the 1st of November to the 1st of April, 2,000 of their warriors, among whom were their principal prophets and kings, had been slain, most of their towns and villages burned, and the strong places in their territory occupied by the United States troops. After this battle the miserable remnant of the hostile tribes submitted."

H. M. Brackenridge, History of the Late War (1844), page 195:

"This most decisive victory put an end to the war with the Creeks, and broke the spirit and power of these misguided men completely. The victory of Tallushatches, won by Coffee; of the Tallapoosa, by Creeks; the two victories of General Floyd, on the Georgia side of the Indian territory; these of Talladega and Enotachopco, won by Jackson; and the fatal battle of the Horseshoe Bend, fought by Jackson and Coffee, may be said to have 'cut up the war by the roots.'"

Parton, Life of Andrew Jackson (1864), volume 1, page 525: "But the war was over. The power of the Creeks was broken; half their warriors were dead, the rest were scattered and subdued in spirit. Fort Mims was indeed avenged. Jackson's amazing celerity of movement, and particularly his last daring plunge into the wilderness and his triumph over obstacles that would have deterred even an Indian force, quite baffled and confounded the unhappy Creeks. Against such a man they felt it vain to contend. The general had no sooner reached the Hid'ory Ground and procured for his tried and hungry men the supplies they needed than the chiefs began to come into his camp and supplicate for peace."

Buel, A. C., History of Andrew Jackson (1904), volume 1, page 338: "This ended the Creek war; for stubborn fighting and for general destruction alike of life and property on the part of the Indians it stands alone in the history of savage warfare on this continent. Never before had the Indians fought in such military fashion, suffered such losses, or held out to the bitter end as the Creeks did. The fighting power of the tribe was annihilated. At the outbreak of the war the Creeks were the richest Indians in America. At its end they were the poorest. From its disasters they never fully recovered. The destruction of three-fourths of the able-bodied men in any nation or tribe of any race or color must inevitably change its destinies permanently."

A. B. Meek, in The Red Eagle (1855), pages 88–89, thus commemorates this fierce and fateful engagement:

Yes, by their courage and their strength,
Muskogee's braves are quelled at length;
Six moons have rolled their silver tide,
And they are blasted in their pride;
The autumn stars saw triumph's glow;
The springtime sun, the broken bow!
Their blood has crimsoned all the rills
From Estanaula's tumbling wave
To where Escambia's waters lave;
The fire and sword have swept the land—
Death with no unrelenting hand.
At Tallisee in vain they stood,
Or poured at Autosee their blood!
No skill or cunning could drive back
The conqueror from his fiery track.
One final effort in despair,
As turns the panther in his lair,
Beside fair Tallapoosa's wave,
Within the "Horseshoe Bend" they made;
Yet found its refuge but a grave
That scarce a warrior could evade!
Oh, seldom in the battlefield
Have fiercer scenes or deadlier strife
Than this been witnessed.

The anonymous author of Memories of Andrew Jackson (1848), page 122: "This battle gave a death blow to their hopes; nor did they venture afterwards to make a stand. From their fastness in the woods they had tried their strength, agreeably to their accustomed mode of warfare in ambuscade—had brought on the attack—and in all, failure and disaster had been met. None of the advantages incident on surprise, and for which the red men of our forests have been always so characterized, had they been able to obtain. The continual defeats they had received were doubtless the reason of their having so strongly fortified this place, where they had determined to perish or to be victorious. Few escaped the carnage. Of the killed many, by their friends, were thrown into the river whilst the battle raged, and 557 were left dead on the ground.

"Among the number of the slain were 3 of their prophets. Decorated in a most fantastic manner—the plumage of various birds about their heads and shoulders—with savage grimaces and horrid contortions of the body, they danced and howled their cantations to the sun. Their dependents already believed a communion with heaven sure, which, moved by entreaty and their offered homage, would aid them in the conflict and give a triumph to their arms. Fear had no influence; and when they beheld our army approaching and already scaling their line of defense, even then, far from being dispirited, hope survived and victory was still anticipated. Monohoe, one of the most considerable of their inspired ones, and who had cheered and kept alive the broken spirit of the nation by his pretended divinations, fell, mortally wounded by a cannon shot in the mouth, while earnestly engaged in his incantations."

In view of the foregoing it is believed that every patriotic consideration demands affirmative action on this memorial. The establishment of the Horseshoe Bend Battle Park would not only be a long-deferred recognition and commemoration of one of the great historic events in the life of our people, but it would be another public expression of the patriotic and educational value of the lessons of the past. Its establishment would be a lasting memorial to the brave men who fought and to those who fell in those trying days, when hostile Indian aggression threatened our frontier civilization. But it would be more; it would mean that a grateful government could always be relied upon to do its duty not only to its patriotic dead, but to its patriotic living as well.

For the further information of Congress your memorialists respectfully append hereto a number of historical papers and documents of great importance, which will serve to more fully illustrate the character of the battle referred to, and which they pray may be taken as a part of this memorial.

The premises considered, your memorialists respectfully urge the enactment of the measure proposed by the bill of Hon. J. T. HEFLIN, or of some other suitable legislation on the subject.

HORSESHOE BEND COMMISSION.
BRAXTON BRAGG COMER,
Governor of Alabama and President of the Commission.
THOMAS MCADORY OWEN,
Director Department of Archives and History, Secretary of the Commission.
SAMUEL L. BREWER.
THOMAS L. BULGER.
JOHN W. OVERTON.
FELIX L. SMITH.
JAMES W. STROTHER.

MONTGOMERY, ALA., *February 17, 1909.*

The SPEAKER. The question is on the motion of the gentleman from California that the House recede from its disagreement to the Senate amendment and concur in the same.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. KNOWLAND) there were—ayes 25, noes 220.

So the motion was rejected.

Mr. FOSS. Mr. Speaker, I move that the House further insist upon its disagreement to amendment numbered 58.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Speaker, I call for a reading of the next amendment, numbered 59, and upon that I move that the House further insist upon its disagreement.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment numbered 59: Page 64, after line 5, insert: "Sec. 2. That there shall be kept, in the discretion of the President, as far as practicable, one-half of the navy of the United States on the Pacific coast at all times."

Mr. HAYES. Mr. Speaker, I move that the House do recede from its disagreement to amendment numbered 59 and concur therein.

The SPEAKER. The gentleman from California moves that the House recede from its disagreement to amendment numbered 59 and concur in the same.

Mr. FOSS. How much time does the gentleman desire?

Mr. HAYES. Just a moment or two.

The SPEAKER. The question is on agreeing to the motion of the gentleman from California [Mr. HAYES].

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HAYES. Division, Mr. Speaker.

The House was divided; and there were—ayes 49, noes 151.

So the motion was rejected.

Mr. FOSS. Mr. Speaker, I move that the House further insist on its disagreement to amendment No. 59 and ask for a conference with the Senate.

The motion was agreed to.

The Chair announced the following conferees:

Mr. FOSS, Mr. LOUDENSLAGER, and Mr. PADGETT.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I call up the conference report on the bill H. R. 27523, the diplomatic and consular appropriation bill, and ask that the reading of the report may be dispensed with and the statement may be read instead.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 6, 7, 8, 9, 11, 12, 19, and 22.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 10, 13, 14, 15, 16, 17, 18, and 20; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For two clerks to be employed by the Department of State and to be charged with the distribution of information among the diplomatic missions, one at the rate of one thousand eight hundred dollars per annum and one at the rate of one thousand six hundred dollars per annum; in all, three thousand four hundred dollars."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the words "and amendments thereto," and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For thirteen consular assistants as provided for by law, eighteen thousand three hundred dollars; twelve additional consular assistants, subject to the same provisions of law as the above thirteen, twelve thousand dollars; in all, thirty thousand three hundred dollars."

And the Senate agree to the same.

R. G. COUSINS,
C. B. LANDIS,
WM. M. HOWARD,
Managers on the part of the House.
EUGÈNE HALE,
S. M. CULLOM,
A. S. CLAY,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate:

Amendments Nos. 13, 14, 15, 17, 18, and 21 are verbal only, and the House conferees agreed to recede.

Amendment No. 1: House recedes, permitting the repeal of the law authorizing the President to create ambassadors whenever he learns that other nations are to so designate their ministers.

Amendment No. 4: House recedes with an amendment which permits the two clerks now provided for by law at the embassy to London for the distribution of diplomatic information to be assigned to the Department of State for the same purpose, and increases the appropriation by $400.

Amendment No. 5: House recedes; provides an increase in the appropriation for the entertainment of the International Prison Congress from $10,000 to $20,000.

Amendment No. 10: House recedes, leaving the appropriation of $2,830.79 for the annual share of the United States in the maintenance of the International Sanitary Bureau, the same amount that we appropriated last year.

Amendment No. 16: House recedes, leaving an appropriation of $9,000 for participation in The Hague International Congress for the purpose of promoting uniform legislation concerning letters of exchange.

Amendment No. 20: House recedes, leaving an appropriation of $3,267 to compensate the Japanese secretary of our embassy at Japan for the cost of erecting a house upon the embassy ground.

Amendment No. 23: House recedes, with an amendment providing 5 instead of 10 additional consular assistants, as proposed by the House.

On all other amendments, viz, Nos. 2, 6, 7, 8, 9, 11, 12, 19, and 22, the Senate recedes, leaving the provisions of the bill in the form in which they were passed by the House.

R. G. COUSINS,
C. B. LANDIS,
WM. M. HOWARD,
Managers on the part of the House.

Mr. COUSINS. Mr. Speaker, the agreement being a complete one and the items being so small, I ask unanimous consent that the report be agreed to.

The question was taken, and the motion was agreed to.

ADDITIONAL JUDGE, WESTERN DISTRICT OF WASHINGTON.

The SPEAKER laid before the House from the Speaker's table the bill (H. R. 27061) to provide for the appointment of an additional judge in and for the western district of Washington, with a Senate amendment disagreed to by the House.

Mr. JENKINS. Mr. Speaker, I move that the House further insist on its disagreement and agree to the conference asked for by the Senate.

The SPEAKER. Is there objection?

Mr. MACON. I object.

Mr. JENKINS. I move, Mr. Speaker, that the House further insist on its disagreement, and agree to the conference asked for by the Senate.

The question was taken, and the motion was agreed to.

The Chair announced the following conferees: Mr. JENKINS, Mr. ALEXANDER of New York, and Mr. CLAYTON.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that private pension bills now in order on the calendar may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Rhode Island [Mr. CAPRON] will take the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 28285) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James Welsh, late of Company E, Fourth Regiment, and Company B, Battalion, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jonas F. Fortney, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George A. White, late of Company E, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Valentine Lapham, late first lieutenant Company E, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Vanschoyck, late of Company D, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Louis S. Wyatt, late of Company C, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma Bonds, widow of John W. Bonds, late of Company K, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Andrew W. Bonds, helpless and dependent son of said John W. Bonds, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emma Bonds the name of said Andrew W. Bonds shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Emma Bonds.

The name of Charles B. Skinner, late of Company D, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Louis Ackerman, late of Company G, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Hinckley, late of Company G, Fifth Regiment, and Company I, Seventh Regiment, Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Youngblood, late of Company H, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Lobdell, late of Company D, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Simeon Shirrell, late of Company I, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Ray, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Arie Koning, late of Company I, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Sechler, late of Company H, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lafayette Jaques, late of Company I, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Kilburn, former widow of Henry Sayre, late of Company B, One hundred and sixty-sixth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $12 per month.

The name of Milton Nelson, late of Company H, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Scoville, late of Company D, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Derby, late of Company H, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson Matteson, late of Nineteenth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Flowers, late of Companies I and C, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Warren Myers, late of Company E, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia C. E. Hubbard, widow of Edwin L. Hubbard, late major, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hiram Rice, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Martha Dalrymple, widow of Thomas Dalrymple, late of Company C, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William Thomas Langston, late of Company A, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Davidson, late of Company B, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred Spence, late of Company E, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew R. Ladd, late of Company E, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah U. Luyster, late of Company F, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Cafferty, late of Company C, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Uplinger, late of Company A, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William V. Yeager, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas J. Perry, late of Company B, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Charles J. Brown, late of Company C, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George T. Kelly, late of Company E, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John C. Lloyd, late of Company B, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Elizabeth T. Hardiman, widow of Thomas W. Hardiman, late captain Company G, Twenty-third Regiment Kentucky Volunteer Infantry, and captain Company F, Fifty-fifth Regiment Kentucky Mounted Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sallie Conn, widow of James R. Conn, late of Capt. H. J. Springfield's company, Alabama Scouts and Guides, and pay her a pension at the rate of $12 per month.

The name of James W. Murphy, late of Company F, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Huston, late of Company K, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of August Scheer, late of Company K, Ninth Regiment U. S. Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Larkins, late of Company A, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nicholas Shuman, late of Company B, Eighth Regiment New York State Militia Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Milton B. Tompkins, late of Company D, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Archibald O. Rose, late of Company G, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas A. Conlee, late of Company K, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Florence E. Stewart, widow of James W. Stewart, late of Company K, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Josiah Yoder, late of Company F, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Brand, late of Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Timothy Donahue, late of Company K, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Crawford, late of Company D, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses Phillips, late of Company D, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elias G. Pike, late of Company A, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza Girvan, late nurse, Medical Department, U. S. Volunteers, and pay her a pension at the rate of $12 per month.

The name of Elizabeth Jane Merrill, dependent sister of Charles H. Merrill, late of Company C, First Regiment Maine Volunteer Cavalry, and Company I, Fourth Regiment U. S. Veteran Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Stewart Gorton, late of Company B, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Robinson, late of Company G, Nineteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Locke, late of Company G, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna Franks, widow of Charles Franks, late of Company I, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John G. Richardson, late of Company G, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Adolph Frey, late first lieutenant Company E, One hundred and sixty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John R. Barlow, late of Company M, Eighth Regiment New York Volunteer Heavy Artillery, and Company G, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Seaborn F. Kennamer, late of Capt. John B. Kennamer's company, Alabama Scouts and Guides, and pay him a pension at the rate of $12 per month.

The name of Charles Campbell, late of Company A, One hundred and forty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harriet Benson, widow of Arnold Benson, late of Company A, Fourteenth Regiment U. S. Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Eli D. Johnson, late of Company F, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emily D. Aldrich, widow of Benjamin S. Aldrich, late of Company K, Twenty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Stephen P. Taylor, late of Company A, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles E. Collins, late of Third Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sanford R. Walker, late of Company D, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph S. Patton, late of Company G, Eleventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin H. Perkins, late of Company A, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hannah Edgerly, widow of George H. Edgerly, late of unassigned company, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of David Woods, late of Capt. H. J. Springfield's company, Alabama Scouts and Guides, and pay him a pension at the rate of $12 per month.

The name of William Coleman, late of Company K, Eighth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Richards, late of Company D, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob M. Pruitt, late of Company H, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jerome B. Brooks, late of Eleventh Battery Ohio Volunteer Light Artillery, and Company B, Ninth Regiment U. S. Veteran Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Stephen Davis, late of Company K, Sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Pringle, late of Company I, One hundred and forty-sixth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben H. Lynch, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dennis Maher, late of Ordnance Detachment, United States Army (Allegheny Arsenal), and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Green, late surgeon, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Burns, late of Company C, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Woods, late of Company H, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gilbert B. Merrow, late of Company C, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Enos K. Strawn, late of Company D, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company B, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert G. Call, late of Company D, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to said committee:

H. R. 746. James Welsh;
H. R. 1189. Jonas F. Fortney;
H. R. 2527. George A. White;
H. R. 3530. Valentine Lapham;
H. R. 3745. George W. Vanschoyck;
H. R. 5001. Louis S. Wyatt;
H. R. 8002. Emma Bonds;
H. R. 8830. Charles B. Skinner;
H. R. 8839. Louis Ackerman;
H. R. 11093. Henry Hinckley;
H. R. 11551. John F. Youngblood;
H. R. 12989. William Lobdell;
H. R. 13118. Simeon Shirrell;
H. R. 13154. Albert Ray;
H. R. 14708. Arie Koning;
H. R. 15877. Henry Woods;
H. R. 17735. William W. Sechler;
H. R. 18532. Lafayette Jaques;
H. R. 19637. Mary Kilburn;
H. R. 19903. Milton Nelson;
H. R. 19981. John M. Scoville;
H. R. 20509. George W. Derby;
H. R. 20726. William F. Green;
H. R. 20942. Nelson Matteson;
H. R. 21476. John W. Flowers;
H. R. 21647. Warren Myers;
H. R. 21784. Julia C. E. Hubbard;
H. R. 21853. Hiram Rice;
H. R. 21961. Martha Dalrymple;
H. R. 22420. William Thomas Langston;
H. R. 22428. John C. Davidson;
H. R. 22764. Alfred Spence;
H. R. 22974. Andrew R. Ladd;
H. R. 23143. Josiah U. Luyster;
H. R. 23285. James Cafferty;
H. R. 23412. Samuel Uplinger;
H. R. 23641. William V. Yeager;
H. R. 23644. Thomas J. Perry;
H. R. 23746. Charles J. Brown;
H. R. 24124. George T. Kelly;
H. R. 24260. John C. Lloyd;
H. R. 24279. Elizabeth T. Hardiman;
H. R. 24500. Sallie Conn;
H. R. 24514. James W. Murphy;
H. R. 24536. Francis M. Huston;
H. R. 24684. August Scheer;
H. R. 24813. Michael Larkins;
H. R. 24818. Nicholas Shuman;
H. R. 25047. Milton B. Tompkins;
H. R. 25264. Archibald O. Rose;
H. R. 25311. Thomas A. Conlee;
H. R. 25686. Florence E. Stewart;
H. R. 25752. Josiah Yoder;
H. R. 25759. James S. Brand;
H. R. 25760. Timothy Donahue;
H. R. 25918. John Crawford;
H. R. 26015. Moses Phillips;
H. R. 26200. Elias G. Pike;
H. R. 26202. Eliza Girvan;
H. R. 26309. Elizabeth Jane Merrill;
H. R. 26353. Stewart Gorton;
H. R. 26354. John H. Robinson;
H. R. 26369. William T. Locke;
H. R. 26392. Gilbert B. Merrow;
H. R. 26548. Enos K. Strawn;
H. R. 26560. Anna Franks;
H. R. 26800. John G. Richardson;
H. R. 26964. Adolph Frey;
H. R. 26965. John R. Barlow;
H. R. 27227. Seaborn F. Kennamer;
H. R. 27259. Charles Campbell;
H. R. 27295. Harriet Benson;
H. R. 27303. Eli D. Johnson;
H. R. 27307. Emily D. Aldrich;
H. R. 27395. Stephen P. Taylor;
H. R. 27498. Albert G. Call;
H. R. 27561. Charles E. Collins;
H. R. 27831. Sanford R. Walker;
H. R. 27832. Joseph S. Patton;
H. R. 27874. Benjamin H. Perkins;
H. R. 27876. Hannah Edgerly;
H. R. 27896. David Woods;
H. R. 27907. William Coleman;
H. R. 27923. Charles Richards;
H. R. 27953. Jacob M. Pruitt;
H. R. 27969. Jerome B. Brooks;
H. R. 28061. Stephen Davis;
H. R. 28062. James W. Pringle;
H. R. 28116. Reuben H. Lynch;
H. R. 28117. Dennis Maher; and
H. R. 28181. John A. Burns.

Mr. SULLOWAY. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 20, strike out the word "John" and insert the word "James."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business was the bill S. 9067, entitled "An act to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers," as follows:

Be it enacted etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Simeon F. Dickinson, late first lieutenant Company E, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elmira S. Tupper, widow of George W. Tupper, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of William J. Irvine, late of Company B, Denver City Home Guards, Colorado Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Reed, late of Company E, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard H. Tombaugh, late of Twenty-sixth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis N. Lafontisee, late of Company A, Ninety-second Regiment, and Company D, Ninety-sixth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel P. Leith, late of Company C, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Herman J. Wall, late of Company M, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Frazer, late of Company G, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Hall, late of Company I, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Malinda Wood, helpless and dependent child of John H. Wood, late of Company A, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Benjamin F. Martz, late captain Company E, Fifty-seventh Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Crawford, late of Company D, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Girden C. Day, late of Company C, Sixty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John A. Wier, late of Company G, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas H. Wells, late of Company F, Ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Conrad Seim, late of Company C, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred R. Babb, late of Company G, Seventh Regiment Kansas Volunteer Cavalry, and second lieutenant Company C, Fifty-fifth Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Plantz, late second lieutenant Company E, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Parsons, late of Company I, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph B. Graham, late of Company F, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert W. Pool, late of Company I, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hezekiah Allen, late of Company E, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Muller, late of Company G, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter J. Coughlin, late of Company A, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Wampler, dependent mother of William A. Wampler, late of Company C, Sixty-eighth Regiment Illinois Volunteer Infantry, and Company K, Seventeenth Regiment Indiana Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month.

The name of John A. Gibson, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Morton, late of Company F, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bernard W. Fisher, late of Company C, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard S. Harrison, late of Company C, Sixteenth Regiment, and Company L, Twelfth Regiment, Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Maberry Riggs, late of Company H, Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha S. Taylor, widow of Henry S. Taylor, late captain Company H, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Cynthia L. Allen, widow of Christopher C. Allen, late of Fifth Independent Battery Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Mary E. Williams, widow of James M. Williams, late colonel Seventy-ninth Regiment U. S. Colored Volunteer Infantry, and brigadier-general, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Sarah A. Conner, widow of John Conner, late of Company H, Thirty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel Martin, late of Company A, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Campman, late of Company B, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James F. Spencer, late first lieutenant and adjutant, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William W. Graves, late captain Company G, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis Hale, late of Company H, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna Scofield, widow of Charles H. Scofield, late of Company F, Twenty-second Regiment New York State Militia Infantry, and pay her a pension at the rate of $12 per month.

The name of William W. Darrow, late of the Eleventh Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rowena C. Lummis, widow of John Lummis, late of Company D, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. Nichols, late of Company K, Third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward A. Wyman, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth A. Nye, widow of George H. Nye, late major and colonel Twenty-ninth Regiment Maine Volunteer Infantry, and brevet brigadier-general, United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of John L. Rushton, late of Company H, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Dalle, late of Company D, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Herron, late of Company C, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar Perkins, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ira H. Thurber, late of Company D, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Barney B. Mattimore, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel A. Grosvenor, late of Company C, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Dice, late of Company C, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph H. Owen, late of Company I, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Chapman, late of Company M, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Oscar Ward, late of Company F, Second Regiment U. S. Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Hill, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dilazon D. Holdridge, late first lieutenant and quartermaster, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eva A. Blanchard, widow of William Blanchard, late captain Company D, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Abram Rhinehart, late of Company B, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wales W. Wood, late first lieutenant and adjutant, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Wickham, late of Company E, One hundred and eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Light, late of Company H, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry E. Steele, late of Company F, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rodham Miller, late of Company I, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amasa Smith, late of Company H, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Archer, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, and Company C, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wallace A. McKinstry, late of Company E, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Lashus, late of Company G, Third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Roberts, late of Company C, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Donnelly, late of Company C, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Bedford, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Deuble, late of Company E, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses Bradford, late of Company B, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cerelle Shattuck, widow of Leander L. Shattuck, late major, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma C. Orr, widow of Adelbert L. Orr, late unassigned Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Francis M. Brannon, late of Battery E, First Regiment Tennessee Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Ludley, blind and dependent son of Joseph Ludley, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Miranda A. Wheelock, widow of Lewis L. Wheelock, late first lieutenant Company B, and captain Company C, One hundred and sixtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Edward H. Richards, late of Company B, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Wilkinson, late of Company B, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin V. Briggs, late of Company K, Fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander S. Stewart, late second lieutenant Company E, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Farrell, late of Company A, Tenth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Tilman, late of Company G, First Regiment Indiana Volunteer Cavalry, and Company I, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Monett, late of Company K, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William O'Brien, late of Company H, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan Dodge, late of Company E, Thirteenth Regiment, and Company E, Seventh Regiment, Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank G. Treash, late of Company E, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles G. Allen, late captain Company D, Fourteenth Regiment U. S. Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret E. Colby, widow of Jonas P. Colby, late of Company H, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John E. Rogers, late of Company G, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Wells, late of Company B, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvia Housiaux, late nurse, Medical Department, U. S. Volunteers, and widow of John Housiaux, late of Troop K, Fifth Regiment U. S. Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

This bill is a substitute for the following Senate bills referred to said committee:

S. 575. Simeon F. Dickinson;
S. 1242. Elmira S. Tupper;
S. 1282. William J. Irvine;
S. 1297. John Reed;
S. 1303. Richard H. Tombaugh;
S. 1415. Louis N. Lafontisee;
S. 1603. Samuel P. Leith;
S. 1947. Herman J. Wall;
S. 2433. John Frazer;
S. 2491. John S. Hall;
S. 2557. Malinda Wood;
S. 2967. Benjamin F. Martz.
S. 3055. William Crawford;
S. 3058. Girden C. Day;
S. 3290. John A. Wier;
S. 3297. Thomas H. Wells;
S. 3309. Conrad Seim;
S. 3317. Alfred R. Babb;
S. 3333. William A. Plantz;
S. 3565. George W. Parsons;
S. 3772. Joseph B. Graham;
S. 4246. Robert W. Pool;
S. 4419. Hezekiah Allen;
S. 4531. Charles Muller;
S. 4551. Peter J. Coughlin;
S. 4625. Mary A. Wampler;
S. 4705. John A. Gibson;
S. 4918. George W. Morton;
S. 5044. Bernard W. Fisher;
S. 5205. Richard S. Harrison;
S. 5364. Maberry Riggs;
S. 5563. Martha S. Taylor;
S. 5610. Cynthia L. Allen;
S. 6094. Mary E. Williams;
S. 6273. Sarah A. Conner;
S. 6527. Daniel Martin;
S. 6681. Samuel Campman;
S. 6836. James F. Spencer;
S. 6888. William W. Graves;
S. 7037. Francis Hale;
S. 7039. Ann H. Scofield;
S. 7067. William W. Darrow;
S. 7079. Rowena C. Lummis;
S. 7089. William H. Nichols;
S. 7165. Edward A. Wyman;
S. 7281. Elizabeth A. Nye;
S. 7296. John L. Rushton;
S. 7319. Charles Dalle;
S. 7420. James B. Herron;
S. 7422. Oscar Perkins;
S. 7424. Ira H. Thurber;
S. 7443. Barney B. Mattimore.
S. 7445. Daniel A. Grosvenor;
S. 7497. Hiram Dice;
S. 7498. Joseph H. Owen;
S. 7506. Charles F. Chapman;
S. 7509. William Oscar Ward (W. O. Ward);
S. 7519. Jacob Hill;
S. 7524. Dilazon D. Holdridge;
S. 7574. Eva A. Blanchard;
S. 7628. Abram Rhinehart (A. C. Rhinehart);
S. 7676. Wales W. Wood;
S. 7684. John Wickham;
S. 7701. James A. Light;
S. 7794. Henry E. Steele;
S. 7834. Rodham Miller;
S. 7934. Amasa Smith;
S. 7980. Michael Archer;
S. 8004. Wallace A. McKinstry;
S. 8064. George Lashus;
S. 8080. Lewis Roberts;
S. 8084. John Donnelly;
S. 8159. James W. Bedford;
S. 8164. Henry Deuble;
S. 8202. Moses Bradford;
S. 8216. Cerelle Shattuck;
S. 8377. Emma C. Orr;
S. 8388. Francis M. Brannon;
S. 8415. William J. Ludley;
S. 8444. Miranda A. Wheelock;
S. 8451. Edward H. Richards;
S. 8470. George E. Wilkinson;
S. 8507. Martin V. Briggs;
S. 8570. Alexander S. Stewart;
S. 8528. John Farrell;
S. 8594. James H. Tilman (Tillman);
S. 8623. John Monett;
S. 8625. William O'Brian;
S. 8700. Nathan Dodge;
S. 8796. Frank G. Treash;
S. 8801. Charles G. Allen;
S. 8809. Margaret E. Colby;
S. 8810. John E. Rogers;
S. 8811. Charles H. Wells; and
S. 8828. Sylvia Housiaux.

The bill was ordered to be read a third time, was read the third time, and passed.

CIVIL-WAR PENSIONS.

The next business on the Private Calendar was the bill S. 9242.

The bill was read, as follows:

A bill (S. 9242) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Mary A. Barnum, widow of Joseph H. Barnum, late captain Company H, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Simon Collier, late of Company D, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and Company D, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Kingsbury, late of band, Fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin W. McKinley, late of Company L, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Foote, helpless and dependent son of Robert Foote, late of Company D, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Elisha Strang, late of Company B, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wade H. Powers, late of Company E, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Landram, late of Company C, Nineteenth Regiment, and first lieutenant Company A, Seventh Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh Brady, late of Company I, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Amos C. Ellsworth, late of Company B, Third Regiment Vermont Volunteer Infantry, and unassigned, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus B. Norris, late of Company E, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Daniels, late of Company I, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Cooper, late of Company K, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Dominick, late of Company L, First Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Gunn, late of Company K, Thirteenth Regiment, and Company H, Sixty-sixth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy Jane Frazee, widow of John J. Frazee, late of Company E, Seventh Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William S. Marriott, late of Company E, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph C. Flickinger, late of Company F, Fourth Regiment, and Company K, Seventy-first Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert S. Wharton, late second lieutenant Company A, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza A. Morrill, widow of Henry C. Morrill, late of Company C, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Walter A. De La Matyr, late captain Company K, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William T. Hubbell, late of Company I, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah T. Young, widow of Thomas Young, late first lieutenant Company D, Fifth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John W. Hewitt, late of Company G, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matthew Donahoe, late of Companies G and H, Seventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary L. Morrow, widow of William Morrow, late captain Company D, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Horace R. Butts, late of Battery H, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew C. McMaken, late of Company A, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Donovan, late of Company F, Eleventh Regiment, and Company I, Twenty-ninth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Searles, late of Company N, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and Company K, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred C. Hawley, late first lieutenant Company I, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel W. Wallis, late of Company H, One hundred and fiftieth Regiment Illinois Volunteer Infantry, and Company C, Twenty-second Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry W. Smith, late of Company A, Forty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George T. Anderson, late of Company F, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Hodge, late of Company C, Eighty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Geiger, late second lieutenant Company K, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Esther A. Turner, widow of Isaac D. Turner, late of Companies C and M, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of said Isaac D. Turner until he reaches the age of 16 years.

The name of Henry H. Manley, late of Fourth Independent Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James R. Werts, late of Company C, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David W. Dale, late of Company D, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ezra J. Yingling, late of Company F, Third Regiment, Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John H. Brandenburgh, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah Couch, widow of William Couch, late of Company A, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Whitson, late of Company B, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza C. Clark, widow of William C. Clark, late captain Company A, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Bridget Maker, widow of Henderson P. Maker, late of Company C, Coast Guards, Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel H. Freer, late of Company I, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph M. Rees, late of Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emily J. Cory, widow of Abraham M. Cory, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The name of Daniel R. Firman, late first lieutenant Company C, First Battalion Nevada Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles L. White, late of Company A, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Nancy J. Martin, widow of Thomas H. Martin, late of Company F, Sixty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eliza Mills, widow of Thomas A. Mills, late first lieutenant Company E, Fourth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Arthur W. Smith, late of Company E, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John Burton, late of Company B, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua Foster, late of Company C, Twenty-fourth Regiment, and Company F, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Evans, late of Company B, Twenty-sixth Regiment New York Volunteer Infantry, and Company B, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augustus Wagner, late of Company I, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Ferris, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ella M. Glass, widow of Henry Glass, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maggie Wickersham, widow of Casper Wickersham, late of Company G, Second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Kough, late of Company C, One hundred and eighty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael White, late of Company A, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis S. Shove, late of Company H, Ninth Regiment, and Company B, Eleventh Regiment, Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert F. Arnold, late of Company F, Fifth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James C. Burns, late of Company D, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cynthia A. Brown, widow of Albert S. Brown, late of Twenty-fourth Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Levi Sisco, late of Company C, Ninety-sixth Regiment New York Volunteer Infantry, and Twenty-ninth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carroll B. Beasley, late of Company C, Eighteenth Regiment Illinois Volunteer Infantry, and Company K, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel M. McAnally, late of Company I, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Minix, late of Company D, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Grafton, late of Company C, Eighty-second Regiment, and Company H, One hundred and seventy-ninth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel L. Ordway, late of Company I, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Read, late major, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy P. Hicks, widow of James W. Hicks, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Amanda Green, widow of Spencer Green, late of Company A, One hundred and twenty-first Regiment U. S. Colored Volunteer Infantry, and Company G, Thirteenth Regiment U. S. Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Hiram A. Wilson, alias Hiram A. Bass, late of Company I, Fifteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary H. Wham, widow of Joseph W. Wham, late first lieutenant Company G, Twenty-first Regiment Illinois Volunteer Infantry, and major and paymaster, United States Army, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Nora C. Calhoun, widow of James T. Calhoun, late assistant surgeon, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of William H. Douglas, late of Company C, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin Maginnis, late second lieutenant Company F, First Regiment, and major, Eleventh Regiment, Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas E. Glass, late of U. S. S. North Carolina and Thomas Freeborn, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Nelson, late of Company C, Hatch's independent battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Enloe, late second lieutenant Company F, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Clarke, late of Company F, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Allen, late first lieutenant Company E, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abby A. Thompson, widow of Samuel Thompson, late of Company K, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. SULLOWAY. Mr. Speaker, I move to amend on page 6 by striking out lines 14, 15, 16, 17, and 18, the beneficiary being dead.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, strike out lines 14, 15, 16, 17, 18. (James Donovan.)

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

CIVIL-WAR PENSIONS.

The next business on the Private Calendar was the bill S. 9422.

The bill was read, as follows:

A bill (S. 9422) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of David Lanpher, late of Company I, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Beckwith, late second lieutenant Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel S. Thompson, late of Company K, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adella F. Rudd, widow of Alfred Rudd, late of Company F, Twenty-first Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas H. Webley, late of Company F, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Squire F. Buck, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Seaman, late of Company A, First Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Legg, late of Company A, Tenth Regiment Missouri Volunteer Infantry, and Company I, Sixty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles L. Bartow, late of Company H, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alva L. Fitch, late of Fourteenth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter A. Gaulin, late captain Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate or $36 per month in lieu of that he is now receiving.

The name of William H. Eaton, late of Company K, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathaniel Hurst, late of Company E, Seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Miller, late of Company K, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis R. Bland, late sergeant and second lieutenant Company B, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin W. Kendall, late of Company C, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson B. Aldrich, late of Company L, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Sullivan, late first lieutenant Company K, One hundred and seventh Regiment U. S. Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Jaquette, widow of Isaac G. Jaquette, late of Company H, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James G. Thompson, late of Company E, Second Regiment Florida Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma T. Reid, widow of John B. Reid, late lieutenant-colonel One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Anna W. Clay, widow of Cecil Clay, late colonel Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Ella L. Deweese, widow of John T. Deweese, late lieutenant-colonel Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George H. Ricker, late of Company E, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph W. B. McClintock, late of Company A, Second Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Thomas, late of Company M, Eleventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Kent, late of Company C, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mathew M. Smith, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harriett L. Curtis, widow of Charles A. Curtis, late first lieutenant Fifteenth Regiment U. S. Infantry, and captain, United States Army, retired, and pay her a pension at the rate of $30 per month.

The name of William A. Ice, late of Company C, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alice D. Bainum, widow of Benjamin Bainum, late of Company I, Eighty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frank D. Moore, late of Eighth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gustavus M. Gates, late of Company C, One hundred and eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. C. Jones, late of Company B, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis McKeag, late second lieutenant Company E, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert L. McConaughey, late of Company A, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emily F. Freeburn, widow of Archibald B. Freeburn, late major, Second Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Ira Youmans, late of Company C, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sabilla Davis, widow of George Davis, late of Company D, Eleventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jane Plankinton, widow of Horace Plankinton, late of Company L, Sixth Regiment Pennsylvania Volunteer Cavalry, and Company L, Second Regiment Pennsylvania Provisional Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Gabriel Greenleaf, late of Company G, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Limric, late of Sixth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Ett Kellogg, widow of John H. Kellogg, late of Company C, Eighth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James B. Merwin, late chaplain, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy Ulen, widow of William P. Ulen, late of Company H, Second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William A. Butner, dependent father of Leonidas B. Butner, late of Company D, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Ole Olson, late of Company C, Brackett's battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert I. Patterson, late of Company E, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Welker, late of Company C, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Theodore Pridemore, late of Company G, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry F. Houser, late of Company A, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James McKinley, late of Company D, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Lucas, widow of Daniel R. Lucas, late second lieutenant Company C and chaplain Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John E. Kitzmiller, late second lieutenant Twenty-sixth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Plaskett, late of Company K, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sallie S. Allen, widow of William H. H. Allen, late major and paymaster, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frank H. Hall, late of Third Battery, First Battalion Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cara E. W. Stone, widow of Henry Stone, late lieutenant-colonel One hundredth Regiment U. S. Colored Volunteer Infantry and brevet colonel United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James H. Shutts, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Rublee, late of Company B, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marie Sinclair Russell, widow of Henry B. Williams, late captain Company F, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Alexander G. Wilkins, late of Company H, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas McCann, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John McGaughey, late of Company K, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha L. Brown, widow of John B. Brown, late of Company B, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William Potter, late of U. S. ships Ohio and Montgomery, U. S. Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Farrell, late of Company B, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Saxey, late of Company F, Tenth Regiment Kansas Volunteer Infantry, and first lieutenant Company H, First Regiment Indian Home Guards, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ferdinand C. Porée, late second lieutenant Company C, Thirtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Rigby, late of Company E, Fifth Regiment, and Company K, Seventh Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Elton M. Durfey, late of Company K, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Orr, late of Company G, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hoffman, late of Company D, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and Company I, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Vinney Streets, widow of William Streets, alias Willis Miller, late of Company K, Twelfth Regiment U. S. Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Eliza Jane Ellis, widow of George Ellis, late of Company H, One hundred and fourteenth Regiment U. S. Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Rosetta E. Arnold, widow of Smith D. Arnold, late of Thirtieth unattached company, Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma J. Thomas, widow of William H. Thomas, late second lieutenant Company I, and first lieutenant and adjutant, Fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elias W. Bowman, late of Company C, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Emma C. Swift, widow of Daniel D. Swift, late assistant surgeon One hundred and twenty-sixth Regiment Pennsylvania Volunteer Infantry, and surgeon Sixth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John L. Brady, late of Company C, and first lieutenant Company E, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lizzie Lynch, widow of Edward Lynch, late sergeant-major Second Regiment U. S. Infantry, second lieutenant Company I, First Regiment Veteran Reserve Corps, and captain, Eighth Regiment U. S. Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Sarah A. Clark, widow of Andrew J. Clark, late of Company I, Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Dunahey, late of Company E, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth B. Hughes, widow of William B. Hughes, late colonel and assistant quartermaster-general, United States Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Henry S. Tillotson, late of Company E, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Preman, late of Company A, Fourteenth Regiment U. S. Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asa Hayes, late of Company H, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William D. Wallace, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George M. Teachout, late of Company H, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Malinda E. Church, widow of Josiah W. Church, late major, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Nancy Crowther, dependent mother of Charles A. Watkins, late of Company E, First Regiment U. S. Volunteer Sharpshooters, and pay her a pension at the rate of $12 per month.

The name of Howell Atwater, late captain Company E, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

CIVIL-WAR PENSIONS.

The next business on the Private Calendar was the bill S. 9454.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Elizabeth W. Waters, widow of Abner W. Waters, late captain Company F, First Regiment Oregon Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry Horn, late of Company H, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin L. Hayes, late of Company F, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Deitrick, late first lieutenant Company K, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert L. Rohm, late of Company F, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles J. Stevens, late of Company H, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hermund Gudmandson, late of Company A, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph R. Landes, late of Company B, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Newhouse, late of Company K, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Fifer, late of Company H, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Timothy Donovan, late of Company G, Twenty-first Regiment, Company K, Thirty-sixth Regiment, and Company C, Fifty-sixth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Homer J. Budd, late musician, band, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Metzger, late captain Company C, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elizabeth Smith Tennent, dependent sister of Edward Smith Tennent, late of Company A, First Regiment Louisiana Volunteer Infantry, war with Spain, and pay her a pension at the rate of $8 per month.

The name of Lilla May Pavy, widow of Octave P. Pavy, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $30 per month.

The bill was ordered to a third reading, read the third time, and passed.

PENSIONS OTHER THAN CIVIL WAR.

The next business on the Private Calendar was the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Jay B. Sessions, late of Company I, Thirty-seventh Regiment U. S. Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Sexton, late of Company E, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Winslow H. Reaves, late second lieutenant, Artillery Corps, U. S. Army, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Marianna C. Rockwell, widow of Charles U. Rockwell, late rear-admiral, United States Navy, and pay her a pension at the rate of $40 per month.

The name of Samuel H. Askew, late first lieutenant Company A, Second Regiment Georgia Volunteer Infantry, war with Spain, and pay

him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William G. Glasgow, late of Company C, Second Regiment Nebraska Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Culbert King, alias Culbert Kenney, late of Captain Standage's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Flora R. Turner, widow of Thomas J. Turner, late medical director, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Agnes L. Miller, widow of James M. Miller, late rear-admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of John A. Browne, late of Thirty-sixth and Fourth companies of United States Coast Artillery, and pay him a pension at the rate of $30 per month.

The bill was ordered to a third reading, read the third time, and passed.

PENSIONS OTHER THAN CIVIL WAR.

The next business on the Private Calendar was the bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Thomas H. Reynolds, late major Thirty-second Regiment Michigan Volunteer Infantry.

The name of Perry Duncan, late of Company G, Sixth Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $10 per month.

The name of Anna Sterr, dependent mother of Frank Sterr, late of Company I, Fifth Regiment U. S. Cavalry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of George W. Webb, late second lieutenant Company H, Twenty-fifth Regiment U. S. Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frances G. Webster, dependent mother of James C. Webster, late of Company A, Ninth Regiment, U. S. Infantry, war with Spain, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Calvin W. Cooke, late captain, First Regiment Oregon Riflemen, Cayuse Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Mary R. Greer, widow of John E. Greer, late colonel, Ordnance Corps U. S. Army, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Byron H. Bronson, late of Company I, Fifth Regiment U. S. Infantry, and first-class private, Signal Corps, U. S. Army, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alexander Snodgrass, late of Company G, Eighth Regiment, and Company K, First Regiment, U. S. Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Florence Van Etta, former widow of John H. Purcell, late first lieutenant, First Regiment U. S. Infantry, and pay her a pension at the rate of $20 per month.

The name of George Stevens, late of Company C, Twelfth Regiment U. S. Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas H. Beck, late of Colonel Markham's regiment, Nauvoo Legion, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Martha E. Bradley, widow of Samuel Bradley, late of Captain Robinson's company, Tennessee Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Sarah B. Hatch, widow of Davis W. Hatch, late of Captain Walker's independent company, Texas Mounted Rangers, war with Mexico, and pay her a pension at the rate of $12 per month.

The name of John W. Ragan, late of Captain Tatom's company, Tennessee Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Ellen Bernard Lee, widow of Fitzhugh Lee, late brigadier-general United States Army, and pay her a pension at the rate of $50 per month.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the votes by which the several bills were passed was laid on the table.

Mr. FRENCH. Mr. Speaker, it is now definitely planned that the President-elect will convene Congress in extra session on the 15th of next March, and the immediate object of the extra session is the enactment of a new tariff law. To-day, if we may gauge the public opinion of the country from the attitude of the press and the declarations of the last political conventions of both the Republican and the Democratic parties, we find that there is a pronounced and widespread demand that our tariff laws be reorganized. This demand is in part due to two conditions: First, it is due to the fact that the present law, while correct in the main, is by reason of changed conditions imperfect or inadequate or useless as applied to various industries. Second, this demand is due to the incessant clamor of the Democratic party for the revision of the tariff laws upon the theory that all tariff legislation for protection is obnoxious and a certain amount of credence that many people are inclined to give to a statement that is oft repeated and enunciated with apparent fervor.

It is easier to accept political theories after a hearty meal than it is when the fragrance of boiled ham and the odor of steaming coffee are memories of the day before. The American people have had ten years of progress unprecedented in American history, and during this decade not only have just criticisms of the tariff laws impressed themselves upon the minds of those interested in our political well-being, but the heresies of free trade have found lodgment as well. I believe that the policy of a protective tariff has meant more for the upbuilding of our country than any other single policy pursued by our Government aside from that of granting free homes to our people. Believing in this policy, I yet recognize that any tariff law, no matter how perfect it may be at the time it was enacted, can not be even approximately in harmony with business conditions for any long period of time. Believing, then, in the policy of protection and that the time is near at hand when our tariff laws will be modified, I believe that every citizen who is interested in the industries which I shall mention should urge that tariff modification be accomplished by those who believe in the principle of the tariff, and not by those who believe in the tearing down of our customs-houses and the abandonment of a policy that has meant good to our Nation's people.

PROTECTIVE POLICY HAS STOOD TEST.

The Republican policy of protection has stood the test of nearly half a century and has not been found wanting. Under it the wealth of the country has increased nearly sixfold, the money in circulation nearly fivefold, the foreign trade threefold, the value of manufactured products nearly sevenfold, wages in manufacturing establishments nearly sixfold, the number of wage-earners nearly threefold, and our mileage of railroads more than sixfold.

Our wealth per capita is two and one-half times as great as it was when the Republican party was intrusted with the policies of government by the American people. Our money circulation per capita is two and one-quarter times as great; the value of our farms is three times as great, and our farm products over twice as great as when the Republican party came into power; and the average earnings of the factory or foundry hand is two-thirds greater now than then.

When the Republican party elected the first President after its principles were enunciated, the balance of trade against us was $20,000,000 a year. For eleven years there has been an average balance of trade of about $400,000,000 a year in favor of our Government, and this notwithstanding the fact that over four times as many emigrants have come into this country since the present policy of protection was adopted as during the seventy years of our preceding history with a varying policy of protection and low tariff. Not only have these emigrants come, but we as a people have furnished work for them as well as for the workmen who were already upon our shores and called this country their home.

FOREIGN INVESTMENTS.

The policy of protection has not stopped with increasing the wealth of our own people. It has induced the investment of hundreds of millions of dollars as capital in this country that under a policy of free trade would have been invested elsewhere. Many English concerns manufacture in England for the foreign market and in the United States for the market of our country. Well-established concerns across the ocean were shut out of our market by the tariff or heavily handicapped by the duties imposed. No market is more profitable than the American market, and foreign manufacturers naturally desire to enter it and share its profits. They could do so with profit only by building manufacturing plants in the United States or investing their money in stock in such concerns.

We have no statistics to show how much the foreigner has invested in this country to secure the benefits or avoid the handicaps, to foreign producers, of our tariff, but the amount probably goes into the hundreds of millions. These men would naturally have preferred to keep their capital at home if they could have reached the American market from abroad without any tariff discrimination. The result has been that American labor has made many products that foreign labor would have made if our country had been pursuing a policy of free trade.

By the establishment of these industries in America that, without a protective tariff, would have been established abroad, American labor has gained before, as well as after, their establishment. It has drawn steady wages from their operations, but it drew wages from them before they began operations. The bricks and lumber that went into their buildings were manufactured in America and American labor was paid to manufacture them. The machinery that was placed in them was manufactured in America, and American labor was paid to make it. I am talking now about foreign investments that were made in this country in order to sell products in it without having to pay duty. The strongest opponent of protection will admit that but for the tariff this capital would have been invested abroad. The strongest opponent of protection must

admit that this has been a clear gain for American business, for American labor.

PROTECTIVE TARIFF VERSUS REVENUE DUTY.

We profit much by comparison, and an interesting object lesson is furnished in the history of the troubles and hardships that the country endured during the brief period that the Democratic party was in power when compared with the history of the previous era that our country enjoyed under Republican administration. Since 1860 we have had forty years of Republican and only eight years of Democratic administration. The Democrats, however, were not in such control of the Government as to enable them to make the changes in legislation that they desired to make until Cleveland's second term. So, while we have had forty years in which the Republican party has been intrusted with the direction of executive affairs and eight years in which the Democratic party has had this responsibility, we have had in reality forty-five years of Republican policy and three of Democratic, for the Wilson bill lived only three years. While it lived it wrought havoc. Of the forty-five Republican years, at least forty were years of prosperity. The three years during which the Democratic party worked its sweet will were three years of dire hardship and disaster. This is the record, and it is one which, from a Republican point of view, adherents to the policy of protective tariff need not feel ashamed. While we may change our tariff schedules, I see no reason in reviewing the history of our country for abating one whit the policy of protection which we have pursued.

ALL SECTIONS INTERESTED.

But it is not my purpose to devote much time to the discussion of the tariff as a system. The people less than four months ago placed the approval of their ballots upon it. The East spoke for protection to manufactured articles. The West spoke for protection to the so-called "raw materials." The New England States propose to sacrifice their mother-in-law's relation by asking that hides be placed upon the free list, forgetting that the West would be called upon to make no greater sacrifice if New England factory goods were relieved of all duty. The fact of the business is that we must be fair with all sections and with all industries. Eastern representatives will not overlook the interests of the East in the new tariff schedule, and I now want you to bear with me while I point out that the West has interests of equal importance to that great section as those that engage the attention of our eastern brethren.

In whose interest is it proposed to abolish the tariff on raw materials? It is not in the interest of the whole people, no matter how plausible may be the arguments advanced. The people would not get cheaper clothing, with manufactured products protected, if wool were placed on the free list. The people do not buy wool. The people buy clothing, and free wool would not mean cheaper clothing. It might mean larger profits to the manufacturers of woolen goods and of clothing. It would benefit no one else, but it would injure the woolgrowers. The Democratic party, through its perennial candidate for President, stands for free wool. Bryan declared in his speech of January 13, 1894, in the House of Representatives, "I am for free wool." True, he stands opposed to protection on manufactured articles, but standing for free wool he throws the wool producers of the West, if his policy were to be adopted, into competition with the wool producers of the whole world.

Of what benefit to the people would be free hides? Of none whatever. They do not buy hides. They do not even buy leather. They buy shoes, and free hides would not make shoes any cheaper so long as the duty on them remains unchanged.

SHEEP AND WOOL.

The people of Idaho are more interested in wool than any other State, except the States of Montana and Wyoming. I wish to submit a table which shows the number of sheep and the value of the wool clip in the 12 States of greatest wool production for 1907:

State.	Sheep.	Value of clip.
Montana	4,600,000	$7,640,268
Wyoming	4,481,931	7,211,773
Idaho	2,500,000	3,757,050
Ohio	1,950,000	3,717,188
New Mexico	2,600,000	3,260,400
Utah	2,075,000	3,162,819
Oregon	1,800,000	3,121,200
Michigan	1,500,000	2,731,995
California	1,750,000	2,679,000
Colorado	1,500,000	2,679,000
Texas	1,300,000	1,896,180
Wisconsin	840,000	1,710,072

See Statistical Abstract of the United States, pages 110 and 111.

Our people are heavily interested in woolgrowing. An industry that yields a profit of $3,757,050 to the people of a single State, with a population no greater than that of Idaho, can not be passed over lightly. The same interest, in greater or less degree, must exist in the other States which I have mentioned. A repeal of the duty on wool would so reduce the value of the product as to make the industry unprofitable. What would the repeal of the duty do for the woolgrowers? We have only to judge the future by the past. Nothing but a glance at the statistics of the industry is needed to show how adverse legislation, or even the fear of adverse legislation, hurts the woolgrowers of the country.

The following table shows the number of sheep in the country and their value and the number of pounds of wool produced year by year from 1883 to 1907–8:

Year.	Sheep.	Value.	Pounds of clip.
1883	49,237,291	$124,366,335	290,000,000
1884	50,626,626	119,902,706	300,000,000
1885	50,360,243	107,960,650	308,000,000
1886	48,322,331	92,443,867	302,000,000
1887	44,759,314	89,872,839	285,000,000
1888	44,544,755	89,279,926	269,000,000
1889	42,599,079	90,640,369	265,000,000
1890	44,336,072	100,659,761	276,000,000
1891	43,421,136	108,397,447	285,000,000
1892	44,938,365	116,121,290	294,000,000
1893	47,273,553	125,909,264	303,153,000
1894	45,048,017	89,186,110	298,057,000
1895	42,294,054	66,685,767	309,748,000
1896	38,298,783	65,167,735	272,474,708
1897	36,818,643	67,020,942	259,153,251
1898	37,656,960	92,721,133	266,720,684
1899	39,114,453	107,697,530	272,191,330
1900	41,883,065	122,665,913	288,636,621
1901	59,756,718	178,072,476	302,502,328
1902	62,039,091	164,446,091	316,341,032
1903	63,964,876	168,315,750	287,450,000
1904	51,630,144	133,530,099	291,788,032
1905	45,170,423	127,331,850	295,488,438
1906	50,631,619	179,056,144	298,915,130
1907	53,240,282	204,210,129	298,294,750
1908	54,631,000	211,736,000	311,138,321

See Statistical Abstract of the United States, pages 112 and 711.

I also submit a table showing the price of wool since 1882:

Year.	Fine.	Medium.	Coarse.
	Cents.	*Cents.*	*Cents.*
1883	39 to 40	40 to 44	33 to 37
1884	35 to 40	34 to 40	30 to 44
1885	32 to 34	31 to 35	28 to 32
1886	33 to 36	33 to 38	29 to 34
1887	32 to 34	36 to 39	33 to 34
1888	29 to 31	33 to 35	31 to 32
1889	33 to 35	37 to 39	31 to 33
1890	32 to 33	36 to 37	29 to 31
1891	31 to 33	35 to 37	29 to 31
1892	28 to 30	33 to 35	29 to 31
1893	25 to 30	24 to 33	21 to 31
1894	19 to 23	21 to 24	18 to 21
1895	16½ to 18	20 to 21	18 to 19
1896	17 to 19	18 to 21½	17 to 19
1897	19 to 27	21 to 29	19 to 25
1898	28 to 29	29 to 30	24½ to 26
1899	25½ to 31	28 to 33½	24 to 29
1900	26½ to 35	28½ to 35	26½ to 21½
1901	25 to 27	26 to 29	22 to 26
1902	25 to 28	26½ to 28½	24 to 25½
1903	29½ to 32	30½ to 31½	26 to 28
1904	32½ to 33½	31½ to 33½	29½ to 31½
1905	34 to 36	35 to 39	34 to 36
1906	33 to 34	37 to 38	33 to 36
1907	34 to 35	36 to 38	34 to 36
1908	33 to 34	35 to 38	33 to 36

See Statistical Abstract of the United States, page 566.

It would take more time than I have at my disposal to analyze all these figures. The value of sheep varies almost exactly with the value of wool. We find in 1883 the sheep of this country were worth $124,366,335. We find in 1885 their value had declined to $107,960,650, a loss of more than 13 per cent. I attribute the decline of 13 per cent from 1883 to 1885 to the revision of the tariff in 1883, following the report of the tariff commission of 1882. Wool was the particular article that was made to suffer. Following the election of Mr. Cleveland in 1884 a fight was made by him for free wool, and a bill, which included a provision for putting wool on the free list, passed the House in 1888, but was defeated in the Senate. The value of wool further declined from $107,960,650 to $89,279,926 in 1888, a loss of 17 per cent. The defeat of the Mills bill and the election of a Republican President were shown in the statistics to have produced an immediate gain in the value of sheep. At the close of the Harrison administration sheep were worth $125,909,264, a gain of 39 per cent over their value at its be-

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ginning. This value fell to $67,020,942 by the close of the second Cleveland administration, a loss of $58,888,322, or 47 per cent.

A tariff placing wool on the free list had been enacted and had done its work. It was during the pendency of this bill that Bryan declared in the House "I am for free wool." The Republican party in 1896 saved the industry from still further destruction, and last year the value of sheep in the country had risen to $211,736,000—a gain of $144,715,058, or 215 per cent. Remember this gain was made in twelve years under Republican administration and a protective tariff. Thus we see that in the past Republican success has meant prosperity for the woolgrowers, while Democratic success has spelled disaster. (For tariff on wool see 348 et. seq., act of 1897, 941.)

The products of Idaho are not heavily protected. The tariff on unwashed wool varies from 4 to 12 cents per pound; it varies from the equivalent of 12 per cent to the equivalent of 32 per cent ad valorem.

Who receives the benefit of this increase in price for wool? The woolgrower? In part, yes. But also the sheep herder, the camp tender, the sheep-shearer, the farmer who sells hay, and, in fact, all who are related to the sheep industry. Hon. P. G. Johnston, of Blackfoot, Idaho, submitted a table to the Ways and Means Committee, which is printed in their hearings, and which, though brief, speaks volumes on this subject. He compared the cost of raising sheep in 1897 and 1907. He took for his basis a flock, 1,700 head, consisting of 1,200 ewes and their lambs, and 500 yearlings.

In 1897 the expenses incurred were:

1 herder, at $35 a month	$420
1 camp tender, at $25 per month	300
Board for the two of them, $25 a month	300
Shearing, at 7 cents each	119
Feeding hay, at 20 cents each	340
Total	1,479

In 1907 the expenses incurred were:

1 herder, at $50 a month	$600
1 camp tender, at $40 a month	480
Board for the two men, $50 per month	600
Forest-reserve grazing fee, 7 cents each	119
Shearing, at 10 cents each	170
Feeding hay, at 50 cents each	875
Total	2,844

Mr. Johnston makes his deductions, then, in this language:

From the foregoing statement it will be seen that the cost of production has actually increased $1,365. The present tariff protection of 11 cents per pound on a 7-pound fleece (which is the Idaho average) amounts to $1,309, and, as above stated, the increase in expense being $1,365, it will be readily observed that the tariff is more than offset by the advanced cost of production.

HIDES AND SKINS.

Now, let us see about hides and skins. These are products in which the people of Idaho and the whole West are interested. The tariff imposes a duty of 15 per cent on hides of cattle. All other hides, except sheepskins with the wool on, are imported free. Leather is protected. Shoes and other leather products are protected, but hides and skins are not, with the exception of those which I have just mentioned.

Last year we imported hides of cattle worth $12,044,435, goatskins worth $13,325,126, and all other hides and skins worth $25,400,575. On the first named of these a duty of 15 per cent was imposed. The others were imported free. Hides and skins were imported into the United States free to the value of $42,725,701. These became dutiable as soon as they were turned into leather, but the owners of the animals from whose carcasses the hides were taken had no protection.

Idaho raises animals other than cattle, but the hides of such animals are admitted into the country free. The heavy imports of such hides show that the Government might collect a considerable amount of revenue by the imposition of a duty on them. The leather men and the shoe men have no right to complain so long as they import $3 worth of hides free for every dollar's worth on which they pay duty. No one else would have any right to complain, because no one else buys hides to any great extent. The owners of cattle and other animals in this country, even under the present tariff, do not supply enough hides to meet the demand. I have given you the figures for last year showing our imports. The figures for the year before are more striking. That year, or 1907, we imported hides and skins to the value of $83,206,505, of which $62,557,287 worth came in absolutely free of duty. We exported that year hides to the value of only $1,760,032. We imported $81,466,513 of value more than we exported, and on only one-fourth of this was a duty charged. It would be more in keeping with our policy of building up American industries, and more in keeping with the ideas of justice to the agricultural and stock-raising States, to extend this duty to the hides and skins of other animals than to take it from the hides of cattle.

INDIRECT BENEFIT OF PROTECTION.

I have now spoken somewhat briefly with regard to the direct effect a protective tariff has had upon certain industries of the West, of agricultural character. The benefit of the tariff, however, does not end here; there are indirect benefits that assume tremendous proportions. The sheep and cattle industries, for instance, can not succeed without bringing success to the farmers who raise hay. The range for all kinds of stock is limited; it is limited by areas, and it is limited by the seasons, and cattle and sheep men must of necessity go to the farmer to buy hay. It is true that there is a tariff duty on all kinds of hay, but I beg to urge that the greatest protection the farmer has who raises hay, who raises alfalfa, is given him, not because of the duty upon hay, but because of the duty upon stock, upon wool, upon hides. Look to the price of sheep, look to the price of wool, look to the price of stock, and normally you will find that when the prices of these commodities are high, the farmer is able to obtain a good price for his hay as well. On the other hand, when the products of the industries that I have mentioned are a drag on the market the farmer gets little for the hay which he produces. One industry can not suffer without bringing hardship to all. In a letter that I have received from Hon. P. G. Johnston, of Blackfoot, Idaho, a successful man, who is familiar with all phases of the sheep business from large actual experience, he states that in 1893 (after the election of a free-trade administration) wool was 8 cents per pound at Blackfoot, while in 1907 it had advanced to 23 cents per pound. Sheep were worth $1.50 per head in 1893, while in 1907 they brought as high as $5 per head. He states further that cattle and horses increased in value in only a less proportion, while during the same period alfalfa increased from $2 to $4 per ton.

The prices of particular commodities at particular places are always more interesting than general averages compiled from statistics from different places over the country at large. However, local prices are often modified to some extent by local conditions, and due allowance must be made for this. Hon. A. B. Moss, of Payette, Idaho, and Hon. Fred W. Gooding, of Shoshone, Idaho, two of the most enterprising and public-spirited men in the southern part of the State, have, at my request, furnished me with the local prices of various Idaho products in their respective localities. These figures are not gathered from one man in each locality, but are gathered from butchers, stockmen, and other men of practical experience. In detail they are approximately correct, and they represent a fair average of prices for eighteen years and constitute a striking commentary upon the relation the protective tariff bears to industries in which Idaho is interested. The tables were prepared separately, and from these tables I have prepared an average table, which, in a general way, will serve as a guide to the prices which have prevailed throughout south Idaho.

Table as gathered from butchers, stockmen, and other practical business men in south Idaho.

Year.	Sheep.	Wool.	Hides.	Cattle.	Alfalfa.[a]
1890	$2.87	$0.15	$3.50	$28.00	$3.00
1891	3.12	.15	3.50	28.50	3.00
1892	3.12	.15	3.25	27.50	3.00
1893	1.50	.09	2.25	16.50	2.00
1894	1.50	.09	2.00	15.50	2.00
1895	1.37	.08	1.87	15.00	2.50
1896	1.25	.06½	1.50	13.50	2.50
1897	2.25	.11	1.75	15.00	3.00
1898	2.75	.13	2.25	18.00	3.50
1899	3.00	.14	2.50	19.50	3.50
1900	3.00	.14	2.62	19.50	4.00
1901	3.12	.14	2.75	20.50	4.00
1902	3.50	.15	3.25	21.50	4.00
1903	3.50	.16	3.50	23.00	4.50
1904	4.00	.17	3.75	24.50	5.00
1905	4.25	.18	4.00	25.00	5.00
1906	4.75	.19	4.50	25.50	5.00
1907	5.12	.19	3.75	22.50	5.00

[a] Shoshone prices.

BEET SUGAR.

Again, the Government owes liberal treatment to the beet-sugar producers. They were induced to go into this industry during a period when a bounty was paid on sugar. When the Democratic party came into power, the bounty was abolished, but a tariff was enacted which gave the industry substantial protection. The first beet sugar produced in this country was manufactured in 1891–92. At that time, as already stated, a bounty was paid on sugar. Then only 7,155 acres in sugar beets were cultivated. Fifteen years later we had in cultivation

317,364 acres—an increase of more than fortyfold. The production increased from 12,004,838 pounds in 1891–92 to 927,256,430 pounds in 1907. Official figures are not available for last year, but the commercial estimate places the output for 1908 at 873,600,000 pounds, or nearly equal to the tremendous yield of 1907. Over 75 times as much beet sugar was produced in 1907 as in 1891–92, and from the standpoint of protection the encouragement given to this industry has been a decided success.

Idaho is tremendously interested in the production of beet sugar. The commercial figures for last year place the output at 51,968,000 pounds, while the official figures for 1907 show that Idaho alone produced more than 8 per cent of all the beet sugar manufactured in the United States, 75,928,200 pounds—an amount more than six times as great as the total quantity of beet sugar produced in the United States only sixteen years before. The published report on this subject of the Secretary of Agriculture for 1906 gives some figures of great interest to the State that I have the honor to represent.

General results of the beet-sugar industry in Idaho in 1906.

Total acreage	acres	20,000
Total tonnage	tons	230,000
Average yield per acre	do	11–11–14
Total capital invested		$4,500,000
Total money paid farmers for beets		$1,100,000
Total money paid factory labor		$260,000
Output of sugar (see table below)	pounds	64,000,000
Value of refined sugar, at 4½ cents per pound		$2,880,000

Estimated results of operation of Idaho factories in 1906.

Name and location.	Estimated product of sugar.	Estimated length of campaign.	Number of factory employees.	Number of farmers growing beets.
	Pounds.	*Days.*		
The Idaho Sugar Co., Sugar City	23,000,000	115	200	500
The Idaho Sugar Co., Idaho Falls	20,000,000	90	160	450
Snake River Beet Sugar Co., Blackfoot	10,000,000	85	140	200
Western Idaho Sugar Co., Nampa	11,000,000	75	160	300
Total	64,000,000		660	1,450

As indicative of the future, let me quote still further from the report of the Secretary of Agriculture:

At the present time Idaho has four sugar factories operating in the State, scattered along the Snake River from the western to the eastern part. These plants have given great impetus to agricultural development. There are several places in the State under serious consideration for building beet-sugar plants. It is anticipated that some of the projects will materialize in the near future.

During the past session factories in operation received a large tonnage and were worked to their capacity, the campaign lasting from eighty to one hundred and twenty days. The results of this session have done much to stimulate the industry in the State.

The State is developing very rapidly. Irrigation facilities, fruit culture, and the growing of alfalfa, small grain, and potatoes are extending rapidly. Indications point to the need of other sugar factories. The projectors of factories in Idaho are well advised by the needs of the industry. This experience was gained through a long, intimate acquaintance with it in Utah. There is no tendency to overdo the matter or overreach the capabilities of the State for sustaining the sugar industry. Factories will be built as fast as the business will warrant.

In the report for 1907 that Mr. B. T. Galloway, Chief of the Bureau of Plant Industry, makes to the Secretary of Agriculture he says:

Idaho with four factories, though but newly embarked in the industry, has risen to fifth place as a producer of beets and sugar. In sugar content of the beets last year Idaho almost equaled the phenomenal record made by California, and the average coefficient of purity, 88.3, exceeded anything on record in this country.

The report of the Secretary of Agriculture and the statement of Mr. Galloway are doubtless impartial, and they are so striking that no one can read them without a just feeling of pride in the past and confidence for the future. Shall we lower our tariff schedule on this industry and throw our own people into competition with the cheap labor of farm and factory of foreign lands? Before we contemplate so disastrous a policy, let us remember the benefits afforded by this industry are not limited to it alone. If one-half the growers of wheat in our country were to discontinue suddenly the raising of wheat, who can doubt the high price that wheat would command raised by the remaining half? If, then, it is true that less wheat brings a higher price per bushel, it is also true that every acre taken for the raising of sugar beets adds something to the value of lands devoted to other crops.

LUMBER.

Another industry that has meant much for the development of the West, and which to-day furnishes employment for a large army of men and a market for the produce of the farm, is the lumber business. I want to call attention briefly to the interest of the West in this great industry, lest we remember when it may be too late that our country and our enterprises and our people come before and should take precedence over the enterprises and people of any other land. The tariff to-day represents a protection of about 42 per cent to American industries as a whole, but not to the lumber industry. The lumber industry has scarcely any protection, and in the strict sense of the word has none at all, for the little duty of from 6 to 12½ per cent ad valorem upon some of the products of the forest does not constitute a duty large enough to raise the money necessary to bear the expenses of government if a similar duty were to be applied to all our imports. Not only this, but logs and round, unmanufactured timber, including pulp woods, firewood, and nearly all the finer classes of wood, are on the free list to-day. In spite of this there is a well-defined effort being made to strike down the small duty upon lumber, and especially the duty upon rough lumber and lumber of the lower grades.

This fight is being fostered and advanced by the lumber interests of the Dominion of Canada. What is their purpose? Why, simply this: These interests have a market to-day in Europe for all their high-grade lumber. They do not need to send this class of lumber to the United States. But they do want the United States as a market for their low-grade and poorer lumber. The duty to-day on this class of lumber is from $1 to $2 per thousand feet, and this is the duty that the Canadian lumbermen would have removed.

Now, let us see for a moment what the situation is as regards the Canadian lumberman. A large part of his lumber he purchases from the government upon the basis that requires but a comparatively small payment at time of purchase. He purchases a lease or the privilege of cutting and he makes no further payments until the trees are cut for lumber. The lumberman bears a small tax upon his purchase, and suffers the minimum loss in event of fire. The government sustains this because it does not part with the timber until it is cut. In other words, you may call it a subsidy; you may call it what you please; the Canadian government grants in this manner a substantial encouragement or protection to the lumber business. They grant a greater protection than our Government grants through the small duty. But this is not all. The State I represent in this body adjoins the Canadian Province of British Columbia. We naturally compare our wages with Canadian wages; we compare the class of workmen that we have with the laborers across the line; we compare conditions surrounding our industry with conditions surrounding the industry in the Dominion. What do we find? In the first place, we find white men working in our mills and lumber camps. In British Columbia we find that 75 per cent to 80 per cent of the men employed are Chinese, Japanese, or Hindoo laborers. Our laborers receive good wages, while laborers I have referred to in Canada are receiving from 80 cents to $1.25 per day. The whole country is familiar with the difference in the standard of living between our own people and the people from the Orient, and at a time when the race question is already creating an unrest among the people of the Pacific States we should not add to that unrest by forcing the American labor either out of employment or else into competition with the cheap labor of the Orient.

Our country owes it to our citizenship to grant as full protection to our laborers and our producers as their competitors receive encouragement from the Canadian government. To strike down the duty from this class of imports would bring about no material change as regards the market for higher class lumber. Europe and Canada furnish to-day the market for Canada. The United States furnishes the market for our own producers. The lower or cheaper grade of lumber would be shipped into this country from Canada. Eighty per cent of the cost of lumber in the United States is paid to labor. Our wages would need to be reduced to meet the wages of the cheap labor of Canada, or else our lumbermen would operate their mills for the production of the higher grades of lumber, allowing the timber that to-day is worked up into the lower grades to go to waste and necessarily reduce the force of men employed in the industry.

Finally, then, if you remove the duty that to-day exists upon the low-grade lumber, you will be compelled to raise the money for revenue purposes from some other source. The American people will save not a single penny. The rate to-day is not a tariff rate; it is not an average revenue rate. You may remove it, but if you do the American people will simply put the money thus saved into the Treasury from another pocket—that is all.

LEAD.

I must now pass briefly to another industry, and I have time merely to call attention to a few of the most important industries in which the West is concerned. Idaho is probably best known as a mining State, and as a mining State she takes first rank in the production of lead of all the States in our great country.

For years she has produced more than one-third of the entire lead output of the United States. Thousands of workmen are employed in her mines and at good wages. Our lead miners receive, according to information furnished me, about $3.65 for an eight-hour day. Add to the number of laborers employed in the mines the numbers of their families; add to this the thousands who find occupations in mining centers, and you have a vast population. This population must buy breadstuffs. They must consume meat. They must have fruits and the products of the garden and the dairy, and they must have clothes. Yet the very industry that I am discussing, the lead industry in the United States, is dependent for its existence in anywhere near its present magnitude upon the protective tariff. The duty upon lead is from 2⅛ to 2½ cents per pound.

I am advised by Mr. Stanley A. Easton, of Wardner, Idaho, who is a veritable encyclopedia upon this question, that probably only two lead-producing mines in Idaho could pay operating expenses were the duty upon lead to be removed, providing, of course, that the present wages would be paid and the hours of employment for the laborers be not increased. Probably like conditions prevail elsewhere; certainly the effect would be enormous. Can you imagine the effect upon economic conditions were the duty upon that one product to be removed? We have not reached the point where we are willing to concede the low wages to our workmen that is paid in Mexico or Germany or the United Kingdom. Wages in our own country are from two to five times as high as in those foreign countries. In Mexico lead miners receive from 85 cents to $1 per day. Nor are we willing that longer hours shall constitute a day's work. The other alternative is for our mines to close down. The first effect of this would fall upon those directly dependent upon the mines for employment. Here it is disastrous. The next effect would be felt by the business enterprises in the towns and cities in every mining region, and here again the effect would be disastrous. Only less harmful would be the effect upon the market gardener, the dairyman, the wheat producer, the man who has meats or fruits or other commodities which he must sell. With the miners out of employment, they could live for a while, it is true, by buying less meats, less fruits, less commodities of all kinds. They could for a while wear the clothes which they had discarded the year before. But they could not do this always. Sooner or later they would need to have work, and then they would compete with the laborer in scores of other employments, with the result that conditions still more difficult to bear would surely follow upon the industries which were not affected at first hand by protection given to the lead industry.

Right here I desire to give some figures gathered by the Division of Mining and Mineral Resources of the United States Geological Survey which will be of interest:

Production of lead in the United States, and production in Idaho.

Year.	Output in United States (short tons).	Output in Idaho (short tons).
1888	151,919	----------
1889	156,397	----------
1890	143,630	----------
1891	178,554	----------
1892	173,307	----------
1893	163,982	----------
1894	162,686	33,308
1895	170,000	31,638
1896	188,000	46,662
1897	212,000	58,627
1898	222,000	59,142
1899	210,500	52,154
1900	270,824	85,444
1901	270,700	79,654
1902	270,000	84,742
1903	282,000	99,590
1904	307,000	108,854
1905	302,000	99,027
1906	350,153	117,117
1907	365,156	111,697

From this table it will be seen how great the interest of Idaho is in this one item. Her total output for 1907 is considerably more than two-thirds of the entire output of the United States for 1888.

I now desire to point out the countries which produce lead, and my figures are from the same source as the ones referred to.

World's production of pig lead (metric tons).

Producing country.	1905.	1906.	1907.
Spain	180,700	180,900	185,800
Germany	152,600	150,700	140,000
France	24,100	25,600	23,000
Great Britain	23,300	24,000	27,400
Belgium	22,900	22,200	25,800
Italy	19,100	21,300	22,900
Austria-Hungary	13,500	16,400	15,400
Greece	13,700	12,100	13,800
Canada	25,700	23,800	21,000
Australia	107,000	93,000	97,000
Mexico	75,000	54,000	72,000
United States	312,500	334,800	340,700
Other countries	13,800	14,400	14,900
Total	983,900	973,200	999,700
Percentage produced by United States	31.76	34.40	34.08

From statistics compiled by Metallgesellschaft, Frankfort on the Main.

From the table which I have submitted it appears that the United States produces but little more than one-third of the lead output of the world, and we are importing lead from foreign countries. In 1905 we imported 196,755,408 pounds; in 1906, 168,208,939 pounds; and in 1907, 150,686,468 pounds.

Most of the lead that is imported is brought from Mexico. Some is brought from British North America, some from the United Kingdom and Germany, while a comparatively small proportion is contributed by other countries. After reflecting upon the wages paid to laborers in the countries which I have mentioned, after reflecting upon the hard conditions that surround these laborers, after reflecting upon the relation scores of industries bear to the lead industry, directly and indirectly, it must suggest itself to thoughtful men that a removal of the tariff from our lead industry would create an economic condition in every lead-producing region from which it would take years to rally.

WESTERN INDUSTRIES NOT HEAVILY PROTECTED.

Other products of the West have still less protection. Here are some of the products of Idaho and the duties upon the same or equivalent ad valorem duties:

Cattle, 20 to 27½ per cent ad valorem; horses and mules, 30 to 34 per cent ad valorem; sheep, 19 to 20 per cent ad valorem; hogs, free; timber and lumber, 6 per cent ad valorem; boards and planks, 10 to 20 per cent ad valorem; copper ore or pigs, free; lead, 2⅛ to 2½ cents per pound; sugar, 60 per cent ad valorem; hay, $4 per ton; hides, 12 to 15 per cent ad valorem; wool, 10 per cent to nearly 60 per cent ad valorem on some qualities.

Only on sugar and on lead are the duties as high as the average of the tariff. On some kinds of wool the duties are as high, but the kinds are not produced in the West to any great extent. On other products of Idaho the duties are low. If we wish to encourage a well-rounded development of the country, we can not afford to modify the tariff schedule so that it will be unequal, so that it will bear heavily upon one section and lightly upon another, or grant protection to the people of one section without granting protection to the people of every section.

PROTECTION TO MANUFACTURED PRODUCTS AND TO RAW MATERIAL.

Now, let me offer a few observations upon the broad principle of the protective tariff. There are those who, holding to the doctrine of protection, would yet restrict its benefits to the producers of manufactured goods. These men, if they could have their way, would make a tariff sectional and unjust. It would not stop with discriminating between individuals. It would discriminate between States. It would give the thickly settled States of the Northeast tremendous advantages, while leaving other sections to bear the burdens. I am opposed to all efforts to take from my people the benefits they enjoy under the tariff as it stands to-day. The tariff needs adjustment, but let it be along the line of removing the duty from products with which we can meet the products of foreign lands. In whose interest is the effort made to legislate for free raw materials, while the manufacturers of the finished product are protected? It is not in the interest of the people, for, as I have already stated, they do not buy raw materials. They buy the finished products. A tariff placing raw materials on the free list and leaving duties on the finished product would decrease the cost of manufacturing without decreasing the price at which manufactured goods are sold—without abolishing one jot or one tittle the price the consumers have to pay.

Such a tariff would be sectional and unjust. I favor a tariff that is neither sectional nor unjust; one that protects every industry that needs to be protected; one that protects industries in every State. A well-balanced tariff extends its benefits to every county of every State in all our land. A tariff of this kind is

fair and just, while a tariff of any other character—a tariff so arranged as to confer its benefits on some States and some sections, while leaving others unprovided for—would not be in keeping with the spirit of fair play which has become the ideal of the American people.

Suppose we go a step further and reduce the tariff on finished products while repealing the tariff on raw materials. If the duty on the finished product were reduced only enough to make up for the gain of the manufacturers in getting their raw materials free, the manufacturers would give up nothing, while calling on the farmers and other producers of raw materials to give up everything. Suppose, however, we put raw materials on the free list and make a deep cut in the duties on the finished products. What would then become of the revenue? Our tariff has a double purpose. It is intended for raising revenues as well as for the protection of American labor and American industries, and I firmly believe that indirect taxation is far more acceptable to the American people than the most carefully prepared system of raising revenues by direct taxation.

TARIFF FOR REVENUE.

From a revenue standpoint the tariff on such products as I have discussed is of vital importance. It gives us nearly one-sixth of our total collections through the custom-houses. The following table shows the revenue furnished in 1907 by some of the products of the kind Idaho furnishes:

Animals	$403,195
Hides and skins	8,115,391
Lead	982,235
Sugar	60,284,059
Wood and lumber and manufacturing	4,385,039
Wool	16,562,748
Total	85,732,667

About one-fourth of our entire customs revenue is raised from duties on the articles mentioned in the foregoing table. We could not afford to dispense with these duties. If we place these articles on the free list we will have to look elsewhere for more than $80,000,000 of revenue, or else borrow money year by year to meet the needs of the Government.

Men differ as to the means to be adopted for the purpose of increasing the revenue. How would we increase the revenues yielded by what remained of our tariff law if any considerable part of it were repealed? At first glance the answer seems easy. Increase the duties on such articles as are still protected by the tariff. But if the tariff be repealed as it protects raw materials we would then have remaining the tariff upon finished products, such as are ready for the people's use. When you do this, you increase their cost to the people. An abolition of the duties on raw materials would create a deficiency that would have to be made up, but it would save the people nothing, for they do not consume commodities in their raw form.

Now, suppose, to meet this deficit, the tariff on finished products should be increased. This increase would fall as a burden on the people who had not been burdened by the tax on raw materials, but rather who had profited thereby.

An increase in the tariff rates would reduce importations and in that way reduce the revenues, and it might reduce them to an extent great enough to fully counterbalance the gains made by the higher collections exacted in proportion to the volume of imports. To illustrate: If duties on certain commodities were doubled, and on account of their being doubled the volume of their import cut in half, the revenue would be precisely the same as before, while the tax on these commodities would have been increased.

There is another school of political thought that holds that the revenues would be increased by reducing duties. The idea is that this would increase the volume of imports. Now, this is true, providing the volume of imports be increased sufficiently; but here again arises a problem the solution of which will not be viewed with kindly regard by the producers of our own land. The total value of our dutiable imports last year was $790,391,644, and on these we collected $333,230,126. Our average rate of duty on dutiable articles was a little over 42 per cent. Now, cut this in half. If the average rate were only a little over 21 per cent we would have to import $1,580,783,328 of dutiable goods to raise the sum we raised last year.

We imported last year $1,434,421,425 worth of goods, free and dutiable. With a tariff average only half as high as the present tariff, and with no change on the free list, we would have found it necessary to import $2,224,813,089 worth of merchandise in order to raise the same revenue, and we would have deprived American labor and American capital of the profit of making $790,391,664 worth of products that they made. Do we wish to do this? For one, I do not.

Take another view of it. We imported products to the value of $1,434,421,425 last year, but we exported goods to the value of $1,880,851,678, leaving a net balance of $446,429,653 in our favor. If to raise this revenue it had been necessary for us to have imported goods to the value of $2,224,813,089, the balance in our favor would have been wiped out and the balance would have been against us to the extent of $343,962,011. The prudent man does not buy more than his income warrants; neither should the prudent nation.

TARIFF SHOULD APPLY EQUITABLY.

I am for the tariff on many commodities instead of for the tariff only on a few. I favor the extension of the benefits of protection to all sections, to all States, to all Americans, instead of giving all protection to a few States or, worse still, to a few industries.

Undoubtedly the tariff should be removed from certain industries that no longer need federal encouragement—industries that are able to meet the commodities produced in foreign lands and compete with them. On the other hand, many industries of our country, some of which I have named, would be crushed were the foreign producer permitted the same freedom of our markets that is accorded the producer of our own land. In considering the question of readjusting our tariff schedules, let us remember this and let us not destroy the good in abolishing the bad and obsolete. Let every citizen of our country remember that the greatest prosperity and development have come to our industries and to our States and the most fruitful era to the laborers in mill and factory and farm during the years that the policy of protection has been the acknowledged policy of our Government.

POCAHONTAS MEMORIAL.

Mr. CHANEY. Mr. Speaker, I ask unanimous consent to have a memorial printed in the RECORD.

The SPEAKER pro tempore. The gentleman asks unanimous consent to print a petition in the RECORD. Is there objection?

Mr. MANN. I reserve the right to object. I would state to the gentleman that it has not been customary to print petitions in the RECORD.

Mr. CHANEY. This is a petition on the same matter that the gentleman from New York [Mr. OLCOTT] presented yesterday.

Mr. MANN. What is it about?

Mr. CHANEY. It relates to a proposed memorial to Pocahontas by the Daughters of the American Revolution.

Mr. MANN. I have no objection to that.

The petition is as follows:

To the House of Representatives, Washington, D. C.:

Whereas it has come to the knowledge of this, the Pocahontas Memorial Association, duly incorporated in the District of Columbia on the 7th day of September, 1906, that a petition, coming from an alleged association, denominating itself "The National Pocahontas Memorial Association," claiming to have its headquarters in the city of New York, was on the 18th day of February, 1909, presented to the House of Representatives of the United States, and printed in the CONGRESSIONAL RECORD of that date; and

Whereas said petition contained many statements which are utterly untrue and without foundation in fact, and grossly misleading, and was evidently prepared for the sole purpose of defeating the bill which had passed the Senate and was then pending before said House of Representatives, providing for an appropriation of $5,000 to aid this association in the erection of a monument to the Indian princess, Pocahontas, on Jamestown Island, Virginia; and

Whereas it is the sense and belief of this association that the true state of facts were at the time unknown to the honorable Member who presented said petition; and

Whereas this association, feeling that it is its duty to state the true facts to this honorable gentleman and Congress: Therefore be it

Resolved, That the following statement of facts, which are well known by this association to be true and capable of being substantiated, be transmitted to the honorable House of Representatives of the United States, and the officers of this association are hereby directed to at once transmit to said honorable body said statement of facts, accompanied by this preamble and resolution, together with expressions of deep and heartfelt appreciation of the encouragement which this association has received from said honorable body.

STATEMENT OF FACTS.

At the beginning attention is most respectfully called to the similarity of the names of the two organizations, the name of the protesting organization being "The National Pocahontas Memorial Association," and that of this organization being "The Pocahontas Memorial Association."

It is most earnestly contended that neither this, the Pocahontas Memorial Association, nor its officers, ever heard or knew of the "National Pocahontas Memorial Association" until after its protest was printed in the CONGRESSIONAL RECORD of February 18, 1909. That there was no such organization in existence at the time of the organization of this association is fully established by the correspondence referred to in said protest and other communications, all of which are submitted herewith, marked in the order of their respective dates as "Exhibits Nos. 1 to 12," inclusive.

It will be observed that of these communications five are letters written on the letter head of the "National Commemorative Association," including the one sent by the chairman of the executive committee of "the Pocahontas commemorative monument committee," which is claimed in said communications by the president and chairman to be a committee of said association, and that all the other communications except the one from the officers of the Jamestown Exposition Company, addressed to Miss Desha, are responses to those letters of the National Commemorative Association, which include the one referred to in the protest as coming from Miss Desha, and also re-

ferred to in said protest as having been addressed to the "national Pocahontas memorial committee." That this statement, that said letter was addressed to the National Pocahontas Memorial Association, is wholly untrue is shown by said Exhibits Nos. 5 and 6, which show that the letter was addressed to, and its receipt acknowledged by, the officers of the National Commemorative Association.

Thus it appears from these exhibits and said protest that the "National Pocahontas Memorial Association" has come into existence since said correspondence terminated on the 19th day of October, 1905, and must be the successor of the "National Commemorative Association," else it should explain by what means it came into the possession of, and by what authority it appropriates to its own use, the correspondence addressed to the latter association.

It also appears from the letter of the "National Commemorative Association" (Exhibit No. 8) that the organization of this association was admitted by said association as early as October 9, 1905, the following language being used in said letter:

"Will you kindly call a meeting of your association and have them act officially on the propositions made in our first letter to you. The best way might be for your body to pass resolutions agreeing to those propositions."

The following claim, made in the first section of said protest, that "the National Pocahontas Memorial Association was organized and actively working to erect a memorial to Pocahontas at least two years before the people who compose the committee which is asking for the passage of the above-mentioned bill ever thought of such project," is shown, it is most respectfully submitted, to be without foundation in fact by the above exhibits, and it is most earnestly and emphatically denied that the organization of this association in 1905, and its subsequent incorporation on the 7th day of September, 1906, was caused in whole or in part by a knowledge of the work or the publications of the National Pocahontas Memorial Association or its predecessor, the National Commemorative Association, but was begun and undertaken wholly and entirely by a spirit of disinterested patriotism, without any knowledge whatever of the existence or work of said organizations.

In section 2 of said protest the following statement is made:

"When the National Pocahontas Memorial Association learned that another smaller committee was being formed in Washington to erect a monument to Pocahontas, we immediately wrote to the persons in that city who were forming the committee apprising them of our larger and broader organization which already had been formed under the name of the National Pocahontas Memorial Association. * * *

"To this communication Miss Mary Desha, who was and is the person most interested in the Washington movement, replied * * * and stated 'We will cooperate with you in any manner you may suggest, either as a subcommittee or a coordinate branch.'" * * *

After further quotations from said letter, the following statement is made:

"To this the National Pocahontas Memorial Association replied that the tone of her letter and the action of her committee pleased us very much; that we accepted the cooperation of the committee which she represented, with pleasure."

A copy of said letter from Miss Desha, addressed to the president of the National Commemorative Association and not to the National Pocahontas Memorial Association, as claimed in said protest, is filed among said exhibits as No. 5, and the response thereto, bearing the names of the president of the National Commemorative Association and the chairman of the Pocahontas memorial monument committee thereon are among said exhibits, marked Nos. 7 and 8. From these exhibits it will appear that the letter from Miss Desha was addressed to the president of the National Commemorative Association and not to the National Pocahontas Memorial Association, and the responses thereto were from the officers of the National Commemorative Association and were written on the stationery of said association, and did not come from the National Pocahontas Memorial Association, as claimed in said protest.

It further appears from said Exhibit No. 11 that said correspondence and proposition from the National Commemorative Association was thoroughly considered and officially acted upon by this association on the 19th day of October, 1905, a formal resolution being unanimously adopted by this association upon said date and transmitted to the National Commemorative Association, to which, as shown by said Exhibits Nos. 11 and 12, no written response was ever made. Among other things contained in said resolution are the following, the work referred to therein being the erection of a monument to the Indian princess, Pocahontas, and the monument committee referred to therein being the executive committee of said National Commemorative Association, as shown by these exhibits: Therefore be it

Resolved, First. That it is the sense and desire of this association that the accomplishment of the above work be undertaken jointly by this association and the said monument committee, and that the two bodies become united or jointly associated together for this purpose along the lines suggested in said communication.

Second. The officers of this association are hereby requested and directed to make further investigations of the subject and to take the necessary preliminary steps for the perfection of such a union. They are requested to obtain from the National Memorial Association the following information and report thereon to this association at the earliest possible date: The nature of its organization; if it has been incorporated, and if so, a copy of its charter; a copy of its resolutions appointing said "Pocahontas memorial monument committee" and authorizing it to act; the nature and extent of the latter's plans and work and methods of raising money; a copy or sketch of the design of the monument which has been accepted; the terms and conditions of contract with the sculptor and architect, together with copies thereof, and such other information as the officers of this association may find advisable for the association to possess.

Fourth. The arrangement of further details of the said contemplated joint association or union and the final consummation thereof are left subject to the future action of this association.

To this resolution and the communication transmitting it no written response was ever received; but subsequent thereto a representative of the National Commemorative Association called, first, upon the legal counsel, who, being too busy to take the matter up, referred him to the secretary of the association, Miss Desha, who gathered from him in response to her questions, as shown by said Exhibit No. 12, that the "National Commemorative Association" had never been incorporated; that it had no funds; that it consisted of a lady, who was a sculptor, and her husband, who was to be the press agent of the proposed association; and that the people whose names appear on the letter head had nothing to do with the association, and that one of them, a very prominent woman, afterwards declared that she had nothing to do with it, and had never heard of it.

Thus it appears that when this association called on the National Commemorative Association, of which the "National Pocahontas Memorial Association" claims to be the worthy successor, to furnish data establishing the fact of its incorporation, method of raising money, general liability, nature and extent of its work, design of the monument which was represented to have been accepted, and copies of the contracts with the sculptor and architect, all of which was perfectly reasonable and absolutely essential for the perfecting of a working basis which would have been at all in keeping with the trust imposed upon this association through its subscriptions, no written response was ever made, and no such data ever furnished, which, with other information obtained by this association, led it to believe that said communications and propositions had come from an unreliable source, and that it would be unwise for this association to form any connection therewith.

The same statement, contained in section No. 3 of said protest, as to arrangements having been made for transporting the remains of Pocahontas to America, was made in said letters, Exhibits Nos. 1, 2, and 8, about four years ago, and to this date nothing further has been done, which is evidence of what the protesting association is accomplishing.

As to the statement contained in said protest that one of our members was the principal person interested in the work of this association, and had made the contract with the sculptor to erect a monument, and the further statement contained in the fourth section of said protest that the monument which this association proposes to erect is a small, inartistic, and really insignificant affair, the following statement from the report of the Committee on the Library to the House of Representatives, No. 1970, Sixtieth Congress, second session, is respectfully submitted:

"In concluding this report the Committee on the Library desires to emphasize the fact that every safeguard has been thrown around the appropriation of the money provided for in the Senate bill. * * *

"It may be further stated, with the view of eliminating any precedent, that the Pocahontas Memorial Association is a national and not a state organization, being incorporated under the laws of the District of Columbia September, 1906, and representing almost every State in the Union. Besides the Pocahontas Memorial Association, the Daughters of the American Revolution and very many of the patriotic men and women of the United States are interested in the erection of the monument.

"The monument is an heroic-sized bronze figure of the Indian maiden. * * *

"A prominent site on Jamestown Island, a knoll above the embankment and facing the James River, where the statue can be seen from every passing steamer, has been offered to and accepted by the Pocahontas Memorial Association. The statue when erected will be perpetually cared for by the Pocahontas Memorial Association, and it will receive as much attention from the care taker of Jamestown and will be quite as safe as though it were in one of our city parks."

All of which statements this association most emphatically asserts are true and can easily be substantiated.

The matter of the selection of an artist was gone into by the association with a great deal of care, and an artist of rare skill and ability was selected at a full meeting of the association, and he has produced a highly creditable and artistic statue, which was described in the May, 1907, issue of the International Studio by that eminent artist and critic of art, Robert Burns Wilson, of New York City, as follows:

"The statue is William Partridge's latest work and commemorates a particular incident in the life of Pocahontas. She is represented at the moment when she is about to speak the warning which saved the colonists from certain death and shaped the destinies of the new world of America. It is the instant of arrested motion. On her brow is the portent of her message; in her eyes the level look of daring; she holds her hands in the attitude of one appealing for silence and belief. It is a speaking figure and impresses one with the beauty and gentleness of that self-sacrificing spirit."

This granting of the site referred to above by the Association for the Preservation of Virginia Antiquities to this association is most important, as without such a grant it would not be possible for this or any other association to erect a statue on Jamestown Island.

In conclusion, the Pocahontas Memorial Association is prepared to show that its bona fide membership consists of 2,836, made up of the leading men and women and best people of the entire country and representing almost every State in the Union; that it has raised and paid to the sculptor about $4,450, through membership dues, by subscriptions, etc., and that no one connected with the association has ever received or expects to receive any compensation whatever for the services rendered; that its officers and a large number of its members have contributed of their means, and have devoted an immense amount of labor and work to the association, with no other hope of reward than that which comes from the discharge of a patriotic duty, and to express in some fitting manner that homage and sense of gratitude which should be freely bestowed by all Americans to the memory of that little Indian girl "who under God was the instrument to preserve the first permanent English colony from death, famine, and utter confusion," and whose spirit of unselfishness and devotion to the accomplishment of a great work, so fittingly actuated by high and noble motives, is most respectfully commended for its consideration and example to the protesting association.

Most respectfully submitted.

L. MCLAIN,
President Pocahontas Memorial Association.
MARY DESHA,
Secretary.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 26072. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27419. An act to repeal the act of June 29, 1906, granting a pension to Jackson Adkins;

H. R. 8734. An act for the relief of Niels P. Larsen;

H. R. 26305. An act making appropriations for the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 27363. An act to provide for improving the navigable capacity of the Sabine and Neches rivers, and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou;

H. R. 28104. An act to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908; and

H. J. Res. 257. Joint resolution to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain.

QUAPAW INDIAN AGENCY LANDS, OKLAHOMA.

Mr. SHERMAN. Mr. Speaker, I desire to present the conference report on the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, for printing under the rules.

The SPEAKER. Is the gentleman ready to dispose of it now?

Mr. SHERMAN. I am, Mr. Speaker. I present the following conference report and statement, and request unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman presents the following conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows:

Strike out all after the enacting clause and insert the following:

"SEC. 1. That the Secretary of the Interior be, and he is hereby, authorized, upon application of any adult member of either of the tribes of Indians belonging to the Quapaw Indian Agency, in the State of Oklahoma, to remove the restrictions on any part of or all of the lands allotted to such applicant, and permit a sale under such terms and conditions as he may deem for the best interests of the applicant, excepting a tract of not less than forty acres, which shall be designated and held as a homestead: *Provided*, That this section does not apply to the Modocs.

"SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to sell all or any of the tribal lands within the jurisdiction of the Quapaw Agency, and all agency, school, or other government buildings on any reservation within the jurisdiction of said agency, at public auction or by sealed bids, under such regulations as he may prescribe; and he is hereby authorized to convey all lands so sold to the purchaser thereof by patents in fee. And all lands within such agency which have heretofore been reserved for agency, school, or other purposes shall, on approval of this act, revert to the tribe within whose reservation the lands are located and be sold as tribal lands as herein provided.

"SEC. 3. That after the sale of all such lands as provided herein, the net proceeds of such sale, together with all funds belonging to such tribes from whatever source derived, shall be apportioned and paid pro rata, under direction of the Secretary of the Interior, to the members of each of the respective tribes, in such manner as he shall prescribe.

"SEC. 4. That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to all religious societies and organizations, severally, for the lands occupied by them within any of such reservations and heretofore reserved to such societies, as shown on approved schedules of allotments.

"SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the rolls of the Klamath Agency, in Oregon, those Modoc Indians now enrolled at the Quapaw Agency, in Oklahoma, formerly Indian Territory, together with their descendants living at the date of the passage of this act, and that upon the removal of any of said Indians to the Klamath Reservation, in Oregon, they shall be allotted as other Indians on said reservation, and that upon the passage of this act they be accorded all the rights and privileges of other Indians enrolled at the Klamath Agency: *Provided*, That for the purposes of such removal the Secretary of the Interior be, and he is hereby, upon application of any allottee, authorized to sell, under such rules and regulations as he may prescribe, all lands inherited and otherwise heretofore allotted to the members of said tribe in Oklahoma, and he is authorized to issue a patent in fee simple to the purchaser or purchasers of said lands, and all restrictions as to the sale, incumbrance, and taxation of said land shall thereupon be removed."

"*Provided, further*, That if any member of the Modoc tribe of Indians prefers not to have his or her land sold, such allottee may lease his or her land in Oklahoma for a period of not to exceed five years, the parent or next of kin having the care and custody of any minor executing the lease for such minor."

And the Senate agree to the same.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JNO. H. STEPHENS,
Managers on the part of the House.

MOSES E. CLAPP,
CHARLES CURTIS,
T. H. PAYNTER,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The bill as it passed the House in sections 1 and 2 provided that all of the members of the various tribes in the Quapaw Agency, save the Modocs, be authorized to sell or encumber all of their real estate except a homestead of 40 acres, and as for the Modocs, such authorization extended to all save 24 acres, and also provided that upon application of an individual Indian, where it seemed wise, the Secretary of the Interior was authorized to permit a sale of the homestead. It also provided for the parent or guardian of a minor to make a selection for the minor, and in case of failure so to do authorized the Secretary of the Interior to make the selection for the minor; and further provided that any sale or incumbrance made prior to sixty days after the passage of the act shall be absolutely void.

As agreed to in conference, the bill authorizes the Secretary of the Interior to remove the restrictions upon alienation upon all the land except 40 acres of any individual member of any of the above-named tribes, save the Modocs, where a case is made to the satisfaction of the Secretary that such action is for the best interests of the Indians.

Section 2 of the bill as agreed to in conference is section 3 of the bill as passed by the House, which authorizes the sale by the Secretary of the Interior of all tribal property belonging to any of the said tribes.

Section 3 of the bill, as agreed to in conference, is section 4 of the bill as it passed the House with a proviso. As agreed to, section 3 provides that the Secretary of the Interior, after the sale of all of the lands above referred to, shall pay the proceeds thereof, together with any money now in the Treasury belonging to any of said tribes, to the members thereof pro rata in such manner as the Secretary shall prescribe.

Section 4 of the bill, as agreed to in conference, authorizes the Secretary of the Interior to issue patents to all religious societies for the land now occupied by them within said reservation for religious purposes.

Section 5, as agreed to in conference, was not contained in the House bill, but was inserted by the Senate. This authorizes and directs the Secretary of the Interior to restore to the Klamath rolls in Oregon the Modoc Indians now enrolled at the Quapaw Agency in Oklahoma, and when the Indians have removed to the Klamath Agency in Oregon that they be allotted as other Indians are allotted at such agency, and authorizes the Secretary, where such removal has been made, and application is made for that purpose by the allottee, to sell the lands in Oklahoma allotted to such Indian, and restrictions are removed for that purpose. This section further provides that if any Modoc Indian prefers not to sell his lands in Oklahoma, he may have authority to lease said lands for a period not exceeding

five years, and that, where the lands are owned by a minor, the parent or legal representative of the minor can lease for him.

There are, all told, of these Indian tribes about 1,050 Indians, and they have on an average of about 200 acres of land each, including the allotted and the unallotted.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JOHN H. STEPHENS,
Conferees on the part of the House.

Mr. SHERMAN. I move that the conference report be agreed to.

Mr. FINLEY. About how much land is held by religious societies in these tribes?

Mr. SHERMAN. I can not give the gentleman the total, but it is a small amount. It would be absolutely a guess, but I should say less than a thousand acres very considerably, and possibly less than 500 acres.

The conference report was agreed to.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 27068. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes;

H. R. 24149. An act granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont.;

H. R. 15939. An act authorizing the Secretary of Commerce and Labor to exchange property;

H. R. 25823. An act to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907;

H. R. 21896. An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes; and

H. J. Res. 231. Joint resolution authorizing the Director of the Census to collect and publish additional statistics.

SALE OF TIMBER ON ALLOTTED INDIAN LANDS.

The SPEAKER laid before the House the bill (S. 4548) to provide for the sale of timber on allotted Indian lands, and for other purposes, with House amendments disagreed to and a conference asked by the Senate.

Mr. SHERMAN. I move that the House insist on its amendments and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas.

VETO MESSAGE—POSTMASTER AT SANDBORN, IND.

The SPEAKER laid before the House the following message (H. Doc. No. 1492) from the President, which was read:

To the House of Representatives:

For the reasons stated in the attached communication from the Postmaster-General, I return without approval H. R. 19762, entitled "An act to reimburse the postmaster at Sandborn, Ind." The postmaster's actual loss was $358.90. By some mistake the payment authorized is $450.43, or an excess of $91.53. It appears that the loss was due to the carelessness of the postmaster, in any event, but even if this were not so, he should not be allowed $91.53 more than the actual loss sustained.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 26, 1909.*

Mr. LINDBERGH. I move that the message and accompanying bill be referred to the Committee on Claims and printed.

The motion was agreed to.

VETO MESSAGE—W. P. DUKES.

The Speaker also laid before the House the following message (H. Doc. No. 1490) from the President, which was read:

To the House of Representatives:

For the reasons stated in the attached communication from the Postmaster-General, I return without approval House bill No. 7157, entitled "An act for the relief of W. P. Dukes, postmaster at Rowesville, S. C."

This man has had burglary committed at his store, in which the post-office is located, four different times. Twice the department allowed his claim for reimbursement, on the first occasion the loss being so small that nothing was done about it. On the fourth occasion when, owing to his own carelessness and in spite of burglary having been committed three times already in his office, he was again so careless as to leave his stamps in frail drawers instead of putting them in a safety vault which was in the office, the department felt that it would be putting a premium upon a carelessness so gross as to cover possible connivance if they should reimburse the postmaster. I entirely agree with the department. When a man's post-office has been entered by burglars three times and he continues so careless as to neglect to take any proper precautions and not even to put the stamps into the safe or lock the safe, he has no equitable claim against the Government for the loss, and it is a mistake for the Government to reimburse him.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 26, 1909.*

Mr. LINDBERGH. Mr. Speaker, I move that the message and accompanying bill be referred to the Committee on Claims and printed.

The motion was agreed to.

NORTH AMERICAN CONSERVATION CONFERENCE.

The SPEAKER also laid before the House the following message from the President, which was read and, with the accompanying documents (S. Doc. No. 742), referred to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith the declaration of principles adopted February 23, 1909, by the North American Conservation Conference. This conference, held in the city of Washington between representatives of the nations which occupy the continent of North America, will unquestionably, as the declaration recites, "result in mutual benefits and tend to draw still closer the bonds of existing good will, confidence, and respect." "Natural resources," the declaration proceeds, "are not confined by the boundary lines that separate nations. We agree that no nation acting alone can adequately conserve them, and we recommend the adoption of concurrent measures for conserving the material foundations of the welfare of all the nations concerned, and for ascertaining their location and extent." It is with sincere gratification that I acknowledge the prompt and courteous response of the governments to which the invitations for the conference, whose conclusions I transmit, was addressed, and the broad, statesmanlike, and productive attitude and action of the conference itself. It has not only performed with marked efficiency and entire unanimity the important duties which devolved upon it but it has suggested a still wider field of useful action. The declaration "suggests to the President of the United States of America that all nations should be invited to join together in conference on the subject of world resources, and their inventory, conservation, and wise utilization." I have deemed it my duty to welcome and act upon the far-seeing suggestion of the conference, and have accordingly addressed such an invitation to the nations of the world, in the confident belief that such a meeting will foster the interests of every nation, will injure those of none, and will confirm and strengthen in us all the belief that the good of each is likewise the common good of all.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 26, 1909.*

NAVAL ORGANIZATION.

The SPEAKER also laid before the House the following message (S. Doc. No. 740) from the President, which was read and referred to the Committee on Expenditures in the Navy Department and ordered to be printed:

To the Senate and House of Representatives:

On January 27, 1909, I addressed the following letter to Hon. William H. Moody, Hon. Alston G. Dayton, Hon. Paul Morton, Rear-Admiral S. B. Luce, U. S. Navy, retired; Rear-Admiral A. T. Mahan, U. S. Navy, retired; Rear-Admiral Robley D. Evans, U. S. Navy, retired; Rear-Admiral William M. Folger, U. S. Navy, retired; Rear-Admiral William S. Cowles, U. S. Navy, retired:

MY DEAR SIR: I have appointed you as a member of a commission to consider certain needs of the navy. The organization of the department is now not such as to bring the best results, and there is a failure to coordinate the work of the bureaus and to make the department serve the one end for which it was created; that is, the development and handling of a first-class fighting fleet. With this proposition in view I will ask you to consider:

1. All defects in the law under which the Navy Department is now organized, including especially the defects by which the authority of chiefs of bureaus is made in certain respects practically equal to that of the Secretary or the President.

2. The division of responsibility and consequent lack of coordination in the preparation for war and conduct of war.

3. The functions of certain bureaus, so as to see whether it is not possible to consolidate them.

4. The necessity of providing the Secretary of the Navy with military advisers, who are responsible to him for coordinating the work of the bureaus and for preparation for war.

5. The necessity for economical allotment and disbursement of appropriations and for a system which will secure strict accountability.

6. Finally; I want your views as to how best to recognize and emphasize the strictly military character of the navy, so that preparations for war shall be controlled under the Secretary by the military branch of the navy, which bears the responsibility for the successful conduct of war operations.

I wish to have the above subjects considered under two general heads:

First, as to the fundamental principles of an organization that will insure an efficient preparation for war in time of peace, a separate report under this head to be submitted at the earliest practicable date.

Second, specific recommendations as to the changes in the present organization that will accomplish this result, the report under this head to be submitted later.

In addition to the above reports I desire your recommendation as to the number, location, and general facilities of the navy-yards which are required by strategic considerations in time of war and for maintaining the fleet in constant readiness for war in time of peace.

Sincerely, yours,

THEODORE ROOSEVELT.

This commission has just submitted to me the two following preliminary reports, the first dealing with the general principles governing naval organization and the second suggesting the creation of a joint commission for the purposes therein set forth:

GENERAL PRINCIPLES GOVERNING NAVAL ORGANIZATION.

WASHINGTON, D. C., *February 20, 1909.*

1. The office of the Secretary of the Navy being executive in character, nothing should be admitted into an organization of the department which would qualify his authority or diminish his ultimate responsibility. He has been in the past, and in the future should be, a civilian. He is the representative of the President, the constitutional Commander in Chief of the Army and Navy, under whose direction his authority is exercised.

2. The duties in charge of the Secretary divide under two principal heads, closely related but generically distinct—civil and military.

The civil duties embrace the provision or preparation of all the material of war. This is the function of the present bureaus.

The military duties concern the use of that material, whether in war or in such exercises as conduce to fitness for operations of war. For the direction of these military duties no subordinate provision corresponding to the bureaus on the civil side exist in the present organization established by statute.

3. The discharge of both these classes of duty involves a multitude of activities, quite beyond the immediate personal knowledge and supervision of a single man. This necessitates a subdivision of the duties, by which means the supervision of the Secretary is exerted through the medium of responsible subordinates. In this subdivision the principle of undivided responsibility, within the appointed field of subordinate supervision, should obtain, as it does in the superior office of the Secretary.

The bureau system, as now established by law for the civil activities of the department, insures for each bureau this undivided responsibility, qualified only by the authority of the Secretary, which, if exerted, does not divide the responsibility, but transfers it to the Secretary himself. Independent authority, with undivided responsibility, though in principle proper, suffers historically from intrinsic inability to cooperate, where a number of such independent units are present. The marshals of the first Napoleon—especially in Spain—in the absence of the Emperor, offer a familiar illustration. The bureau system, as at present constituted by law, contains no remedy for this inherent defect.

4. The coordinating power is in the Secretary's authority; but, owing to the shortness of tenure in office and to the inevitable unfamiliarity with naval conditions with which an incumbent begins, authority, though adequate in principle, is not so in effect. This inadequacy consists in lack of personal familiarity with the subjects before him, not merely severally, but in their collective relations; in short, lack of specific knowledge and experience. The organization should provide him with such knowledge and experience, digested formally so as to facilitate his personal acquirement; in short, an advisory body, equipped not with advice merely, but with reasons. In order to avoid the interruptions of continuity attending each new administration, entailing the recurrent temporary unfamiliarity of each new Secretary, it is expedient that this advisory body be composed of several persons. But while this provision would insure the continuity which inheres in a corporate body—in this case continuity of knowledge and of progress—the principle of undivided responsibility would dictate that one only of them should be responsible for the advice given to the common superior, the Secretary.

5. As regards the composition of the advisory body, the principles to be regarded are two—*a*, the end dictates the means; *b*, responsibility must be individual, in advice as well as in executive action.

a. The end is efficiency for war. The agents in war are the military and naval officers. Their profession qualifies them best to pronounce upon the character of the preparations for war of every kind, including not only schemes of campaign and tactical systems but the classes, sizes, qualities, and armaments of ships of war.

What the Secretary needs specifically and above all, is a clear understanding and firm grasp of leading military considerations. Possessed of these, he may without great difficulty weigh the recommendations of his technical assistants, decide for himself, and depend upon them for technical execution of that which he approves.

However constituted in detail, the advisory body should be taken entirely from the class to which belongs the conduct of war and upon whom will fall, in war, the responsibility for the use of the instruments and for the results of the measures which they recommend.

b. As regards individual responsibility for advice, it is suggested that the Secretary of the Navy nominate to the President the officer whom he deems best fitted to command the great fleet in case of war arising; and that this officer, irrespective of his seniority, should be head of the advisory body. He alone should be the responsible adviser of the Secretary.

The provision of a responsible adviser does not compel the Secretary to accept his advice, nor prevent his consulting whomsoever else he will. The provision suggested does not limit the authority of the Secretary, but it does provide him with the weightiest and most instructed counsel, and it lays upon the prospective commander in chief the solemn charge that in all he recommends he is sowing for a future which he himself may have to reap.

An essential principle in the constitution of such an advisory body is that the majority of the members should be on the active list, and should go afloat at not infrequent intervals; and, specifically, the head of the body, the prospective commander in chief, should, during the summer months, take command of the concentrated battle-ship force for maneuvers, target firing, and practice of every kind. This will insure also his sustained familiarity with administrative routine of the fleet and other practical matters.

6. In the two principal classes into which the duties of the Secretary of the Navy divide, civil and military, as enunciated in section 2 above, the work "civil" corresponds largely to the activities known as "technical" and there is no reason apparent why the same principle of undivided immediate responsibility should not be realized in the Navy Department in two chief subordinates, responsible the one for military supervision, the other for technical supervision, and for all information and advice given to the Secretary under these two heads. It is, of course, apparent that a perfectly suitable Secretary may come to his office with as little previous knowledge of the kind called "technical" as he has of military; nay, he may be perfectly efficient and yet not acquire in his four years of office either the technical or military knowledge presumable in men whose lives have been given to the two professions. Under the most favorable conditions every superior must take decisions largely on advice, which means not accepting another's opinion blindly but accepting statements of facts and weighing reasons.

The principle of the Secretary's ultimate individual responsibility dictates that he be at liberty to consult as many advisers as he thinks necessary; but the principle of the individual responsibility of two chief advisers for the advice given tends to insure the most exhaustive consideration on the part of men selected for their special competency. Careful consideration with special competency gives the best guaranties for advice; and a Secretary overruling it would do so under the weightiest sense of personal responsibility.

As a matter of detail, but yet so broad in bearing as to amount to a principle, it may be noted that while the adjective "military" is somewhat narrow in application, "technical" is extensive in scope. Naval construction, ordnance, and steam engineering are all technical professions. The selection of a chief technical assistant to the Secretary might therefore be made from the recognized technical experts of the navy, under any of the three heads named, or a competent civilian engineer and naval architect may be appointed as Second Assistant Secretary of the Navy, under whom the four technical bureaus may be coordinated.

7. In conclusion, it should be distinctly laid down as a cardinal principle that no scheme of naval organization can possibly be effective which does not recognize that the requirement of war is the true standard of efficiency in an administrative military system; that success in war and victory in battle can be assured only by that constant preparedness and that superior fighting efficiency which logically result from placing the control and responsibility in time of peace upon the same individuals and the same agencies that must control in time of war. There should be no shock or change of method in expanding from a state of peace to a state of war. This is not militarism; it is a simple business principle based upon the fact that success in war is the only return the people and the Nation can get from the investment of many millions in the building and maintenance of a great navy.

WASHINGTON, D. C., *February 18, 1909.*

The PRESIDENT:

The commission on naval organization, appointed by executive communication dated January 27, 1908, begs leave to submit the following preliminary report on the "Needs of the navy," etc.:

The last clause of your letter of instructions reads as follows:

"In addition to the above reports I desire your recommendation as to the number, location, and general facilities of the navy-yards which are required by strategic considerations in time of war and for maintaining the fleet in constant readiness for war in time of peace."

The two subjects when taken together, the dispensing with unnecessary navy-yards and the provision for navy-yards which are required "by strategic considerations in time of war and for maintaining the fleet in constant readiness for war in time of peace," are questions of such gravity and demand so much careful study that it would be impracticable for the commission to bring in even a preliminary report of any value in the limited time available.

The determination of the location of navy-yards and naval bases being a question involving military and strategic considerations of the highest national importance, we venture to recommend that at the earliest practicable date this subject be referred to a joint commission of senior naval officers and officers of the United States Army, which will be instructed to report formally to the President.

In accordance with the last report of the commission on naval organization, I have appointed a joint commission of army and navy officers to report on the subjects named therein, the commission consisting of the following men:

Rear-Admiral A. T. Mahan, U. S. Navy, retired, chairman; Rear-Admiral Charles S. Sperry, U. S. Navy; Rear-Admiral Richard Wainwright, U. S. Navy; Capt. C. McR. Winslow, U. S. Navy; Maj. Gen. J. Franklin Bell, U. S. Army, Chief of Staff; Brig. Gen. W. W. Wotherspoon, U. S. Army, General Staff, president Army War College; Brig. Gen. W. L. Marshall, U. S. Army, Chief of Engineers.

The appointment of this commission is peculiarly appropriate in view of action already taken by the Joint Board of the Army and Navy, a board the existence of which has been of marked benefit to the two services. This board, after discussing questions relating to the mutual relations of the army and navy in defending harbors which were liable to be used by the navy for the establishment of navy-yards and naval stations, reached the conclusion that thereafter whenever the army was engaged in the preparation of plans for the defense of a harbor which

would be used by the navy, the project for defending the harbor should be submitted to the representatives of the navy on the joint board before final adoption, with a view to having the project accord with the necessities of the navy. On the other hand, whenever the navy was planning to locate a navy-yard or naval station which it would be the duty of the army in case of war to assist in defending, either by seacoast fortifications or land operations of the army, that the matter of the location of the navy-yard or naval station should be submitted to the representatives of the army on the joint board before final adoption, with the view to having the army opinion as to the necessities in relation to the defenses to be established.

I ask your very earnest consideration of the "general principles" laid down by the commission in the report herewith embodied. In their essence these principles amount to a declaration that the navy should be treated, not with a view to any special or local interest, but from the standpoint of the interest of the whole country, and that all other considerations should be subordinated to keeping it in the highest condition of military efficiency, for it must be prepared for war, or else it is useless, and it can not be prepared for war unless always in the highest state of military efficiency. The whole object of the organization of the Navy Department is to create machinery which will in time of peace prepare for war; and such, no less, is the whole object of the War Department. All the administration machinery of the two departments should be considered from this standpoint. The two Secretaries should be supreme; but they should have the best and most responsible military advice.

It would be impossible to overestimate the good that has come from the creation of such bodies as the General Staff of the Army, the General Board of the Navy, the Joint Board, the War Colleges of the two services, and the like. Without these bodies it would have been utterly impossible to bring either service to anywhere near its present standard of efficiency. Great good has come from the development of the system of maneuvers, alike in the navy and the army; the efficiency shown by the expeditionary force of the army which went to Cuba, the efficiency shown by the great battle fleet which has just returned from its extraordinary voyage around the world, are both matters upon which this Nation should heartily congratulate itself. Very much was done in securing a good organization of the army under the plan formulated by Secretary Root. The administrative organization of the navy needs an entire remodeling along the plan indicated in the document headed "General principles" embodied in this report; for this plan contains the principles of naval administration which have been observed by every great power which has ever made, or is now making, a success of naval administration.

If the commission is able to submit to me its final plan before the adjournment of Congress, I shall at once lay it before you. This plan will supplement and define the general principles laid down in the preliminary plan.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 25, 1909.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. FLOYD, indefinitely, on account of serious illness in his family.

To Mr. ELLERBE, indefinitely, on account of sickness.

QUESTION OF PERSONAL PRIVILEGE.

Mr. COOK of Colorado. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOK of Colorado. I rise, Mr. Speaker, to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. COOK of Colorado. I will read a brief paragraph from an afternoon paper published in this city, which says:

COOK'S SPEECH NOW MAY BE EXPUNGED.

* * * * * * *

In explanation of his resolution, Mr. TAWNEY said that Representative COOK claimed time for the purpose of talking on the subject under consideration, but that as a matter of fact he had violated the privileges of debate by making an attack on the Chief Executive of the Nation, instead of talking about the sundry civil appropriation bill.

Mr. Speaker, I made no statement of that kind to the gentleman from Minnesota [Mr. TAWNEY]. I am not compelled to consult the gentleman from Minnesota as to what I have said or what I shall say as a Member of this House.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 11 o'clock to-morrow morning.

The motion was agreed to.

Accordingly (at 10 o'clock and 33 minutes p. m.) the House took a recess until Saturday, February 27, 1909, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a list of the documents received and distributed during the year 1908 (H. Doc. No. 1483)—to the Committee on Printing and ordered to be printed.

A letter from the Secretary of War, transmitting, in response to the inquiry of the House, laws and ordinances of Porto Rico and military orders and decrees affecting Porto Rico (H. Doc. No. 1484)—to the Committee on Insular Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for expenses of the supreme court of the District of Columbia (H. Doc. No. 1485)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State submitting an estimate of appropriation for satisfying the terms of the assignment and transfer made by Panama to Colombia (H. Doc. No. 1486)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting an estimate of appropriation for heating system at Carlisle Indian School (H. Doc. No. 1487)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8654) for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark., reported the same without amendment, accompanied by a report (No. 2264), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the joint resolution of the House (H. J. Res. 262) extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, reported the same without amendment, accompanied by a report (No. 2265), which said bill and report were referred to the House Calendar.

Mr. PERKINS, from the Committee on Printing, to which was referred House resolution 524, reported in lieu thereof a joint resolution (H. J. Res. 263) to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, accompanied by a report (No. 2272), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 9454) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2263), which said bill and report were referred to the Private Calendar.

Mr. WATKINS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 26924) for the relief of John A. Brown, reported the same with amendments, accompanied by a report (No. 2268), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors, reported the same with amendments, accompanied by a report

(No. 2266), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the Senate (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 2267), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table as follows:

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15580) to authorize the President of the United States to appoint John Gibbon captain and quartermaster in the army, reported the same adversely, accompanied by a report (No. 2262), which said bill and report were laid on the table.

Mr. PARSONS, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 17427) to provide for the payment for certain property or vested rights of the old notaries public of Porto Rico acquired by them from the Crown of Spain for a money consideration, and of which properties said notaries were deprived by the act of the legislative assembly of Porto Rico of January 31, A. D. 1901, reported the same adversely, accompanied by a report (No. 2269), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 28347) for the relief of J. Walter Duncan—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 28349) granting a pension to Alice Milliken Byerly—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. EDWARDS of Georgia: A bill (H. R. 28353) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Hinesville, in the State of Georgia—to the Committee on Military Affairs.

Also, a bill (H. R. 28354) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Swainsboro, in the State of Georgia—to the Committee on Military Affairs.

Also, a bill (H. R. 28355) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Statesboro, in the State of Georgia—to the Committee on Military Affairs.

Also, a bill (H. R. 28356) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Savannah, in the State of Georgia—to the Committee on Military Affairs.

Also, a bill (H. R. 28357) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Springfield, in the State of Georgia—to the Committee on Military Affairs.

Also, a bill (H. R. 28358) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Millen, in the State of Georgia—to the Committee on Military Affairs.

Also, a bill (H. R. 28359) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Lyons, in the State of Georgia—to the Committee on Military Affairs.

Also, a bill (H. R. 28360) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Darien, in the State of Georgia—to the Committee on Military Affairs.

Also, a bill (H. R. 28361) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Reidsville, in the State of Georgia—to the Committee on Military Affairs.

Also, a bill (H. R. 28362) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Pembroke, in the State of Georgia—to the Committee on Military Affairs.

Also, a bill (H. R. 28363) to authorize the Secretary of War to donate two condemned brass or bronze cannons and cannon balls to the city of Sylvania, in the State of Georgia—to the Committee on Military Affairs.

By Mr. MALBY: Resolution (H. Res. 595) to pay to the cashier in the office of Sergeant-at-Arms of the House additional compensation—to the Committee on Accounts.

By Mr. BURNETT: Resolution (H. Res. 598) requesting the Secretary of Commerce and Labor to send to the House certain information—to the Committee on Immigration and Naturalization.

By Mr. GODWIN: Concurrent resolution (H. C. Res. 73) for a survey of Elizabeth River in Brunswick County, N. C.—to the Committee on Rivers and Harbors.

By Mr. SLAYDEN: Concurrent resolution (H. C. Res 74) to authorize and direct the Secretary of State to begin negotiations with the Republic of Mexico for a treaty to permit individuals and associations to divert the water of the Rio Grande for irrigation purposes—to the Committee on Foreign Affairs.

By Mr. FULLER: Memorial of the legislature of Wyoming, relative to creating forest reserves—to the Committee on the Public Lands.

By Mr. PRAY: Memorial of the legislature of Montana, in favor of the opening of the Crow Indian Reservation to settlement—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. COOPER of Wisconsin: A bill (H. R. 28364) granting a pension to Mary A. Platt—to the Committee on Invalid Pensions.

By Mr. GODWIN: A bill (H. R. 28365) for the relief of Morris Bretzfelder, of Wilmington, N. C.—to the Committee on Claims.

By Mr. GOULDEN: A bill (H. R. 28366) granting an increase of pension to W. H. Dayton, alias W. H. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28367) for the relief of Alice Harvey, mother of George Harvey—to the Committee on Claims.

By Mr. HUFF: A bill (H. R. 28368) granting an increase of pension to Charles A. Geissenhainer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28369) granting an increase of pension to Michael Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28370) granting an increase of pension to William Jellison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28371) granting an increase of pension to John Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28372) granting an increase of pension to John W. Park—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 28373) for the relief of C. H. Webb, jr., administrator of the estate of David B. Sanders, deceased—to the Committee on War Claims.

By Mr. SPIGHT: A bill (H. R. 28374) for the relief of the heirs of Frances Pickle, deceased—to the Committee on War Claims.

By Mr. SULZER: A bill (H. R. 28375) granting an increase of pension to Benjamin F. Clayton—to the Committee on Invalid Pensions.

By Mr. ESCH: Resolution (H. Res. 596) granting additional compensation to Horace D. Norton, Treasury messenger in the office of Sergeant-at-Arms of the House—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDRUS: Petition of New Rochelle (N. Y.) Lodge, No. 756, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. ASHBROOK: Petition of Camp 13056, Modern Woodmen of America, against any legislation tending to increase insurance rates of the Modern Woodmen of America—to the Committee on Interstate and Foreign Commerce.

By Mr. BANNON: Petition of Portsmouth Council, No. 38, Junior Order United American Mechanics, favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of John G. Turner and others, favoring a national highways commission—to the Committee on Agriculture.

By Mr. BARCHFELD: Memorial of the house of representatives of the State of Pennsylvania, for an appropriation to establish a bureau of mines—to the Committee on Mines and Mining.

Also, petition of the Wire Company, the American Steel Company, the Clyde Coal Company, and the Iron City Sand Company, all of Pittsburg, Pa., favoring the Dalzell bill (H. R. 28175), relative to construction of flues, boilers, etc.—to the Committee on the Merchant Marine and Fisheries.

By Mr. BATES: Petition of the Lafayette Avenue Presbyterian Church and Dr. George B. Kalb, of Erie, Pa., favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of Meadville (Pa.) Lodge, No. 29, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American Elk—to the Committee on the Public Lands.

Also, petition of the International Correspondence School, favoring the Davis bill (H. R. 24841), for promotion of industrial education—to the Committee on Agriculture.

Also, petition of A. M. Hawes, of Erie, Pa., representing large business interests, opposing parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Applied Agricultural Organizations of Pennsylvania, favoring the Davis bill, and in favor of H. R. 21318, relating to fungicides—to the Committee on Interstate and Foreign Commerce.

Also, petition of Frenchtown Grange, favoring the McHenry bill (H. R. 12682), relative to safeguarding bank deposits—to the Committee on Banking and Currency.

By Mr. BENNET of New York: Paper to accompany bill for relief of Patrick Oates—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Northern Light Grange, favoring a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOOD: Petition of Staunton (Va.) Lodge, No. 357, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. FORNES: Petition of the American Lithographic Company, of New York City, protesting against H. R. 28192 as to the exception "where in either case the subjects represented are located in a foreign country"—to the Committee on Patents.

By Mr. FULLER: Petition of H. H. Robinson and Charles E. Sheldon, of Rockford, Ill., against parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of the American Lithograph Company, of New York, protesting against H. R. 28192—to the Committee on Patents.

Also, memorial of the Louisiana Purchase Exposition, department of press and publicity, favoring the proposition before the Committee on Appropriations—to the Committee on Appropriations.

Also, memorial of the superintendent of weights and measures of New York State, favoring the Mann bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of Michigan: Petition of citizens of Hastings, Mich., favoring the Davis bill (H. R. 24841), for promotion of technical education—to the Committee on Agriculture.

Also, petition of citizens of Berrien County, Mich., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. HUBBARD of West Virginia: Petition of Wheeling and Clarksburg (W. Va.) lodges of Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. HUFF: Papers to accompany bills for relief of W. Scott King (H. R. 27449), Charles A. Geissenhainer, Michael Kelly, William Jellison, John Thompson, and John W. Park—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: Petition of 102 citizens of Stockbridge, Mass., favoring enactment of the Davis bill (H. R. 24841), for promotion of industrial education—to the Committee on Agriculture.

By Mr. LINDSAY: Petition of State of New York superintendent of weights and measures, favoring the Mann bill, relative to marking the net contents of commodities, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Public Library of the District of Columbia, favoring H. R. 11758—to the Committee on the District of Columbia.

Also, petition of the American Lithograph Company, against H. R. 28192—to the Committee on Patents.

Also, petition of Veteran Association of the Fifth New York Volunteer Infantry, favoring S. 1045, to protect Bull Run battlefield monuments—to the Committee on Military Affairs.

Also, petition of the American Lumberman, favoring a duty of $2 per thousand on certain kinds of lumber—to the Committee on Ways and Means.

Also, petition of the Louisiana Purchase Exposition committee on legislation, proposing a monument to Thomas Jefferson on the site of the St. Louis Exposition, to be built out of any surplus remaining in settlement of its affairs—to the Committee on Appropriations.

By Mr. McHENRY: Petition of citizens of Dushore, Pa., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of W. M. Eret and others, favoring enactment of H. R. 24841, for promotion of industrial education—to the Committee on Agriculture.

By Mr. NEEDHAM: Petition of the Rotary Club, of San Francisco, favoring legislation to restore and preserve the merchant marine of the Nation—to the Committee on the Merchant Marine and Fisheries.

By Mr. NORRIS: Petition of certain residents of Axtel, Nebr., against parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of the North Platte Valley Water Users' Association, favoring Senator Brown's amendment to the reclamation act—to the Committee on the Public Lands.

By Mr. OVERSTREET: Petition of the Fortnightly Literary Club and the Indiana State Federation of Clubs, of Greencastle, Ind., favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. RICHARDSON: Petition of General Federation of Women's Clubs, for the suppression of tuberculosis, as per H. R. 18445 and S. 5117—to the Committee on Appropriations.

By Mr. SABATH: Petition of board of directors of National Business League of America, against legislation to establish a national consular school—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Petition of Utica (N. Y.) Lodge, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. SPERRY: Resolutions of the Connecticut branch of the Order of the King's Daughters and Sons, favoring the children's bureau bill—to the Committee on Expenditures in the Interior Department.

Also, resolutions of the Connecticut state board of agriculture, favoring a national highways commission—to the Committee on Agriculture.

Also, resolutions of the Girls' Friendly Society, of Connecticut, favoring the children's bureau bill—to the Committee on Expenditures in the Interior Department.

By Mr. SPIGHT: Paper to accompany bill for relief of heirs of Frances Pickle—to the Committee on War Claims.

By Mr. STEENERSON: Petition of Crookston (Minn.) Lodge, No. 342, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

Also, petition of the Commercial Club of Warren, Minn., for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petitions of J. D. Henry and other residents of Hallock; W. E. Wilson and other residents of Maine; T. A. Tronson and others, of Shelby; D. S. Wemple and others, of Fergus Falls; and K. Hodne and others, of Karlstad, all in the State of Minnesota, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of the Beall & McGowan Company, of Fergus Falls, Minn., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Memorial asking for appropriation for Shelton River, North Carolina—to the Committee on Rivers and Harbors.

By Mr. TOWNSEND: Petition of citizens of Wyandotte, Mich., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of residents of Allentown, Bolivar, and Wellsville, N. Y., who are oil producers, against any change in the duty on crude oil—to the Committee on Ways and Means.

By Mr. WANGER: Petitions of Mrs. S. Burns Weston and 6 others, of Marion, Pa.; Mrs. Sarah W. Evans and 17 others, of King of Prussia, Pa.; Misses Alice and Emma Burr and 21 others, Mrs. Charles M. Vanderslice and 20 others, Mrs. Isabella T. Watson and 18 others, Mrs. Harry K. Cummings and 17 others, the New Century Club, and Miss Nellie M. Frazer and 17 others, all of Montgomery and Wilkes-Barre, Pa., in favor of

H. R. 18445, to investigate treatment of tuberculosis—to the Committee on Appropriations.

By Mr. WEISSE: Petition of Sheboygan (Wis.) Lodge, No. 290, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of Mountain Lumber Manufacturers' Association, favoring a duty of $2 per thousand on certain kinds of lumber and 30 cents per thousand on shingles—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of Greenville (Pa.) Lodge, No. 145, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

SENATE.

SATURDAY, *February 27, 1909.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Edward E. Hale, offered the following prayer:

Behold, I come quickly; and my reward is with me, to give every man according as his work shall be.

Blessed are they that do His commandments, that they may have right to the tree of life, and may enter in through the gates into the city.

For we know that if our earthly house of this tabernacle were dissolved, we have a building of God, an house not made with hands, eternal in the heavens.

Let us pray.

Father, Thou hast taught us this by Thy word in all ages by Thy well-beloved Son. To-day we are to go back in memory to those who have served Thee here and are now serving Thee in the larger service of that other world.

O God, be with us when we interpret history. Be with us Thou, when we look into the future to see what our own duty may be in these days that are before us. Show Thy servants in the Congress, show all persons in authority in the Nation, what it is to serve the living God and to bring in Thy law for our law, Thy rule for our passion, Thy strength for our weakness, and Thy love to be with us always, that we may bear each other's burdens, that we may find the duty that comes next our hands, that we may enter into that service which is perfect freedom.

We ask it as Thine own children.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is in heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

THE IMMIGRATION COMMISSION.

The VICE-PRESIDENT laid before the Senate a communication from the chairman of the Immigration Commission, transmitting, on behalf of the commission, a statement to Congress relative to the work and expenditures of the Immigration Commission created under section 39 of the immigration act of February 20, 1907 (H. Doc. No. 1489), which was referred to the Committee on Immigration and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 9067. An act entitled "An act to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers;"

S. 9422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors; and

S. 9454. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors.

The message also announced that the House had passed the bill (S. 9242) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27523) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910.

The message further announced that the House insists upon its amendment to the bill (S. 4548) to provide for the sale of timber on allotted Indian land, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. MARSHALL, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, further insists upon its disagreement to the amendments of the Senate Nos. 58 and 59, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Foss, Mr. LOUDENSLAGER, and Mr. PADGETT managers at the conference on the part of the House.

The message further announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JENKINS, Mr. ALEXANDER of New York, and Mr. CLAYTON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 28175. An act to amend section 4434 of the Revised Statutes of the United States, and for other purposes;

H. R. 28245. An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes; and

H. R. 28285. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 12499. An act for the relief of Clarence Frederick Chapman, United States Navy;

H. R. 15939. An act authorizing the Secretary of Commerce and Labor to exchange property;

H. R. 21896. An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes;

H. R. 24149. An act granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Mont.;

H. R. 25823. An act to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907;

H. R. 27068. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes; and

H. J. Res. 231. Joint resolution authorizing the Director of the Census to collect and publish additional statistics.

CREDENTIALS.

Mr. GAMBLE presented the credentials of COE I. CRAWFORD, chosen by the legislature of the State of South Dakota, a Senator from that State for the term beginning March 4, 1909, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of Local Lodge No. 886, Benevolent and Protective Order of Elks, of Brookline, Mass., and a petition of Local Lodge No. 1078, Benevolent and Protective Order of Elks, of Winthrop, Mass., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and protection of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. DEPEW presented a petition of the Veteran Association, Fifth New York Volunteer Infantry, Duryee Zouaves, of New York City, N. Y., praying for the enactment of legislation to protect the monuments already erected or that may be hereafter erected on the battlefield of Bull Run, Virginia, which was referred to the Committee on Military Affairs.

He also presented a petition of the faculty of the Rochester Athenæum and Mechanics' Institute, of Rochester, N. Y., praying for the passage of the so-called "Davis bill," relative to agricultural and industrial education, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of New Paltz, N. Y., praying for the passage of the so-called "rural parcels post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Lodge No. 346, of Niagara Falls; of Local Lodge No. 756, of New Rochelle, and of Local Lodge No. 33, of Utica, all of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of the Charities Association of Schenectady, of the congregations of the St. Barnabas Episcopal and Presbyterian Churches, and of the Republican Club and sundry citizens, all of Irvington, in the State of New York, praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

Mr. LONG presented a petition of Local Lodge No. 204, Benevolent and Protective Order of Elks, of Topeka, Kans., and a petition of Local Lodge No. 633, Benevolent and Protective Order of Elks, of Emporia, Kans., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WARREN presented a petition of Local Lodge No. 624, Benevolent and Protective Order of Elks, of Rock Springs, Wyo., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. OWEN presented a memorial of the Eastern Cherokee Nation of Indians, praying that an amount necessary be appropriated to pay the interest of the judgment rendered by the Court of Claims of $1,111,284.70, since May 14, 1906, up to the date of the disbursement fund, which was referred to the Committee on Appropriations.

Mr. SCOTT. I present the petition, in the nature of a telegram, of Earl A. Henry, state mine inspector, of Charleston, W. Va., relative to mine explosions. I move that the petition be printed in the RECORD and referred to the Committee on Mines and Mining.

There being no objection, the petition was referred to the Committee on Mines and Mining and ordered to be printed in the RECORD, as follows:

[Telegram.]

CHARLESTON, W. VA., *February 26, 1909.*

Hon. N. B. SCOTT,
Washington, D. C.:

The loss of life in West Virginia mines makes it imperative that the Federal Government make liberal appropriation for the continuance of the tests at Pittsburg.

EARL A. HENRY,
State Mine Inspector.

Mr. PLATT presented a petition of members of the faculty of the Home Economics of Mechanics' Institute, of Rochester, N. Y., praying for the passage of the so-called "Davis bill," relative to agricultural and industrial education, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Local Lodge No. 756, of New Rochelle, and of Local Lodge No. 535, of White Plains, both of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Veteran Association of the Fifth New York Volunteer Infantry, Duryee Zouaves, of New York City, N. Y., praying for the enactment of legislation providing for the protection of the monuments already erected and which may be erected upon the Bull Run battlefield, Virginia, which was referred to the Committee on Naval Affairs.

He also presented memorials of the United States Printing Company, of Brooklyn, N. Y., and of the American Lithographic Company, of New York City, N. Y., remonstrating against the adoption of certain proposed amendments to the copyright law relating to lithographic and photo-engraving processes, which were referred to the Committee on Patents.

He also presented a petition of Huguenot Grange, No. 1028, Patrons of Husbandry, of New Paltz, N. Y., praying for the passage of the so-called "rural parcels post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of R. C. Boardman, of New York City, N. Y., praying for the enactment of legislation for the control and regulation of the waters of Niagara River, and for the preservation of Niagara Falls, which was referred to the Committee on Commerce.

He also presented petitions of The National Temperance Society and Publication House, of New York City; of Revs. A. R. Mills, S. C. Farnham, and F. S. Weeks, of Wyoming; of Rev. Wesley Mason, of Dresden; and of Rev. Edward M. Cullinan, of Fayetteville, all in the State of New York, praying for the passage of the so-called "Burkett-Foelker antigambling race bill," which were referred to the Committee on the Judiciary.

He also presented the memorial of Seabury & Johnson, of New York City, N. Y., remonstrating against the adoption of certain proposed amendments to the act of January 5, 1905, entitled "An act to incorporate the American National Red Cross," which was referred to the Committee on the Judiciary.

He also presented petitions of members of the Irvington Republican Club, of Greenburg; of the congregation of St. Barnabas Episcopal Church, of Irvington; of sundry citizens of Irvington; of sundry citizens of Rochester; of members of the Schenectady Charities Association, of Schenectady, and of Frances J. Schriver, of New Brighton; of Local Order No. 895, of Tarrytown; of Local Order No. 149, of Irvington; of Local Order No. 649, of Dobbs Ferry, and of Local Order No. 1420, of Hastings, all of the Brotherhood of Carpenters and Joiners of America, in the State of New York, praying for the passage of the so-called "children's bureau" bill, which were ordered to lie on the table.

He also presented a petition of the New York State Canned Goods Packers' Association, of Rome, N. Y., praying for the adoption of the measure in the agricultural appropriation bill providing for the retention and reimbursement of the scientific referee board in connection with the Bureau of Chemistry, which was ordered to lie on the table.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7 and 39.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 55, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the proposed amendment insert the following: "unless, in case of minors, a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: "In lieu of the proposed amendment insert the following: "extraordinary emergency;" and the Senate agree to the same.

On the amendments of the Senate numbered 58 and 59, the committee of conference have been unable to agree.

EUGENE HALE,
GEORGE C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.
GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

The report was agreed to.

Mr. HALE. I move that the Senate further insist on its amendments in disagreement, and grant the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN conferees on the part of the Senate at the further conference.

REPORTS OF COMMITTEES.

Mr. SCOTT. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, to report it with amendments, and I submit a report (No. 1103) thereon. I give notice that I shall call up the bill at the earliest day possible.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (S. 9369) to amend an act entitled "An act for the widening of Benning road, and for other purposes," approved May 16, 1908, reported it without amendment, and submitted a report (No. 1104) thereon.

BILLS INTRODUCED.

Mr. MILTON introduced a bill (S. 9492) for the relief of Robert Broadbent, Barger Holst, James A. Dunham, Byron Dawley, Axel Rosendahl, and Will J. Elliott, which was read twice by its title and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 9493) for the relief of the Cumberland Presbyterian Church of Shiloh, Issaquena County, Miss., which was read twice by its title and referred to the Committee on Claims.

Mr. OWEN introduced a bill (S. 9494) for the relief of Mary M. Kennedy, Esther A. Pierce, Alfred Jemison, King Pierce, John H. Pierce, C. S. York, Dwight Jemison, and others, which was read twice by its title and referred to the Committee on Claims.

Mr. GUGGENHEIM introduced a bill (S. 9495) granting an increase of pension to Betsy B. Simons, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 9496) granting a pension to Jennie Simpson, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 9497) granting an increase of pension to Hubert Steimel, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 9498) granting an increase of pension to John S. Sanderson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 9499) granting an increase of pension to John Mather, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 9500) for the relief of James McGeary and others, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CARTER (by request) introduced a bill (S. 9501) for the relief of Cyrus H. Abbott and others, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment providing that all contracts made on behalf of the United States for telephone-exchange service shall be in such form as may be approved by the Attorney-General, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $50,000 for a fish-cultural and biological station on the Gulf of Mexico in the State of Florida, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries.

He also submitted an amendment proposing to appropriate $25,000 for a fish cultural station on the St. John's River, Florida, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries.

He also submitted an amendment proposing to appropriate $4,000 to complete the post-office, court-house, and custom-house building at Jacksonville, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations.

Mr. DEPEW submitted an amendment providing for the payment of certain judgments against the collector of internal revenue of the United States for the first district of New York, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. MILTON submitted an amendment providing for the relinquishment and release to John M. Bryan, jr., of Dade County, Fla., the interest of the United States in and to certain lands situated in Dade County, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $316.25 to pay C. M. Cox, of Bonifay, Holmes County, Fla., for services rendered as United States commissioner in and for the northern district of Florida, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FORAKER submitted an amendment relative to the matters in dispute between the Roman Catholic Church in Porto Rico and the United States and the people of Porto Rico, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRANDEGEE submitted an amendment providing an additional compensation of 20 per cent of the annual salary of assistant clerks and messengers doing clerical work in the Senate, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate and ordered to be printed.

Mr. RAYNER submitted an amendment proposing to appropriate $72,000 for payment to the State of Maryland for the principal sum, without interest, advanced by Maryland to the United States under the provisions of a joint resolution of the general assembly of Maryland of December 19, 1791, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

HEARINGS BEFORE COMMITTEE ON TERRITORIES.

Mr. BEVERIDGE submitted the following resolution (S. Res. 309), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Territories, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths, employ a stenographer, and to report such hearings as may be had in connection with any subject which may be pending before said committee, and have said hearings printed for the use of the committee; that the committee may sit during sessions of the Senate, and that the expenses thereof be paid out of the contingent fund of the Senate.

REVISION OF PENAL CODE.

Mr. HEYBURN. I ask for the adoption of the following order.

The order was read, as follows:

Ordered, That the bill (S. 2982) to codify, revise, and amend the penal laws of the United States be reprinted for the use of the Senate so as to distinctly show the amendments made to said bill by the House of Representatives and the amendments made by the Senate.

Mr. HEYBURN. This is really to correct the entry in the record. I find yesterday that that portion of the order made was in some way omitted from the record. I should like to have this order to print made in connection with the report of the conference committee which was printed.

Mr. CLARKE of Arkansas. In connection with the request just made by the Senator from Idaho, I wish to ask him if that means that he is not going to call up the conference report for consideration to-day?

Mr. HEYBURN. I thought that would be dependent upon when to-day ends. It has been suggested that the adjournment taken at the end of the eulogies to-day may be for a later hour to-day, so that the recess can carry the Senate over to to-morrow. If that should occur, I would not like to have the RECORD show that I agreed not to call it up to-day.

Mr. CLARKE of Arkansas. It might be necessary for some of us to be absent on business connected with the Senate.

Mr. HEYBURN. That is the situation as I understand it.

Mr. CLARKE of Arkansas. Very well.

The VICE-PRESIDENT. Without objection, the order is agreed to.

INTERMARRIAGE OF WHITES AND NEGROES.

Mr. MILTON submitted the following resolution (S. Res. 306), which was read:

Resolved, That the Committee on the Judiciary be discharged from further consideration of the bill (S. 8462) prohibiting the intermarriage of any white person to a negro in the District of Columbia, or in any Territory of the United States, and making the issuance of such marriage, if any, incapable of inheritance, and describing the penalty for such intermarriage, and defining the word "negro," and further prescribing a penalty for any person performing such marriage ceremony.

Mr. MILTON. I give notice that I shall call up the resolution Monday next immediately after the routine morning business for the purpose of submitting a few remarks thereon.

The VICE-PRESIDENT. The resolution will lie on the table.

CONGRESSIONAL DIRECTORY.

Mr. MILTON submitted the following resolution (S. Res. 308), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Printing be, and hereby is, authorized to have prepared and published an edition of the Congressional Directory for the use of Congress at its forthcoming extra session, copies of which shall be laid on the desks of Members within one week from the assembling thereof. And the Secretary of the Senate is directed to pay from the contingent fund for compiling, editing, and indexing the said edition the compensation usually allowed.

IMMIGRATION REPORTS.

Mr. MILTON. I submit a resolution and ask unanimous consent for its present consideration.

The resolution (S. Res. 305) was read, as follows:

Resolved, That the Secretary of Commerce and Labor is hereby directed, in so far as compatible with public interest, to send forthwith to the Senate the reports of Marcus Braun on immigration conditions along the Mexican border; the last report of John Greenberg; the 1906 report of James B. Reynolds on conditions at Ellis Island; the report, memoranda, and other data on the Chinese boycott by the special commission, composed of J. B. Reynolds, J. W. Jenks, and R. M. Easley, appointed February 24, 1906; and that the same be printed as separate Senate documents.

Mr. PENROSE. I move that the resolution be referred to the Committee on Immigration.

The motion was agreed to.

INAUGURAL CEREMONIES.

Mr. KNOX submitted the following resolution (S. Res. 307), which was considered by unanimous consent and agreed to:

Resolved, That it is ordered that upon the 4th day of March, 1909, the doors of the Senate Chamber shall be opened to receive those who are entitled to admission as shown by the programme arranged for said day by the Joint Committee of Arrangements for the Inauguration of the President-elect of the United States, and that such persons shall be admitted without reference to order or precedence and shall take the seats assigned to them and to which they will be shown by those in attendance.

It is further ordered that after the organization of the Senate shall have been completed, those assembled in the Senate Chamber shall proceed to the platform on the center portico of the Capitol in the order specified in the programme on arrangements, which order will be announced by an officer of the Senate.

PRESIDENTIAL APPROVALS.

A message fom the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following joint resolutions:

On February 26, 1909:

S. R. 126. Joint resolution authorizing the Secretary of War to donate six condemned cannon to the city of Cheyenne, Wyo.

On February 27, 1909:

S. R. 80. Joint resolution to provide for an accounting of certain funds held in trust for the Chippewa Indians in Minnesota.

HOUSE BILLS REFERRED.

H. R. 28285. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was read twice by its title and referred to the Committee on Pensions.

H. R. 28245. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 9242) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors, which was, on page 6, to strike out lines 14 to 15, inclusive.

Mr. McCUMBER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

BOILER INSPECTION.

The bill (H. R. 28175) to amend section 4434 of the Revised Statutes of the United States, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

Mr. FRYE. The bill relates to the measurement of boilers and tubes?

The VICE-PRESIDENT. That is correct.

Mr. FRYE. I am authorized by the Committee on Commerce to report back the bill favorably and ask that it may take the place on the calendar of the Senate bill which I reported yesterday, and that Senate bill (S. 9455) to amend section 4434 of the Revised Statutes, and for other purposes, may be indefinitely postponed.

The VICE-PRESIDENT. Without objection, it is so ordered.

REPORT OF NAVAL REORGANIZATION COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 743), which was read and, with the accompanying paper, referred to the Committee on Naval Affairs and ordered to be printed:

To the Senate and House of Representatives:

I send you herewith the final report of the commission on naval reorganization, which outlines a new departmental system. Accompanying is the letter from Mr. Justice Moody, sent to me in transmitting the report. I have expressed to Justice Moody and his associates my profound sense of obligation for the admirable work they have done.

I invite your attention to the sound and conservative character of this report. It is in full accord with American policy, for it recognizes the complete supremacy of the civil power as regards the military no less than the civil or manufacturing side of naval administration. Nothing drastic is recommended as to the bureaus or other agencies by means of which the purely business affairs of the Navy Department are now administered. These are simply coordinated and brought under the general control of the Secretary in such manner as to secure unity of effort and action. The recommendation for the creation of the two councils, the Secretary's general council and his military council, are based upon the fundamental and all-essential proposition that a navy exists and ought only to exist for war, and for war alone; for the efficacy of the navy in securing and guaranteeing peace depends absolutely upon its evident efficiency for war. Preparation for war can only be thorough and complete if the Secretary has the same expert military assistance and the same advisers in time of peace as in time of war. The proposed plan has this object in view. It should be remembered that perfection of organization and training and perfect preparedness cost no more than slipshod inefficiency in so spending money as to disregard, or even prevent or impede, proper training and preparedness. The plan outlined does not imply any greater expenditure of money than at present. It provides merely that the money should be spent wisely, instead of as at present spending it so that a certain proportion is wasted in friction or in useless work. Training and preparation are essential elements of success in war. It is necessary to have the best ships and to have a sufficient number of them; but the number and character of ships will not necessarily bring victory. Efficiency in organization and personnel must be the main dependence in securing victory where there is even an approximate equality in material.

To supplement and finish the work of this commission another commission must eventually be designated to take up the proposed plan and complete it as to details; but no plan can be satisfactory if there is deviation from the essential military principles specified in this report. These principles are those which all sound naval experts have come to recognize as fundamental. I call your attention to the fact that the commission, whose conclusions I lay before you, was composed of five rear-

admirals, two ex-Secretaries of the Navy, and an ex-Member of the House of Representatives, who throughout his term of service in the House was one of the most able and resolute champions that the navy has ever had in Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 27, 1909.*

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I ask that House bill 28243, the river and harbor bill, be taken up for consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. FRYE. I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments first receive consideration.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Commerce was, in section 2, page 2, line 23, before the word "thousand," to strike out "five hundred" and insert "six hundred and fifty," and on page 3, line 8, after the word "navigation," to insert:

Provided, That to prevent the diversion of the waters of the Missouri River through Lake Contrary and other contiguous lakes, $150,000 of this appropriation, or so much thereof as may be necessary, shall be expended.

So as to make the section read:

SEC. 2. That for emergencies, to provide for the restoration of channels, or river and harbor improvements, heretofore established or improved by the Government where, by reason of emergency, the usual depth of such channel or customary use of such improvement can not be maintained, and there is no sufficient fund available for such restoration, the sum of $650,000 is hereby appropriated to be immediately available. The amount herein provided shall be allotted by the Secretary of War: *Provided*, That in no case shall such allotment be made unless recommended by the local engineer having such channel or improvement in charge and by the Chief of Engineers, respectively: *Provided further*, That no single channel or improvement shall be allotted a sum greater than $50,000, nor any portion of the said appropriation, unless the same is necessary in the interest of navigation or to protect and preserve existing government work in the interest of navigation: *Provided*, That to prevent the diversion of the waters of the Missouri River through Lake Contrary and other contiguous lakes, $150,000 of this appropriation, or so much thereof as may be necessary, shall be expended.

The amendment was agreed to.

The next amendment was, in section 3, page 6, after line 7, to insert:

Hingham Harbor, Massachusetts: The balance remaining from appropriations heretofore made for this improvement may be diverted and made available for redredging the channel and extending the same in a general westerly direction.

The amendment was agreed to.

The next amendment was, on page 6, after line 22, to insert:

Improving Minnesota River: That the annual appropriation for operating snag boats on the upper Mississippi River, made by section 7 of the river and harbor act of August 11, 1888, is hereby made available for similar purposes on the Minnesota River and other tributaries of the upper Mississippi River.

The amendment was agreed to.

The next amendment was, in section 4, page 8, after line 10, to insert:

For the purchase and acquisition of sites for locks "B" and "C" on the Cumberland River below Nashville, $10,000.

Mr. FRYE. I ask that the amendment be rejected.

The amendment was rejected.

Mr. FRYE. I move to insert the following at the end of the bill.

The SECRETARY. It is proposed to insert at the end of section 16:

That the sum of $10,000 be, and the same is hereby, appropriated for the purchase and acquisition of sites for locks "B" and "C" on the Cumberland River below Nashville.

The amendment was agreed to.

The next amendment was, in section 7, page 11, line 19, after the word "Speaker," to insert "In the event of a vacancy occurring in the commission such vacancy shall be filled by the same appointing power," so as to read:

SEC. 7. That a commission be, and is hereby, created, to be known as the National Waterways Commission, to be composed of Members of the Sixtieth Congress who shall be Members of the Sixty-first Congress as well, as follows: Five Members of the Senate, to be appointed by the presiding officer thereof; seven Members of the House of Representatives, to be appointed by the Speaker. In the event of a vacancy occurring in the commission such vacancy shall be filled by the same appointing power.

The amendment was agreed to.

The next amendment was, in section 7, in the item for the creation of the National Waterways Commission, on page 12, line 18, after the words "United States," strike out "or Europe" and insert "and elsewhere," so as to read:

The members of said commission or of any subcommission or subcommissions thereof, may make investigations of waterways and harbors in the United States and elsewhere, and shall be allowed actual necessary expenses for the same and the expenses of necessary employees.

Mr. CULLOM. I wish to know whether the chairman of the committee can admit an amendment carrying about $100,000 for the purpose of making an opening underneath the canal known commonly as the "Hennepin Canal," for the purpose of preventing a flood tide upon a railroad crossing.

Mr. FRYE. It will be impossible for me to admit it to this bill. It will have to be done under the regular river and harbor bill.

Mr. CULLOM. I made the inquiry at this time for the reason that my colleague [Mr. HOPKINS], who has been absent, as the Senator knows, for some little time, had been written to, and it was not called to my attention until to-day. I desired to get the amendment made if I could. If it is contrary to the policy to amend the bill in that respect, I will withdraw any effort to do so.

Mr. FRYE. It is.

The amendment was agreed to.

The reading was continued to line 19, page 13.

Mr. FRYE. On page 13, line 19, I move to strike out the words "said dams" and to insert "dam across the South Branch," so as to read:

SEC. 8. That section 3 of "An act permitting the building of dams across the North and South branches of Rock River, adjacent to Vandruffs Island and Carrs Island, and across the cut-off between said islands, in Rock Island County, Ill., in aid of navigation and for the development of water power," approved May 1, 1906, be, and the same is hereby, amended by extending the time for the completion of dam across the South Branch to May 1, 1911.

The amendment was ageed to.

The reading was continued to line 20, page 15.

Mr. BACON. Mr. President, I do not wish to interfere with the orderly procedure. I understand the rule to be that the committee amendments shall be first disposed of. I presume it would be understood that, even if one did not offer an amendment, it would be in order to ask for an explanation of any section as it came from the House.

Mr. FRYE. Undoubtedly.

Mr. BACON. Some things might not be readily understood and might require some explanation. I do not wish to interrupt the proceeding now to do that. I only wish to make the suggestion to prevent any misunderstanding. There are some things being passed over in regard to which I should like to have some explanation from the chairman, but I will not now interrupt the reading for that purpose.

The reading of the bill was continued to line 6, on page 19.

Mr. FRYE. I move to strike out lines 1, 2, 3, 4, 5, and 6, on page 19, in the following words:

The Secretary of War is further authorized and instructed to cause to be made a preliminary examination and survey to ascertain and determine a proper plan and the probable expense for constructing in the rapids of the St. Marys River a filling basin or fore bay, from which the ship locks shall be filled.

The amendment was agreed to.

Mr. FRYE. I offer the following amendment, to come in immediately after the paragraph just stricken out.

The SECRETARY. At the top of page 19 it is proposed to insert:

SEC. 12. That the Secretary of War is hereby authorized, in his discretion, to permit any corporation or association of persons in King County, Wash., at their own expense and without cost to the United States Government, to widen, deepen, and straighten the Duwamish River, in said King County: *Provided*, That the work so done shall be in accordance with plans approved by the Chief of Engineers of the War Department.

The amendment was agreed to.

The next amendment was, on page 20, line 11, after the word "Michigan," to strike out "any Canadian waters which shall be compensated for by controlling or remedial works located on the Canadian side of the international boundary line," so as to make the additional proviso read:

Provided further, That nothing herein contained shall affect or impair the rights of the Michigan-Lake Superior Power Company, as they existed prior to the passage of this act, under the conditions heretofore prescribed by Congress, to divert from the said St. Marys River into its power canal, located south of the rapids, in the State of Michigan.

Mr. FRYE. In line 9, after the word "divert," I move to insert the word "water."

The amendment to the amendment was agreed to.

Mr. BACON. I will not ask the Senator to reply now unless he desires to do so, but I call attention to the fact that there

is a very grave question in my mind whether we have the power—of course the Senators from Michigan are those who are most directly interested—to embody in the bill a provision which asserts the right of the United States to lease the water power of a river belonging to a State. I think it is a very grave question, and I do not believe there is any such power in the Federal Government.

Mr. FRYE. I question whether there is power in the Government to do it where the Government authorizes the erection of a dam across a river by a private party or corporation, but this is only the erection by the Government of its own dam.

Mr. BACON. That does not change the proposition, Mr. President. Of course I do not intend to press it. Both the Senators from Michigan are here. I will only say the time may come when it will relate to some other State, and, so far as I am concerned, I protest now, and I shall always protest against it.

I shall not make any special fight on this provision, because the Senators from Michigan are the best judges of what is for the interest of their own State, but I would not be willing to pass in silence a proposition of that kind, even though it related to a State in which I have no direct interest. I do not think that the Federal Government has any control over waters within a State, except for the purposes of navigation, and the fact that it makes a dam for the purpose of improving navigation does *not in* anywise give it any property in the water power of that State. It belongs to the State; it belongs to the individuals of the State who own the land to the thread of the stream.

Mr. FRYE. That matter has been a good deal discussed in both committees, and the conclusion reached in both was that the Government has the right to do what is approved of in this bill.

Mr. BACON. It may have been reached by the committee, but I think it is a very grave matter for the Senate to reach that conclusion.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. FRYE. Certainly.

Mr. TELLER. Mr. President, I do not care at this time to go into any general discussion of this question. The Supreme Court of the United States has said on certain occasions that the Government of the United States does not have the power to build a dam across a river unless it is to further the interests of navigation. So the Government can not build a dam across a river for water power; that is certain; and that the State owns the water can not be doubted.

I have heretofore cited a large number of cases, and I could cite at least a dozen more and two or three that the courts have decided since the Two hundred and ninth United States Reports. There are two cases that affirm the doctrine unequivocally that the State owns the water, and the Government of the United States has not any right to interfere with it and can not convey any interest in it in any possible shape. A contract made by the Government of the United States unauthorized by the Constitution is a nullity. It was so declared in 1845 by the Supreme Court of the United States. That is a fundamental principle that everybody might have understood, but the court went into it and decided it in the case I called attention to yesterday on another point.

I do not like to see in these bills an open, palpable contradiction on the part of the Senate and House of what everybody knows the courts have decided many times for at least seventy-five or eighty years. If the Government wants to do anything of this kind for any purpose except for navigation, it is utterly without the power to do it. Why should the Government of the United States enter into the question of leasing water or leasing rights on a river?

Mr. President, I will not take the time to discuss it; I presume the Senators from Michigan will have something to say on the subject; but I want to enter my protest against it as bad legislation, as undignified legislation, that ought not to be allowed here.

I want to say that I am not a bit alarmed about the power of Congress to take away from the State any power it has. The Supreme Court has declared that it could not deprive a State of its power under the Constitution, not even with the consent of the State.

Mr. NELSON. Mr. President, I agree with the legal proposition announced by the Senator from Colorado in the main, but in this case the provision relates to the St. Marys River, flowing between Lake Superior and the lower lakes. The river passes over a succession of rapids at this point. The Government, a good many years ago, constructed a canal on the south side of the river, and in that canal there are two locks. Ships can only pass up and down from the upper lakes to the lower lakes by going through this canal. It is essential for the Government to build an additional canal and two more locks on account of the commerce of that country.

A preceding section of the bill proposes to condemn all the riparian land between the canal and the international boundary line. If that condemnation takes place, as provided in the bill, the United States becomes the riparian owner to the middle of the channel or wherever the international boundary may be. In a recent case that has been decided in the Supreme Court here from Michigan, involving this very question, the Supreme Court held that under the laws of Michigan, as interpreted by their supreme court, the right is in the riparian owner and not in the State.

In some cases they hold it is in the State, but here they held that it is in the riparian owner, subject to the public use. If these condemnation proceedings are carried on and the United States becomes the owner up to the middle of the stream or the boundary line, it becomes the riparian owner and ought to be in the position of any other riparian owner. You must construe this paragraph of the law in reference to that.

The canal company that is referred to was given a right to take water out of the lake above the head of the rapids and above the head of the government canal and above the head of the locks. The river and harbor act of 1903 authorized the Lake Superior Canal Company to draw water through that canal from the lock above. This simply leaves that legislation as it is. It does not affect it one way or another. The Government proposes to get control of the whole bed of the river there by condemnation proceedings for the purposes of improving the navigation, and in aid of that, as an incident, is constructing work there at the head of the rapids to improve the navigation. The power is in the Government as riparian owner, and as the constructor of that power it ought to have the right to control the water That is substantially and briefly the situation.

Mr. TELLER. The statement made by the Senator from Minnesota does not change the law. The United States Government condemns the land simply as a proprietor. It owns land only as a proprietor. If it wants a fort or a post-office site, it has to get a concession from the State to have any more jurisdiction over it than it has over other lands held by private individuals.

The State has absolute control over the question of riparian rights. The Supreme Court, in the case of Kansas *v.* Colorado, decided that question fully. It had been decided several years before. It is in the power of the State of Michigan to say to-morrow, and after we have made this contract, that the riparian right ceases or shall be exercised under certain restrictions of the State. Those decisions are ample and abundant. I think there will not be any impropriety on my part if I say that the committee ought to have considered this question with a view to what the courts and the Michigan authorities might do in the future. They can say whether it is the Government that holds the land or individuals. They can say that the old doctrine of riparian rights shall be abandoned.

Mr. President, I think this is a great blotch upon this bill. I will be glad to vote for it, I think, in the main, but I am certainly not going to vote for a proposition of this kind. I do not think it is to our credit to put in the bill provisions that are in plain contradiction to the determination of the courts of the country, and that, too, the superior court, the court that passes upon these constitutional questions.

Mr. CLARKE of Arkansas. Mr. President——

Mr. FRYE. The unanimous consent was that the committee amendments should first be disposed of. If any Senator proposes to strike out, after the committee amendments have been disposed of, then this discussion would be legitimate, but I do not understand that it is, right here at this point.

Mr. TELLER. It is legitimate on an amendment that proposes to do a thing that you can not do under the Constitution, or at least I think you can not.

Mr. FRYE. No such amendment has yet been reported.

Mr. TELLER. Are we not upon the amendment on the question of water?

Mr. FRYE. We are on the condemnation part of the provision, but the amendment has not been reached authorizing the leasing of the power.

Mr. BACON. It all relates to the same subject-matter.

Mr. CLARKE of Arkansas. I want to say a word in relation to the action of the committee.

Mr. TELLER. The provision for condemnation is general legislation, and I raise the point of order on it.

Mr. FRYE. You can not do it, because it comes from the House of Representatives, and no point of order can be made against it.

Mr. TELLER. That part is in the bill as passed by the House.

Mr. FRYE. That part is in the bill as passed by the House.

Mr. TELLER. That is correct, I think, but we can strike it out.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. FRYE. With pleasure.

Mr. CLARKE of Arkansas. Mr. President, the point raised by the Senator from Colorado [Mr. TELLER] had not escaped the attention of the committee in the consideration of that particular provision of the bill. I believe it was the unanimous opinion of the committee, so far as occasion arose for its expression, that the doctrine announced by the Senator from Colorado was the correct one; but the facts in this case distinguish it, making it necessary to apply an entirely different doctrine. Wherever the common law prevails the bed of nonnavigable bodies of water is in the ownership of the adjacent proprietor. This particular stream, which connects this particular body of water, was never navigable until made so by artificial means, by the expenditure of money and the employment of engineering facilities.

The land either passed to the State of Michigan under the swamp and overflowed land grant of 1850 or it remained in the United States Government and was disposed of and passed to private owners.

So the United States Government owns only so much water or the right to flow water over so much land as has been acquired by the usual means of negotiation or by condemnation. It was thought that that particular state of facts did not raise squarely the question as to whether the United States Government had any right in connection with streams except the right to provide for their unobstructed navigation, because of the fact that this did not present the question which has been raised by the veto message of the President of the United States in the St. James River case. We concluded to let it pass because it presented a question in which the State of Michigan was more directly interested than the United States Government or any other proprietor.

When the question stated by the Senator from Colorado is squarely raised, I think I shall be compelled to agree with him unless I have some reason for concluding that my present estimate of the authority is not a correct one. It seems to me self-evident that it grows out of the very nature of the Government and the very character of ownership that has always obtained to the bed of navigable streams.

Mr. FRYE. On page 20, line 11, after the word "Michigan," in lieu of the language proposed to be stricken out, I move to insert the following:

Under such rules and regulations as shall be from time to time prescribed by the Secretary of War.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMITH of Michigan. Mr. President, in view of the statement of the Senator from Georgia [Mr. BACON] with reference to this particular section of the bill, and also the statement of the Senator from Colorado [Mr. TELLER], I feel that I ought to explain my attitude upon this proposition.

In the first place, the practical question presented to the Senate is the question of insuring the navigability of the waters of the St. Marys River. Upon that question, which is a practical one for engineers and not a legal one, the House has taken action.

Mr. BACON. If the Senator will pardon me, I think that is a legal question, but I do not think there is any doubt about what should be done with the question.

Mr. SMITH of Michigan. I do not think the Senator understands me.

Mr. BACON. The Government, of course, has a right to make the stream navigable.

Mr. SMITH of Michigan. The first question that arises is the necessity for the taking. Upon the question of necessity, I think the courts have uniformly held that an authorization by Congress establishes the question of necessity.

This is a narrow stream, and it is not and never has been navigable. The construction of canals or locks are essential to navigation. It is held by the engineering department of the Government that they need additional land for the construction of new locks.

Mr. TELLER. I should like to suggest to the Senator from Michigan the government engineers do not agree on that.

Mr. SMITH of Michigan. It seems to me unnecessary to acquire all this land for additional locks. But upon that question, which I think is purely one of fact, I do not wish to interpose my objection, although upon the question of the right of the Government to acquire this river to the international boundary for purposes of navigation there may be an honest difference of opinion.

Personally I do not think we need the land or the water lying between the present locks and the international boundary for purposes of navigation, but the contention of the Government is that we will need it in the future, and it asks a free hand. If they need it, they can take it under the power of condemnation. The question of necessity being a question of fact, I am not disposed to quarrel with the engineering department of the Government as to its needs; but I would not have the Senator from Georgia [Mr. BACON] or the Senator from Colorado [Mr. TELLER] or any other Senator imagine for a moment that I believe that the Federal Government has the constitutional power to acquire this river for the purpose of vending the water power——

Mr. BACON. That is exactly the point. I want to ask the Senator if the provision on page 19, beginning at line 14, does not undertake to do that very thing.

Mr. SMITH of Michigan. I am quite willing to pass the constitutional question up to the courts to decide, but I do not by so doing change my opinion at all. I believe that the law is well established that, wherever water power is an incident to navigation, it may be sold, and wherever the question of water power is paramount it is in direct conflict with the Constitution. The power is not given to the Federal Government to exploit water power as a commercial enterprise.

Mr. BACON. Now, if the Senator will pardon me, I will give him an illustration.

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Georgia?

Mr. SMITH of Michigan. Certainly.

Mr. BACON. I will take the Coosa River, in Alabama, which rises in Georgia and flows into Alabama, upon which the Government has constructed certain locks for the purpose of putting the river in a condition where it can be navigated. Of course, in the construction of those locks the Government has had to build dams; and the water power, which is thus created or made available, is on territory belonging to the government of the State of Alabama—private owners, riparian owners. I want to ask if I understand the Senator correctly to say that in such a case as that the Government of the United States would own that water power and have the right to lease it?

That I understand to be the contention of the President of the United States in several messages which he has sent to this body, and I think he has gone so far as to veto a bill because that right was not recognized. I can not now name the bill, but I think the President has done so.

Mr. SMITH of Michigan. Mr. President, the riparian owner can not be divested of his water right.

Mr. BACON. If the Senator will pardon me a moment, if that is the Senator's proposition, I should like very much for the Senator to point to the adjudication which he says would establish that proposition.

Mr. SMITH of Michigan. I want the Senator from Georgia to understand me. In a navigable stream, where the Government has the paramount right to navigate and control the navigation——

Mr. BACON. The Government never has the paramount right to navigate.

Mr. SMITH of Michigan. It has the paramount right to navigate——

Mr. BACON. To navigate?

Mr. SMITH of Michigan. To navigation.

Mr. BACON. Well, no.

Mr. SMITH of Michigan. Yes.

Mr. BACON. I beg the Senator's pardon.

Mr. SMITH of Michigan. It has the paramount right to navigation.

Mr. BACON. No.

Mr. SMITH of Michigan. To regulate navigation?

Mr. BACON. Ah! it has the power to control it, but not the power to navigate.

Mr. SMITH of Michigan. To control it.

Mr. BACON. Of regulation.

Mr. SMITH of Michigan. Wherever the necessities of navigation are such that the Government is obliged to acquire the riparian land, as is the case at Sault Ste. Marie, and as such riparian proprietor is obliged in the interest of commerce to build locks and dams and water power is developed or acquired, the right to dispose of the same to best advantage must exist.

I do not want to be misunderstood at all, neither do I wish my position to be at all contradictory. I do not believe that the necessities of navigation require the taking of this stream to the international boundary; but if it is to be taken, and the

necessity established, then I want the communities affected to have the benefit of the water power either through the Government or through private enterprise, and I have proposed an amendment making it mandatory upon the Government as a riparian proprietor to develop that water power for the benefit of the communities affected thereby.

Now, does the Senator from Georgia recognize the distinction I make?

Mr. BACON. That is rather a narrow distinction. I do not recognize the correctness of the Senator's logic and reasoning.

Mr. SMITH of Michigan. If the Senator recognizes the distinction, I will not dwell upon it further.

Mr. BACON. Yes.

Mr. SMITH of Michigan. I want my view to square with the legal rule and the constitutional situation. I have great pride in the Government's position. The St. Marys River is an important strait connecting Lake Superior with Lake Michigan. If the Government acquires this property in the interest of navigation, I want the water power, second only to Niagara, to be developed for the benefit of the communities bordering that stream.

I have no special quarrel with the Government's desire to acquire this land; I do not think it is necessary for purposes of navigation; but if the Government thinks it is necessary, I am not going to quarrel with them about it. I do insist, however, that the proviso at the end of page 20, from line 18 to line 3 on page 21, shall constitute a part of this act.

Mr. BACON. If the Senator will pardon me—I do not wish to take him from the floor, because I desire to hear him further on the question——

Mr. SMITH of Michigan. I have no desire to discuss it further.

Mr. BACON. I want to read the language of this provision to show that, according to my understanding, at least, the purpose as indicated by the Senator from Michigan is not the purpose expressed in the bill. The language is this:

> The right to the flow of water, and riparian, water power, and other rights, now or hereafter owned by the United States in the St. Marys River in Michigan shall be forever conserved for the benefit of the Government of the United States, for the purpose of having the water power developed.
>
> Not for the purpose of navigation, but—
>
> either for the direct use of the United States, or by lease or other agreement, through the Secretary of War, who is hereby authorized to make such leases or agreements.

The prime purpose there is not navigation. Navigation is not mentioned.

Mr. SMITH of Michigan. Let me call the attention of the Senator to section 11, on page 15:

> SEC. 11. That the ownership in fee simple absolute by the United States of all lands and property of every kind and description north of the present St. Marys Falls Ship Canal throughout its entire length and lying between said ship canal and the international boundary line of Sault Ste. Marie, in the State of Michigan, is necessary for the purposes of navigation of said waters and the waters connected therewith.

Mr. BACON. Yes.

Mr. SMITH of Michigan. That is the basis of this declaration. If that is not true, this entire declaration fails. If it is true, then, as an incident, the Government acquires the rapids in this river and may use it for the purposes described in the section to which the Senator from Georgia refers.

Mr. BACON. But even conceding the contention of the Senator, which I do not, as to the change in the attitude of the Government whenever the consideration of navigation is paramount, the section now under consideration is one in which the plain proposition is made, not simply that the Government is to utilize a water power which has been developed by the construction of works intended to improve navigation, but that the purpose of this is to develop such water power.

Mr. SMITH of Michigan. If the Senator from Georgia will permit me, if this was a petition in condemnation in a court of record by a quasi public corporation, the first thing that they must find would be the allegation in section 11 as to the necessity. The next would be the compensation. The Government may declare the taking a necessity. I have seen evidence that it intends to do it. If so, then I insist that what they acquire as an incidental right shall not run to waste, but must be used for the benefit of the people of Michigan.

Mr. President, the Government intends to force section 11 into the law, and I am doing the best I can to see to it that that water power, which is a very valuable asset to the State of Michigan, shall not be lost. That is my only concern.

Mr. FRYE. Mr. President, why can not the debate be postponed until a motion is made to strike out this entire section, and let us go on with the committee amendments?

Mr. TELLER. Why can we not strike it out now?

Mr. FRYE. Because it is not a committee amendment.

Mr. TELLER. The Senator prefers to go on with the committee amendments?

Mr. FRYE. I prefer to go on with the committee amendments, and then any Senator can, of course, move to strike out the entire section in regard to St. Marys River.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. BANKHEAD. Mr. President, I desire to say just a word, and I think this is a very appropriate place to say it, while we are discussing the question of navigation and power combined.

It is perfectly evident that the erection or construction of locks and dams for navigation has never yet created a single reliable horsepower in this country, and never will. Where locks and dams are constructed for navigation, of course their height limits the head. The head, of course, regulates the power, if power is intended to be developed. I have in mind now a river in Alabama where 18 locks have been constructed for the purpose of promoting navigation on that river, and there is not generated now and never can be generated a single horsepower at all of them combined that is reliable; and power that is not reliable and that can not be depended upon every day in the year is almost worthless, unless you go to the expense of adding an auxiliary steam plant to supply power when the water itself does not supply it.

The question of water power is a very important one. I believe that is one of the richest assets that we have. I do not mean the richest asset of the Government, but of the people of the country or the State where the power can be developed. If this power, so valuable to develop all of the resources of the country, is ever to be utilized, it must be done in conjunction with navigation. One or the other is inevitably destroyed when you undertake to construct and operate them separately. It can not be done, as all the engineers in this country will tell you.

I do not expect it done in this bill, but this question must be settled. Some understanding must be reached as to the manner in which navigation and power can be supplied on the same river. The Government of the United States will never construct dams where to create power great reservoirs for the storage of water are necessary. They will be constructed only as aids to navigation. Individuals will never construct great dams and reservoirs for power in order to give the Government navigation. So, to my mind, it is perfectly evident that there must be cooperation if the two purposes are ever to be conserved together. It can not be in any other way.

The Government of the United States, desiring to improve the navigability of a river where great and valuable water power may be established, ought in the very inauguration of the work to look to it that in the construction and operation of locks power at the same time will be provided. This they must do, Mr. President, unless the Government makes up its mind that for all time this power, valuable as it may be, must give place to navigation exclusively.

I hope the Congress, at some future day when they have more time to devote to this important question, will take it up in an intelligent way and work out some plan by which the power on rivers that are navigable when improved may be utilized and at the same time navigation provided for. How that can be done is for Congress to determine—whether or not the Government of the United States, in pursuance of this policy, shall conclude that it is wise, politic, and businesslike to enter into some understanding or agreement with private individuals by which the Government may build a part of the locks and dams and the individual or corporation the other part, bearing the expense fairly, whatever it may be, and when completed the Government has the navigation and absolute control over it, and the individual or the corporation who participates in the work shall have and enjoy the power under proper regulation.

I merely wanted to say that much, Mr. President, while we were on the subject.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 20, line 18, after the words "Secretary of War," to insert the following proviso:

> *Provided further*, That any excess of water in the St. Marys River at Sault Ste. Marie over and above the amount required for the uses of navigation shall be leased for power purposes by the Secretary of War upon such terms and conditions as shall be best calculated in his judgment to insure the development thereof and most conducive to the commercial progress of the communities affected. The Secretary of War may as often as necessary make such regulations and fix such charges as in his judgment are reasonable and just and best calculated to carry out the purposes of this section.

Mr. TELLER. I want to object to that amendment. I ask the Senator from Maine to let it pass over.

Mr. FRYE. Why not let it be agreed to? Then, if a motion is made to strike out the entire section, of course it will come up in the Senate.

Mr. TELLER. I may not want to move to strike out the entire section, but I do desire to have this stricken out.

Mr. FRYE. If this goes out, the whole section will go out.

Mr. TELLER. Mr. President, I want to make my objection that this is general legislation, vicious legislation, and unconstitutional legislation on an appropriation bill. I think that will raise the point of order.

The VICE-PRESIDENT. The Chair is of the opinion that the first point of order is well taken, and therefore sustains that point of order.

Mr. FRYE. Is the Chair certain that Rule XVI applies to a river and harbor bill—that a river and harbor bill is a general appropriation bill?

The VICE-PRESIDENT. The Chair so understands.

Mr. FRYE. There is a different rule applied to river and harbor bills from that applied to other appropriation bills.

The VICE-PRESIDENT. The Chair is of the opinion that the river and harbor bill is a general appropriation bill in the sense contemplated by the rule.

The reading of the bill was resumed.

Mr. FRYE. On page 21, line 7, I move to strike out "six" and insert "eight."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 21, line 7, before the word "hundred," it is proposed to strike out "six" and insert "eight," so as to read:

SEC. 13. That for examinations, surveys, and contingencies, and for incidental repairs for rivers and harbors for which there may be no special appropriation, the sum of $800,000 is hereby appropriated, to be immediately available.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, under the subhead "Alabama," on page 23, line 13, after the word "the," to strike out "Sipsey Fork" and insert "Saunders Ferry," so as to make the clause read:

Mulberry and Locust forks of the Warrior River, up the Mulberry Fork to its junction with the Saunders Ferry, and up the Locust Fork to the mouth of Fivemile Creek.

Mr. FRYE. I move to further amend that paragraph, in line 13, by striking out "its junction with the," after the word "to."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, on page 23, after line 20, to insert:

Chickasabogue Creek at its mouth.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to insert:

Bayou La Batre.

The amendment was agreed to.

The next amendment was, on page 23, after line 22, to insert:

Coosa River, with a view to storage reservoirs at, near, or above the sites of Locks and Dams Nos. 12, 14, and 15, by cooperation with the Alabama Power Company, or any other corporation duly organized under the laws of the State of Alabama, in the development of water power for industrial purposes, the report to state what proportion of the cost should be borne by the United States.

Mr. BACON. I ask that that amendment be passed over for the present.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, under the subhead "Arkansas," on page 24, after line 7, to insert:

And an examination shall be made as to the feasibility, as an aid to navigation on the Ouachita River, of the construction of a canal from Grand Mary Lake to Felsenthal, Ark., and an estimate submitted as to the cost thereof.

The amendment was agreed to.

The next amendment was, on page 24, after line 11, to insert:

Arkansas River, between Little Rock and Dardanelle, with a view of ascertaining if said part of said river is susceptible of being made available for purposes of navigation during the entire year, and, if found capable of being made so available, then to report an estimate of the cost of improving such part of said river by the construction of locks and dams, or otherwise, as well as to report an estimate of the probable tonnage that will seek transportation thereon in the event the same were so improved.

Mr. FRYE. In the amendment of the committee beginning in line 12, on page 24, at the end of the line, I move to strike out the name "Dardanelle" and insert "Ozark."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 24, line 12, at the end of the line it is proposed to strike out the name "Dardanelle" and insert the name "Ozark."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, under the subhead "California," on page 25, after line 14, to insert:

Humboldt Harbor, South Bay Channel, with a view to the removal of obstructions to navigation to the wharf at Fields Landing.

The amendment was agreed to.

The next amendment was, on page 25, after line 19, to insert:

Humboldt Bay to Eel River, with a view to the construction of a ship canal.

Mr. PERKINS. With the permission of the chairman of the committee, I will move that that amendment be disagreed to, the same item being provided on page 54.

Mr. FRYE. That is right. Let the committee amendment be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, under the subhead "Connecticut," on page 26, after line 18, to insert:

Connecticut River up to Hartford.

The amendment was agreed to.

Mr. FRYE. On page 26, line 21, after the word "from," I move to strike out "Newport" and insert "Wilmington."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 26, line 21, after the word "from," it is proposed to strike out "Newport" and insert "Wilmington," so as to read:

Christiana River, from Wilmington to Christiana.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, under the subhead "Delaware," on page 26, after line 24, to insert:

Christiana River, from Wilmington to Christiana.

Mr. FRYE. Let that amendment be rejected.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, on page 26, after line 25, to insert:

Laurel River up to Laurel.

The amendment was agreed to.

The next amendment was, under the subhead "Florida," on page 27, line 6, after the word "walls," to insert "to protect government property; and also to providing a channel 16 feet deep and 300 feet wide from the city of St. Augustine to the ocean," so as to make the clause read:

St. Augustine Harbor, with a view to constructing the necessary sea walls to protect government property; and also to providing a channel 16 feet deep and 300 feet wide from the city of St. Augustine to the ocean.

The amendment was agreed to.

The next amendment was, on page 27, after line 9, to insert:

New Smyrna Inlet.

The amendment was agreed to.

The next amendment was, on page 27, line 15, after the word "to," to insert "the ocean, with a view to obtaining a depth of 30 feet;" so as to make the clause read:

St. Johns River, from Jacksonville to the ocean, with a view to obtaining a depth of 30 feet.

Mr. FRYE. I am informed that in the blueprint of the bill as it came from the House, on page 37, line 15, the words "its mouth" appear after the words "Jacksonville to," but those words do not appear in the printed bill as it is before the Senate. I move, therefore, to amend the amendment by striking out the words "its mouth" and inserting the words of the committee amendment "the ocean, with a view to obtaining a depth of 30 feet."

The amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 28, after line 11, to insert:

New River, Florida, with a view to securing a depth of 20 feet of water at the cut-off near the mouth, with jetties to protect the same.

Mr. FRYE. In line 12, after the word "river," I move to insert the words "Dade County."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Georgia," on page 28, after line 19, to insert:

Satilla River.

Mr. FRYE. In line 20, before the word "Satilla," I move to insert "Big."

Mr. BACON. The amendment which the Senator suggests is correct, as there are two such rivers in Georgia. If there is any mistake it can be corrected in conference.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Georgia and Alabama," on page 29, line 3, after the word "navigation," to strike out "and development of water power in connection therewith," so as to read:

Etowah, Coosa, and Tallapoosa rivers, with a view to their improvement for navigation.

Mr. LODGE. That term is to be stricken out throughout the bill?

Mr. FRYE. Yes; throughout the bill.

The amendment was agreed to.

The reading of the bill was continued to the end of line 20 on page 30.

Mr. BURKETT. I should like to ask a question, so that I may gain some information. I should like to understand something about the plan and the theory upon which the bill is builded. My attention has been attracted to it especially because of these three rivers in Iowa—the Des Moines River, the Cedar River, and the Iowa River. I should like to have somebody explain to me what it is that determines the committee in putting streams in the bill. I have seen the three rivers mentioned, and in my opinion they are not susceptible of navigation. I should like to know what is proposed to be done with those rivers. Are they a fair illustration of the other rivers provided for in this bill? I ask for information now because I may want to offer an amendment.

Mr. FRYE. The bill provides first for a preliminary survey. If the preliminary survey shows that the streams ought not to be improved for navigation, that is the end of it. If the examination shows that commerce requires the improvement, a survey is ordered. It goes to the chief engineer. Then it goes to the board of review. It is not possible, with that examination, for anything to get through that ought not to get through.

Mr. BURKETT. That is what I understood, although I have not had time to study the bill. What is determinative in the case of such rivers?

Mr. FRYE. If Members of Congress appear before the committee and request that a certain river be put in for preliminary survey, it is generally put in. Nearly all of the provisions for surveys have passed the Senate by concurrent resolution, and nearly all have similarly passed the House.

Mr. BURKETT. I thought such resolutions were usually lost in the House. They must involve some expense. How much expense does the Senator think is involved in these preliminary surveys?

Mr. FRYE. All the surveys in the bill will carry about $600,000, if they are made. A mere preliminary survey does not cost much. It is made through the local engineer.

Mr. BURKETT. Did the committee give attention to the practicability or desirability from a navigable standpoint of having these rivers surveyed? There are provided for in this bill rivers which anyone who knows the facts at all would say at once are not worth spending money upon. They can never be made navigable upon any reasonable expense. It is simply a waste of money. I observe that the amount is very small, but it seems to me some attention ought to be given to it before any money is authorized to be expended.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, under the subhead "Kansas," on page 30, after line 22, to insert:

Missouri River at the city of Atchison, with a view to restoring said river to its proper channel.

The amendment was agreed to.

The reading of the bill was continued to the end of line 18, on page 31.

Mr. FRYE. On page 31, line 15, before "Jefferson-Shreveport," strike out "the" and insert "survey of the."

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 21, on page 31.

Mr. FRYE. I offer the amendment I send to the desk.

The SECRETARY. On page 31 strike out lines 20 and 21 and insert:

Isle au Haut Thoroughfare between the island of Isle au Haut and Kimballs Island, with a view to obtaining a channel of increased depth and width and the establishment of a harbor of refuge.

The amendment was agreed to.

The next amendment was, under the subhead "Maine," on page 32, after line 3, to insert:

St. Croix River at and near Calais.

The amendment was agreed to.

The next amendment was, under the subhead "Maryland," on page 32, after line 13, to insert:

Corsica River.

The amendment was agreed to.

The next amendment was, on page 33, line 9, after the word "navigation," to strike out "and the development of water power in connection therewith," so as to make the clause read:

Connecticut River, from Hartford, Conn., to Holyoke, Mass., with a view to its improvement for navigation.

The amendment was agreed to.

The reading of the bill was continued to the end of line 2, on page 34.

Mr. FRYE. At the top of page 34, after the word "harbor," in line 1, I move to insert "to east end of Fulton street and."

The amendment was agreed to.

The next amendment of the Committee on Commerce was, under the subhead "Michigan," on page 34, after line 18, to insert:

Cheboygan River, with a view to widening its channel and rebuilding or repairing the locks so as to render the river navigable for boats drawing 8 feet of water.

Mr. FRYE. Let the amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 34, after line 21, to insert:

Forester Harbor, with a view to deepening the same to 20 feet.

The amendment was agreed to.

The next amendment was, on page 34, after line 23, to insert:

White Lake Harbor, with a view to providing a channel depth of 20 feet and a turning basin.

The amendment was agreed to.

Mr. FRYE. I offer the amendment I send to the desk.

The SECRETARY. At the bottom of page 34 it is proposed to insert:

Traverse Bay, at Traverse City, with a view to the construction of a breakwater.

The amendment was agreed to.

The next amendment was, at the top of page 35, to insert:

Leland Harbor, with a view to providing a harbor of refuge by the construction of a breakwater.

Mr. FRYE. Let the amendment be disagreed to.

The amendment was rejected.

The next amendment was, under the subhead "Minnesota," on page 35, after line 2, to insert:

St. Clair River, with a view to making a cut from the north to the south channel near Algonac.

Mr. FRYE. Let that amendment be also disagreed to.

The amendment was rejected.

Mr. FRYE. I offer the amendment I send to the desk.

The SECRETARY. On page 35, after line 4, insert:

Au Sable River, with a view to obtaining a suitable depth over the bar at the mouth by dredging.

The amendment was agreed to.

The next amendment was, under the subhead "Minnesota," on page 35, after line 21, to insert:

Zipple Bay, Lake of the Woods, with a view to establishing a harbor of refuge.

The amendment was agreed to.

The reading of the bill was continued to the end of line 13, on page 36.

Mr. FRYE. I offer the amendment I send to the desk.

The SECRETARY. On page 36, line 13, before the words "Fond du Lac," insert "the stone quarries near," so as to read:

St. Louis River, from the upper limit of present project to the stone quarries near Fond du Lac.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, under the subhead "Minnesota and Wisconsin," on page 36, after line 13, to insert:

The report upon the examination and survey for the location of a canal connecting Lake Superior and the Mississippi River by way of the St. Croix River, as provided by the river and harbor act of 1894, and as supplemented by the provisions of the river and harbor act approved March 31, 1899, shall be completed by a further report as to whether existing conditions render such project now feasible and practicable, considering the necessary location, plans, cost of construction and maintenance, commerce affected, water supply, and incidental water power developed in connection therewith.

The amendment was agreed to.

The next amendment was, under the subhead "Montana," on page 37, after line 17, to insert:

Yellowstone River, from its mouth to the city of Glendive, with a view to maintaining a 4-foot stage of water and the building of a lock at the United States Government dam.

Mr. FRYE. In line 18, after the word "of," I move to strike out "Glendive" and to insert "Miles City."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 37, line 22, after the word "Lake," to insert "with a view to dredging the channel and putting in piling on the east side," so as to make the clause read:

Polson Bay, Flathead Lake, with a view to dredging the channel and putting in piling on the east side.

The amendment was agreed to.

Mr. BACON. We have passed over the amendment on page 36. I want to call attention to that amendment.

Mr. FRYE. It provides merely for a report.

Mr. BACON. I know that, but it is something we have nothing to do with. It is no business of the Federal Government to develop water power or to legislate for the development of water power.

Mr. FRYE. Why does not the Senator move to strike it out? What is the use of making a reservation?

Mr. BACON. I will make that motion.

Mr. FRYE. I should like to have it made now.

Mr. NEWLANDS. Will the Senator from Georgia permit me to make a suggestion?

Mr. BACON. Certainly.

Mr. NEWLANDS. The Senator from Georgia doubtless heard the Senator from Alabama [Mr. BANKHEAD] speak of the importance of cooperation between the State and the Nation in the development of both navigation and water power, assigning to each the part that belongs to it, so that navigation, which is a federal function, and the development of water power, which is a state function, can both be promoted. As I understand, this amendment simply calls for a report regarding the waterway, so that the plan will cover everything that is necessary to develop a river to its highest purpose, both for navigation and water power. Is it not well to have such a report before us? When the report comes in, we will consider how far the Federal Government can act in the matter within its powers, and to what extent the State or individuals or corporations acting under the State can act under state powers.

The Senator from Alabama very clearly showed that unless these works were planned with reference to both uses we could accomplish one purpose only, and that would be the promotion of navigation.

It seems to me it is very much better to leave this provision in the bill, and then determine later on what part of the work shall be assigned to the Nation and what part shall be assigned to the State.

We are on the eve of the great work of coordination of the various national services relating to water. We are also on the verge of cooperation between the national sovereignty and the state sovereignty in reference to the development of rivers, and it is important that we should have a plan before us to ascertain what each sovereign shall do and what each sovereign shall pay in the construction of these works, which serve a double purpose.

Mr. BACON. Mr. President, I well understood the suggestion of the Senator from Alabama, which has been repeated by the Senator from Nevada, and I do not recognize at all the propriety of its adoption. It necessarily involves the idea that the Government of the United States is going into copartnership and into business relationship with private persons or private corporations, who may be interested in water power at places where the Government is interested in protecting the navigability of a river. Senators will see at once that that is necessarily the conclusion.

Mr. NEWLANDS. Mr. President——

Mr. BACON. I heard the Senator through with pleasure. I hope he will hear me through. Then I will yield with great pleasure. Senators will see that that is necessarily the result of the suggestion when it is proposed that when the Government shall enter upon works for the purpose of improving navigation, it shall enter into negotiations with private corporations or private individuals who may be interested in the water power at that point to divide between them the expense and to own jointly between them the property. That is the necessary, inevitable process by which that end is to be accomplished. I will not stop to elaborate that point. In the first place, it is absolutely foreign and antagonistic to the principle upon which the Government acquires any property anywhere for any public use. It can acquire property only for public use.

Mr. FRYE. I am perfectly willing that there shall be stricken out of the bill wherever it occurs the term "incidental water power."

Mr. BACON. Then I will not have another word to say.

Mr. BANKHEAD. Mr. President——

Mr. FRYE. I hope the Senator from Alabama will let the consideration of the bill be proceeded with. The time is passing away rapidly, and there are eulogies to be delivered.

Mr. BANKHEAD. I yield.

Mr. FRYE. "Incidental water power."

Mr. TELLER. Those words are to go out.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 36, in line 24, it is proposed to strike out "incidental water power developed in connection therewith."

Mr. GALLINGER. Let the word "and" be inserted before the words "water supply."

Mr. BANKHEAD. I understood the Senator to suggest that he was perfectly willing that everything in reference to water power should be stricken out.

Mr. FRYE. I am willing that it shall be stricken out. It occurs in several places. We have stricken it out in reference to the Connecticut River.

Mr. BACON. We have stricken it out as to Delaware and Georgia.

Mr. FRYE. We have stricken it out there.

Mr. BANKHEAD. I am going to yield to the suggestion of the committee, of course. But these are the most important provisions in this bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "New York," on page 39, after line 13, to insert:

Bay Ridge and Red Hook channels, New York Harbor, with a view to the removal of the shoal between these channels and the deep water of the bay and the construction of a breakwater or quay extending from Red Hook Point on and along the easterly side of said shoal as it now exists, for the purpose of providing protection to that part of the harbor against the effects of westerly winds.

Mr. FRYE. In line 18 I move to strike out the word "easterly" and insert the word "westerly."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued to page 40, line 8, the last paragraph read being as follows:

Hudson River, with a view to providing a channel not less than 200 feet wide and 12 feet deep at all stages from deep water in the lower river to Waterford, including a lock and dam at Troy suitable in size for all probable purposes of navigation and commerce to and from the Barge Canal.

Mr. FRYE. On page 40, line 8, after the word "Canal," I move to insert:

Below Troy channel to correspond in width with the existing project.

The amendment was agreed to.

The next amendment was, on page 40, after line 19, to insert:

The Secretary of War is hereby directed to report as soon as he is satisfied that the city of New York is prepared to undertake the work to be done by it preliminary to or contemporaneous with any dredging to be done by the United States Government, as recommended in the report and plan of the Secretary of War transmitted under date of February 25, 1909, for the improvement of Jamaica Bay, New York, and its entrance at Rockaway Inlet and Dead Horse Inlet.

The amendment was agreed to.

The next amendment was, under the subhead "North Carolina," on page 41, line 6, after the letter "a," to strike out "suitable depth and width" and insert "depth of 30 feet and a suitable width," so as to make the clause read:

Cape Fear River, at and below Wilmington, with a view of obtaining a depth of 30 feet and a suitable width.

Mr. SIMMONS. I wish to have striken out the words "depth of 30 feet and a suitable width," restoring the House language, "suitable depth and width."

Mr. FRYE. The Senator wants to have the committee amendment disagreed to?

Mr. SIMMONS. Yes.

The amendment was rejected.

Mr. SIMMONS. That restores the House language?

Mr. FRYE. It restores the House language.

The next amendment was, on page 42, after line 3, to insert:

Little Contentnia River up to the town of Ridge Springs.

The amendment was agreed to.

The next amendment was, on page 42, after line 5, to insert:

Contentnia River from Snow Hill to Stantonburg.

The amendment was agreed to.

The next amendment was, on page 42, after line 6, to insert:

Neuse River from Pamlico Sound to Kinston; Trent River up to Trenton; Pasquotank River up to Elizabeth City; Roanoke River up to Wel-

don; Chowan River up to a point opposite Winton; with a view to providing channels of 10 feet depth, to conform with the depth of the authorized canal to connect the waters of Pamlico Sound with the ocean at Beaufort.

The amendment was agreed to.

The next amendment was, on page 42, after line 13, to insert:

Cape Lookout, with a view to providing a harbor of refuge for the largest coastwise vessels.

The amendment was agreed to.

The next amendment was, on page 42, after line 15, to insert:

Cape Hatteras, with a view to providing a harbor of refuge for the largest coastwise vessels.

Mr. SIMMONS. In line 17 I move to strike out the word "coastwise" and insert the word "seagoing."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 42, after line 17, to insert:

Swift Creek from its confluence with the Neuse River to the head of navigation on said Swift Creek.

The amendment was agreed to.

The next amendment was, on page 42, after line 19, to insert:

Smiths Creek from its confluence with the Neuse River to the head of navigation on said Smiths Creek.

The amendment was agreed to.

The next amendment was, at the top of page 43, to insert:

NORTH AND SOUTH DAKOTA AND MONTANA.

The Missouri River from Sioux City, Iowa, to Fort Benton, Mont., and the Yellowstone River from mouth to Billings, Mont.

The amendment was agreed to.

The next amendment was, under the subhead "Ohio and West Virginia," on page 43, line 21, after the word "Numbered," to strike out "26" and insert "29," so as to make the clause read:

Survey of Ohio River, with a view to the selection of sites for the additional locks and dams between Lock No. 8 and Lock No. 29, and for the preparation of plans and estimates.

The amendment was agreed to.

The reading of the bill was continued to line 24, on page 43, in the items under the heading "Oklahoma."

Mr. FRYE. After the word "to," in line 24, I move to strike out the words "a point opposite Pauls Valley," and to insert "Mountain View," so as to read:

Washita River, up to Mountain View.

The amendment was agreed to.

Mr. FRYE. At the bottom of page 43, I move to insert:

The North Canadian River, with a view to the diversion of a portion of its waters into the Cimarron River in the locality of Blaine County.

The amendment was agreed to.

The next amendment was, under the subhead "Oregon," on page 44, line 9, after the word "mouth," to insert "including the bar thereof," so as to make the clause read:

Coquille River, from the mouth, including the bar thereof, up to Myrtle Point.

The amendment was agreed to.

The next amendment was, under the subhead "Rhode Island," on page 45, after line 10, to insert:

Newport Harbor, with a view to an extension of the improvement as indicated in projects "B" and "C," contained in House Document No. 438, Fifty-ninth Congress, second session.

The amendment was agreed to.

The next amendment was, on page 45, after line 14, to insert:

Point Judith Pond, with a view to obtaining a navigable depth.

The amendment was agreed to.

The next amendment was, on page 45, after line 16, to insert:

The Secretary of War is hereby authorized and directed to report to Congress a plan and estimate for a landing place to be constructed in the harbor of refuge at Point Judith, Rhode Island, within the area protected by the shore-arm breakwater, in accordance with the recommendations contained in the letter dated April 2, 1908, from the Secretary of War to the Speaker of the House of Representatives, and printed in H. Doc. No. 911, Sixtieth Congress, first session.

Mr. FRYE. In line 22, after the word "April," I move to strike out the word "second" and to insert "thirtieth."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 46, line 3, after the word "Point," to insert "and to extending the 25 feet deep anchorage area westward to the western harbor line from a point just above Harbor Junction pier to Fields Point and cutting off Fields Point back to the harbor line," so as to make the clause read:

Providence River and Harbor, with a view to widening and straightening the channel between Kettle Point and Gaspee Point, and to extending the 25 feet deep anchorage area westward to the western harbor line from a point just above Harbor Junction pier to Fields Point and cutting off Fields Point back to the harbor line.

The amendment was agreed to.

Mr. FRYE. On page 46, after line 6, I move to insert:

Inner harbor, Great Salt Pond, Block Island, with a view to widening the present channel and providing increased anchorage.

The amendment was agreed to.

The reading was continued to page 47, line 15, the last paragraph read being as follows:

TENNESSEE, ALABAMA, AND KENTUCKY.

Survey of Tennessee River from Knoxville to its mouth, with a view to securing the best permanent navigation by open channel work, or locks and dams, or both, and making an estimate of the cost of same, with a view to securing a depth from Knoxville to Chattanooga of 6 feet, if obtainable, or any such less depth as may be practicable between such depth and the present project depth; and from Chattanooga to the mouth of the river a depth of 9 feet, if obtainable, or such less depth as may be practicable between such depth and the present project depth.

Mr. FRAZIER. On page 46, line 6, after the word "from," I move to strike out "Knoxville" and to insert the words "the confluence of the Holston and the French Broad rivers, forming the Tennessee River."

Mr. FRYE. There is no objection to that amendment.

The amendment was agreed to.

The reading was continued to page 48, line 13, the last paragraph read being as follows:

Channel extending from the mouths of the Sabine and Neches rivers to the mouth of Taylors Bayou, including the Sabine River from Orange to said canal, and the Neches River from Beaumont to said canal, with a view to widening and deepening said canal and removing the obstructions in the said rivers and improving the same; and in making such examination or survey the engineer or engineers having the same in charge shall take into account and make report upon any proposition for participation in the expense of said project by the localities immediately affected thereby.

Mr. BAILEY. I understand we are on the committee amendments now, but I want to inquire of the chairman of the Commerce Committee if this provision, with respect to extending the channel from the mouths of the Sabine and Neches rivers, and requiring the engineers to take into consideration whether those people ought to be compelled to contribute, is not an unusual provision and not only out of the ordinary as to the general course of the Government, but it is practically the only provision of this kind in the bill, is it not?

Mr. FRYE. I think it is; but is not that the very canal a bill for which has been already passed authorizing those people to make the improvements?

Mr. BAILEY. No; Mr. President, that bill was for a canal. This is for the improvement of the Sabine and Neches rivers. It is a different project. I simply wanted to call the attention of the chairman to it and to say that at the proper time I shall ask that that requirement be stricken out.

Mr. FRYE. The words "and make report upon any proposition for participation," and so forth. Is that the part the Senator wishes to strike out?

Mr. BAILEY. Yes, sir; the words "shall take into account and make report upon any proposition for participation in the expense of said project by the localities immediately affected thereby."

Mr. FRYE. Let the words be stricken out now, then.

Mr. BAILEY. Very well.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 48, line 9, after the word "same," strike out the words:

And in making such examination or survey the engineer or engineers having the same in charge shall take into account, and make report upon any proposition for participation in the expense of said project by the localities immediately affected thereby.

Mr. FRYE. No; strike out the last three lines—the words "and make report upon any proposition for participation in the expense of said project by the localities immediately affected thereby."

Mr. BAILEY. I think, Mr. President, the Secretary is right. I think that all after the semicolon is related to the simple proposition of compelling the localities to participate in the expense. I think, if the chairman will read it attentively, he will find that that is true.

Mr. FRYE. The Senator wants to have the whole clause stricken out?

Mr. BAILEY. Oh, no; I only want to have stricken out the semicolon and to insert a period in line 9, and all beginning with the words "and in making such examination or survey" and ending with the word "thereby" in line 13.

Mr. FRYE. I have no objection to that.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, under the subhead of "Texas," on page 48, after line 13, to insert:

Galveston Harbor, Galveston Channel, Texas City Channel, and Port Bolivar Channel, with a view to a comprehensive and systematic plan of improvement.

The amendment was agreed to.

The next amendment was, under the subhead "Virginia," on page 49, line 12, after the word "Inlet," to insert "with a view to obtaining a channel depth of 15 feet," so as to make the clause read:

Chincoteague Inlet, with a view to obtaining a channel depth of 15 feet.

The amendment was agreed to.

The next amendment was, on page 49, line 21, after the word "feet," to insert "and with a view to removing the bars in and near the mouth of Bennetts Creek," so as to make the clause read:

Nansemond River, from Hampton Roads to Suffolk, with a view to widening and straightening the channel and deepening the same to 25 feet, and with a view to removing the bars in and near the mouth of Bennetts Creek.

The amendment was agreed to.

The next amendment was, on page 49, line 24, after the letter "a," to strike out "suitable depth and" and insert "depth of 35 feet and suitable," so as to make the clause read:

Norfolk Harbor and the approaches thereto, with a view to obtaining a depth of 35 feet and suitable width from deep water in Hampton Roads via Elizabeth River and the Southern Branch to the navy-yard; also between Lamberts Point and Pinners Point, with a view to providing additional anchorage area abreast of and above Lamberts Point; also the Southern Branch of the Elizabeth River above the navy-yard.

Mr. FRYE. On page 50, line 1, after the word "in," I move to strike out "Hampton Roads" and to insert "the sea."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 50, line 9, before the word "between," to strike out "suitable depth and width" and insert "depth of 35 feet and suitable width," so as to make the clause read:

Channel across Newport News Middle Ground Bar, with a view to obtaining a depth of 35 feet and suitable width between Old Point and Newport News.

The amendment was agreed to.

The reading of the bill was continued to line 24, page 51, in the items under the heading "Wisconsin."

Mr. FRYE. I move, at the bottom of page 51, after line 24, to insert:

Yahara River, with a view to securing a channel 4 feet deep from Madison to Janesville.

The amendment was agreed to.

The next amendment was, under the subhead "Intracoastal waterways," on page 52, line 13, after the word "Sound," to insert:

To include a canal from the protected waters of Narragansett Bay, through the ponds and lagoons lying along the southern coast of Rhode Island and thence to Watch Hill and Fishers Island.

So as to read:

Survey for the construction of a continuous waterway, inland where practicable, from Boston, Mass., to Long Island Sound, to include a canal from the protected waters of Narragansett Bay through the ponds and lagoons lying along the southern coast of Rhode Island and thence to Watch Hill and Fishers Island; thence to New York Bay, etc.

The amendment was agreed to.

The next amendment was, on page 54, after line 22, to insert:

Survey for the construction of a continuous inland waterway in the State of California, between suitable points on Humboldt Bay and Eel River in said State, for the purpose of ascertaining the cost of a channel with a maximum depth of 9 feet, or such lesser depths along any section or sections of said waterway as may be found sufficient for commercial, naval, and military purposes. Such survey shall include an examination of all practical routes and the preparation of plans and estimates of cost along the most available route.

Mr. GALLINGER. I call the attention of the chairman to the fact that the word "practical," in line 5, on page 55, should be "practicable."

Mr. FRYE. That is true. I move that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 56, after line 22, to insert as a new section the following:

SEC. 15. That the sum of $1,875 be, and the same is hereby, appropriated to be paid to JOHN H. BANKHEAD, of Alabama, for his services on the Inland Waterways Commission from the 14th day of March to the 18th day of June, 1907.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask that the bill be temporarily laid aside.

The VICE-PRESIDENT. Without objection, the bill will be temporarily laid aside.

Mr. FRYE. At the bottom of page 23, the Coosa River amendment, the Senator from Georgia asked should be passed over.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, after line 22, insert:

Coosa River, with a view to storage reservoirs at, near, or above the sites of Locks and Dams Nos. 12, 14, and 15, by cooperation with the Alabama Power Company, or any other corporation duly organized under the laws of the State of Alabama, in the development of water power for industrial purposes, the report to state what proportion of the cost should be borne by the United States.

Mr. BACON. Mr. President, I just want to say one word. This is a tentative bill, as it were, and of course it does not occupy the same relation as if it were a bill upon its passage for the execution of these works.

I do not intend to occupy the time of the Senate or offer any amendments to the bill, but I want to say that the attitude which I occupy in regard to this water power is not based solely upon the theory that the Government is transcending its power in that regard, but it has reference to a matter which I consider to be of a most practical and important nature.

We have reached an era when the matter of the development and use and ownership of the water power of the country is going to be one of the most important features in our industries, and that is in connection with its relation to the general use of electricity. We have all over this country, in all the States, or certainly in a large majority of them, an incalculable wealth in the matter of water power. It belongs to the States, it belongs to the people in the States, and I am not willing myself to sit silent for a moment under the suggestion that the Government of the United States, never mind what its original purpose may be, has any power to lease those water powers, even though the water power may be developed by a dam erected by the United States for the purpose of improving navigation.

When the United States erects a dam, it is for the specific constitutional purpose of improving the navigation of a river. There its function ends, and the water and the power which is developed on it still remain the property of the owner of it; and there are plenty of ways in which it can be utilized without interfering in any manner with the use of the water by the Government in the perfection of the navigation of the river.

It is for the purpose of guarding against the possibility of the recognition of any such power on the part of the Government of the United States and for the purpose of preserving to our people their rights in this water power that I make this suggestion. I am the more impressed with the importance of so doing, because it has not only been contended by individuals in private stations and by some in the Senate and in the House, but the President of the United States has distinctly announced the proposition, and in a message to Congress has said that he would veto any bill which did not recognize the right of the United States to the use of water power within a State where they had erected dams for the purpose of navigation or any other purpose and the right of the United States to sell and lease that water power to others, thereby denying the rights of the owners within the State.

That doctrine I utterly repudiate and deny, and I wish to enter a protest against it here, so that when the time comes when any of these projects are sought to be put in operation we may be able to defend the right of the people to the ownership of their own water power, never mind by whom it may be developed.

Mr. FRYE. I wish to ask the Senator from Georgia a question. I am not going to argue this question, because I have not any time; but suppose the Government, in the erection of a dam made necessary for the purposes of navigation, creates an enormous power which can be made useful and is not necessary for the navigation, what on earth are we to do with it?

Mr. BACON. It belongs to the original owner. Here the Government builds a dam for the purpose of supplying a lock with water. All the time the water is flowing over that dam and is going to waste. It can be diverted into a ditch or a canal for the purpose of power or irrigation or anything else, so long as it does not interfere with the purpose for which the dam was built by the United States.

Mr. FRYE. In any quantity of instances we have given to individuals and to corporations the right to use that water. The Government has given it in numerous cases.

Mr. BACON. Very well. I will say that it is proper to get the consent of the Government to the utilization of the water, because the party might seek to use it in a way which would interfere with the purpose of the Government in the erection of the dam. But that is very different from the Government undertaking to say it owns the power and can sell it or lease it for the benefit of the Government.

Mr. FRYE. I can not agree with the Senator.

Mr. BACON. The sole function of the Government is to so control that water as to aid in navigation.

Mr. BAILEY. That is the Government's whole power.

Mr. BACON. That is its whole power, and whenever the owner of that water power, because he is the owner of it as long as it is on his land, wishes to utilize it, it is the duty of the Government to permit him to utilize it, so far as he can do it without interfering with the purpose of the Government in the erection of a dam.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. I do, with pleasure.

Mr. LODGE. I can not see that this amendment has anything at all to do with navigation.

Mr. BACON. The Senator from Massachusetts probably did not hear what I said. I said that I did not propose to obstruct the bill in any way or to offer any amendment to it; but as this matter had been discussed, I wished to state that my view was not limited to the question simply as to whether the Government of the United States was exceeding its constitutional function—although there can be no more important question than that—but that the purpose I had was to resist at the outset the proposition that the Government has the right when it erects a dam for the purpose of improving the navigation of a river to claim ownership in the water power thus developed, either to sell it or to lease it.

Mr. LODGE. This clause, as I read it, is put in not for the purpose of helping navigation, but to create water power. So the United States has come in there and spent the money of all the people of the United States to create water power——

Mr. BACON. I do not believe in it.

Mr. LODGE. And then the United States has no rights in that water power at all.

Mr. BACON. That is exactly what I am objecting to.

Mr. LODGE. They have no right to create it.

Mr. BACON. That is exactly what I am objecting to. I do not believe in any legislation committing the United States to work on streams for the purpose of developing power. Its function is to develop the navigation of streams. I have been contending against that all the morning.

Mr. BANKHEAD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. BACON. I do.

Mr. BANKHEAD. Mr. President, I quite agree with the Senator from Georgia in some of his views. He says that he is trying to preserve this power for the people of the States.

Mr. BACON. Yes.

Mr. BANKHEAD. That is exactly and precisely what I am trying to do also. Water power in Alabama is as valuable as coal mines in Alabama.

Mr. BACON. I quite agree with the Senator in that, and that is the reason I am interested in it.

Mr. BANKHEAD. I, too, am interested in it. The Senator from Georgia proposes that the Government may go along and improve these rivers for navigation and thereby utterly and totally forever destroy every horsepower on them, and nobody could get any benefit therefrom.

Mr. BACON. My position is just exactly the opposite of that.

Mr. BANKHEAD. Wait a minute. I think I know some little about the question of navigation and water power. I undertake to say, as I have already said, that there has never been constructed in the United States a dam for navigation alone that ever produced or ever will produce a reliable horsepower. When you go along and construct these dams and locks for navigation and destroy the water power that might be created if they were constructed for the double purpose of power and navigation, it seems to me that it is wicked.

Take the Coosa River, in my State. A few years ago a survey of that river was ordered for navigation, and it was made. The engineers said that it would take 31 locks to improve it, at an enormous cost. Congress said, "The cost is prohibitive; we can not enter upon the improvement of that river," and the construction of 31 locks for navigation and the project of the improvement of the river was practically abandoned, as the chairman of the Committee on Commerce [Mr. FRYE] knows.

We ordered another survey, and instructed the engineers to take into consideration while the work was being done the question of power. They made the survey and reduced the number of locks to 14—less than half those proposed by the original survey. How? Simply by increasing the height of the dams and the lift and creating storage in an immense pool of water that could be used for power. Without storage, nobody will undertake to say that you can produce power. You must have it. Varying stages of the water make that necessary. Sometimes the water is up, a great volume is running to waste over the crest of the highest dam, and in other long periods there is scarcely sufficient water for navigation purposes, unless it is stored with a view of creating power.

I protest against any action in this Senate or in this Congress which looks to the destruction of the great water power in the State of Alabama; and that is what this proposition does, absolutely and forever. Go on and improve this river for navigation, construct dams from 12 to 15 feet high, make it impossible ever to build with a view to creating power, and you have destroyed it.

One more proposition and then I am through. It is a matter of great economy to the Government, Mr. President. Here, according to this survey, 14 locks took the place of 31 locks. Our proposition is that the Government build those 14 locks to the extent that navigation requires, and no more, and that the State of Alabama may authorize individuals or corporations to contribute, to supplement, to cooperate, or whatever else you may call it, with the Government and build 25 feet or 30 feet or 40 feet, as the case may be, at their expense—not at the Government's expense—and when the work is completed, what happens? You have navigation better far than under the original plan of the Government to build exclusively for navigation, and you have a power, Mr. President, the value of which can not be estimated. There is no exhausting it.

We are burning up our coals in Alabama at a rapid rate. They are going up in smoke, and that is the end of them. Let us develop this great power to take the place of our coal, and we will have it for domestic purposes, and we will have a power equal to all the coal fields in Alabama to drive our mills and the wheels of industry that now take our coal in such great quantities.

I protest, sir, against this Congress now or at any other time proceeding to improve these rivers, with the knowledge that when it is done, according to the views of the Senator from Georgia [Mr. BACON], they have utterly and absoultely destroyed this power beyond all hope of its future use.

I agree with the Senator from Georgia that this water power, every drop of it, beyond the requirements of the Government for navigation, belongs to Alabama and to the people of Alabama. I deny that the Government has any control over it or any ownership in it, except alone for the purpose of navigation. When that has been provided, their control and interest is at an end, except to regulate the flow, and to see to it that in all future time the navigation of these rivers is not interfered with by reason of the operation of these water powers.

Then, sir, the power created, not by the Government, but by individual enterprise and individual capital, belongs to the people who created it and to nobody else. They must get a charter from my State if they are going to develop it in my State, just as they would for any other purpose.

Mr. FRYE. Mr. President——

Mr. BANKHEAD. I will yield to the Senator in a moment.

They must own the land on each side, which they must transfer to the Government when the Government undertakes to build the locks. They must pay for all the overflowed lands, which sometimes amount to a great deal.

I am speaking of the case where they may submerge land by reason of the height of the dams beyond what the Government submerges it for navigation. They, of course, pay for that, so that it does not cost the Government anything. It secures better and more reliable navigation, and at the same time it develops a power, the value of which can not be overestimated.

Mr. BACON. Mr. President, the Senator from Alabama interrupted me, as I supposed, to interject an inquiry.

Mr. BANKHEAD. I beg the Senator's pardon. I thought he was through.

Mr. BACON. The Senator asked me to yield, and I did so.

Mr. BANKHEAD. I thought the Senator from Georgia was through.

Mr. BACON. I have very little more to say. The Senator from Alabama and I agree upon the fundamental proposition—that is, that nothing should be done which should recognize the right of the Government to the right of ownership in this water, from which would follow a right to sell or lease it—and the proposition of the Senator, as I have said before, looks necessarily to the question of the Government going into partnership with individuals or corporations to develop water power, not for the public benefit, but for the benefit of such individuals or corporations. I do not believe with the Senator on the proposition that the building of a dam for the purposes of navigation destroys the opportunity for the utilization of those waters for power. On the contrary, as I have intimated before, it would be the duty of the Government, where the parties who own the water power—who own the water and the power and seek to

utilize it—to permit them to utilize it so far as it can be done without interfering with the purpose of navigation for which the dam was constructed. When a man owns the water site on which the Government has built a dam to aid navigation it is a simple thing to come to the Government and get authority to use the water power thus developed.

My purpose is that the great water powers that the Senator from Alabama so eloquently speaks of as more valuable than the coal fields of Alabama shall not be put in a position where the proposition which has been made to this Senate and to the House of Representatives in a message from the President of the United States can be recognized for an instant; and that is that the Government of the United States owns the power and can sell it or lease it. I want to guard against that. I want to guard and protect those powers for the benefit of the people in each State to whom they belong, and let them be taken possession of by the United States Government, to which they do not belong.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do.

Mr. FRYE. I am notified that I can have about twenty-five minutes more on this bill, and that is all. I should like to conclude the bill.

Mr. BACON. Mr. President, I always yield to the Senator from Maine. I have had frequent experiences of the same kind. Whenever the Senator is in charge of an appropriation bill, the same appeal is made, and I have invariably yielded, as I do now.

Mr. FRYE. The Senator from Georgia is very kind and courteous.

Mr. BACON. The Senator always wants his bills passed without discussion.

Mr. FRYE. The Senator is very kind and courteous.

Mr. LODGE obtained the floor.

Mr. BANKHEAD. I should like to ask the Senator from Georgia one question.

Mr. LODGE. I have the floor in my own right, Mr. President.

Mr. BANKHEAD. I simply wanted to ask the Senator from Georgia a question.

The VICE-PRESIDENT. The Chair recognized the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. I believe I have the floor, Mr. President.

The VICE-PRESIDENT. The Senator from Massachusetts is entitled to the floor.

Mr. LODGE. Mr. President, the Senator in charge of the bill told me on the floor here, in response to an inquiry made in debate, that the development of the water power, stricken out on page 29, and the same in regard to the Connecticut River stricken out, was the policy of the bill.

Mr. TELLER. And all other places.

Mr. LODGE. And all other places. Now, it is left for this one place. If we are going into the question of water power, or the Government entering on a general development of water power without regard to navigation, it has got to be for all the States, or it has got to be for none. There is no reason why we should strike it out in Georgia, in Connecticut, and in Massachusetts—I think it is right to strike it out; I make no objection to striking it out in those States—but you can not strike it out in those States and leave the Alabama amendment in the bill, which is nakedly and avowedly for no other purpose than to develop water power.

It has been stated here on the floor that a survey for the improvement of the navigation of the Coosa River was so expensive that it was prohibitive, and it was abandoned. The amendment does not attempt to say that the provision is for navigation. It is to build storage reservoirs. If we are going into the business of developing rivers in the various States in order to develop water power we must do it in all the States.

Mr. BACON. That would be a pretty large job.

Mr. LODGE. And that would be a pretty large undertaking. I think if the provision in relation to the Connecticut River, in which the States of Connecticut and Massachusetts are interested, has gone out—and I made no objection to it, for I think it is unwise to enter on that policy—and the provision in regard to certain rivers in Georgia is taken out, as the Senator knows, I do not think such a provision ought to be left in the bill for one State and one especial project.

Mr. BANKHEAD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. LODGE. Yes.

Mr. BANKHEAD. I think the Senator is laboring under a misapprehension.

Mr. LODGE. I am laboring under no misapprehension as to what that amendment says.

Mr. BANKHEAD. I understood the chairman of the committee to say that the amendments relating to water power would go out of the bill.

Mr. LODGE. And the amendment for the Coosa River, that we have been talking about, relates to power and nothing else.

Mr. BANKHEAD. I understood that went out, although I very much regretted it.

Mr. LODGE. I did not so understand. The Senator from Georgia had it passed over, I think, and we have been debating it.

Mr. BACON. That amendment was passed over. I will say to the Senator from Massachusetts that the Senator from Maine [Mr. FRYE], in charge of the bill, stated that all amendments relating to water power would be taken out.

Mr. LODGE. Then the amendment beginning in line 23, on page 23, is out of the bill?

Mr. BACON. I suppose, under the general statement of the chairman, that would be included.

Mr. LODGE. The amendment beginning in line 23, on page 23, is out of the bill?

Mr. BACON. I suppose the Senator from Maine had that in contemplation.

Mr. LODGE. But the amendment is not out of the bill, as a matter of fact. I think I am not mistaken.

Mr. FRYE. What page?

Mr. LODGE. Page 23, beginning in line 23.

Mr. KEAN. That ought to go out.

Mr. LODGE. It ought to go out, like the other power items.

Mr. TELLER. Let it go out.

Mr. FRYE. Let the amendment be disagreed to.

The VICE-PRESIDENT. Without objection, the amendment is disagreed to.

Mr. FRYE. The committee instructs me to offer the following amendment——

Mr. BANKHEAD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Alabama?

Mr. BANKHEAD. I want to set myself right about this amendment. I understood the chairman of the committee to say that all the amendments relating to water power would go out on the suggestion of the Senator from Georgia. I acquiesced in that, as will be remembered, but I said at the time that it was a blunder and that I thought it was the most important part of the bill.

I want to ask the Senator from Georgia if he does not believe that the construction of dams on the Coosa River for navigation will destroy the water power on that river?

Mr. BACON. Mr. President, I do not claim to be an expert, as the Senator from Alabama does, but it so happens that I have been down on the Coosa River and have been through the locks that the Government has erected there—four of them, are there not?

Mr. BANKHEAD. Yes; but the Senator said——

Mr. BACON. I am trying to answer the Senator's question. I recollect distinctly spending some time once at one of those locks, and I recollect distinctly that at the time I was there there was a very considerable amount of water flowing over the crest of the dam, which it seemed to me could be utilized by being diverted to a ditch on the opposite side without interfering with the water supply for the lock. If that were done, certainly the water power could be utilized. But even if that particular instance is not controlling, it does seem to me to be a plain proposition that where the Government erects a dam for the purpose of controlling the water so that it may be diverted into a lock, most of the time when the lock is closed the water is not flowing through the lock, it is flowing over the dam, and it is a very simple proposition to divert that excess of water in such a way that it can be utilized in the propulsion of machinery.

Mr. FRYE. I understand the amendment was disagreed to?

The VICE-PRESIDENT. The amendment was disagreed to.

Mr. FRYE. I offer an amendment on behalf of the committee.

Mr. CLAY. With the Senator's permission, just a word—and I will speak but a word.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. FRYE. Yes.

Mr. CLAY. This amendment, as I understand, was inserted at the instance of a Member of the other House from the State of Georgia.

Mr. FRYE. I think it was.

Mr. CLAY. I think that is correct. I am informed that the object and purpose of the amendment was this: Private parties

in Alabama and Georgia agree to spend large sums in helping build these locks and dams if they are built in such a way as to enable them to be used both for the purpose of navigation and to develop the water power. The inquiry is simply to be made with a view of finding out how much the private parties ought to pay and how much the Government ought to pay. The only object intended was simply to ascertain if the Government could not be saved expense in building those locks and dams, by private parties assisting in doing it, without interfering with navigation, with the view and purpose of using the water for navigation and also for power purposes. I am not against the amendment. I am in favor of it.

Mr. LODGE. Let me say to the Senator that there is no proposition here about navigation. It has been admitted that the river could not be made fit for navigation because the survey shows that the cost would be prohibitive.

Mr. CLAY. I understand that thoroughly. I have read the amendment, and I say to the Senator that Coosa River has never been developed because of the fact that it would cost five or six million dollars to build locks and dams. I understand that if this investigation is made it will be demonstrated that private parties, for the purpose of developing water power, will put up fully half of the money to improve the navigation on that stream.

Mr. LODGE. This amendment is directed to the development of water power. We have been told by the chairman of the committee that all such amendments were to go out. They have gone out in regard to Georgia; they have gone out in regard to Connecticut, and they have gone out in regard to Massachusetts. So I do not see why this amendment should be left in the bill.

Mr. CLAY. I will not discuss it further, because I have served on the committee with the Senator from Maine and I know he means business, that he does his work well, and wants to get through. So I will not consume time; but I can reply to the Senator and will do so fully when this bill is completed.

Mr. FRYE. I now offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 28, after line 14, at the end of the Florida items, it is proposed to insert:

The Narrows, Santa Rosa Sound, Florida, for a channel of 9 feet.

The amendment was agreed to.

Mr. FRYE. I understand the amendment on page 48, line 14, was agreed to. I should like to have it disagreed to.

The VICE-PRESIDENT. The amendment will be considered as open. The Secretary will state the amendment.

The SECRETARY. On page 48, after line 13, the committee proposed to insert:

Galveston Harbor, Galveston Channel, Texas City Channel, and Port Bolivar Channel, with a view to a comprehensive and systematic plan of improvement.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. FRYE. That completes the committee amendments.

Mr. McCUMBER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, after line 12, it is proposed to insert:

To provide for revetting the shores of the Missouri River to protect the banks and maintain the present channel at the landings at Frazier, Mont.; Mondak, Mont.; Judith, Mont.; and Expansion, N. Dak., the sum of $45,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEYBURN. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 30, after line 20, it is proposed to insert:

Idaho: Clearwater River, from its mouth to Kamiah, for the purpose of ascertaining the cost of creating a channel with a maximum depth of 6 feet.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. SMITH of Michigan. I offer the amendment which I send to the desk, to come in on page 20, line 18, after the word "War."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 20, line 18, after the word "War," it is proposed to insert:

Provided further, That, the consent of the State of Michigan having been first obtained, any excess of water in the St. Marys River at Sault Ste. Marie over and above the amount required for the uses of navigation shall be leased for power purposes by the Secretary of War upon such terms and conditions as shall be best calculated in his judgment to insure the development thereof and most conducive to the commercial progress of the communities affected. The Secretary of War may, as often as necessary, make such regulations and fix such charges as in his judgment are reasonable and just and best calculated to carry out the purposes of this section.

Mr. SMITH of Michigan. Mr. President, I simply desire to insure on the St. Marys River the use of water power there, even though the Government acquires the entire riparian rights to the international boundary. In order to insure that, I think it is absolutely essential to retain the provisions contained from page 17 to page 20. The water in the rapids is too valuable an asset; it is worth too much to the people of this country, and especially to the people of the State of Michigan, to have it run to waste over those rapids. I have great hope that no Senator will seriously object to the adoption of the amendment.

Mr. LODGE. Mr. President, with the proviso as it originally stood, which the Senator from Michigan has just explained, I am in hearty sympathy. The Government is there going to take, solely for the purpose of navigation, the land on one side, with the riparian rights, and it would be a great mistake if the Government did not have the authority to lease or sell the power created by those natural falls.

But there has been inserted in this proviso a proposition that the Government can not dispose of that excess of water flowing over its own land without the assent of the State. Mr. President, it is a very extraordinary proposition that the Government is not able to deal with its own land, which it has acquired either by cession, by purchase, or condemnation—property which perhaps it has paid for with the money of all the people of the United States. It is a very extraordinary proposition that the Government should not be allowed to deal with its own property without the assent of the State in which that property happens to be located. I can not vote for that proviso with such an insertion as that in it, under which a government reservation is to be controlled by the State in which it is placed. It seems to be most extraordinary doctrine. I do not see how it is possible to vote for the amendment with that language in it; but I want the remainder of the provision adopted, for I think it is a very proper one. I move to strike out the words at the beginning of the amendment, so that I can vote for the proviso.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment, which will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out at the beginning the words:

Provided further, That the consent of the State of Michigan having been first obtained.

Mr. LODGE. Yes; those are the words.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. SMITH of Michigan. I do.

Mr. NELSON. Before the question is put on the amendment I have just one word to say, and the Senator from Michigan ought to reflect upon it. The reservoir from which this water is drawn is Lake Superior. The people of Minnesota and Wisconsin are as much interested in that water as the people of Michigan. To say that that water in Lake Superior can not be utilized without the consent of the State of Michigan is not only to put a veto on the United States, but a veto on Minnesota and Wisconsin as well.

Mr. SMITH of Michigan. Mr. President, the somewhat unenviable situation is presented that the proviso, as I drafted it, is in conflict with the rules of the Senate, and the Senator from Colorado [Mr. TELLER] made a point of order against it, and it was stricken out by a ruling of the Chair. Now, I am in the very unfortunate situation of being obliged either to meet the contention of the Senator from Colorado or to offend the judgment of the Senator from Massachusetts [Mr. LODGE]. I do not want to do either, but I should like this proviso as it was originally attached to the matter. I feel that the provision in the bill as it came from the House, which is not subject to a point of order, practically grants this contention, but that it is not strong enough to meet the situation as it exists. That it needs this additional language I feel very sure.

I know that I offend the good judgment of the Senator from Massachusetts and the Senator from Minnesota, but I took the risk of doing that with the hope that I might appease the opposition of the Senator from Colorado.

Mr. LODGE. The Senator from Michigan understands very well that my objection goes to the principle which the words I have moved to strike out involve.

Mr. TELLER. Mr. President, if the amendment now proposed by the Senator from Massachusetts to the amendment of the Senator from Michigan is adopted, the amendment will be

just as it was when I made a point of order against it. That point of order was sustained; and if it is amended, I shall make the point of order on it again, which must also be sustained. I am content to let it go as the Senator has now presented it. Although I have some objection to it, I will not make the point of order.

Mr. LODGE. I move to strike out the words which I have indicated.

Mr. SMITH of Michigan. I have no alternative than to take the sense of the Senate upon it.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment, which will be stated.

The SECRETARY. It is proposed to strike out the words:

Provided further, That the consent of the State of Michigan having been first obtained.

Mr. HEYBURN. The idea of condemning land on the shore without defining the limits will be disposed of in very short order. I do not think we need be disturbed much about that. Otherwise, I should be inclined to oppose the establishment of this kind of a precedent.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Massachusetts to the amendment of the Senator from Michigan.

The amendment to the amendment was rejected.

The amendment was agreed to.

Mr. BAILEY. I call the attention of the chairman of the committee to the amendment of the Senate committee, which appears on page 44, lines 14, 15, and 16. I ask the chairman to consent that the amount shall be stricken from the bill.

Mr. FRYE. It has already been done.

The VICE-PRESIDENT. It has already been done.

Mr. MILTON. I offer the amendment I send to the desk.

The SECRETARY. On page 7, after line 3, it is proposed to insert:

That for securing a depth of 22 feet at East Pass, St. Georges Sound, Florida, $15,000, said amount to be immediately available, in order to continue the work now being done by the dredge boat Caucus.

The amendment was agreed to.

Mr. OWEN. On page 44, after line 2, I move to insert:

And thence to Tulsa, reporting an estimate of the cost to make the same navigable.

The amendment was agreed to.

Mr. TELLER. On page 19, I move to strike out from line 14 to the word "compensation," in line 5 on the next page.

Mr. PILES. I do not get the amendment.

Mr. TELLER. It commences in line 14 and continues to line 5 on the next page.

Mr. PILES. I wish the Senator would withhold the amendment until the Senator from Michigan, who has stepped out of the Chamber, returns. That affects his State very materially. I do not think he would like to have it disposed of in his absence.

Mr. TELLER. It does not seem to me as though we are going to complete the bill to-day.

Mr. FRYE. I hope the Senator from Colorado will not refrain from offering his amendment in the absence of the Senator from Michigan. I want to get the bill through before 2 o'clock.

Mr. TELLER. I have offered the amendment merely because I want to keep my personal record reasonably clear. I desire the Senate to understand that I do not agree to it.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Colorado.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. TELLER. I desire to make a formal motion. I will not debate it. I move to strike out section 11.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HOUR OF MEETING MONDAY.

Mr. ALDRICH. I move that when the Senate adjourns to-day it be to meet at 11 o'clock on Monday next.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 8554. An act authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes; and

S. 8654. An act for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 4286. For the relief of John Shull; and

H. R. 15681. For the relief of the Compañía de los Ferrocarriles de Puerto Rico.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. HAUGEN, and Mr. LAMB managers at the conference on the part of the House.

AGRICULTURAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the request of the House for a conference be granted and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. DOLLIVER, and Mr. MONEY conferees on the part of the Senate.

MEMORIAL ADDRESSES ON THE LATE SENATOR LATIMER.

Mr. TILLMAN. Mr. President, I submit the resolutions I send to the desk, and I ask for their present consideration.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 310.

Resolved, That the Senate has heard with profound sorrow of the death of the Hon ASBURY C. LATIMER, late a Senator from the State of South Carolina.

Resolved, That as a mark of respect to the memory of the deceased Senator, the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Mr. TILLMAN. Mr. President, it is a little more than fourteen years since I was sent by the people of South Carolina to be one of their representatives in this Chamber. As things now are that is about one-third of the average lifetime of a man, and while during the time there have transpired many events of national importance, it seems but a brief period after all. Yet during this comparatively short span I have served here with five United States Senators from South Carolina, and after the 4th of March my sixth colleague will have taken the oath at the desk. It is a strange coincidence that all of these men who have come and gone save one were younger in years than I. Three of them have answered the roll call on the other side of the river. First in service, John Lowndes Manning Irby, bright, brave, witty, and genial; next, the knightly and courtly Joseph Haynesworth Earle, forceful, logical, chivalrous, and in every way well equipped for work in the forum or on the bench; last, ASBURY CHURCHWELL LATIMER, who, while denied in youth those advantages of education possessed by the other two, was in some respects the superior of either of them.

His was not a career which one would naturally expect to follow from childish environment and family tradition, as was the case of the other two. While of a good family, his opportunities, owing to the war, were poor and he early had to begin the struggle of life, which barred him from the education and that acquaintance with books which are in great degree essential in a public career. But the obstacles he overcame and the force of character and native mental vigor which he displayed marked him as a man who of necessity would have made an impress in any walk of life.

He was born in what was then Abbeville district, South Carolina, July 31, 1851—Abbeville, which has given birth to or been the homes of so many of South Carolina's illustrious sons—Calhoun, Cheves, Noble, McDuffie, Burt, Gary, McGowan, the two Wardlaws, Perrin, not to mention my present colleague. The original settlers of that county were Scotch-Irish Presbyterians and French Huguenots. Their descendants have well illustrated the sturdy traits and high ideals of their ancestors.

ASBURY CHURCHWELL LATIMER was only 14 when the war closed, and could not, on account of poverty, devote much time to getting an education, and early set about mapping out a career for himself and working toward making of life a success. He

married quite young, one of the safest and best things for any man to do who wishes to preserve high ideals and gain the inspiration which alone comes from contact and association with good and noble women. He had a hard struggle for a few years as a farmer, but, possessed of great energy and a keen business sense, he soon outstripped most of his fellows in gathering a competence, and was so successful as a business man that in later years he had grown to be what in the South is considered wealthy.

After the death grapple upon which the people of South Carolina entered in 1876 with the carpetbaggers and negroes for the maintenance of white civilization, during which crisis Mr. LATIMER did his full duty, like many other farmers, he relapsed into indifference to public affairs. It was only in 1890, when 39 years of age, that he came to the front as an active political factor in his county and State. He had moved to Belton, in Anderson County, in 1880, and when what was known as the "farmers' movement" or "reform campaign" shook the State from center to circumference, his sturdy good sense and forceful manner of speaking won him the confidence and support of his friends and neighbors, and he soon became an acknowledged leader.

It was during the year 1890 when I was a candidate for governor that I first became acquainted with him, and I have had, therefore, the fullest opportunity to observe and note with surprise and admiration the wonderful growth of the man. His ignorance of public affairs and current political events was then so great that it would have been thought utterly absurd that two years later he would be a successful candidate for Congress against one of the ablest lawyers and best speakers in the State, or that it would be possible for him to hold that high position with great credit to himself and entire satisfaction to his constituents for ten years, and then be elected to the United States Senate over a man so popular that he had been recently elected governor and who was withal a good orator and able lawyer. These achievements in politics were not brought about by chicanery or trickery of party conventions, but through the primary system, where the appeal must be made directly to the voters themselves. When he entered the race for Congress in 1892 I doubt if he had ever attempted to address at any length any assemblage other than a Sunday school or other religious gathering, for his bent of mind was in that direction. But with very little practice he developed into one of the best stump speakers we have ever had in the State.

When he entered Congress he began to study public questions, and the facility with which he mastered details and gained acquaintance with political and governmental history was well-nigh marvelous. Only those who know how ignorant and simple-minded he was eighteen years ago, as far as politics was concerned, could believe it possible that in so short a time he would become versed in public affairs to such an extent that he could venture to enter into the debates in the other House and in the Senate with any degree of safety or success.

While a Member of the House he early became deeply interested in the subject of rural free delivery, and he went about pressing experiments along that line and urging its universal adoption with such vigor that he must be considered as one of the pioneers and a potent instrumentality in the inauguration of that great and beneficent system. Another matter with which his name will long be associated was the good-roads question. So well posted did he become on this subject that he was invited to many States other than his own to address meetings called for the purpose of advancing the construction of better highways.

He was an ardent friend of every measure looking to the advancement and uplift of the agricultural interests. Being a practical farmer he understood the needs of other farmers and could the better set about aiding in legislation for their advantage. Early in his public career he became the stanch friend and supporter of the Agricultural Department, and was ever on the watch to aid in the development and growth of that great bureau.

Up to the age of 40 it is doubtful if any man in American politics had made so little preparation for a political career as he. There are not any that I know of, except Andrew Johnson, who with so small a beginning, achieved a more signal success as a public man. He and I entered the political arena together in 1890, and were on terms of intimacy and friendship without a break during the entire eighteen years since. I have little or no doubt that had he lived he would have been reelected to the Senate. And thus one of the strange and inscrutable manifestations of the Divine Providence is brought home to me, that a man so much my junior in years, and so strong and vigorous in body and mind, should have been snatched from a life of great usefulness and promise in such an untimely and unexpected manner.

He was in this Chamber, healthy and strong, attending to his duties as a Senator, one week, and the next we were called upon to witness his sudden and sad death. Of a sturdy and vigorous stock and with every promise of a long and useful career, he departed from among us, again illustrating, as is so often the case, the beauty and pathos of the lines:

Man that is born of woman is of few days, and full of trouble. He cometh forth like a flower, and is cut down: he fleeth also as a shadow, and continueth not.

As the waters fail from the sea, and the flood decayeth and drieth up: So man lieth down, and riseth not: till the heavens be no more, they shall not awake, nor be raised out of their sleep.

It is idle for us to complain or to wonder at the inscrutable ways of the Creator. These things have always been and always will be. We come into being and enter upon the battle of life full of ardor and eager for the fray. In the midst of our work the summons comes, and we know not why we are called, but we must respond. So we pass along down to the grave and join the great and silent majority who have preceded us.

Senator LATIMER had his faults and weaknesses, as all of us have, but he was generous, brave, and had many noble qualities. He is gone and we mourn his loss. He can not come back to us, but we must go to him in a brief while.

The boast of heraldry, the pomp of power,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour:
The paths of glory lead but to the grave.

Mr. HEMENWAY. Mr. President, I want to join my friends in adding a word of tribute to the memory of Senator LATIMER. I learned to know his real worth while serving with him in Congress, and I am told that in his early life he selected the motto, "that success lay not in the character of the work, but in the vim and thoroughness with which it was executed." What a worthy precept that is! And it is especially worthy in this day of tremendous business activity and wonderful national development.

Most men who fail, fail not because of inability or incapacity, but because of the lack of thoroughness and judgment with which they undertake to do things. Senator LATIMER stood high in the esteem of his colleagues in the Senate, and his work was highly appreciated. And we pay him the highest tribute when we say that he was a high-minded, honest, industrious Senator, who loved his home, his State, and his country.

Mr. OVERMAN. Mr. President, on the 4th day of March, 1903, 30 Senators were sworn in and took their seats in this Chamber for a term of six years, and it is remarkable but sad to relate that in so short a space of time one-sixth of that number have passed into the great beyond. Of that number, together with 9 others of our noble Senators who within that short time have taken their chamber in the silent halls of death, was Hon. ASBURY C. LATIMER, junior Senator from the State of South Carolina, in whose memory I, mindful of his long and patriotic public service, desire to add a few words to those which have already been said in testimony of his worth and character.

I would contribute a modest and simple tribute to our friend whose presence we miss and whose face we will see no more upon this earth. At the time he entered the Senate he was in the fifty-first year of his age—just in the prime of his manhood. Of splendid physique, healthy and robust, tall and stately, he gave promise from a human standpoint of outliving all of his class who were sworn in that day.

He came to the Senate from the House of Representatives, where he had served for ten years. Like most of our southern youths, at the close of the civil war he had but few advantages for an education, and only attended for a few months in the year what was known as the "old field" schools. He worked upon the farm. He came up through poverty, amidst great struggles and tribulations, without a profession, from the farm to reach the greatest office in the gift of the people next to the Presidency.

In his young manhood he became one of the most successful farmers in his community, and in 1878 he was happily married to Miss Alice Brown, a niece of Governor, afterwards Senator, Joe Brown, of Georgia. She brought to him beauty, refinement, and culture. She cast her lot with him for better or for worse, and throughout his life from that time until his death she was an inspiration to him. He was successful in business and was looked upon as one of the leading citizens in his county.

When the great political upheavel came in South Carolina, when the fires of discontent against the old régime which had been for years smoldering in the hearts of the people, burst forth, when the dissatisfaction of the country people against what was called the "aristocrats"—the city people who for years had held all the important offices—at last found expression in

the Farmers' Alliance meeting, in the public meetings, in meetings held in the little country schoolhouses all over the State, Mr. LATIMER, under the battle cry of "Tillman and reform," sprang into the thickest of the fight, arousing the people of his section to almost a frenzy, and he soon became the leader of that faction in his county. It was hard to find a man to run for the nomination for Congress against the brilliant George Johnstone, one of the best lawyers and best speakers in the State, and who was then serving his first term in Congress, and who, according to the old custom which prevailed there, was entitled to an indorsement and another term.

But some one must be found to oppose him, and at a late hour LATIMER entered the list and announced his candidacy. He met Johnstone in joint debate, and, to the surprise of himself and to the great satisfaction of his friends, it was soon seen that he was easily a match upon the stump for Johnstone; and when the returns came in LATIMER had won by a large majority. This was his first campaign.

He was simple, but forceful and direct in speech, and never deceived the people. He was plain, but earnest and straightforward. He understood the people and knew their wants. He promised them the reforms which they were demanding and did what he could for their accomplishment. He impressed himself upon all who heard him, and they supported him gladly. Four times after that he was nominated for Congress, and elected without opposition. He loved the people and they loved him; and he loved his State. He was ever watchful of their interest, and was soon recognized, not only by the people of his own district, but by the people of the whole State, as one of the most useful members of his congressional delegation. He was always trying to do something for the people of South Carolina, and succeeded where many times before others had failed.

In 1902 he entered the race in the primary for the nomination for United States Senator against ex-Governor John Gary Evans and Senator John L. McLaurin; and after a bitter and most exciting campaign, in which he met upon the stump in joint canvass in every county of the State these able adversaries, everywhere winning the hearts of the people, he was chosen to succeed Senator McLaurin in this great body.

As he was a faithful Representative so he was a true and faithful Senator. He never tried to advertise himself. He made no pretentions to oratory, nor to greatness, but was unassuming and did his work well, untiring and zealous in doing what he thought was best for the interest of the people and the welfare of his country. He seldom joined in the debates in the Senate, but when he did what he said was practical and to the point.

While liberal and generous in his support of public measures intended to promote the prosperity of the whole country, in whatever was proposed to advance the interest of his State, he was zealous, alert, and his every effort was aroused and excited for its accomplishment.

He was sincere, generous, genial, warm-hearted, and kind in his nature. He was a member of the Methodist Church and attended regularly church services on Sunday morning. He loved to join in the singing of the beautiful sacred hymns, and often his strong, mellow voice could be heard in praise to God. He was charitable and gave cheerfully of his means to the support of the church and her institutions.

He was a devoted and indulgent father, a fond husband, and kind friend. He was never so happy as when at home on his farm in South Carolina, surrounded by his good wife, four charming daughters, and his noble son of whom he was justly proud. It was there in the tranquillity of that sacred spot where he found his highest peace, and he knew from a glad and bright experience that earth holds no joy so sweet as the quiet contentment, the confiding love, and the hallowed associations which cluster around the ideal home.

But while we mourn his loss and miss his pleasant voice, his kindly manner, and genial companionship, we may well pause at the threshold of the touchingly beautiful home life which has been enshrouded in impenetrable gloom and the deepest sorrow.

In the presence of his grief-stricken loved ones and many sorrowing friends and a company of distinguished citizens who had come to pay their last tribute of respect, all that was mortal of Senator LATIMER was laid to rest in the modest little cemetery near his beautiful home in the little town of Belton.

He has passed on to join the great majority. It is not permitted for us to know where the loved ones go:

But this we know: Our loved and dead, if they should come this day,
Should come and ask us, "What is life?" not one of us could say.
Life is a mystery as deep as ever death can be;
Yet, oh, how sweet it is to us, this life we live and see.
Then might they say, those vanished ones, and blessed is the thought,
"So death is sweet to us, beloved, though we may tell you naught;
We may not tell it to the quick, this mystery of death;
Ye can not tell us, if ye would, the mystery of breath."
The child who enters life comes not with knowledge or intent;
So those who enter death must go as little children sent.
Nothing is known. But I believe that God is overhead,
And as life is sweet to the living, so death is to the dead.

Mr. CARTER. Mr. President, on the first day of this month one year ago there was no more rugged, vigorous Senator in the Chamber than the junior Senator from South Carolina. Mr. LATIMER was physically strong and promised a long and useful career. In the course of our proceedings, before the month had closed, this Chamber was brought to silence by the announcement of his death. His surrender to the final impulse was less to be expected than that of any other Member of the body. He was a man of good habits who had led a regular life, although a great and indefatigable worker, and his general appearance, with enduring strength manifest in every movement of his stalwart and splendid frame, indicated that it would be a long series of years before the reaper would reach him.

But he passed away, and a committee of the Senate was appointed to attend the funeral services at his home. I was appointed a member of that committee and was a witness to the tribute of affection and respect paid to his memory by the people who knew him best in the rural district in South Carolina where he had lived throughout his life. It was a sad homecoming for the family; it was trying to the feelings and sentiments of the committee to witness the manifestations of deep sorrow and grief, for it was touchingly shown that Mr. LATIMER was a lovable man. Although rugged in manly strength, vigorous in mind, and stalwart in frame, he was of a gentle and kindly disposition. In all his relations with his colleagues deference for the wishes and feelings of others marked his deportment always. His every action betokened gentle breeding and high sentiments.

He entered this Chamber as a Member of the Senate on the 4th day of March, 1903. He was a trained legislator, because he had ten years of previous experience in the House of Representatives. His work in that body was not of a perfunctory character, for at the very beginning he had undertaken work of a serious nature. He was the pioneer in the House of Representatives, as was the senior Senator from New Hampshire [Mr. GALLINGER] the pioneer in the Senate, of a movement to secure national aid in the improvement of the post-roads of this country, and his efforts in behalf of that movement ceased only with his death. He did not live to see the movement successful, but he did live to see the country awakened to a realization of the necessity for some broad and comprehensive action with reference to the important subject to which he gave so much earnest attention.

His constant devotion to duty had much to do with the early appearance of the summons to lay down his burden. I doubt if the people of the country at large ever realize the exacting duties which devolve upon a Member of either House of Congress who is intent upon faithfully and fully discharging the duties of a Representative from a district or a Senator from a State.

I entered the House of Representatives twenty years ago, and within the last few minutes I have run over the roll call of the Senate and the House as then constituted. I find that of the membership of this Chamber in 1890, only five remain, the Senator from Rhode Island, the senior Senator from Illinois, and two Senators from Maine, and the senior Senator from Colorado. Within the period of twenty years all have gone forth, either into private life or "over the river to rest under the shade of the trees." But the dread reaper has garnered in a greater harvest than the call to duty in private life.

Of the membership of the Senate of twenty years ago, 52 have died and only 28 survive, and of the 28 survivors, 5 still remain Members of the Senate. After the 4th day of March, a few days hence, only 4 will remain.

In the House of Representatives of that day, the House, of which the present presiding officer [Mr. LA FOLLETTE in the chair] was a Member and a distinguished member of the Committee on ways and Means, the roll call, if sounded now in the Chamber, could not be answered by many who were then distinguished legislators, statesmen, and citizens of the Republic. I recall our late lamented President, who was then chairman of the Committee on Ways and Means of the House; the great Speaker, whose wonderful achievements in parliamentary science challenged the attention of the world; Hon. Nelson Dingley, from Maine; William McKinley, of Ohio; Thomas B. Reed, of Maine; and a line of men as distinguished in their day as men have been in the history of this Republic at any time. Men who

should be living now in the full vigor of manhood have broken down, one after another, under the pressure of the exacting and oppressive life which must be led by the Senator or Representative who justly conceives his relation to his people or his State and to the eighty-odd million of people whose destiny and well-being are committed to the care of these two small bodies of men.

Added to the ordinary burdens of the day is that oppressive sense which comes from labor not only unrequited, but frequently misunderstood and often misrepresented. It sometimes happens, not through the malice of men, but through their thoughtlessness, that when every nerve is strained the Senator or Representative is set before the public as trying to do the very opposite of that which he is strenuously endeavoring to accomplish. Misrepresentation, harsh, cruel, and un-Christian-like criticism have much to do with breaking down the nervous and physical organism of struggling men in public life. I think we can take it for granted that the expectancy of life in the arena of public affairs is much diminished by the combination of burden and unjust criticism.

Our late departed colleague and friend was of the earnest, tireless manner of man. His habits were good, his purposes were lofty, his devotion to his people unquestionable. Every day was with him a serious day and every task a serious task. He lived an honorable life, and in the good opinion of all who *knew him* best those who loved him best may find their greatest consolation.

Death does not end all even to those who have no faith in an existence beyond the grave, for as a pebble cast into the middle of the sea will send a tiny warning wave to every shore, so will each good influence once set in motion reach to the uttermost ends of human experience. In the good he did, in the example he set, and in the things he achieved for his home, his neighbors, and his country, our lamented friend left a common legacy for all mankind.

Mr. SMITH of Michigan. Mr. President, it has been very hard for me to realize that the late Senator from South Carolina has been called to his final home by death. He was the type of man that one would imagine might live always. Large, robust, strong physically and mentally, he looked as though he might stand as a great oak in the forest of life for many years to come.

I had the pleasure of knowing the Senator from South Carolina for many years, first as a Member of the House of Representatives, where I served with him for a decade, and when this place came to me and I entered the Senate for the first time as a new Senator I was led to a seat beside the late Senator from South Carolina.

In this historic Chamber I was instructed, cheered, comforted, and stimulated by him, and the friendship which had grown warm and valuable through the years of our acquaintance came as a benediction to me in this new place.

The late Senator from South Carolina was an extraordinary man. Full of fire and dash and impulse, yet he could control his feelings so admirably that few who came casually in contact with him ever realized the depth of his feeling or the scope of his desires.

Mr. President, I enjoyed the friendship of the late Senator LATIMER during the years of our acquaintance, and I rise to-day, informally, merely for the purpose of testifying to the beauty of his character, the strength of his friendship, the devotion of his heart and mind to the people he served, and especially the unflagging loyalty of that Senator to the State which sent him here.

South Carolina has sent to this Chamber many eminent men. Much of the history of our country is intertwined and interwoven with the experiences of South Carolina's representatives, and the distinguished senior Senator from that State [Mr. TILLMAN], whose colleague Senator LATIMER was, suffered a great personal loss when he was called away.

With that harmony and unity of purpose which should characterize the Representatives of States in this Chamber, they struggled together and won their victories together in this great field.

South Carolina has contributed many able men to the public service and should be proud of her Senators now here. Mr. LATIMER was an honor to his State, an honor to his friends, and an honor to his country, and his memory will never be blotted from my mind.

I love to think of him as I saw him last here in this Chamber, with quiet dignity, unobtrusively moving among his fellows, vigilantly looking after the routine business of his State, and I love to think of him as I saw him across the sea, when, freed from that official care which is so burdensome to us all, he acted like a boy at play as he moved about in that recreation upon which he had set his heart; and the new experiences in strange lands kindled his soul and imparted life and refreshment to his last years.

Mr. President, Senator LATIMER was a fine type of the southern gentleman—quiet and unobtrusive; gentle, yet firm; gallant, yet modest; courteous, yet brave; and helpful to all with whom he came in contact. I hope, as this day is set apart in his honor, as a tribute to his memory, that it may also instill in the heart of every Senator his noble virtues, which shall ever remain as a rich heritage to the people of our common country.

Mr. FLINT. Mr. President, it was my good fortune to be intimately associated with the late Senator from South Carolina during the brief period which we served together in the Senate. We were members of the Senate Committee on Public Lands, and in the work of this committee I had an excellent opportunity to observe his character, disposition, and methods of performing the duties which devolved upon him. He was, first of all, a practical man; and being endowed with a large measure of native shrewdness, wisdom, and what is known as "common sense," his opinion, advice, and suggestions were eagerly sought and greatly valued by his colleagues of the committee. He was particularly well fitted for service upon this committee, as he always took a great interest in the public lands of the country, and especially those lands adapted to agriculture, with a view to making such disposition of them as would be of the greatest possible benefit to the farmers of the country. Having been a prosperous farmer himself, he was an enthusiastic believer in the efficacy of an early experience and training upon the farm for the development of the highest type of citizenship.

He took great interest in the movement which was inaugurated some years ago for the enactment of a federal law for the reclamation of the swamp and overflowed lands of the country, along the lines of the irrigation act. With his usual energy and thoroughness, he contributed largely to the vast amount of data which was collected upon this subject, and was an enthusiastic supporter of the measure which was finally favorably reported by the Senate Committee on Public Lands.

Senator LATIMER was essentially a self-made man. The obstacles which confronted him in his early youth and during his young manhood, which deprived him of the opportunities for academic training, have been dwelt upon at length by others who have delivered eulogies upon his life, and need not be enlarged upon by me.

We read of Senator LATIMER's first activities in the political affairs of his State when he took part in the campaign of 1876. In 1890 he was elected chairman of the Democratic party in Anderson County, and was reelected in 1892. He administered the affairs of his party so successfully that he was urged to enter the race for lieutenant-governor, but declined. Shortly after this he was elected as Representative in Congress from the Third Congressional District of his State, and entered upon his career of ten years of unbroken service in that branch of the National Congress. As a climax to this conspicuous career he was elevated to the Senate and had served five years when unexpectedly and greatly to our sorrow he was taken from among us. His friends and colleagues were greatly shocked by his sudden and untimely death, and with one accord we gather here to-day to pay our respects and to honor his memory. Mr. LATIMER was only a little beyond the point which is usually considered middle life, and his sudden demise serves as a reminder of the uncertainties of life and the necessity for us to put forth our best efforts while we may in order that we may not leave our work undone. Though he died in the prime of life, his industrious habits, zeal, enthusiasm, and energy with which he pursued his daily tasks enabled him to perform an average man's work in the comparatively short period which he lived.

From an humble farmer lad to the highest place within the gift of the people of his State is a record of which anyone might well feel proud. When we have coupled with this a career that was beset with difficulties and obstacles from the beginning, all of which were overcome and success attained, notwithstanding the lack of the early opportunities which are usually essential to success, it distinguishes the man as a leader among men and as one whose example might well be emulated by the youth of our land.

Senator LATIMER's friends and neighbors, and all those who knew him best, testify with one accord to his Christian manhood, his consistent living, his beautiful home life, and his loyalty and devotion to his friends, which, after all, are more to be desired than great riches or great honors.

Mr. DOLLIVER. Mr. President, I appreciate very much the privilege, which has come to me by the invitation of the senior

Senator from South Carolina [Mr. TILLMAN], to say a few words about the public services of the late Senator LATIMER. I have felt all the more drawn to this mournful duty, since the Senator an hour ago asked me to perform it, because during the whole period of his service in the House of Representatives I was his colleague and his friend.

In the early years of service in the House an opportunity, which never afterwards comes to us, is given, of knowing with friendly intimacy those who are our associates in that service. So, it happened that, being young Members of the House, we were thrown much together and had that rarest of all the privileges of public life—the opportunity of close personal acquaintance. The House of Representatives, especially in those days, was a somewhat stormy and tumultuous body. It had its own standards for the recognition of ability and merit, and, tested by those standards, more severe, I think, than in any other arena of service in the world, Senator LATIMER speedily rose in the estimation of his colleagues to a position of influence and growing usefulness.

Shortly after I came to this body he was elected to the Senate, and it was a special pleasure and gratification to me to find that we were to work together upon the same committee—the Committee on Agriculture. Sitting there side by side until he passed from among us, I had a still further opportunity to know him and understand his motives and views of life and of duty, public and private, and to set a somewhat accurate estimate upon his character and upon his talents. So on this day I am glad to speak of his career, that fine and faithful public service which ended so untimely with his death.

It has been said here that he was without educational advantages in his youth. I believe that little or no evidence of that can be found in the things that he said or in the things which he accomplished while in the Congress of the United States. Education can do much for every man; and yet Senator LATIMER brought to the work of his manhood a preparation still more valuable than the training of the schools—the discipline of hardship, the culture of experience, that excellent drill of daily labor which comes not from the academies of learning, but from a postgraduate course in the university of the world in which we live.

I was especially impressed during my acquaintance with him with the fact that while he belonged to the period following the rebellion, inheriting possibly many of its peculiar points of view, yet he seemed less encumbered by them than any man from the South whom I have ever known.

He was one of the pioneers of the new school of American political thought. He anticipated the disappearance of old theories. To him it seemed that the Government of the United States ought to be in a practical, working sense, the servant of the American people. He had the same interest that we all have in questions of war, and peace, and diplomacy, and commerce, and industry, but to his mind the largest political questions in America were the questions that concern the lives and the homes and the welfare of the 80,000,000 of men, women, and children who constitute the Government of the United States. So in his service in Congress hardly a trace of partisan dogma can be found. Nor did he ever find trouble in the Constitution when the task was before him to strengthen the foundations upon which society itself rests.

He had a tempestuous political education in the same school that brought into public life the great abilities of our honored friend, the senior Senator from South Carolina [Mr. TILLMAN]; but he did not in this Chamber, it appeared to me, emphasize any of the acute and vital issues, the extreme and explosive opinions, which were a part of the political environment of his earlier years. I do not mean that he deserted his convictions, or held a loose view of his party obligations. I mean, rather, that in the interest of the work he was trying to do here he was able to subordinate himself, to push aside the narrow and transitory things which often embitter and enfeeble our public life, in order to find a surer road to the accomplishment of higher and better ends which he pursued.

In both Houses of Congress his attention was given to everyday matters into which partisanship enters in no sense at all. He was a student of what may be called the "lowly problems of government." He recognized the fact that the great bulk of the business of the Congress of the United States is without any partisan color of any sort. And so it seemed to me that in these respects he dismissed more completely than any other man with whom I have been associated the notion that the Government of the United States is a partisan affair. We find him engaged in the obscure and unheralded work of the committees to which he was assigned, and the questions that interested him most were the questions that lie nearest to the earth and concern most intimately the daily lives and happiness of the American people. For example, he was an advocate, possibly the most influential in the Senate, of good roads for the people of the United States.

He had that vision which enabled him to see that the least excusable losses of American agriculture do not lie where we so often place them, but lie at the very doors of the people; and the thing that seemed to impress his mind most as a member of the Committee on Agriculture was the fact that we lose more in the United States in hauling the crops which we raise into the town markets near which we live than we afterwards do by the conspiracies of the market place or the abuses of interstate commerce. I have often heard him say that if he could realize his dream of a model system of internal transportation on the common public highways of the country, he would have done more good than anybody could hope to do by legislative reforms of railway management in the United States.

He was equally interested in the problems of popular education, especially in the South, and most of all the modern efforts to make our schemes of elementary education respond to the needs of our industrial life. So he labored quietly and modestly, without ostentation or display of any sort, in those tasks which appeared to him to represent in a comprehensive sense the living questions in which the Government of the United States ought to concern itself.

For myself I not only respected his character, but I tried to study the attitude of his mind and to appreciate that fine philosophy of our affairs which enabled him thus to throw aside partisan motives, to dismiss from his mind almost entirely the spectacular questions which are most attractive in our public life, and devote himself with earnest attention to the humbler questions which bring the Government of the United States near to the people, making it responsive to their needs and effective in the guidance of their social progress. It was against his homely intuitions that the civilization of one century should be left helpless on account of a meager understanding of a Constitution made by the people of another.

He will be remembered in both Houses of Congress for his stalwart strength of mind and of body. Above that, he will be remembered for a certain modesty and fidelity of character which made him a reliable worker in whatever field was assigned to him in the business of the United States.

I do not know what his religious views were. He had a characteristic reticence as to the life he lived within himself. I never heard him say a word in all our conversations about that, but if his actions interpreted his faith—and the acts of men are the surest expression of their faith—we do not go astray in paying to him the loving tribute which belongs to a broad-minded patriot, a representative citizen, and an upright Christian man.

Mr. GARY. Mr. President, men of exalted character and civic virtue have ever been thought worthy of admiration and their memory worthy of perpetuation. Throughout the land we have erected and are each day erecting monuments in honor of those who have been conspicuous for the possession of such attributes. It is the boast of Rome that the Via Appia and the Via Sacra are lined with monuments to her consuls, generals, and senators, men who have done some service for their country.

Impelled by the same sentiment and actuated by the same desire to put on record our appreciation of exalted character and worthy citizenship, we have this day paused in our labors and laid aside our calendar to honor one who exemplified in the highest degree exalted character and worthy citizenship—one who has done some service for his country. Surely, Mr. President, on such occasion I should add my voice to the chorus of praise of him whose people are my people, whose friendship I had the honor to enjoy, and who has done much service for the State I in part represent.

A distinguished queen's counsel has said:

The highest gospel is a biography—

And he well adds—

So is the life of every good man.

A casual study of the career and character of our departed friend will demonstrate how well his life illustrates this aphorism. That he was a good man no one will deny. When an account shall have been given of the deeds done in the flesh many will be the acts of benevolence and deeds of kindness to his credit; for, like Abou Ben Adhem, he loved his fellow-man. He was ever ready to lend a helping hand to such as might need his assistance. But his was no ostentatious giving of charity that the world might see and applaud, but rather after the fashion of that enjoined in Scripture, which says:

When thou doest alms, let not thy left hand know what thy right hand doeth.

Not only was he a good, a benevolent, and a kind-hearted man, but he was a man of statesmanlike qualities as well.

"He dipt into the future far as human eye could see," and ere it was too late he sounded the first warning note to the people of my State against that steadily deteriorating process which goes on on every hand apace—that process of whose danger Horace Bushnell once said:

The constant importation, as now, into our country of the lowest orders of people from abroad, to dilute the quality of our natural manhood, is a sad and beggarly prostitution of the noblest gift ever conferred on a people.

Senator LATIMER entertained similar sentiments, and he proclaimed them in no uncertain terms. May we, Mr. President, have the wisdom to heed his timely warning while we are yet a homogeneous people.

Then, too, Mr. President, as another instance of his statesmanlike qualities and of his desire to promote the welfare of the masses, we might mention his insistent urging of our people to build better roads and build them upon scientific principles. To you people of the North this may mean but little, because you have them already, but to us of the South, to us who for centuries have been accustomed to and satisfied with roads that are a hindrance to progress and the development of our natural resources, such stimulation as was given by his eloquent tongue was sadly needed. With us he was the pioneer along this line, and at times he seemed almost as one crying in the wilderness. His insistence and eloquence have already borne fruit, and had he lived a few years longer he would have witnessed a full realization of his hopes.

Did time permit I might recount the many blessings our people now enjoy as a direct result of his work in establishing free delivery of our mails in the rural districts. In this, if he was not the pioneer, he was, at least, the earnest, insistent, and effective worker. Indeed, Mr. President, his unceasing efforts seemed always to be toward bettering the condition of the masses.

It has been said, however, that he was not an educated man. If by the term "educated" is meant "trained in college walls," the claim will be readily granted. But, sirs, if education signifies such training as fits one to think energetically and with concentration along right lines, then he was essentially an educated man, albeit that education was not received in college walls nor at the feet of some mighty Gamaliel. He was what might be termed a "self-educated man."

Born and reared on a farm, inspired by the observations of nature in its purest form and by the teachings of God-fearing parents, he early learned to cherish high ideals and lofty aims. With such a foundation upon which to build and being possessed of robust health, strong common sense, and a keen and unerring perception of human nature, he felt less than most men that lack of college training, regarded by some as indispensable to the highest development. He was, indeed, another illustration of what Burns so aptly says:

The pith o' sense and pride o' worth
Are higher ranks than a' that.

It is true that he took no conspicuous part in the great debates in this Chamber, yet he was always at his post of duty, ever ready to take advantage of any opportunity to befriend his people and ameliorate the conditions of the masses. But of his work as a legislator and of his usefulness as a Member of this body, there are others better qualified to speak than I.

But it seemed fitting, Mr. President, that I, who have known him from early manhood till his untimely end, should speak of him as a friend, neighbor, and citizen. It seemed to me that it is proper that I, who was in a position to observe it, should convey to this body some idea of the profound sorrow that was felt and manifested throughout my State when it was learned that ASBURY C. LATIMER was no more. When it was learned, Mr. President, that the Black Camel had knelt at his door, that in the midst of life, duty, and usefulness his sun of life had gone down, the people felt that their friend and tribune had gone, that they had sustained a loss they could ill afford. But his career is ended; his noble work is done; and the world is better for his having lived in it. By his work the great masses of common people were made better and happier, more contented and more comfortable. The present condition of progress, improvement, and happiness in the rural districts is a constant reminder of his friendship for the people, and on account of this his memory will ever be cherished by them. But "let us seek no further his merits to disclose."

Let us conclude this inadequate tribute by repeating, as applicable to him, the words of one of South Carolina's most eloquent sons, who said of another:

He acted throughout life on the maxim that in morals it is more to deserve than to command success.

He has left to his children, to the State of his birth and home a precious legacy of the lesson of his life. May it be an inspiration to us all, may we strive to imitate his worthy example, and may his untimely taking off be to us a reminder that the young may die, the old must die, and the wisest knoweth not how soon.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE POWERS.

Mr. FRYE. Mr. President, I offer the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 312.

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. LLEWELLYN POWERS, late a Member of the House of Representatives from the State of Maine.

Resolved, That the business of the Senate be now suspended, in order that fitting tributes may be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. FRYE. Mr. President, the Powers family was rather a remarkable one. Arba Powers, a stalwart man physically and mentally, built for himself a log cabin in Maine, and from his home sent out into the world eight sons equally stalwart in mind and body. All of them, by their own exertions, aided only by heredity and an early training in economy, thrift, and hard work, achieved success.

Nearly all of them held important public offices in Maine and elsewhere, and discharged their official duties in a manner entirely acceptable to the people. These log cabins have, I think, made more valuable contributions to the Republic than have the homes of wealth and luxury. The oldest of these sons was Governor POWERS, to whose memory we pay tribute to-day. He had the advantage of education in our free schools, the first in the country having been established in the district of Maine.

It is an interesting incident that William King, our first governor, an ardent friend of Thomas Jefferson, visited him at his home at Monticello before he entered upon the duties of his office, and Jefferson, at his request, wrote the article in our Constitution which perpetuated our free-school system.

Mr. POWERS continued his studies in the academy; then for two years in Colby University; then entered the Albany Law School, from which he graduated with honor. He commenced the practice of the law at Houlton, in Aroostook County, the northeast county of this country, then mostly in wilderness, now said to be, in the value of its farm products, the fourth in the United States.

He gained what in those days and in his State was a large and lucrative practice, so large that he was obliged to take as a partner his youngest brother, Frederick, who later on became a judge in our supreme court. Mr. POWERS was a business man of great sagacity, of clear foresight, and invested his surplus earnings in wild lands, which became very valuable and made him a wealthy man. At the time of his death he was the largest individual owner in Maine, having holdings amounting to 200,000 acres.

Mr. POWERS was attorney for the State for the county of Aroostook from 1864 to 1871; collector of customs for the district of Aroostook from 1868 to 1872; a member of the house of representatives in Maine for six terms, during one of which he was speaker; was elected governor of Maine in 1896 and reelected in 1898. He was elected to the Forty-fifth Congress from the fourth district and elected to the Fifty-seventh Congress in April, 1901, to fill the vacancy caused by the resignation of Hon. Charles A. Boutelle, and to the Fifty-eighth and Fifty-ninth and Sixtieth Congresses.

I was a Member of the House in the Forty-fifth Congress when Mr. POWERS made his first speech. It commanded the attention of the House and made a favorable impression. While serving his State in its legislature he had a commanding influence in the enactment of important legislation. As governor he had strong convictions and the courage of them; he was fearless, not parsimonious, but wisely economical; and by his forcefulness, his tireless energy, his business sagacity, made his administration of the affairs of the State eminently satisfactory to the people, who reelected him by an increased majority.

Governor POWERS was a first-rate, all-round lawyer, the product, I think, more frequently of the country than of the city practice. As an advocate he was forceful, exhaustive, and successful, if not eloquent.

As a legislator, his clear vision and business sagacity, together with his accurate legal knowledge and commanding presence, compelled attention and rendered him effective.

He was an ardent Republican, a firm believer in the protection policy, loyal to all of the fundamental principles of his party, and yet always tolerant to those differing with him.

He made hosts of friends and few enemies. Socially, he was very attractive, was a fine conversationalist, abounding in apt anecdote, and quick of wit. He was a devoted husband and a loving father.

He fought well life's battles, and won more victories than fall to the lot of most men. In his death his country, his State, and his family have suffered a most serious loss.

Mr. SUTHERLAND. Mr. President, of right and of necessity our concern is for the living rather than for the dead, because the living need us and the living we can help. The dead can only be held in affectionate remembrance. The span of our days upon this earth is short, and there is so much to be done by the living for the living that the task of doing it will ever remain our chief and most imperative duty. Life itself is a series of battles, wherein each of us must play the soldier's part and assume the soldier's responsibility, contending with whatsoever weapons we can best use, accepting, if we are wise, the victories which we may win without too much self-pride and the defeats which we may suffer without too much self-pity, and submitting at the end serenely, patiently, and courageously to the inevitable stroke of that final grim antagonist against whom no man can prevail. To one who has grown weary of the strife the stroke is sometimes not unwelcome; but whether sweet or bitter, to-day or to-morrow or finally it comes to all, and the vacant places in the ranks are filled by new comrades and the battle goes on, for the militant business of the world must be done, whoever may fall. While the stern necessities of the living will not permit us to sit idly with the dead, it is fitting and proper that we pause in the conflict and pay passing tribute to the memory of those who, having borne with us the heat and the stress of the struggle, have passed on to their final rest. It is appropriate that we reverently give expression to our gratitude for what they did and our appreciation of what they were. For this purpose we are here this afternoon.

Mr. President, it was my good fortune to meet Governor POWERS very soon after I became a Member of the House of Representatives in the Fifty-seventh Congress, and during the sessions which ensued I became intimately acquainted with him. He was a man of striking personality. His face and figure were so sufficiently out of the ordinary that they will not soon be forgotten, and both are very clearly in my mind to-day. His frame was strong, almost massive; his head large and well formed; his features rugged, strong, furrowed with deep lines. His face, when in repose, gave an impression of sternness, but was full of enchanting kindliness when illumined with the smile that always came at the word of a friend—a face, withal, full of character, expressive, thoughtful, which at once and instinctively inspired confidence and trust. His manner to all was gentleness and courtesy personified. He was by nature social—a lover of his fellows. He was a good conversationalist and a good listener, which is sometimes a more amiable, if rarer, accomplishment. He could tell a good story or listen to one with keen and intelligent appreciation. His good nature was infectious.

Mentally, he was, I thought, more sound than alert. He did not come to a decision quickly. His conclusions were not intuitive, but the result of patient, deliberate, painstaking, intellectual effort. Almost as a necessary consequence, having arrived at a determination respecting the merits of a proposition, he was immovable, albeit he was not dogmatic or stubborn. He listened to the views of others with an open mind; he did not differ for the mere sake of difference. He was an earnest partisan in the highest and best sense. A Republican all his life, the traditions and principles of that great party had been woven in the very warp and woof of his character, and yet he never hesitated to voice his disagreement whenever his party declared for something he could not indorse; but when he disagreed it was reluctantly, regretfully. Always he gave his own party the benefit of the doubt.

It is a trite thing to say of any citizen of the Republic that he is patriotic. That is the normal attitude, thank God, of all our people. It is equally a trite thing to say of any properly constituted man that he is humane. That is the common attribute of our modern civilization. But a good many people are patriotic in sentiment and humane in feeling who are neither in practice when the practice entails personal sacrifice. Governor POWERS believed that love of country was not a mere abstraction, but a deep and holy sentiment for which one should be willing to give his time and strength and property and, if need be, his life. When war was declared with Spain he was the governor of his State. He was urged to call a special session of the legislature in order that an appropriation might be made to equip and supply a regiment of volunteers for service in the field. This he declined to do, because of the great expense an extra session would involve, but instead he went into his own pocket and paid out of his personal means the great sum which was required to properly equip the troops and send them to the front. That the legislature at its next regular session promptly reimbursed him detracts in no measure from the generosity and patriotism of his act. There was no legal obligation on their part to do so, and most men would probably have called the legislature together instead of taking upon their own shoulders the burden and responsibility which he assumed without regard to the consequences.

He was strongly opposed to capital punishment. He thought, as many others have thought, that the poorest use to make of even a bad man is to kill him. The object of punishment for crime is threefold—to reform the criminal, to protect society against a repetition of the crime, and to deter others from committing like offenses. Capital punishment does none of these. The death of the criminal precludes reformation; society is effectually protected by permanently depriving the criminal of his liberty, and life imprisonment operates as a deterrent quite as well as capital punishment. Sheep stealing was at one time a capital offense in England, but sheep stealing was as popular when the punishment was death as it has ever been since that punishment was abolished. Organized society has no more right to take human life as a matter of vengeance than has the individual. This was the way in which the matter presented itself to the mind of Governor POWERS, and as a member of the judiciary committee of the state house of representatives he succeeded in impressing his views upon his colleagues, with the result that his bill abolishing capital punishment in Maine was reported to the house and subsequently enacted into law.

This upright man and splendid citizen, having served his State and country with signal success and distinguished honor as legislator, as governor, and as Congressman for more than thirty years, on the 28th day of last July passed from the conflicts of this world into the rest of the world that is to be.

What lies beyond the grave it has not been given us to know. The old, old question, at once the most pitiful and the most stupendous inquiry of the human race, echoing from the lips of Job through the vanished and the vanishing years, is to-day, as of old, the passionate and sometimes despairing cry of the human heart—"If a man die, shall he live again?" Science has measured and weighed the stars, analyzed the sunbeam, caught the rhythm and the music of the waves of sound, wrested from nature her choicest and most closely-guarded secrets and enslaved her most subtle and powerful forces, but to this one question she gives no answer which carries either hope or conviction. The lips of the young asking "whence" and of the old inquiring "whither" are alike unanswered. Faith alone vouchsafes a reply. Somewhere in the innermost sanctuary of the self there is something which assures us that at the end we shall find a door and not a wall. The vast majority of mankind, when told that nature at the very heart is dead, experiences that fainting of the soul that comes in the presence of a supreme falsehood. Every cell and every nerve instinct with life cries out against it.

What, then, am I,
An infant crying in the night,
An infant crying for the light,
And with no language but a cry?

* * * * *

My own dim life should teach me this:
That life shall live for evermore,
Else earth is darkness at the core,
And dust and ashes all that is.

We stand upon a mountain top and look down long stretches of undulating forest, over grass-grown meadows and peaceful pastures filled with slow-moving and contented herds; we see the lordly river stretching like a ribbon of silver with long vistas of shimmering shallows and shadowed banks; we lift our eyes to the blue sky, and see here a fantastic cloud and there a hawk lazily drifting with outstretched and motionless wing. Our senses thrill with the glory of the vision; but the majesty of mountain, the beauty of field and river, the splendor of the sky, the witchery of cloud and sunlight and shifting shadow are not in the eye or the brain or the body of the beholder, but in the soul. We close our eyes and the scene is gone from the physical sight, but we behold it, nevertheless, softened and subdued, yet filled with a tender and dreamful loveliness, still pictured in the marvelous gallery of the mind. Then may we not believe that, when the darkness of death is come and the cells of the brain go back to dust, a conscious something, above and beyond all nerves and tissues and cells and brain, which saw the picture and hung it in the memory, will mount from this earthly night of death into the light of the eternal morning?

Mr. SMITH of Michigan. Mr. President, in the busy whirl of life, with its trials and exactions, we pause to pay a tribute to the memory of one of our late colleagues in the House of Representatives.

LLEWELLYN POWERS, for many years a Representative in Congress from the State of Maine, served with honor and credit to his Commonwealth and to the country. Maine has been limited in its geographical area, and almost unlimited in its material resources and seemingly inexhaustible in its wealth of able and distinguished men, many of whom have been chosen because of their special fitness for public place, and retained in the service with credit to the State which commissions them as long as they have been willing to serve.

Think of a State which has within a generation contributed to the public service a Fessenden and a Hamlin, a Blaine and a Reed and a Dingley, and is now so honorably represented by our colleagues, Senator HALE and Senator FRYE, than whom there are no more able, conscientious, upright, worthy, or influential men.

I consider myself fortunate to have served with many of these men in the latter years of their public service. Reed and Dingley and Boutelle and Milliken were all colleagues of mine in the House of Representatives, and I learned something from each of them. I consider the country most fortunate to-day to be guided, as it often is, by the practical common sense and the wise experience of the distinguished Senators from Maine now in this Chamber. True to her high traditions, Maine commissioned our late colleague for duty here.

Mr. POWERS first entered public life as a young man, and retired after one term in Congress. He carried his shrewd commercial instincts into the busy world of affairs and made a business success of life. Later returning, after serving as governor of his State, he entered again into the activities of legislative life. I consider that we were fortunate indeed in his legislative companionship. He was modest and unpretentious, yet he was firm and substantial. He made few tenders of his sympathy or kindliness of nature, but no one could come in contact with him and fail to appreciate that he was one of nature's truest men.

Mr. President, death places its hand upon all that lives, and in calling LLEWELLYN POWERS from an ideal home life and the activities and responsibilities of private and public employment nature drafted an honorable and a worthy son. His personality will long be missed in the House of Representatives and among those who loved him.

I simply desire to pay my tribute to his lofty character, his usefulness, and his fidelity, and I shall long remember the pleasure and the satisfaction I have taken in our companionship and association here.

Mr. DIXON. Mr. President, LLEWELLYN POWERS was born in Pittsfield, Me., December, 1836, the eldest of ten children. He was descended from a family that had been prominent in New England for many generations and whose name frequently appears on the muster rolls of the Continental Army. Born on a farm, he was educated in the common schools and academies of his native State and at Colby University. He entered the Albany Law School and graduated therefrom in 1860. He immediately returned to Maine and began the practice of his profession at Houlton, the county seat of Aroostook County. Of splendid physique, affable in manner, temperate in his habits, and industrious in his profession, front rank at the local bar was soon attained.

Like most young lawyers, he was soon attracted to the field of local politics. In 1864, four years after being admitted to the bar, he was elected prosecuting attorney of his county, and was twice reelected to the same position. He held the position of United States collector of customs for four years. In the early seventies he was sent to the Maine legislature for three consecutive terms and then elected as a Representative to the Federal Congress, for serving one term in that body along with a distinguished delegation from the State of Maine, which numbered among its members such men as James G. Blaine, WILLIAM P. FRYE, and EUGENE HALE.

Defeated for reelection in the greenback agitation of 1878, he again took up the practice of his profession. Twelve years later he again entered public life as a member of his state legislature, serving again three terms, during the last of which he was elected speaker.

Then followed his election as governor in 1896 and his reelection in 1898 by a majority of nearly 50,000. A few months after his retirement as governor he was again elected a Member of Congress, where he served continuously until his death on July 28, 1908.

Elected by the people of his own district three times as prosecuting attorney, six times as a member of the legislature, and five times a Member of Congress, his actual time spent in the public service covered a period of a quarter of a century.

Unlike most men who devote so much of their lives to the public business, Governor POWERS was also most successful in his own private business affairs. By his own exertions and good business judgment he accumulated a private fortune of considerable magnitude. Coming from a State justly celebrated for the sound conservatism of its people, he was by nature, blood, and training well fitted for the position of one of the leaders, both in business and political affairs.

It was my pleasure to have served with him for four years in the other end of this Capitol. The Maine delegation, famous for a century past for its strong membership in both Houses of the Federal Congress, was then famous for having three ex-governors of the State in a delegation of only four members.

Governor POWERS was a striking figure in that body, comprising a membership of nearly 400 men, the directly chosen Representatives of 90,000,000 people. Large and well-proportioned physically, swarthy of complexion, a massive head crowned with a shock of raven-black hair, he attracted notice among his fellow-Members. He was most genial in his manner, conservative in his speech, and fair in his judgment of both men and measures. Measured by any standard, his life was a successful one. In business affairs, in the legal profession, and in the public service he had achieved distinction in all.

At the close of their life this can be said of but few men. Most men whom the world calls successful have only achieved success along some one line of action. Our so-called great and successful men have nearly always been deficient in some things.

To his wife and children, to his State, and to the Nation LLEWELLYN POWERS has left a record of an industrious, well-spent, well-ordered, and successful life.

So long as men of his type shall be selected as the chosen leaders of the people of the respective States of this Republic, all is well.

Mr. HALE. Mr. President, I had hoped to secure some facts in a family historical way about the Powers family in Maine, a typical New England family, a household that is the real type of New England life, but the inquiries which I have made as to details have missed their way, and I can only say here that our colleague, Governor POWERS, was the natural and distinguished representative of the New England family and farm life and of nature's stimulating surroundings, and that it was distinguished as have been very few Maine families. It had the inspiration, the best inspiration for youth, of country life, country associations, of the training and education that come in New England, I know in Maine, from the district school and the academy and the religious and moral teachings that go with a sober and temperate community.

The Powers homestead was the seat of plain but ample country hospitality. The neighbors gathered there; the ministers in their rounds came to the Powers house; the boys and the girls, as they were born and reared, imbibed all the healthful influences that come from such a life; and when the day came and they went afar from home life and joined in the life of the larger world they were found equal to any occasion.

The family furnished distinguished lawyers and legislators and men of large and sagacious business minds, and stands to-day in my mind as one of the best products of New England and Maine country life. One of the family was a most distinguished member of the supreme court of Maine, and when he voluntarily retired from that high place it was to the regret of all our people. Others of the Powers family have joined in making the record of Maine in business and in legislation and in social life, and all have been active and influential factors.

There was none superior to the Governor. That is our fashion, Mr. President, in Maine. A man who has once been governor with us is always "Governor." He may be a Member of the House of Representatives, but we call him "Governor." He may come to the Senate, but he is "Governor." He may go to the Cabinet, or even to higher places, and I fancy we should always think of him and address him as "Governor." So Mr. POWERS was always to the people of Maine, from the time that he served in our highest chief magistracy, "Governor" POWERS.

What my colleague has said of him, and what other Senators who shared in the pleasure of his acquaintance have said, is true. He was a leading and influential figure wherever he was seen. He was intelligent and faithful in his duties, courageous in his standing by his beliefs and convictions, and was never a negligible factor. In Maine, whether in its legislature or as its highest executive officer, or in Congress in the House of Representatives, upon whatever committee he served, and wherever he appeared and was seen and known, he had weight, he had consid-

eration. He was of importance not by intrusion, for, as one of the Senators has just said most fittingly, he was by nature, while courageous and outspoken, a modest and reserved man. But wherever he was, he was of account.

We were proud of him in Maine, Mr. President. We were proud of his position in Congress, of the increasing weight of his character and his counsel as the years went by; and it was with a sense of great loss that Maine gave him up as a public servant.

He had in him great elements of what I may call the practical, shrewd side of New England character. He was not easily moved in business or in politics or socially from what he believed to be the true and the practical course. It was shown in his business life. I knew him always quite intimately, from the time when he began practicing as a young lawyer in a young country shire town. He gained, in the estimation of his neighbors, friends and clients, and the people as a lawyer, as a business man (and was almost infallible in his judgment as to investments), the returns that would legitimately come to a young man from his growing resources.

He was at last, as my colleague has said, one of the largest owners of valuable lands in the State of Maine, and he was worth, I suppose—what with us is a large fortune—a million dollars. He was not penurious. While he was frugal and saving he had a large and generous mind.

I shall miss him, Mr. President, very greatly, because, coming from the same part of the State, we were thrown together closely; and I think I may say that in the years I have known him, with increasing regard for more than forty years, we had no differences. He and I in political matters, in matters touching state interests, and what was of most account to our people, traveled together.

All of this companionship, Mr. President, all of this association, will dwell with me as long as I continue in public life. My colleague and I have had an unusually long service in Congress; I think I may say an unusually friendly and cordial service together. We have seen nearly everybody who has come here with us and in the other House disappear. Neither to him nor to me will the remnant of our days be the same with the new men. He and I will welcome them and act with them so far as we can helpfully, but we shall miss the departed, and none will we miss more than Governor POWERS.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE WILEY.

Mr. BANKHEAD. Mr. President, I submit the resolutions which I send to the desk, and I ask for their adoption.

The VICE-PRESIDENT. The Senator from Alabama submits resolutions, which will be read by the Secretary.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 311.

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ARIOSTO A. WILEY, late a Member of the House of Representatives from the State of Alabama.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the widow and family of the deceased.

Mr. BANKHEAD. Mr. President, we are present in this Chamber to pay homage to the memory of a man who for many years was my warm personal friend, and it is with feelings of deep sorrow that I must pronounce these brief, cruel words: "He is dead!"

In reviewing the career of ARIOSTO APPLING WILEY four aspects of his character stand out preeminently: Energy, patriotism, loyalty, and human kindliness. He was a scholar, a lawyer, a soldier, a statesman, and, although able in each and all of these, he was greatest as a friend. It was this lovable, human quality that made the hearts of thousands of his people to mourn at his untimely taking off.

Colonel WILEY began the practice of law in Montgomery in 1872, a fresh young alumnus of Emory and Henry College, Virginia, in partnership with that eminent jurist, ex-Chief Justice Samuel F. Rice, of the Alabama supreme court. This partnership lasted for eighteen years, during which time Judge Thomas G. Jones, federal judge of the middle district of Alabama at the present time, was also a member of the firm. The experience and knowledge gained in his early practice equipped Colonel WILEY for the duties that devolved upon him in his future political career.

In 1882 he was elected to the lower house of the Alabama legislature, where he served as chairman of the committee on the revision of laws, as a member of the committee on corporations, and invariably as a member of the judiciary committees. For years thereafter he was either in the house or the senate of the legislature of his State. His city was also the beneficiary of his talents and loyalty, for he served fifteen years as an alderman of her administrative board.

His most distinguished professional services, however, of a national character were those performed while chief legal adviser and chief of staff to General Lawton during the organization of affairs in Cuba following the Spanish-American war.

Colonel WILEY was a soldier by blood and tradition. His father, Judge J. McCaleb Wiley, was an officer in the Mexican war, and although his son was but a lad during the war of secession, he was ever deeply stirred by the stories of valor and of strategy displayed by both of the contending armies. For a number of years he was captain of the Montgomery Mounted Rifles, a famous local military organization, and for twenty years he was connected with the Alabama National Guard, having risen from a lieutenant to the command of a regiment. He was a man of unusually robust and handsome physique, and in the uniform of a high officer presented a martial and impressive figure.

He served upon the staffs of four successive governors of his State, holding the positions of judge-advocate-general, with the rank of colonel of cavalry; of inspector-general; of chief of ordnance, respectively, upon the staffs of Governor Seay, Governor Oates, Governor Johnston, and Governor Samford. He was well prepared by training and experience, therefore, for the position of second in command of the Fifth Regiment of Volunteer Infantry of the United States Army, to which President McKinley appointed him, for Cuban service, on June 9, 1898. His appointment to this position was unanimously confirmed in this Chamber, and that your confidence was well placed was proven by the services which Colonel WILEY rendered to his country on the island. Upon receiving his commission as lieutenant-colonel he hurried with his command to Santiago de Cuba, his regiment reaching the eastern province just after the battle of San Juan Hill was fought. Shortly after arriving at Santiago General Lawton, commanding that department, availed himself of Colonel WILEY's legal abilities, making him his chief legal adviser and chief of staff. His legislative experience, his military talents, and his legal lore were all brought under contribution in his services as acting civil governor of the Province of Santiago, to which position he was appointed. He set in motion the machinery of the civil government, organized the courts, and contributed greatly to the restoration of law and order. Upon his return to civil life, after a year's military service for his country, he was at once elected to Congress, which position he held until his sad death last June.

Of his political services I could say much. Immediately upon his entrance into the House of Congress he began to display that effective energy that characterized his whole career. He secured large appropriations for his district for internal improvements and gave unfailing sympathy and response to the individual demands upon his legislative services. My association with him, especially during his service in Congress, was an intimate one. He was always active and vigilant for the best interests of his constituents, and was never too busy to exhaust every resource to comply with any request they should make. Among the many things he accomplished for them, and one of which he seemed to be proud, was a bill introduced and passed by him, with considerable difficulty, for the relief of a number of homesteaders who had entered on certain railroad grants. Hundreds of poor but most deserving people in Alabama would have lost their homes and the result of years of toil in the improvement of their farms had it not been for this bill.

It was through his duties as a member of the Military Committee that Colonel WILEY came into friendly and intimate relations with Mr. Taft, who was then Secretary of War. It was because Mr. Taft saw in him a man of broad experience and deep sympathy that he invited him to become a member of the party accompanying him to the Orient.

Colonel WILEY accepted Mr. Taft's invitation for three reasons. First of all, he was a citizen and representative of a cotton-growing country, and he desired to investigate the possibilities of China and Japan as markets for his people's chief product. Secondly, he had been reared in a section of the country where there were vast thousands of an inferior race, and knew, as only a southern man can know, the quality of patience and firmness, of charity and justice that must be used toward a people who have not yet made an ultimate place for themselves in social or economic life. It was with the thought in his large heart that he might be of some active service to the inhabitants of the Philippines, as well as to the flag he served in common with them, that he agreed to go 10,000 miles from home and friends.

In a letter to one of these friends, written upon the high seas on the long voyage, Colonel WILEY said, concerning these alien citizens, quoting from Robert Herrick:

We are bound to one another inseparably in this life of ours. We make a society that is composite. Whatever we do to weaken the sense of that common bond disintegrates society. Whatever we can do to deepen the sense of that common bond makes life stronger and better.

The third reason why Mr. Taft's invitation appealed to Colonel WILEY was personal to the poetic, the romantic, and the adventurous side of his nature. He was a man of refined mental culture, and his imagination had often been stirred by the literature and history of the Orient. Therefore those of us who had been privileged to know intimately this phase of the man's inner self can understand the pleasure the prospect of these foreign travels afforded him. The contrasts of life were never more clearly illustrated than in the fact that the very day when Secretary Taft was nominated by the dominant political party of the United States to fill the highest office in the gift of the people the silent form of Col. A. A. WILEY, his friend and comrade, was being conveyed from the mountains of Virginia back to the heart of the cotton country that he loved so well to find a resting place.

We are such stuff
As dreams are made on,
And our little life
Is rounded with a sleep.

He was genial and kindly and generous, possessing in a larger degree than most men possess those warm friendships that are rooted in esteem's deep soil, resulting from a slow and gradual culture of kind intercourse necessary to bring them to perfection.

One of these friends and neighbors, upon the occasion of his funeral, wrote the following delicate verses in his memory:

Not because the Nation needs him,
Not because the State will mourn,
Do I gather up the brightness
That his gracious smile has worn,
And now weave it into garlands,
That no time can wilt or fade,
For the grave upon the hilltop
Where the sunshine meets the shade.

How his happy, friendly presence
Mingles with the sod to-day,
As a shining shaft at sunset
Pierces into clouds of gray;
And I call from spaces endless
Where remembered kindness grows,
This one little song of tribute
Set about with friendship's rose.

Not alone to kings and peasants
Did his cordial hand extend,
Everything that needed comfort
Felt the presence of this friend;
Animals and trees and flowers
Flourished where his eyes would stray,
And he counted years as empty
If no blessing went his way.

Now he rests; and loud the bird song
Tells the cheer his voice had told;
Soft clouds drift above the hilltop
As if they his words enrolled.
Life was sunshine, life was friendship—
This, and more, his bright heart shed;
And a smile meets us this morning
That will live when time is dead.

Mr. MCENERY. Mr. President, Col. ARIOSTO APPLING WILEY, a Member of the Sixtieth Congress from the Second Congressional District of Alabama, died on the 17th day of June, 1908, in the city of Washington.

The high and low, the good and bad, must die,
And then, 'tis taught, begin again to live,
Somewhere, somehow, who knows?

Col. ARIOSTO WILEY was born in the State of Alabama on November 6, 1848. He was graduated with honor at Emory and Henry College, Virginia, in June, 1871. He chose the law for his profession, and for eighteen years was in partnership with that eminent jurist, ex-Chief Justice Samuel F. Rice, of the supreme court of Alabama, and after his death continued the management of the late firm's legal business, which involved many intricate questions in law and large interests. He was thus thrown in contact with a bar distinguished for the ability and high character of its membership. He rapidly rose to the front rank of his profession, and his legal ability was acknowledged throughout the State of Alabama.

I have been told by those who were familiar with his connection with the bar that he was a skillful special pleader and an expert practitioner, while his knowledge of the principles of jurisprudence and their foundation was as thorough as his application of them was masterly.

In the House of Representatives he was classed among the foremost of its able Members. His style in his addresses was that of close and severe reasoning, without ornamentation, concise, and correct. There was left no impression of diction or declamation, but only of the thing said. He had the sublimest faith in the wisdom of the fathers of the Republic, and never departed from their teaching. No popular outburst could influence him to vote for any measure which his conscience told him violated the Constitution, notwithstanding the demand that it was for the relief of an "oppressed people from corporate power and tyranny." He did not believe that the wisdom of past times was "the unripe fruit of imperfect intellectual culture." He was a patriot. He served with distinction in the Spanish-American war and was recommended for promotion to brigadier-general by his commanding officer for service in the field, and as an able counselor and adviser in framing a constitution for the Province of Santiago. In the field of legislation he was eminently successful, and in the general assembly of Alabama, in the house and the senate, he was industrious, wise, and conservative, and his influence on legislation was recognized in the enactment of needed laws, judicious and wise, which greatly promoted the material interests of the State.

There rests no stain upon his integrity in professional, private, or public life. He was scrupulously punctual and just in all his dealings. In domestic life he was pure and without fault. He was a delightful companion. He had solid good sense, a cheerful temper, good humor, and a playful wit, and there was about him a charm which attracted the humblest and the highest. He was beloved of all classes in his State, both for his great usefulness in the public service, the warmth of his affection, and for his virtues.

His life was spent in the courts, in legislative chambers, in the field, in party conflict—in fact, from birth to mature manhood his life was one of conflict and endeavor. It is rare, indeed, that such a character appears and passes through such experiences with character not only untarnished, but brightened. Success attended his every footstep, and his people applauded and rewarded his steady advance. His nature was noble and generous, even to the greatest fault. There was nothing paltry or sordid in his understanding or his heart. We remember his kindly nature and social graces—

While the soft memory of his virtue
Yet lingers like twilight hours
When the bright sun is set.

Mr. JOHNSTON. Mr. President, ARIOSTO A. WILEY was born in Alabama in 1848. He was a descendant of distinguished Scotch ancestors, who settled in Mecklenburg County, N. C., before the Revolution and acquitted themselves as patriots in that eventful struggle. He graduated at Emory and Henry College, Virginia, and was admitted to the bar in 1872. He began the struggle of life in the period of reconstruction, when the clouds hung dark and heavy over his native State, and when despair was held at bay only by the indomitable courage and fidelity of her people. He soon removed from Troy to the capital city of Alabama and entered upon a long and brilliant career which finally placed him at the head of his profession in that city so famous for its lawyers.

He was not one of those lawyers who attained success by a devotion confined to his profession to the exclusion of all other affairs of life, but was a citizen taking interest in all that concerned the people of his city, county, and State, serving them well and faithfully for quite twenty years in the municipal government and in the house and senate of his State. In the latter he was chairman of the most important committees in each house, and was faithful and diligent in the performance of every duty, notwithstanding his pressing engagements at the bar. When the war with Spain occurred Colonel WILEY tendered his services and was commissioned lieutenant-colonel of the Fifth Regiment U. S. Volunteer Infantry.

He soon attracted the attention of the gallant and lamented General Lawton, and served as his chief of staff and as civil governor of the eastern province of Cuba for some time. Returning home when the war ceased, he was elected to the Fifty-seventh Congress, and continued to serve in that body until he died, a Member of the Sixtieth Congress, in the vigor of a splendid manhood.

This is the brief record of his public service, but what historian can relate or what friend narrate the many services he rendered, the kindly deeds he performed, or the joy he brought to the friends with whom he associated, to his family and loved ones, or to those in distress or sorrow?

I knew him well as legislator, lawyer, citizen, soldier, and friend. He served on my staff when I had the honor to be governor of Alabama. Kindly, sympathetic, cheerful, full of generous sympathies, courageous, strong in his convictions, faithful to friends, to his country and State, to be with him, to know his heart, and to witness his many unselfish and generous

acts was to appreciate him more and more at his true value. He was bold and aggressive when he stood for client or cause, a formidable adversary in any forum, and a generous foeman who never struck below the belt or causelessly wounded the feelings of any man. The combat over, the victory won, he bound up the wounds of his adversary, soothed his feelings, and never boasted of his deeds or harbored animosity.

Whilst he commanded attention and respect in any forum to which he was called by the graces of his oratory and the logic of his argument, it was in the social circle where the kindliness of his heart and scintillations of his intellect shone most conspicuously.

No man of generous impulses who knew him well could fail to love him. No appeal was ever made to his sympathy that did not meet prompt response; no demand for his services by the people he loved so well was ever denied, however great the personal sacrifice.

I saw him here in Washington in his last illness, suffering great pain, but thoughtful still of the comfort of those around him. Little then did I think that I should never again see his attractive smile, feel his generous greeting, or hear his kindly voice.

I saw him laid to his eternal rest in his loved city, and I saw the great concourse of friends and acquaintances, white and black, that gathered around the grave to bid a long farewell to a generous, faithful, and affectionate friend; and it seemed then to me that this tribute to the man, to the citizen, and to the friend was the most convincing testimony that any man could have that he had not lived in vain or wrought for self alone.

Many years will doubtless pass before time shall have taken the edge from the sorrow of wife and son. The sympathy of friends, the remembrance of happier days, may bring some solace to their hearts; and it must soften their grief to know and feel that the loss is not all theirs, and that the people of his city and State, and a host of friends, will long remember and regret him.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE MEYER.

Mr. McENERY. Mr. President, I offer the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 315.

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. ADOLPH MEYER, late a Member of the House of Representatives from the State of Louisiana.

Resolved, That the business of the Senate be suspended in order that fitting tributes may be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. McENERY. Mr. President, during each session of Congress we are called upon to pay tribute to the memory of distinguished Members who have passed away.

Of them who wrapped in earth are cold
No more the smiling day shall view,
Should many a tender tale be told.
For many a tender thought is due.

One of the most lovable and tenderest of men, Gen. ADOLPH MEYER, a Member of the Sixtieth Congress, died in the State of Louisiana at his home in the city of New Orleans on the 8th day of March, 1908. Of him many tender tales can be told, and many tender thoughts suggest themselves as due to his cherished memory. He was born October 19, 1842; was a student at the University of Virginia until 1862, during which year he entered the confederate army, and served until the close of the war on the staff of Brig. Gen. John S. Williams, of Kentucky. At the close of the war he returned to Louisiana and had been engaged largely in the culture of cotton and sugar since; was also engaged in commercial and financial pursuits in the city of New Orleans; was elected colonel of the First Regiment of Louisiana State National Guard in 1879, and in 1881 was appointed brigadier-general to command the First Brigade, embracing all the uniformed corps of the State; was elected to the Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, and Sixtieth Congresses.

To this short sketch from the Congressional Directory I may add that as a merchant he was universally respected, and as a planter he was known and admired for his progressiveness; and as a soldier for undaunted skill and courage, receiving the highest encomiums from his commanding general, on whose staff he served during the war. As brigadier-general of the national guard, he was in service for more than eight years, and added by his persistent efforts, under the guidance of General Beauregard, to the deserved popularity of the organization and to its admirable discipline. As a Representative in Congress from Louisiana he was always diligent in serving his State, and no interest affecting it escaped his attention. To the welfare of his constituents individually he was devoted, and day after day he was at the departments looking into their condition and their wants.

I quote from the eulogy on General MEYER of Mr. Foss, chairman of the Committee on Naval Affairs, of the House of Representatives, who knew him more intimately than any Member of that body.

> But General MEYER's greatest work consisted not so much in serving the constituency which elected him as it did in serving that greater constituency which extends from the Atlantic to the Pacific and from the Gulf to the Great Lakes. It was his labors in the upbuilding of the American Navy for which he will be longest remembered. He was the oldest member of the Committee on Naval Affairs. He had served for seventeen years, and no man was more familiar with the great subjects pertaining thereto than himself.
>
> The many and able reports on naval subjects which he has written will stand as a monument to his faithfulness, ability, and industry. When he became a member of the Naval Committee we had not a single battle ship in commission and the tonnage of our new navy was less than 200,000, whereas now, when the pending naval bill shall have become a law, the tonnage of our navy will reach 850,000. General MEYER can rightfully be called one of the legislative builders of the new navy, because during the seventeen years of his service upon the committee more than three-fourths of the new American Navy has been built.

While his education was interrupted during his long service in the army, the training there was useful, as he had learned discipline, self-control, and self-denial, and, in the privations and dangers of army life, human nature in all its phases. Fortunately his habits were studious and his tastes scholastic. He had good judgment and unfailing tact. No circumstance, however embarrassing, disturbed the evenness of his temper, and what he had to do was done at the right time and in the right way, and his words were suitable on all occasions to the matter under discussion. With his self-possession there was in his manner modesty and dignity. With his many attractions, it is not to be wondered that he had ardent admirers and devoted adherents among all classes of people in his district.

When the Fifty-ninth Congress adjourned, which he had attended, General MEYER was apparently in full health and vigor. No Member of it had brighter hopes for the future and none had a clearer conscience for having done his duty well and faithfully. It was expected that he would be returned here for many years to come, so well, so faithfully, and ably had he represented his district.

The day preceding his death he was hopeful of life, bright, and cheerful, expecting to attend the opening of the Sixtieth Congress. We have so often been called upon to pay tribute to the memory of those who have left here in perfect health, but who have been suddenly called, that we must be impressed with the uncertainty of the hour of death.

Determined are the days that fly
Successive o'er thy head;
The numbered hour is on the wing
That lays thee with the dead.

While the hour may have come at an unexpected time, General MEYER was not unprepared for the dreaded ordeal of passing into the unknown—

Across that ebbing tide which has no flow.

His entire life had been a preparation for the conflict with death. He was in no fear of its near approach. Why was there no cloud on the soul of one who had passed through life pursuing professions and callings that carried with them strong temptations?

The unbroken testimony of all who knew him from early manhood is that he had strong convictions of right; that he had the highest order of moral and physical courage; that he had to the fullest measure generous sympathies and impulses, which went out into active work among the poor and afflicted. Possessing such qualities, he filled every office to which he had been called with honor, ability, and fidelity. In war he was a valiant soldier; in peace, a good citizen, an able and conscientious legislator. He loathed the gross sensualisms now so common and deplored, that excessive luxury which commercial prosperity has developed. Apart from the emphatic testimony of his friends, the slightest acquaintance with him was enough to show that his heart was right, full of love and sympathy, and that he was in full fellowship with his Maker, and that he had a clear vision and passionate hatred of all wrong. He never stooped to flatter popular prejudice. He was independent in his political actions, while he gave steady support, so far as they harmonized with his convictions to party policy and discipline. Fortunately, his opinions and temper harmonized with the progressive spirit of his constituents. The commercial, industrial,

agricultural, and professional people rallied around him with their energy and self-confidence, their pride and their patriotism, to the support of a statesman whose aims were lofty and unselfish, whose life was pure and full of kindly feeling for all conditions of humanity and of tender and affectionate love for wife and child. He loved his adopted State with enthusiastic devotion. The splendor of her history, the vast extent of her domain, the manifold resources of her wealth, the learning of her jurists, the character of her people, unsurpassed for energy, intelligence, and hospitality, her strength, and her power.

His glowing patriotism was the spell which bound his people to him. His successful career is remarkable for the abnegation of all selfishness, the sacrifice of personal consideration to a sense of duty so well performed in every station, that his public virtue is to be more admired than any particular act which he did or any particular faculty which he possessed. The personal popularity of General MEYER was such as might be expected from a man who was modest, candid, and affable, without any pretense to genius or great superiority over his fellow-man. His generosity and charity were boundless, limited only to his means of giving. He believed that he who withheld his generosity until death gave nothing at all. A great part of his income went for the relief of the poor and for the support of his faith. In his religious and moral character there is much to admire and imitate. He was a firm believer in his faith, yet he was too firmly imbued with the spirit of the age to judge harshly of those who differed with him. But all forms of vice and all irreverence for religion and impurity in expression were steadily condemned.

There was for his acceptance further preferment and higher reward. The world held out to him promises for greater usefulness and great distinction. But how uncertain is the realization of the hopes and rewards of an earthly career. His untimely death is a warning.

But he had hopes beyond earthly promise. His life was one of continuous endeavor, and to him the promise of eternal life and glory, a trust in God—

> To whose eternal doom
> Must bend the sceptered potentates of earth—

was of greater value than the flattering and ephemeral honors of life. He had learned from his sublime faith—

> 'Tis to the vulgar death too harsh appears,
> The ill we feel is only in our fears;
> To die is landing on some silent shore
> Whose billows never break nor tempest roar;
> Ere well we feel the friendly stroke 'tis o'er.

In this short sketch of General MEYER I have not been blinded by the clouds which gather round the dead, but I have given an impartial though an inadequate description of his character. He had pleasing and elegant manners, was possessed of large general information, and his society was much courted, and those who enjoyed his esteem and confidence learned that each day found him prepared—

> To hold his course unfaltering while the voice
> Of truth and virtue up the steep ascent
> Of nature calls him to his high reward—

for in his studied efforts to perfect himself he had—

> Summed the actions of the day
> Each night before he slept.

Mr. CLAPP. Mr. President, as we advance into the years the shadows gather about us. One by one those of our own generation pass beyond. General MEYER fell in the full prime of his strength and his achievements. His long service, faithful and successful, might well have been taken as a warrant of additional and still more valuable service and of still greater honors had his life been spared. There is an immutable law which decrees that real honor is intertwined with true achievements. Obedient in his very nature to that law, General MEYER combined with valuable service to his country the gathering of honors to himself.

It has been suggested here this afternoon that these services bear but little fruit unless we consider the lessons which they teach. The chords which reach from the living to the dead, while mystic, silent, and unseen, are vibrant with immortal truths. Of the truths thus borne to us upon this occasion I shall only dwell upon one, and that is the lesson of life, for whatever there may be of immortality, whatever there may be in that which lies beyond, this much is certain: This life is the vestibule of the life to come.

A short time ago in this Chamber I listened to the prayer of one of the great divines of his age, and I heard these words fall from his lips:

> We know, O Lord, that Thy omnipotence is our omnipotence if we but be one with Thee.

I believe, sir, that to-day that sentiment would awaken a responsive echo in every pulpit in Christendom; and yet, simple as it is, it reverses the thought and the experience of ages. That simple statement sweeps away the cobwebs of dogma and creed that reach back through the corridors of nineteen centuries to the hour when the Master in turn shook the ritualism of fourteen centuries with the simple statement "The kingdom of heaven is within you." This reversed all that had gone before. This thought, sinking into human consciousness, supplants the gospel of word with the gospel of action.

This thought takes from the old creed the constantly reiterated prohibition "Thou shalt not" and in place inserts the injunction "Thou shalt." It substitutes now for hereafter. In this concept of the Infinite, human effort becomes a factor as never before; while it lessens not our thought of immortality, it deepens our appreciation of this life and its opportunities; while it detracts nothing from our worship of the Infinite, it quickens our appreciation of our own powers to reach toward the Infinite.

This is the difference between creeds which, barren of fruitage, barren of blessings to humanity, have passed away, leaving that old, but new, thought of to-day, rich in its blessings, chief of which is the inspiration to human effort, a thought which brings man to a truer and a closer relation with Deity; and in that relationship must be found the truer relationship of man to man—a broadened brotherhood of man. With that truth sinking deeper into our consciousness, we will no longer "remember the dead and forget the living," but while we will still bring our tribute and strew flowers over the grave of the dead, abating nothing of our tender memory of the departed, we will appreciate our duty to those about us and thus reflect sunlight along and strew with flowers the pathway of the living.

Mr. PERKINS. Mr. President, the Congress of the United States lost a most useful Member in the death of Representative ADOLPH MEYER, and the State of Louisiana a most faithful servant. States which send here men of the high character and great ability that he possessed have reason to be proud, and Louisiana fully appreciated the worth of her distinguished son. In all positions which he occupied—in the army, in agricultural pursuits, and in business enterprises—he exhibited those great qualities of sincerity and unselfishness which endeared him to all who knew him. These qualities quickly caused him to occupy a prominent position when he was first elected one of the Representatives of Louisiana in the Fifty-second Congress, and he added materially to the strength of that State's delegation in the House until his death.

For several years he was the ranking member of the Committee on Naval Affairs of the House, and as members of conference committees on naval bills we became well acquainted, and that intimate knowledge of him thus gained excited in me admiration for his ability and profound respect for his character. He was always most courteous and conciliatory in the consideration of the most vexed questions which arose in the consideration of naval questions in conference committee, and at all times showed himself to be most earnest and energetic in the work of building up a great navy.

When he first took his seat in Congress we had launched only one battle ship, the first *Maine*, whose destruction in the harbor of Habana was the immediate cause of the Spanish-American war. We had authorized construction amounting to only $43,000,000, and the total cost of the entire naval establishment for the year 1891 was only $25,000,000. The enlisted force of the navy at that time was only 8,250 men, whose pay amounted to $7,300,000. Since that time our navy as it stands to-day, the second in the world in point of fighting strength, has been built up. What went before was simply the establishment of the foundation.

Mr. MEYER voted for the authorization of practically all but 4 of our 31 battle ships, for all of our 12 armored cruisers, for most of our large fleet of protected cruisers, gunboats, and so forth, for all of which we have up to this time appropriated $344,904,298, of which he voted for over $300,000,000. The total yearly cost of the entire naval establishment has grown from $25,000,000 to $129,000,000 for the fiscal year of 1908. The number of enlisted men has increased from 8,250 to 44,500, and their pay to $30,000,000. As we became Members of Congress at about the same time, Representative MEYER and I have voted in favor of the bills which have made our navy what it is to-day. I found in him the same earnest endeavor to create a strong naval force that I myself had, and which prevailed among the Naval Committees of the two Houses.

At the time of the Spanish-American war no one was more active and energetic in all that related to naval affairs than

Representative MEYER, and he was always ready to cooperate for the best interests of the service and of the Nation. In one of the debates on the naval bill in the House Representative MEYER expressed his attitude toward this important arm of the public service thus:

I do not think the navy a subject for partisan discussion. It is one to lift a man above the rancor of a partisan. I should be very sorry to believe that the American people are willing to have the subject of the navy considered in this way. In my service on the Naval Committee I, together with my Democratic colleagues, have ever held this object of preparing the navy for national defense above party, and sought beyond party to develop our strength to the highest degree commensurate with our greatness and safety. I believe that now is the time to build up our navy. I ask the House to give it careful, patriotic consideration, and, in the words of Lawrence, who in Boston Harbor fought his glorious fight, as he fell, maintaining the honor of his country: "Don't give up the ship:"

These are the sentiments of every loyal American, and have inspired the efforts of all the members of the Naval Committees of both Houses in their work of upbuilding the navy. They are the sentiments which animate both committees to-day, and I know that the words of the late honored Representative from Louisiana will inspire all future committees in the great work which they will have to do.

We have just seen return to the port from which it sailed over a year ago the most powerful fleet of war vessels which has ever made an extended voyage, and this one has carried the American flag around the world on a course aggregating 42,000 miles. Not one of the 16 battle ships was in the service at the outbreak of the Spanish-American war. In fact, only two had then been launched, and that hardly a month before the outbreak of hostilities. This great modern fleet is nearly five times greater in displacement than was our fighting force in Cuban waters, while the offensive power—the weight of metal that can be fired in a given time—has increased 2,000 per cent; and in striking force the broadsides of the Atlantic Fleet are thirty times that of the fleet which destroyed the Spanish vessels. Besides this, the marksmanship has increased from an average of 5 per cent of hits at the battle of Santiago to about 70 per cent as developed by the practice of the fleet which has just made the circuit of the globe, and the tremendous power which resides in our fleet of modern battle ships will be used, should there be occasion, with the same resistless energy which has always characterized our engagements on the sea, and in time of victory will be held in check in accordance with the humanitarian spirit which actuates the bravest men whose calling is to fight upon the ocean, and which called forth the command of Capt. Jack Philip when Cervera's ships had been riddled and had been run ashore: "Don't fire, boys. Don't you see the poor fellows are drowning?"

The victory won, mercy took the place of battle fury, and the spirit of peace went abroad beneath the clouds of smoke from hostile guns. Such has always been the American Navy, and such it will always be; and for such the man whom we honor here to-day always exerted his strongest efforts. With such men in the councils of the Nation, and such men on the decks of our battle ships, the Republic need have no apprehension as to a foreign foe.

No one would have been more enthusiastic at the record made by the Atlantic Fleet, which has just returned from its world-encircling cruise, than Representative MEYER were he alive to-day. No one would appreciate more than he the value of the lessons learned, the experience gained, and the vast increase given to the efficiency of our sea fighting force through this year's training that it has received. Officers and men are more fit for any duty on the ocean, and problems that twelve months ago would have sorely troubled them have now been solved. The year's cruise has demonstrated that no navy in the world is the superior of our own. It has shown that no better warships are afloat than ours, which fact is due to the ability of our designers and to the skill and faithful workmanship of our mechanics. No machinery has ever better stood the test of use; no vessels ever proved more seaworthy.

And, above all, the men of the fleet have, by their discipline and manliness exhibited in the four quarters of the globe, won the profound respect of all nations. They have exhibited the characteristics which have made, and which will always make, the men of the American Navy the best who ever trod the decks of a man-of-war—self-confidence, self-respect, intense loyalty to the flag, a spirit of self-sacrifice, and a bravery which knows no fear. Officers and men of the Atlantic Fleet have, by the exhibition of these qualities, quadrupled the effectiveness of the American Navy, for the world knows now and knows it thoroughly that the American flag floats above fighters whose ideal is John Paul Jones and whose example they will follow in time of stress. The immortal words, "I have not begun to fight yet," will be their inspiration, and men so inspired can never be defeated. Such is the navy that Representative MEYER assisted in creating, and his work is the most important that Members of this body can perform, for it creates the strongest assurances of peace that the Nation can possess.

Mr. GALLINGER. Mr. President, others who knew him better than I, have spoken and will speak of the public services of the distinguished man whose memory we all cherish. Mine will be but a few words of heartfelt appreciation.

ADOLPH MEYER entered the House of Representatives at the same time that I became a Member of this body, and he was honored with eight successive elections, representing the district in which New Orleans, his home city, is a part. It was my privilege to become acquainted with him shortly after he entered Congress, and I soon learned to highly value his friendship. He was a man of large business capacity, belonging to the class of men who have built up the great industrial and commercial interests of our country. He was a diligent legislator, among other things, taking a great interest and pride in matters pertaining to the navy, serving with distinction on the Committee on Naval Affairs.

General MEYER was a courtly man—dignified and self-poised under all circumstances. Neither the trappings and follies of ostentatious display nor the common and vulgar things of life appealed to him. He was a genuine knight, with lofty views and pure ambitions, devoted to his friends, and true to the ideals that distinguish the high-minded and honorable public servant.

He was a genial and lovable man, always acting the part of a gentleman of the old school. Courteous, companionable, and sincere, it was a pleasure and delight to meet him, and the memory of his gracious and gentle qualities will long remain with those of us who were privileged to know him. His life was a useful and valuable one, and in his death the State of Louisiana and the Nation sustained a great loss.

Mr. President, it has been said that "the tomb is but the gateway to an eternity of opportunity." If that be so, death is robbed of its terrors, and the future life is to be welcomed rather than dreaded. If that be so, we can think of our departed friend as having simply passed out of mortal sight, to enter upon a higher and happier life beyond. We miss his genial presence here, but his memory will be a benediction and a blessing to the community in which he lived and to the larger constituency which, as a public man, he represented with rare fidelity and ability.

Such men are needed in our national life, and their loss can not be overestimated. But the inevitable fiat came to him, as it will, sooner or later, come to all of us, and fortunate, indeed, will it be if, when the summons comes, we are as well prepared to meet the change as was he of whom we speak to-day.

Mr. President, if our faith in the future life is well founded, how beautifully appropriate are the lines of Rudyard Kipling:

When earth's last picture is painted,
And the tubes are twisted and dried,
When the oldest colors have faded,
And the youngest critic has died.
We shall rest—and, faith, we shall need it—
Lie down for an aeon or two,
Till the Master of all good workmen
Shall set us to work anew!

And those that were good shall be happy,
They shall sit in a golden chair;
They shall splash at a ten-league canvas
With brushes of comets' hair;
They shall find real saints to draw from—
Magdalene, Peter, and Paul;
They shall work for an age at a sitting
And never get tired at all!

And only the Master shall praise us,
And only the Master shall blame;
And no one shall work for money,
And no one shall work for fame;
But each for the joy of the working,
And each to his separate star,
Shall draw the thing as he sees it
For the God of things as they are.

And so I will content myself by placing this simple wreath of affectionate remembrance on the grave of my departed friend, whose memory will be an inspiration to all who knew him, and whose life work points us to high ideals and noble purposes. "May he rest in peace."

Mr. FOSTER. Mr. President, twice within the year just ended death has called from Congress a Representative from the State of Louisiana.

On each occasion it was the dean of the delegation to be summoned, and while in an elective body which renews its membership every two years rank does not always mean long tenure,

yet in these instances two Members of unusual length of service went to their reward.

In the case of Gen. ADOLPH MEYER, of the first district, but three of his party then in Congress could claim a longer period of membership in the House.

General MEYER was born at Natchez, Miss., on the banks of the Father of Waters, sixty-five years ago. It would seem that fate decreed all the activities of his life, private and public, should center about the mighty river which cleaves this continent as it flows, unceasing, to the sea.

Whether as a boy upon its banks; as a planter behind the barriers built to keep out the annual flood that sweeps down like the torrent of the Nile; whether as a factor in New Orleans and the consignee of argosies freighted with the staples that line its shores, his name and labors are inseparably connected with the great stream; and his crowning public service in Congress was his effort to create a naval station and a haven at its mouth, where not only vessels of war, but those of peace, from the seven seas might come and make repair.

He received a careful early training, and being of a refined, studious nature, with the means to indulge any bent, it seems but natural that in the selection of a life work his preference should have been the law. The bar of Natchez in that day was famous. Sergeant S. Prentiss was his fellow-townsman, and the meteoric career of that great man could not fail to impress and fire to emulation an ambitious youth.

With the purpose of perfecting himself for a career at the bar young MEYER matriculated at the University of Virginia at the age of 18. He was an apt student, and, with the earnestness and thoroughness that remained his most noble attributes until the end, was preparing at the institution founded by the immortal Jefferson, for the battle of life, when the tocsin of war in reality sounded.

Exchanging the classic shades of the academy for the camp, he displayed soldierly qualities of a high order. He was early promoted to the rank of captain, and given an important staff assignment; and at the close of the war held the post of assistant adjutant-general under Gen. John S. Williams, of Kentucky. The mettle he displayed as a soldier was illustrated years afterwards, when war was declared between this country and Spain. His old commander, in indorsing him for one of the commands of the volunteer forces, wrote to President McKinley as follows:

> He was preeminent for soldierly qualities, the loftiest courage, fidelity, and endurance. In fact, he seemed a natural-born soldier, and commanded the confidence and admiration of the entire command.

The Senate is familiar with the fate of the confederate soldier, when, bowing to the arbitrament of war, he returned home. Many of that gallant host were subsequently sent to Congress by a grateful people, and on occasions like this their valor, fortitude, and privations have been so often and eloquently told that they need be but referred to now.

When the young captain returned to Natchez after the unequal struggle, it was to put behind him all dreams of preferment at the bar, to cross over the great river into Concordia Parish, La., and begin life anew as a cotton planter.

While thus engaged he acquired much practical knowledge of the levee system and other needs of the alluvial country that was subsequently used here to the advantage of his State. He was by temperament, however, adapted to and longed for an urban rather than a country life, and after a few years of planting moved to New Orleans and engaged in the cotton factorage and commission business.

Those were stirring times in Louisiana. It was the period of reconstruction, and a condition frequently existed amounting to civil war. It was a time of peril, especially to the white people living in the outlying districts, and their chief reliance lay in their militia.

While this condition prevailed, General MEYER was called upon, by reason of his experience in the confederate army, to reorganize the state troops, and under his command the Louisiana Militia became efficient to a high degree.

In 1890 he was elected a Representative to Congress, and at once demonstrated a peculiar fitness for the place. He was ever watchful of the interests of his State, painstaking and energetic in his efforts to serve his people, and broad and liberal in his treatment of all public questions. He was at all times affable and easy of approach and ever ready to listen to the appeal of the humblest as well as the highest who might seek his aid or counsel.

These qualities in time became proverbial, not only in his own district, but throughout the State. He thus established a place for himself in the confidence and esteem of the people, and was renominated and reelected practically without opposition during his long service in the other branch of Congress.

His career in that body as one of the hardest workers and leaders of his party is familiar to most Senators. While making no pretense at rhetorical effect, he gave to every subject discussed the thorough consideration of the student, and when he addressed the House his speeches were noted for their thought and literary excellence.

His best work, however, was done in council—in committee—where his prudence, fairness, conservatism, and wisdom were early recognized and highly valued to the end.

On entering upon his duties in the House he was assigned to the Committee on Naval Affairs, and he was the oldest-ranking member at the time of death. When he became a Member, there was not a battle ship on the naval list, and our tonnage was less than one-quarter of what it is to-day. No one labored more industriously to have our sea force grow and wax strong, and in the language of the chairman of the House committee:

> General MEYER can rightfully be called one of the legislative builders of the new navy, because during the seventeen years of his service upon the committee more than three-fourths of the new American navy has been built.

But it is with the naval station at Algiers that his name will be most enduringly connected. His efforts in the House in conjunction with the labors of the senior Senator from our State in this Chamber resulted in the establishment of a floating dock where the largest ships may be repaired. More than a million six hundred thousand dollars have already been expended on this great work, and while not yet completed, it stands a monument to his foresight, persistency, and untiring zeal.

So likewise must his name be connected with much other notable legislation affecting his district and State. He labored for years to secure the completion of the shaft which marks the field of Chalmette, just below New Orleans, where General Jackson won his immortal victory over the British legions fresh from their laurels at Waterloo.

He was ever active in securing the needed appropriations for his State. With his colleagues he worked assiduously and successfully to obtain the necessary funds for the building and maintenance of our levees; for deepening and widening the mouth of the Mississippi River; for the retention in active operation of the United States mint; for the construction of the post-office building in his city; and for the river improvements in front of New Orleans—all works of vast importance to the general public.

His efforts, however, were by no means confined to Louisiana. He was connected with the Committee on District Affairs almost as long as he served on the Naval Committee, and labored as zealously to make this the most beautiful capital in the world as he did to restore the American flag to its proud position on the sea.

Personally, General MEYER had many charms and attractions. He was always kind, gentle, and considerate in his daily associations, a loyal and stalwart friend, and never forgot a kindness. He was a devoted husband, a kind parent, and affectionate brother; ever bright, cheerful, and thoughtful of the happiness of each and every one in the family circle, and never permitted the duties of his public life to mar or distract the harmony and happiness of his home.

Few men have sacrificed at the altar of public service more liberally than he. To give the best that was in him to the State, with an unstinted hand, and keep no reckoning; to labor in the public vineyard from the early morn of life until an end that came just as twilight greeted the evening star; to serve in camp or council as chance and duty might decree, and then to lie down to rest with the consciousness of work well and faithfully performed is a record of which Louisiana is justly proud.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BRICK.

Mr. BEVERIDGE. Mr. President, I submit the resolutions which I send to the desk, and ask for their adoption.

The VICE-PRESIDENT. The Senator from Indiana offers resolutions, which will be read:

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 314.

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ABRAHAM LINCOLN BRICK, late a Member of the House of Representatives from the State of Indiana.

Resolved, That the business of the Senate be now suspended in order that a fitting tribute may be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. BEVERIDGE. Mr. President, I rise to pay a tribute of admiration and affection to the memory of the Hon. ABRAHAM LINCOLN BRICK, late Representative in Congress from the Thirteenth Congressional District of Indiana, who departed this life on April 7 of last year. In saying the few words

which I shall speak I know that I voice the sentiment of all the people of the thirteenth district regardless of creeds or parties.

Mr. BRICK was born in St. Joseph County May 27, 1860, just at the beginning of that mighty conflict to save the Nation's life, and it was natural that the loyalty of his parents should find their highest expression in bestowing upon their son the name of that wonderful man under whose guidance the Nation came through the desperate peril which for five years threatened its existence.

Very early in life Mr. BRICK showed unusual mental gifts, and he was noted even in the common schools for his brilliance of mind. He went through the usual course of our common-school instruction, and finally was graduated from the South Bend High School. Later he attended Cornell, Yale, and Michigan universities. After having graduated from the law department of Michigan University in 1883 he began the practice of law in South Bend.

It was not a great while before ABRAHAM L. BRICK became known as one of the very ablest young lawyers, not only of his district, but of the whole State. Few men of his age anywhere were better grounded in legal principles or acquired a richer legal learning. In 1886 he was elected prosecutor for the counties of St. Joseph and Laporte, and he conducted this office with such distinction that the people showed their approval by making him their Representative. He was elected to the Fifty-sixth Congress and reelected to the Fifty-seventh, Fifty-eighth, Fifty-ninth, and Sixtieth Congresses.

In the House of Representatives he constantly grew in influence and efficiency. He was gradually advanced to the membership of important House committees, his ability and industry in every instance having justified his appointment. His work on the House committees was painstaking and thorough, and his judgment upon matters referred to him for settlement was singularly clear and sound. He won the absolute confidence of his colleagues in the House, regardless of party, and he won it by solid work and careful study. He was approaching the fullness and maturity of his unusual powers when death suddenly laid her hand upon his heart, and he passed away from us for a little while.

Mr. BRICK was a mingling of courage and modesty, of rugged strength and a woman's lovableness, of a lawyer's keenness and a poet's imagination. He was an example of the influence which the tremendous moral and intellectual activities of the people at the time of his birth produced upon the children born during that period. He was delicately sensitive to all the nobler impulses, and his bravery amounted to absolute fearlessness. His mind was electric in its rapid operations, and mathematical in the correctness of its conclusions. In his friendships he was loyal, and his devotion to those to whom he gave his heart was almost passionate.

Not only was he deeply versed in the law, but he was a wide reader of all literature. I shall never forget one particular evening which we spent together in my apartments reading Markham's immortal poem on Abraham Lincoln and talking about the large things of history and fate. His brilliancy of speech, his fertility of thought, his wide information were as astonishing as they were delightful.

Mr. BRICK was a stalwart Republican. He profoundly believed in what he understood to be the principles of that party, and he felt that the welfare of his country could best be secured by Republican policies and government. He was a partisan, but with him partisianship meant patriotism.

He has gone from our physical presence, but not from our hearts and our memories. No one who ever knew him ever will forget ABRAHAM LINCOLN BRICK. There are those who look on death as a cruel thing, but I never could share this view. Surely we go hence to something better, purer, nobler; and if we do, death is no more to be regretted than is birth, just as death is no greater a mystery than birth. So death should be accepted as only an incident in an eternal life.

That man is fortunate who, when death comes to him, can leave behind a record of useful work accomplished, of needed things actually done. And particularly fortunate is that man to whom the people give their commission to do their work. As I view it, all good work of every kind, whether in private or public life, is equally important. We can not get along without any of it. The man who digs a well has done as good a thing as the man who erects a monument; the explorer is as admirable as the inventor; the brick mason as necessary as the merchant. But perhaps work done for the people as a public servant, while not of any greater value than any other work, is more distinguished for its largeness and touches more human beings. To do this work fell to the lot of ABRAHAM LINCOLN BRICK; he did it superbly, and he leaves behind a clean, bright record of labor faithfully performed for the Nation.

Mr. HEMENWAY. Mr. President, ABRAHAM LINCOLN BRICK was born in St. Joseph County, Ind., May 27, 1860, and that county was his home until the time of his death, when his body was laid tenderly at rest there forever, and where he is remembered to-day lovingly and pleasantly by thousands of sorrowing friends. We lay aside for a time to-day the cares and duties of public life to pay tribute to his memory, and recall again to our minds his pleasing and charming personality, his high sense of honor and patriotism, and his strong devotion to the service of his people.

The Congress of the United States is made up of men of varied character and temperament, but none render better service to their country than those substantial, hard-working men who attend to their duties and are imbued with the desire to work out substantial legislation that will be of real benefit to the people. In fact, it has been said by an eminent Speaker of the House of Representatives that the real work of Congress is done in the committee rooms, where bills are carefully scrutinized, data collected, and information sought as to the real and practical effect of proposed legislation. The value of this work can not be overestimated, and it was here that Mr. BRICK served his country best. He was an able lawyer, with a strong analytical mind, with an honest desire to work out good legislation. He did not spend his time seeking to find out what policy might be popular and then advocate such policy, but he rather tried to determine whether or not a given proposition or policy was right.

This Government of ours is a tremendous business institution, and it will prosper or fail just in the degree in which business methods are applied in the administration of its affairs. In the fourteen years that I have spent in the American Congress I have observed that more lasting and substantial good has been accomplished by the common sense, practical legislator who threw aside all desire for popular approval and worked with the purpose of securing good legislation, rather than by the theorist who is always seeking something that will attract attention and abandoning that as soon as he finds something more attractive, and all the while seeming to be impressed with the idea that the weight of nations rests on his shoulders. Mr. BRICK belonged to the former class, and when he passed away the people of his district and the State of Indiana and the whole Nation lost a safe and valuable public servant.

Mr. BRICK was a college graduate and a scholarly, cultured gentleman, but in addition to this he had a quality which colleges and universities can not give, and without which their training is useless, and that is common sense. He was my personal friend, and I learned to know him for his true worth. He was broad minded, unselfish, and charitable. He was proud of Indiana and of her history. He was honored by her people and he in turn honored them. In Washington he is remembered with respect and pride. In Indiana he is remembered with gratitude.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE GRANGER.

Mr. ALDRICH. Mr. President, I offer the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read by the Secretary.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 313.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. DANIEL L. D. GRANGER, late a Representative from the State of Rhode Island.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. ALDRICH. Mr. President, Mr. GRANGER was born in Providence, R. I., in 1852. He was educated in the public schools of Providence and graduated from Brown University. He was a lawyer by profession, and engaged in active practice until 1889, when he was elected city treasurer of the city of Providence. He served in that capacity for eleven years, and was a faithful and efficient public servant, securing the confidence and support of members of both political parties.

In 1900 he was elected mayor of the city of Providence, and was reelected in 1901. The success of his administration as the chief magistrate of his native city strengthened the esteem continuously accorded to him by the people of Providence.

He was elected to the House of Representatives as a Democrat in 1902, and reelected in 1904 and 1906. For twenty years—

almost the entire period of his active life—he was engaged in the public service.

The depth and sincerity of the regard with which he was held by a very wide circle of friends and admirers was evidenced by the numerous tributes to his memory, made public at the time that his death was announced in Providence.

Mr. GRANGER was closely affiliated with St. John's Episcopal Church in Providence, and was one of its most active and influential members. He was vestryman of the church, and for twenty-five years preceding his election to Congress was superintendent of its Sunday school. He was frequently a lay member of church conventions.

I can perhaps best illustrate the position held by Mr. GRANGER in the estimation of representative men of Providence by quoting from recent statements made by the Right Rev. W. N. McVickar, bishop of Rhode Island, and Col. R. H. I. Goddard, one of Rhode Island's leading citizens.

Bishop McVickar, in speaking of Mr. GRANGER's death, said:

> Both church and state have lost a very valuable man, a man who was noted for his high principles and integrity. He was a man whom the State and city had delighted to honor.

Colonel Goddard said:

> Mr. GRANGER was a faithful city treasurer, an excellent mayor, and an able Representative in Congress. His death is a distinct loss to Rhode Island, whose interests he served most conscientiously. In his private life he was exemplary, and throughout his public career he *stood for the highest* standards of political honor.

These expressions fairly represent the estimate placed upon the character and services of Mr. GRANGER by those who knew him best and were most closely associated with him in his religious and political life. This judgment of those most familiar with his successful public career and his many private virtues enables us to measure the loss sustained by the people of Rhode Island in the death of Mr. GRANGER.

Mr. WETMORE. Mr. President, DANIEL LARNED DAVIS GRANGER was born at Providence, R. I., May 30, 1852, and died at Washington February 14, 1909. His funeral took place from St. John's Protestant Episcopal Church, at Providence, and he was buried at Swan Point Cemetery on February 17.

Mr. GRANGER was fitted for college in the schools of his native city; was graduated from Brown University in the class of 1874, from Boston University in 1877, with the degree of LL. B.; was admitted to the bar of Rhode Island the same year, to the United States bar in 1882, and for ten years practiced his profession. In 1902 he received the honorary degree of A. M. from his alma mater.

The first of Mr. GRANGER's family in America, Launcelot Granger, was an inhabitant of Ipswich, Mass., as early as 1648, and afterwards of Newberry, in the same State. He went to Suffield, Conn., in 1674, where the line of descent of Congressman GRANGER remained until his great-grandfather and grandfather removed to Buffalo in 1800 and 1806.

Capt. Abner Granger, the great-grandfather, was present at the battle of Crown Point in 1758 and the taking of Montreal in 1760. He took part in the battles about New York, in New Jersey, and Pennsylvania, and during the winter of 1777–78 was at Valley Forge. He was also a participant in the war of 1812. At his death, in 1816, a Buffalo newspaper described him in an obituary notice as a "veteran of three wars."

Judge Erastus Granger, the grandfather, was appointed by Jefferson agent for the Six Nations, and also by him postmaster, surveyor of the port, and collector of the port of Buffalo, performing the duties of the three last offices by deputy. He was also one of the judges of the court of Genesee, supervisor of Buffalo, and one of the founders of St. Paul's Episcopal Church, being its first senior warden. As Indian agent he was largely instrumental in making a treaty with the Six Nations which bound them to neutrality; and afterwards, when they openly joined the side of the Americans, he was commissioned as lieutenant-colonel of New York Volunteers and went to the front with them to Canada.

The Rev. James Nathaniel Granger, D. D., the father, was born at Canandaigua, N. Y. In 1828 he received an appointment to the United States Military Academy at West Point, but, deciding to become a clergyman, entered the Hamilton Literary and Theological Institute, now Colgate University, and was graduated from the collegiate department and theological school. In 1842 he became pastor of the First Baptist Church of Providence, R. I., and was for many years president of the Rhode Island Baptist State Convention, president of the Rhode Island State Sunday School Union, trustee and fellow of Brown University and a member of its executive board.

Outside of his political activities, Mr. D. L. D. GRANGER was a trustee of the Providence Public Library and a member of the Rhode Island Historical Society. His interest in religious matters and the appreciation in which he was held by the Protestant Episcopal Church of his State is shown by the positions he held in that denomination, having been president of the Churchman's Club, member of the standing committee of the diocese, member of the vestry of St. John's Church, and for twenty-five years preceding his election to Congress superintendent of its Sunday school.

Before his election to the United States House of Representatives Mr. GRANGER was twice reading clerk of the house of representatives of Rhode Island, city treasurer of Providence for eleven years, from 1890 to 1900, and mayor of Providence for two terms, for the years 1900 and 1901.

Mr. GRANGER was elected from the first district of Rhode Island to the House of Representatives for the Fifty-eighth, Fifty-ninth, and Sixtieth Congresses and defeated last November for the Sixty-first Congress. During his service in the House of Representatives he was a member of the Committee on the Revision of the Laws and the Committee on Ways and Means.

As an evidence of the loyalty of Mr. GRANGER's political supporters I would state that in the Rhode Island election of 1907 the Democratic candidate for governor was elected by a plurality of over 2,000 votes, and the full Democratic ticket for the general assembly from the city of Providence, a part of his congressional district, was elected by an average plurality of over 3,000 votes.

At the elections last November, the presidential year, when Mr. Taft received a larger plurality than President Roosevelt in 1904, the situation described a little above was reversed, and the Republican candidate for governor was elected by a plurality of over 7,000 and the full Republican ticket for the general assembly from the city of Providence was elected by an average plurality of almost 1,000, and yet Mr. GRANGER was defeated by only 81 votes.

For some time past Mr. GRANGER's health had been seriously affected, and he was obliged during a part of two sessions of Congress to go to Florida and the South, the condition of his health being apparently much benefited by so doing. Last summer, when in England, he had, however, such a severe attack of the heart that on his return home he was advised by his physician to take little or no part in the presidential campaign, an admonition which he submitted to with rare exceptions. On November 7 last he was stricken on his way to Buffalo with a much severer similar attack, from which he never recovered to any extent.

On his death the governor of Rhode Island, a Republican, communicated the following message to the general assembly:

> As chief executive of the State, it becomes my painful duty to communicate officially to you the fact of the death of Hon. DANIEL L. D. GRANGER, Member of Congress from the First Congressional District of Rhode Island for the term ending March 4, 1909, which occurred at Washington, D. C., on the evening of Sunday, February 14.
>
> As a lawyer, statesman, and citizen, Congressman GRANGER held a place in the confidence and esteem of the people that it falls to the lot of few to attain. In the belief that some fitting recognition of his service to the State should be accorded by its legislative body, I would respectfully recommend that on the day of the funeral, Wednesday, February 17, all business before the general assembly that does not necessitate immediate action be suspended for the day.
>
> As a further mark of respect, I have ordered that the flags on all state buildings in Rhode Island be placed at half mast on the day of the funeral, from sunrise until the completion of the funeral ceremonies.

The general assembly of Rhode Island, Republican, by 95 to 12, under a suspension of the rules, passed by unanimous vote of both branches the following resolutions of respect:

> *Resolved*, That the general assembly, through the message of his excellency the governor, learns with profound regret of the death of the Hon. DANIEL L. D. GRANGER, Member of the Sixtieth Congress for the First District of Rhode Island.
>
> *Resolved*, That the extended and exalted public services of Mr. GRANGER entitle his memory to the highest respect of the people of the State.
>
> *Resolved*, That as a mark of appreciation of Mr. GRANGER'S devotion to his ideals of right and his ever-faithful performance of duty the general assembly shall, on Wednesday, the 17th day of February, the day of the funeral, adjourn at the earliest practicable hour.
>
> *Resolved*, That a committee of the general assembly, comprising three members of the senate, to be appointed by his excellency the governor, and four members of the house of representatives, to be appointed by the honorable speaker, be, and the same is hereby, created to represent the general assembly at the funeral ceremonies.

Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until Monday, March 1, 1909, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 27, 1909.*

[*Continuation of legislative day of Tuesday, February 23, 1909.*]

The recess having expired, the House, at 11 o'clock a. m., was called to order by the Speaker.

PENSIONS.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent to take from the table the motion to reconsider the vote whereby the bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors was passed and to reconsider the vote by which the bill was passed and the motion to reconsider laid on the table.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to take from the table the bill S. 9278, and to reconsider the vote whereby the bill was passed. Is there objection?

Mr. CLARK of Missouri. What is this?

Mr. LOUDENSLAGER. This is a Senate bill that came over and was referred to our committee. The committee of the House put some amendments on it. Last night the bill was called up and passed, but passed as it came from the Senate, without the House amendments, and we want to reconsider the vote and put in the House amendments.

Mr. CLARK of Missouri. To whom does it give pensions?

Mr. LOUDENSLAGER. It is an omnibus bill, with several beneficiaries in it.

Mr. MANN. It is not a general pension bill.

The SPEAKER. The gentleman asks unanimous consent to reconsider the vote. Is there objection?

There was no objection.

Mr. LOUDENSLAGER. Now, Mr. Speaker, I offer the following committee amendments.

The Clerk read as follows:

Page 2, strike out lines 7, 8, 9, 10, and 11, as follows: "The name of Frances D. Webster, dependent mother of James D. Webster, late of Company A, Ninth Regiment U. S. Infantry, war with Spain, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving."

Page 3, strike out lines 5, 6, 7, and 8: "The name of Florence Van Etta, former widow of John H. Purcell, late first lieutenant, First Regiment U. S. Infantry, and pay her a pension at the rate of $20 per month."

Page 4, strike out lines 5, 6, and 7, as follows: "The name of Ellen Bernard Lee, widow of Fitzhugh Lee, late brigadier-general, United States Army, and pay her a pension at the rate of $50 per month."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. LOUDENSLAGER. Now, Mr. Speaker, I ask to take from the table a motion to reconsider the vote whereby the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors was passed. The same reasons apply to that bill.

The SPEAKER. The gentleman from New Jersey asks consent to take from the table the motion to reconsider and reconsider the vote whereby the bill referred to was passed. Is there objection?

There was no objection.

Mr. LOUDENSLAGER. Now, Mr. Speaker, I offer the following amendments recommended by the committee.

The Clerk read as follows:

On page 1 strike out all of lines 6, 7, 8, and 9, in the case of Jay B. Sessions.

On page 2 strike out all of lines 1, 2, 3, and 4, in the case of Winslow H. Reaves.

On page 2, line 7, strike out "forty" and insert "thirty," in the case of Marianna C. Rockwell.

On page 2, line 10, strike out "fifty" and insert "thirty," in the case of Samuel H. Askew.

On page 2, line 14, strike out "twenty" and insert "twelve," in the case of William G. Glasgow.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent that the bill H. R. 27249 be taken from the Speaker's table and the House disagree to the Senate amendments and ask for a conference.

Mr. JONES of Virginia. Mr. Speaker, reserving the right to object, I want to ask the gentleman a question. Is there a provision in one of these bills for pensioning Ellen Bernard Lee, widow of Fitzhugh Lee?

Mr. LOUDENSLAGER. No; there is not.

Mr. JONES of Virginia. Was the provision disagreed to by the House?

Mr. LOUDENSLAGER. It was.

Mr. JONES of Virginia. Then, Mr. Speaker, unless the gentleman will consent to an amendment of this bill incorporating the name of Ellen Bernard Lee, I am afraid I shall have to object to the consideration.

Mr. LOUDENSLAGER. We could not agree on it.

Mr. JONES of Virginia. I will ask the gentleman why the amendment was rejected.

Mr. LOUDENSLAGER. I can only say that Mrs. Lee is the widow of a Regular Army officer who had been in the service for a very short period. He died without any disability incurred in the service, and it has been the uniform practice of both committees not to grant pensions to either the widows of officers or the widows of soldiers or sailors who served in the regular service in time of peace. He did not die from disabilities received in the service, and this would be an exception, and an exception in favor of the widow of an officer who served but a very short period and during a time of peace.

Mr. JONES of Virginia. Mr. Speaker, I would like to make just a brief statement in regard to what the gentleman from New Jersey [Mr. LOUDENSLAGER] has said. The Senate has passed a bill to grant a pension to Mrs. Lee, widow of the late Gen. Fitzhugh Lee, but up to this time the House Committee on Pensions has failed to act upon it. General Lee was not only a major-general in the Spanish war, and he not only performed distinguished services as consul-general at Habana just prior to the beginning of that war, but, in addition to this, Mr. Speaker, he served in the Regular Army of the United States prior to the civil war, during which service he was seriously wounded in a fight with the Indians. If it be true, as has been stated, that his service as brigadier-general in the Regular Army subsequent to the Spanish war was of short duration, it should not be forgotten that he held high command and rendered distinguished services during that war, and that he well-nigh lost his life when a young lieutenant fighting Indians on the frontier prior to the civil war.

Mr. LOUDENSLAGER. Mr. Speaker, as this bill does not pertain at all to the question referred to by the gentleman from Virginia, I withdraw my request.

Mr. JONES of Virginia. Mr. Speaker, I do not want to delay the passage of the bill, and rather than do that I will withdraw my objection. My only purpose in objecting to this particular bill, or rather reserving the right to object, was to put the House in possession of the real facts connected with the military services of General Lee.

Mr. LOUDENSLAGER. Mr. Speaker, I will say to the gentleman that I will take the matter up at some other time.

SELLING SURPLUS INDIAN LANDS, KAW AND OSAGE TRIBES.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8554) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw, or Kansas, and Osage tribes of Indians in Oklahoma, and for other purposes, which I send to the desk and ask to have read. I will state that this is the bill I had the other day, and to which the gentleman from Illinois [Mr. MANN] objected. He now withdraws his objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and empowered, upon application, to sell, under such rules and regulations as he may prescribe, part or all of the surplus lands of any member of the Kaw, or Kansas, and Osage tribes of Indians in Oklahoma: *Provided*, That the sales of the Osage lands shall be subject to the reserved rights of the tribe in oil, gas, and other minerals.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

JOHN SHULL.

The SPEAKER laid before the House the bill (H. R. 4286) for the relief of John Shull, with Senate amendments thereto.

The Senate amendments were read.

Mr. MILLER. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

COMPAÑÍA DE LOS FERROCARRILES DE PUERTO RICO.

The SPEAKER laid before the House the bill (H. R. 15681) for the relief of the Compañía de los Ferrocarriles de Puerto Rico, with Senate amendments thereto.

The Senate amendments were read.

Mr. MILLER. Mr. Speaker, I move to concur in the Senate amendments.

Mr. CARLIN. Mr. Speaker, I will ask what committee that comes from?

Mr. MILLER. It comes from the Committee on Claims.

Mr. CARLIN. I would like to ask the gentleman if those bills were reported by a majority of the full committee or by a committee of four, appointed to consider the Senate bill.

Mr. MILLER. They were reported by the full committee, and passed by the committee, and this has been passed by the Senate with an amendment, simply a change in the wording of the original report.

Mr. CARLIN. Is it not true that the gentleman's committee has delegated its authority, with reference to Senate bills, to a committee of four?

Mr. MANN. Mr. Speaker, to that I make a point of order.

The SPEAKER. The point of order is sustained.

Mr. CARLIN. Does this require unanimous consent?

The SPEAKER. It does not. The question is on the motion of the gentleman from Kansas that the House concur in the Senate amendments.

The question was taken, and the Senate amendments were concurred in.

INTERNATIONAL CONGRESS OF APPLIED CHEMISTRY.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 261, authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America in the year 1912, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 261.

Resolved, etc., That the President of the United States be, and is hereby, authorized to invite the International Congress of Applied Chemistry, now about to assemble in the city of London, to hold its eighth meeting in the United States of America in the year 1912: *Provided, however*, That no appropriation shall be asked or granted for any expense connected with said congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the House joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

ASSIGNMENT OF ROOMS, CAPITOL AND OFFICE BUILDING.

Mr. MANN. Mr. Speaker, from the Committee on Distribution of House Rooms, I present the following privileged report (H. Rept. No. 2277) and resolution, which I send to the desk and asked to have read.

The Clerk read as follows:

House resolution 599.

Resolved, That the following assignment of rooms be, and the same is hereby, made, to wit:

IN THE CAPITOL BUILDING.

To the Committee on Elections No. 2, the room on the first floor now occupied by the Committee on the Judiciary.

To the Committee on Foreign Affairs, the rooms now occupied by the Committee on Elections No. 1 and No. 2.

The room now occupied by the Committee on Foreign Affairs is hereby assigned to be used as a ladies' retiring room.

The space now occupied for ladies' retiring room is hereby assigned to be used as a part of the reporters' gallery.

IN THE HOUSE OFFICE BUILDING.

To the Committee on the Judiciary, rooms 481, 483, and 483A.

To the Committee on Elections No. 1, room 297, heretofore assigned for the use of the press.

To the Committee on Banking and Currency, as an additional room, room 450.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill S. 8520.

The SPEAKER. The Chair can not recognize the gentleman until some matters of a privileged nature are disposed of, at least the Chair desires to give the House an opportunity to dispose of them before the District of Columbia matter is considered.

Mr. SMITH of Michigan. Then, Mr. Speaker, I move to suspend the rules and——

The SPEAKER. One moment. The Chair has a few matters, if the gentleman will withhold his matter.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 27053) making appropriation for the Department of Agriculture, to nonconcur in the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the agricultural appropriation bill, to disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Chair announces the following conferees.

The Clerk read as follows:

Mr. SCOTT, Mr. HAUGEN, and Mr. LAMB.

PERSONAL PRIVILEGE.

Mr. COOK of Colorado. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOK of Colorado. To a question of personal privilege.

The SPEAKER. But matters of the highest privilege are now being considered. However, the gentleman will state it.

Mr. COOK of Colorado. Mr. Speaker, in the Washington Post of this morning an article headed "Fun for President" is published. I desire, Mr. Speaker, to read a portion of the article given out at the White House, referring to me as a Member of this House.

As had been arranged Thursday, the House yesterday morning referred to a select committee the speech of Representative COOK, in which he assailed the President. The resolution referring the speech to a committee was introduced by Chairman TAWNEY, of the Appropriations Committee, after being suggested by Representative HUGHES of West Virginia. The committee will report to the House on Monday what action it recommends.

The debate on the resolution was largely parliamentary, but CHAMP CLARK opposed it on general grounds, declaring that he had opposed expunging Mr. WILLETT'S remarks, because it was a tendency toward throttling free speech, and he opposed expunging the remarks of Mr. COOK on the same ground. He did so, he declared, the more freely because Mr. COOK was a Republican, and no trace of partisanship could be seen in his action.

SUGGESTED CAUSE OF ATTACK.

It was said at the White House yesterday that Mr. COOK'S recent outburst may have been inspired by the President's opposition to a measure which he has been endeavoring to have become a law, dealing with a question of the boundary of Colorado. It was pointed out to Mr. COOK that, under the Constitution, it was necessary to have affirmative action of the Colorado legislature before Congress could act in the matter, but that difficulty did not seem to appeal to him as of sufficient weight.

This speech is the second time Mr. COOK has "gone after" the President. About a year ago, soon after he came to Congress, and during the preliminary campaign for the Republican presidential nomination, he sent out a letter attacking Mr. Roosevelt savagely. Mr. COOK was elected Congressman-at-large from Colorado in 1906, succeeding Franklin E. Brooks, of Colorado Springs. He was not renominated last summer, and the man who did get the Republican nomination was defeated by a Democrat at the November elections.

Mr. COOK of Colorado. Mr. Speaker, I positively deny the President of the United States——

Mr. PAYNE. Mr. Speaker, I submit to the Chair that this is not a question of personal privilege, from beginning to end, and I make the point of order against it.

The SPEAKER. The gentleman from New York makes the point of order that the gentleman from Colorado does not present a matter of personal privilege. The Chair must say, having listened to the reading of the article, that it does not seem to the Chair that the article affects the gentleman in his representative capacity; and the gentleman, in the opinion of the Chair, could only proceed by unanimous consent.

Mr. MACON. Mr. Speaker, I ask that the gentleman may be allowed to proceed——

Mr. PAYNE. How much time does the gentleman desire?

Mr. COOK of Colorado. About four minutes.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the gentleman may have four minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. COOK of Colorado. Mr. Speaker, I positively deny the President of the United States pointed out to me that under the Constitution it was necessary to have affirmative action of the Colorado legislature before action could be taken in the matter. In the President's veto of the Colorado, Oklahoma, and New Mexico boundary-line bill, he gave as a reason for vetoing the boundary-line bill passed by the Sixtieth Congress that it would remove from the jurisdiction of Colorado and add to the Territory of New Mexico at least five post-offices and an appreciable number of inhabitants. This is also an incorrect statement, in proof of which I hold a letter, signed personally by Mr. Meyer, the Postmaster-General, dated January 20, 1909, which I read:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 20, 1909.

MY DEAR CONGRESSMAN: In answer to your letter of January 19, requesting the names of any post-offices that were taken from Colorado and reestablished in the Territory of New Mexico under what is known as the "Carpenter survey," I have to advise you that the only post-office shown by the records of this department to have been affected by that survey is that of Edith, N. Mex., which, in accordance with the

survey, was changed from Colorado to New Mexico in 1904. Edith post-office is shown on the current post-route map of the Territory of New Mexico.

Respectfully, GEO. V. L. MEYER.

Hon. GEORGE W. COOK,
House of Representatives.

Mr. COOK of Colorado. This transfer was made at the time the Interior Department approved and accepted the Carpenter survey establishing the thirty-seventh parallel and boundary line between Colorado, Oklahoma, and the Territory of New Mexico. The thirty-seventh parallel and boundary line was established by the act making Colorado a Territory February 28, 1861 (12 Stat. L., 172), and by the enabling act passed by Congress March 3, 1875, and accepted in the constitution of Colorado when admitted into the Union in 1876. If the President had taken time to refer to his letter of January 10, 1905, addressed to the Senate and House of Representatives inclosing a letter from Secretary Hitchcock, of the Department of the Interior, dated January 7, 1905, he would have seen that the Secretary of the Interior used the following language:

The State of Colorado, by act of general assembly of April 11, 1901, authorized the appointment of a commissioner to act in conjunction with representatives of the General Government and the adjacent Territories for the purpose of fixing and determining a part of said south boundary line.

In my letter to the President, dated December 31, 1908, and personal interview with the President, I called his attention to the act passed by the Colorado legislature and to the fact that on July 1, 1902, Congress made an appropriation of $31,500. Under this authority the Department of the Interior made a contract July 7, 1902, with Howard B. Carpenter, surveyor and astronomer, for the execution of the reestablishment. The work was commenced in September, 1902, and completed in October, 1903. Said resurvey was accepted by the act of the Colorado legislature, passed April 11, 1901, and was approved and accepted by the Interior Department February 15, 1904. In my letter of December 31, 1908, to the President, and my personal interview, I said:

The only objection in Colorado made to the action of the Sixtieth Congress and the Interior Department is by the Colorado Fuel and Iron Company, to avoid the payment of taxes on thousands of acres of land underlain with coal, situate along the thirty-seventh parallel, and this company is now owned and controlled by the Standard Oil Company.

Evidently the President, judging from his veto message, is not in this important matter antagonizing the interests of the Standard Oil Company.

As to the reference made at the White House that I was not renominated as a Member of the House, I desire to say, Mr. Speaker, that at no time was I ever a candidate for reelection to this House from my State. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 26, 1909:

H. R. 3844. An act for the relief of E. L. Simpson;

H. R. 4307. An act for the relief of E. J. Reed;

H. R. 15442. An act to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, and June 27, 1898;

H. R. 16269. An act authorizing the extension of Ninth street NW.;

H. R. 17171. An act for the relief of Benjamin F. Curry;

H. R. 17303. An act authorizing the extension of Girard street NW. from its western terminus to Fifteenth street NW.;

H. R. 21019. An act to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance;

H. R. 21167. An act to reimburse J. N. Newkirk, postmaster of San Diego, Cal., for moneys lost by burglary;

H. R. 26068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes;

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district; and

H. R. 27425. An act to provide for the parole of juvenile offenders committed to the National Training School for Boys, Washington, D. C., and for other purposes.

On February 27, 1909:

H. R. 18694. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama,

ENROLLED BILLS SIGNED.

The Speaker announced his signature to enrolled bills of the following titles:

S. 9422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors; and

S. 9454. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 27053. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

GENERAL DEFICIENCY BILL.

Mr. TAWNEY, from the Committee on Appropriations, reported the bill (H. R. 28376), the general deficiency bill, making appropriation to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes, and submitted a report (H. Rept. No. 2274) thereon, which bill and report were referred to the Union Calendar and ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order.

CODE OF LAW, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (S. 6055) entitled "An act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia," and move to suspend the rules and pass the same.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the following bill and agree to the committee amendments. The Chair suggests to the gentleman that he had better hold the matter temporarily. The Chair is under the impression that there is another amendment that somebody desired to offer which was acceptable to the gentleman's committee.

Mr. SMITH of Michigan. The gentleman from Pennsylvania [Mr. BRODHEAD], who has immediate charge of the bill, may know of that amendment.

The SPEAKER. The Chair calls the attention of the gentleman from Pennsylvania [Mr. BRODHEAD] to the motion of the gentleman from Michigan to pass this bill with committee amendments. The Chair is under the impression, from the gentleman from Pennsylvania [Mr. MOORE], or somebody who talked to the Chair about it, that there was an additional amendment, which was agreed to.

Mr. BRODHEAD. Yes; there is an additional amendment.

The SPEAKER. Will the gentleman inform his colleagues on the committee what that amendment is, so that the motion can cover that as well as the committee amendment?

Mr. SMITH of Michigan. To save time, then, I withdraw it for the moment.

The SPEAKER. Perhaps we had better get at it now. Has the gentleman the amendment?

Mr. BRODHEAD. Yes.

The SPEAKER. Will the gentleman confer with his colleague, the gentleman from Michigan [Mr. SMITH], a moment?

Mr. BRODHEAD. I will.

Mr. CARLIN. Mr. Speaker, I desire to offer an amendment to that bill at the proper time.

The SPEAKER. The Chair has no control over the matter, except that the Chair was led to believe from members of the committee that this was an amendment concerning which they are now conferring—that they desired to have considered in relation to the motion to suspend.

Mr. CARLIN. Mr. Speaker, I would like to have this withdrawn for the present until I can prepare an amendment and hand it to the gentleman.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CARLIN. I would like to ask the chairman of this committee to withdraw this bill for a moment or two until I can prepare an amendment.

The SPEAKER. Does the gentleman from Michigan [Mr. SMITH] withdraw the bill for the present?

Mr. SMITH of Michigan. I do.

UNSURVEYED PUBLIC LANDS, CRAIGHEAD COUNTY, ARK.

Mr. MACON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MACON. I rise for the purpose of asking unanimous consent to call up a Senate bill for immediate consideration.

The SPEAKER. Is it on the House Calendar?

Mr. MACON. It is on the Union Calendar.

The SPEAKER. Does the gentleman from Michigan [Mr. SMITH] withhold for a moment the request for unanimous consent?

Mr. SMITH of Michigan. Yes.

The SPEAKER. The gentleman from Arkansas [Mr. MACON] asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the following bill (S. 8654), which the Clerk will report.

The Clerk read as follows:

An act (S. 8654) for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark.

Be it enacted, etc., That the survey, made under the authority of the State of Arkansas in the year 1898, of a small area of land known as Cane Island, situated in St. Francis River, in townships Nos. 14 and 15 north, range 6 east, Craighead County, Ark., into blocks numbered, respectively, from 1 to 33, inclusive, shall, upon the filing in the local land office, and with the Commissioner of the General Land Office, of that plat of said survey and the field notes thereof, be accepted as the governmental official survey of said body of land.

SEC. 2. That, under rules and regulations to be prescribed by the Secretary of the Interior, all persons who at the date of the passage of this act are bona fide occupants and owners of improvements situated upon any of the blocks returned by said survey, shall have a preferred right at any time within one year from the passage of this act to make entry, under the provisions of the homestead laws, of the block or blocks so occupied and upon which their improvements are situated, as their respective interests may appear, or to make purchase of such lands at the rate of $1.25 per acre: *Provided*, That no person shall be permitted to acquire title under this act to more than 160 acres: *Provided further*, That nothing in this act shall be construed to grant to any person title to any part of the island, herein referred to, which is shown to be within the limits of land previously surveyed and disposed of by the Government.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MACON, a motion to reconsider the vote by which the bill was passed was laid upon the table.

NIAGARA RIVER.

Mr. BURTON of Ohio. Mr. Speaker, I desire to ask unanimous consent for the consideration of House joint resolution 262, which I will ask to have read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 262, extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

Whereas the provisions of the act entitled "An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," approved June 29, 1906, will expire by limitation on June 29, 1909; and

Whereas a date for the termination of the operation of said act was provided therein, but with a view to the more permanent settlement of the questions involved by a treaty with Great Britain and by further legislation appropriate to the situation, and such treaty not having been negotiated, it is desirable that the provisions of said act should be continued until such permanent settlement can be made: Therefore be it

Resolved, etc., That the provisions of the aforesaid act be, and they are hereby, extended for two years from June 29, 1909, being the date of the expiration of the operation of said act, save in so far as any portion thereof may be found inapplicable or already complied with.

The SPEAKER. Is there objection?

Mr. PORTER. Mr. Speaker——

Mr. MANN. Mr. Speaker, reserving the right to object, I simply wish to ask the gentleman, the chairman of the Committee on Rivers and Harbors, whether the passage of this resolution would in any way affect the controversy now in court or going on concerning the additional flow of water out of Lake Michigan at Chicago?

Mr. BURTON of Ohio. I do not see how it can. I take it that it is an entirely separate matter.

Mr. MANN. There was a provision in one of the laws that the Secretary of War declared determined the matter. The gentleman does not remember whether it was in the law concerning this or not?

Mr. BURTON of Ohio. It is under the general law rather than the act.

Mr. PORTER. Mr. Speaker——

The SPEAKER. Does the gentleman from Ohio yield?

Mr. BURTON of Ohio. I do.

Mr. PORTER. Mr. Speaker, I want merely to make a brief statement of the facts in connection with this resolution. The act of 1906, which this resolution keeps in operation for two years from June 29, 1909, when it would expire by limitation, was enacted with the intent to limit and regulate the diversion of water from the Niagara River for power purposes, and thereby to preserve the scenic beauty of the falls and of the rapids both above and below them, whose beauty it was widely and in many respects erroneously claimed was in imminent danger, because of the existing and proposed diversions of water. These diversions had been authorized on the American side by the State of New York, and similar, though larger, diversions had been authorized on the Canadian side. Since this act was passed some charters which had been granted by the State of New York for power diversion, and which were dormant, have been repealed. The act of 1906 limited the amount of water on the American side for which revocable permits could be issued. Time and investigations have proved that more than that limit can be granted with safety to the scenic beauty.

The investment of many millions of dollars within the city of Niagara Falls, N. Y., in the development of many thousands of horsepower brought many large industries to that city and trebled the population between 1890 and 1905. The volume of water going over the falls had not been affected to any appreciable degree; yet the cry was set up that the falls of Niagara were being destroyed and the Federal Government was called upon to exercise its powers and rights over the Niagara River as a boundary stream in order to "preserve" the falls.

Why, Mr. Speaker, the people living in the city of Niagara Falls are more interested in preserving those falls and all the wonderful scenery at and adjacent to them than any other people on earth; not merely because they share the universal admiration for the unique scenic beauty, but also because so many of them are engaged in lines of business that cater to nearly a million and a half people who annually visit Niagara. Any damage that might be done to either the falls themselves or to the rapids above or below them by reason of diversion of water would be, in a scenic sense, a calamity not only to the people of the United States but to the people of the world, and, in a business sense, especially so to the people who live in the immediate vicinity of the falls.

Of course my constituents want to "preserve" Niagara. But there is a vast amount of power in the falls which can be developed and utilized without any damage to those falls or to the scenery, and up to the limit to which power can be developed with safety to the scenic beauty of Niagara, both the falls and the rapids, we desire to have it done. Under the act of 1906 the many industries at Niagara Falls, N. Y., are now operating on revocable permits granted to the companies developing power. Since June, 1906, when the act which this resolution extends became a law, we have not had a single great industry which requires large blocks of power located there, and this is solely because, under that act, they can now be guaranteed nothing but a revocable license for their power.

The act of 1906, section 4, called upon the President to open negotiations with Great Britain for a treaty to regulate and control the waters of Niagara River and to preserve the scenic beauty of the falls and the rapids. A treaty embodying those points and other subjects is now before the Senate. The people of Niagara Falls are extremely anxious to have this whole question definitely settled by a treaty. Power conditions at Niagara Falls and business conditions depending thereon can only be made better by a permanent, not a temporary, condition. The act of 1906 limited the diversion of water on the American side to 15,600 cubic feet per second, whereas the treaty now before the Senate is reported to contain, and I believe correctly, a consent for the diversion of 20,000 cubic feet per second on the American side.

I have desired and I have contended that the extension of the above act shall be for only one year, for as short a period as possible, until a treaty can be ratified and made effective; but when the treaty shall be ratified by the Senate some new legislation will undoubtedly be required, and the argument is made that one year might, and probably would, prove too short a time in which to complete such legislation. And with a full knowledge of conditions at Niagara, on that ground, therefore, I shall offer no objection to the adoption of this resolution.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. DOLLIVER, and Mr. MONEY as the conferees on the part of the Senate.

BROWNSVILLE AFFRAY.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution 600.

Resolved, That immediately after the adoption hereof it shall be in order to consider the bill of the Senate (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof, and that after one and a half hour's debate, to be divided between those in favor of the measure and those opposed to the measure, the previous question shall be considered as ordered on the bill to final passage without any intervening motion.

Mr. DALZELL. Mr. Speaker, the purpose of this resolution is to bring up for present consideration Senate bill 5729. That bill provides that the Secretary of War shall be authorized to appoint a court of inquiry to consist of five officers of the United States Army not below the rank of colonel. The court is to be authorized to hear and report upon all charges and testimony relating to the shooting affray which took place at Brownsville, Tex., on the night of August 13–14, 1906, and the bill provides that this board shall be authorized to report after examination as to the qualification for reenlistment of the parties who were discharged under the order made by the President, with a view to restoration to the army of those who may be proven eligible and with a view of their restoration to pay from the date of discharge.

Mr. LIVINGSTON. Is there any provision made for an appeal from that board?

Mr. DALZELL. There is no provision for an appeal.

Mr. LIVINGSTON. Would the gentleman accept an amendment of that kind, and send that to conference?

Mr. DALZELL. I am not authorized to do so. I now move the previous question, but will first yield to the gentleman from Mississippi to make a statement.

Mr. WILLIAMS. I want to state to this side that in order to get forty-five minutes of debate rather than the twenty minutes under the rule, I agreed in committee not to call the yeas and nays on the passage of the rule, calling for the yeas and nays only on the passage of the bill. I furthermore agreed to request that nobody else should call for it on the rule.

Mr. DALZELL. I now ask for the previous question.

The question was taken on ordering the previous question, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division!

The House divided; and there were—ayes 125, noes 90.

So the previous question was ordered.

The question was taken, and the resolution was agreed to.

The SPEAKER. Under the practice of the House it seems to the Chair that the gentleman from Iowa, chairman of the Committee on Military Affairs, should be recognized for forty-five minutes and some member of the minority on that committee would be entitled to recognition.

Mr. CLARK of Missouri. Mr. Speaker, inasmuch as the gentleman from Mississippi [Mr. WILLIAMS] is the ranking member of the Committee on Rules that brought in the rule, I want him to have control of our time.

The SPEAKER. Without objection, it will be so ordered. The Chair hears no objection.

Mr. HULL of Iowa. Mr. Speaker, I would have been entirely satisfied for the gentleman from Pennsylvania to have had control of the time for this side of the House; but he requested that I should take the position, and I am perfectly willing to assume the responsibility of parceling out the time.

Mr. Speaker, the entire membership of this House is thoroughly familiar with the question that is to be determined by us at the close of this debate by our vote on the bill. There was an unfortunate occurrence at Brownsville, Tex., many months ago, and it seemed impossible for the President to determine who were the guilty parties; and the result of his investigation led to what seemed to be a legitimate exercise of executive power, and, in my judgment, he was clearly within his rights as the Executive of the Nation in issuing an order by which three companies of a regiment of the United States were mustered out of service without honor.

There is no pretense on the part of anyone that all these soldiers were guilty of the crime charged against the companies. There is no pretense that there were more than a small minority of the soldiers engaged in the riot. I recognize, Mr. Speaker, the fact that a soldier of the United States, sworn to observe the law and to preserve peace, should be held to a stricter responsibility for any rioting or for any unlawful measures than any other person under the Government.

But I also recognize the fact that those who by long service have proven their value to the country as soldiers, who by many years of service have proven their high character and standing as individuals as well as soldiers, should have at some place, somehow, and at some time, an opportunity to establish their innocence; that their records should not be tarnished by remaining under an order of dismissal from the army without honor; and I hail this compromise measure, that has been agreed to by all the factions in another body, as furnishing in some measure relief to those who were not guilty of any crime under the sun. There were soldiers in the garrison, many of them, not being even in the locality that night.

Mr. GARNER. Will the gentleman yield there?

Mr. HULL of Iowa. In one minute. This act provides for a board of five officers not below the grade of colonel, who shall have one year in which to investigate. Any soldier discharged without honor because of the Brownsville affair can go before that board and furnish such testimony as he is able, still handicapped by the presumption of guilt, which is contrary to the theory of the law; still handicapped by the fact that he must prove practically a negative. But if he satisfies that board of his innocence of any participation in this crime, the board has the absolute power to let him reenlist in the army——

Mr. GILLESPIE. Will the gentleman yield right there for a question?

Mr. HULL of Iowa. That will break me right off. I should like to finish this sentence if I can.

Mr. GILLESPIE. But it fits right in here.

Mr. HULL of Iowa. All right; if it fits, go ahead.

Mr. GILLESPIE. How does the gentleman infer from this resolution that the presumption of guilt obtains against these men and that they are required to prove their innocence? The resolution does not read that way or make any such provision.

Mr. HULL of Iowa. The man has got to satisfy the board of his innocence.

Mr. GILLESPIE. But the resolution does not say that.

Mr. HULL of Iowa. That is the object of the board, and if the gentleman will read the bill he will find I am correct.

Mr. GILLESPIE. I will ask the gentleman if it is not also true that this board of officers, although they may find that one of these——

Mr. HULL of Iowa. This should not come in my time. Gentlemen on that side have three-quarters of an hour. I do not want to take much time.

Now, it is provided that if a man satisfies this board of his innocence, if the board is satisfied that he was not guilty of participation in the riot, he can reenlist; and the second section does the further justice, which is absolutely right in my judgment, of providing that he shall be reenlisted as of the date of his discharge, without losing any time whatever or any right of retirement under the law. He would, by this act, also be entitled to his pay for the entire time. Our law provides that reenlistments, in order to become effective for retirement, must be continuous. If this bill provided simply for a reenlistment from the day of the finding of this board of officers, with the loss of intervening service, he would get no benefit from his previous service; but if he was not guilty of participation in this riot at Brownsville, this great Government, while it can not do entire justice, can do partial justice by seeing that the man shall not suffer any wrong, financially at least, in being permitted to reenlist as of the date of his discharge. These are the entire provisions of the bill, and in my judgment it is a long-delayed measure of justice; and I hope that this House, by more than a two-thirds vote, will agree to it, although a majority will pass it.

Mr. GARNER. Will the gentleman yield now?

Mr. HULL of Iowa. I will yield for a question, but the gentleman must realize——

Mr. GARNER. The gentleman made the statement a while ago, when I undertook to interrupt him, to the effect that this board would determine who were guilty and who were innocent.

Mr. HULL of Iowa. Oh, no.

Mr. GARNER. I understood the gentleman to make that statement.

Mr. HULL of Iowa. Oh, no.

Mr. GARNER. What is the object of this board, then?

Mr. HULL of Iowa. It is to pass on all who apply for reenlistment, and to determine whether those who apply shall under the provisions of this law be given the right to reenlist, by practically clearing their skirts of any participation in the Brownsville riot.

Mr. GARNER. Must not the board necessarily, then, pass upon the guilt or innocence of those who apply?

Mr. HULL of Iowa. I should imagine so, of those who apply, because if they were guilty, no one would desire to have them reenlist.

Mr. GARNER. Then, in that connection, I want to ask if these soldiers have not had their day in court, to have their guilt or innocence determined, before the Senate committee?

Mr. HULL of Iowa. No; they have not.

Now, I reserve the balance of my time, Mr. Speaker, and ask the other side to use their time.

Mr. WILLIAMS. Mr. Speaker, I do not desire to consume any time except to say this: Some of these men committed murder, and many more were engaged in an effort to commit a crime. All the balance of them have evidently entered into a conspiracy of silence in order to shield the criminals, and they ought not thereby to be permitted to have the privilege and honor of wearing the uniform of the United States Army. I now yield four minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, regardless of the section or State from which I come, it is my duty to oppose the passage of this bill. There is great misconception of the real issue. The gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Iowa [Mr. HULL] have not touched the question now pending before the House.

In the first place, this is not a resolution, as it has been characterized, but a bill to be passed by Congress. The gentleman from Iowa stated that these men charged with the shooting affray at Brownsville "must establish their innocence" before they can be reenlisted. I deny it, and say that such is not the fact. There is nothing in the bill that indicates such purpose and effect. I challenge the gentleman to deny my statement and analysis.

It is a bill—

To authorize the reenlistment of certain noncommissioned officers, and for the restoration to them of all rights of which they have been deprived on account thereof.

This is the purpose of the bill as indicated by the caption. Its meaning is manifest.

In four minutes I can not discuss and analyze the various provisions of this bill. Briefly, in the first part of section 1 a "court of inquiry" is provided for, and a little further along in the same section it is provided that the board may hear certain charges and testimony that may come before them. A little further in the same section it is provided that such board may make "final" and "partial reports" of the results of such inquiry, and then in the latter part of the section it is provided that those men may reenlist—

Which said court shall find and report as qualified for reenlistment in the Army of the United States.

The board can report that each and every one of them is qualified, and also that they are eligible for reenlistment in the army. That is the plain provision of this statute, and the power is undeniably given. Here it is, and the gentleman from Iowa wants to mislead this House concerning the purpose of the bill. He is entirely mistaken about what is in it and the real provisions of the act.

What more? In the next section of the bill it is provided that after they are enlisted they shall receive pay from the time they were discharged. There is no mandatory requirement for anyone to come before the board and prefer charges, and no detailed method of procedure is fixed. The board can assemble, under this act, and disregard every line of testimony ever taken or to be taken and report that these men, regardless of guilt or innocence, are entitled to reenlistment. Such power is indisputably given the board. I shall oppose the passage of such an unreasonable and unjust measure. [Applause.]

Mr. HULL of Iowa. I want just a minute to say that the bill provides, in lines 10 and 11, page 2—

as said court shall find and report as qualified for reenlistment in the Army of the United States shall thereby become eligible for reenlistment.

They can not find and report as qualified for reenlistment any man unless that man should convince the board that he is not guilty. The general law makes provision as to who can enlist.

Mr. HENRY of Texas. The gentleman's resolution does not say so.

Mr. HULL of Iowa. The bill speaks for itself.

Mr. HENRY of Texas. But the gentleman's statement is not correct, if he will read the bill, and if I had time I could prove it.

Mr. HULL of Iowa. The words are "shall find and report that he is qualified for reenlistment."

Mr. HENRY of Texas. The gentleman said they must prove their innocence before they can reenlist, and there is no such provision in the bill.

Mr. WILLIAMS. Now, Mr. Speaker, I yield fifteen minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, this bill purports to be a measure to appoint a court of inquiry to hear and report upon all charges and testimony relating to the shooting affray at Brownsville in August, 1906. The court is to make a final report in one year from the date of appointment, and from time to time it is to make partial reports for the purpose of restoring, just as rapidly as these reports can be made, such of the discharged soldiers and noncommissioned officers as shall be found qualified for reenlistment.

That is the first paragraph of the bill. The second provides that such of these men as shall be found qualified and do reenlist shall have all the pay and benefits that they would have had if their discharge had been honorable and the service continuous. All that do reenlist under these findings will receive a considerable sum in cash for a service they never rendered, and others will go at once on the retired list of the army, to be hereafter supported in idleness and in comparative comfort out of the Public Treasury.

The bill will pass, of course, for it has become a party measure. It is the result of a compromise between the senior Senator from Ohio and the present occupant of the White House. It does not concede all that the Senator demanded, but it does yield much more than it was thought the President would ever give up. The effect of it is to provide the reward of insubordination, a bonus for murder, and a premium on infamy. [Applause on the Democratic side.]

Under the direction of the President this atrocious murder by organized military bodies was repeatedly and thoroughly investigated. These investigations were made by officers of the army who were supposedly jealous of the good name of the service, and who would have been glad to be relieved of the odium it brought to the uniform.

Mr. HOBSON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. HOBSON. Will the gentleman from Texas yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. SLAYDEN. Mr. Speaker, I regret to say that I can not. It will be almost impossible in the time allotted to me to say what I desire to say. I mean no discourtesy to the gentleman.

Mr. HOBSON. I will be glad to let the gentleman have a minute of my time.

Mr. SLAYDEN. I can not yield. It was investigated by gentlemen from the Department of Justice, one of them a man of such character and attainments that he was subsequently nominated to a place on the federal bench.

These investigations were all made when the "affray" was of comparatively recent occurrence, when the witnesses were at hand, and when correct conclusions could be more easily reached.

Everybody knows what the verdict was. Secretary Taft was convinced of the actual guilt of some of the soldiers and of the guilty knowledge of the others. The President was convinced, of course; thoroughly convinced, or the order of dismissal would not have been issued. He found that conspiracy and perjury were called to the support of murder. In fact I know of no fair-minded man, who is not blind with prejudice against the people of one section of the country or whose judgment is not clouded by unreasonable sympathy for an alien race, who has reached any other conclusion. The most righteous act of the administration of Mr. Roosevelt is to be undone now for political reasons. Why? Because the negro is the most cherished political asset of the Republican party, and as such entitled to special legislation, and is to receive distinguished consideration. [Applause on the Democratic side.] These men are fortunate in their color. If that midnight assault on an innocent and unsuspecting community had been made by white soldiers, the righteous act of the President in dismissing them would never have been questioned. Indeed, sir, it would have been universally approved. From no political pulpit would there have been clamor for their reenlistment. None of these editors who seem to be, under all circumstances, out of patience with their own race, would day by day have thundered their demands for a reenlistment of soldiers who so far forgot their duty as to shoot down unarmed and unresisting American citizens. If the criminals had been white, great statesmen would not have dedicated themselves to the task of giving a lot of mad savages another chance to disgrace the uniform by engaging in organized assassination.

But, then, white men are not a political asset, always bulked and always ready at the call of a party.

I shall take just a few minutes, Mr. Speaker, to review the history of the regiment to which these companies belong.

The facts that I shall briefly relate are all from the official records in the War Department, and I will state, Mr. Speaker, that this is largely a quotation from a speech I had the honor to make here on a previous occasion, and let me say is an exact copy of official records accessible to every Member of this House upon a visit to the War Department.

While stationed at Fort Meade, Dak., in 1885, Corporal Hallon, of the Twenty-fifth Infantry, murdered a citizen. With "neatness and dispatch" the people of that community lynched the

murderer. Three weeks later 15 or 20 of the negro soldiers raided and shot up the town of Sturgis, firing into dwellings and business houses, and killed one citizen.

At Winnemucca, Nev., in June, 1899, while going to the Philippines to elevate the benighted people of those islands, men of the same regiment invaded a liquor saloon, took possession of the bar, and shot the barkeeper.

In October, 1899, at the San Carlos Agency, in Arizona, they murderously assaulted four unarmed Indians. General Merriam, who commanded, and now a resident of the city of Washington, advised that the negro troops be taken away and white soldiers sent to take their place, as they "would make less trouble."

At El Paso, Tex., to which place they were sent from San Carlos—and they are always unloaded on the South when they raise trouble in other sections of the country—they—

Took rifles from the arms racks and went to the city jail of El Paso, where two soldiers were held for trial by the city authorities for being drunk and disorderly, fired into the jail, and killed a policeman on duty there.

That is a quotation from the report made by Captain Loughborough, of the army.

Mr. STEPHENS of Texas. Mr. Speaker, I will ask the gentleman to allow me to state that that policeman was an ex-soldier of the Spanish war, and left a father and mother dependent upon him alone for support, who are now without any property whatever.

Mr. SLAYDEN. At Key West, Fla., in 1898, the Twenty-fifth Infantry was delayed just a few hours en route to Cuba. In that brief time they assaulted and attempted to kill citizens. When the particular assailants were lodged in jail their comrades took their guns, surrounded the jail, and liberated the prisoners.

What they did later at Brownsville is history.

The Ninth and Tenth regiments of negro cavalry made similar crimson records at Suggs, Wyo.; Huntsville, Ala.; and San Antonio, Tex.

These incidents cover a period beginning with 1867, when men of Company E of the Ninth Cavalry, a negro regiment, killed one and wounded two other lieutenants at San Antonio.

I submit, Mr. Speaker, that these facts go to show their absolute unfitness as soldiers.

The Secretary of War, Mr. Taft, in June, 1906, wrote to a Senator of the United States as follows:

The fact is that a certain amount of race prejudice between white and black seems to have become almost universal throughout the country, and no matter where colored troops are sent there are always some who object to their coming.

There are excellent reasons for believing that before the Twenty-fifth Infantry was sent to Brownsville in 1906 they were to have gone to a northern station. Protests from eminent public men prevented the execution of the order. Their destination was changed to another northern station, and again eminent men protested and once more the order was canceled. They were then sent to Texas, where there are no eminent men with influence in Washington.

The distinguished citizen who was then Secretary of War and is now the President-elect was right when he said that race prejudice was "universal throughout the country." With equal accuracy he might have said throughout the world. It is manifested throughout all history and everywhere. I believe that it is a God-given instinct to preserve race integrity, and I know that it ought to be recognized in all administration. It is commanded in all experience, and wise statesmen will not disregard it. It is an effort of nature to preserve the purity of the blood, to insure the breeding of thoroughbreds.

Speaking in New York this week, Mr. Taft said:

Race feeling is a fact. Denial of it is illogical. You can not dispose of it by saying that it does not exist.

I am glad to see that the man who is to be our President is no mere theorist. I am glad to know he has a comprehension of the facts of life, and hope he will adjust his administration to those facts, so as to maintain harmony and peace between all of the people whom fate has decreed should be residents of this land, for a long time at least.

But in the same interesting speech he falls into an economic error in his comments on race prejudices. He says:

The negro is absolutely essential to the development of the South.

I challenge that statement. It is not true. Mr. Taft is mistaken in his view of conditions in the South.

The great crop of the South is cotton. One of the great export crops of the country is cotton. The cotton that we send abroad about marks the balance of trade that is in favor of our country. The development of the South depends more on cotton than on any other one thing. We do not know with absolute accuracy the amount of that staple produced by the whole world, but we do know it approximately, and of that vast total Texas produces more than a fourth and something less than a third. Texas produces about 4,000,000 bales, and of that quite 85 per cent is planted, cultivated, and harvested by white labor. [Applause on the Democratic side.]

We do not want our climate and economic conditions misrepresented. White men can work in the fields of the South and in all of them, Mr. Speaker, without danger to health and with no greater discomfort than attaches to similar outdoor work in the Middle States, and white men only are essential to its development. All others are a clog on the wheels of progress, a social and economic incubus.

I have taken pains to inquire of my colleagues from the cotton States, and they all confirm my personally held view that the larger part of the crop in each of those States is made by white labor. And the ratio of production by white men is increasing year by year. The negroes find farming distasteful. They go to the towns and to menial and personal service in preference. Each year they are of less and less importance in production. They are leaving for the North, where, as their numbers increase, they are doing excellent missionary work.

The President-elect is right. We have race prejudices and race problems, and I sincerely hope, Mr. Speaker, that during the next administration we may have less meddling with the affairs of other countries and other races. Mr. Taft knows that race antipathy exists. He must know that when antipathetic people come into contact trouble is likely to ensue.

For the sake of our own future I hope that we will leave the Africans to their own devices in Haiti, Santo Domingo, Liberia, and elsewhere. We have an indigestion now. Heaven only knows what will happen to us if we undertake any more of that sort of thing.

The people of the Pacific coast, especially those of California, are getting into the vestibule of the comprehension of this question. Although they are not seriously threatened, although they are now protected by treaties and statutes, they are in a pitiable, a ludicrous state of funk. The suggestion of the gentleman from Iowa that the country—the whole country, not California, mind you—would find employment for half a million cooks and chambermaids has given them a fever of fright. It succeeded in arousing their intermittent and local interest in the welfare of the Caucasian race. For the time being and for the Pacific coast they have a revival of race pride. They cheerfully surrender their brethren in the South to the peril of invasion from the West Indies and Africa of a race even more alien, and themselves clamor for help because a few Chinese or Japs divide jobs with them. I greatly fear that it is purse pride, not race pride, that controls them. They strain at an Asiatic gnat and cheerfully swallow an African camel.

But, Mr. Speaker, in spite of their shortsighted policy, in spite of the very intermittent nature of their interest in the larger question, and in spite of their lack of gratitude and indifference to the woes of others, I shall do my best to protect them against the threatened invasion of Colonel HEPBURN'S cooks and chambermaids.

Here is an article clipped from the Washington Post of yesterday that I think contained a gratifying suggestion:

SAYS A MOSES IS NEEDED—NEGROES NOT TO REMAIN IN AMERICA, ASSERTS DOCTOR COROTHERS.

Asserting that the negroes of America were never destined to remain here, but that their "temporary sojourn as citizens of this country is but the carrying out of their mission as designated by a divine power," the Rev. S. L. Corothers, pastor of Galbraith African Methodist Episcopal Zion Church, made a plea last night before a large audience in Shiloh Baptist Church for aid for the people of Liberia.

"The appointment of a commission by this Government," said Doctor Corothers, "to subscribe funds and suggest ways and means for the relief of our black brothers in Liberia would be the casting of bread upon the waters. And it is important to demand that since it is the man of color who is to be aided, the commission to do the work should be composed of colored men.

"The relief of their debt-ridden and oppressed country by the American negro will work naught but good for him. While it may rankle in the hearts and bosoms of some for me to say that the negro is not destined to remain forever in America, I am firmly convinced of this fact. Who knows but what we are preparing a promised land for our own people by aiding the people of Liberia? As the Jews went to Egypt on God's own mission, so it is my belief that the negroes were sent to America for a like reason by the all-powerful Spirit. It needs but a Moses among us to lead us to the land of promise."

It is expected that another meeting will be held shortly to place before the Congress resolutions asking that the United States take a hand in the relief of Liberia.

If he will head the hegira I shall be glad to have him connect with the pay of the proposed commission. [Applause on the Democratic side.]

Mr. HULL of Iowa. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. PARKER], a member of the committee.

Mr. PARKER. Mr. Speaker, this bill orders the calling of a court of inquiry. I shall not go into the race question. A

court of inquiry is well known under the old Articles of War. It can be ordered by the President or a commanding officer to investigate and examine into the nature of any transaction of or accusation or imputation against an officer or soldier.

Article of war No. 115: A court of inquiry to examine into the nature of any transaction of or accusation or imputation against any officer or soldier, may be ordered by the President or by any commanding officer.

Nothing more appropriate than such a court can be devised to examine into the question respecting these men, who have been, some of them, for twenty years soldiers of the United States and of good character, whether they be white or black.

Mr. HULL of Iowa. One of them for twenty-eight years.

Mr. PARKER. One of them for twenty-eight years, and a sergeant.

Unfortunately the old act as to a court of inquiry does not apply to any man who has ceased to be an officer or a soldier, and the discharge issued in this case barred the President thereafter under the law as it stood from ordering such a military court of inquiry. This bill rightly cures that difficulty and allows such a court to be called. The court in this case would be larger than the usual court of three members, having five, and it is limited to officers who hold at least the rank of colonel in the army. The powers of the court, however, are settled by the general statutes. There are few words in the bill, but in constituting a court of inquiry it gives the court, *under article* of war 118, all the powers and duty of a court-martial to summon and examine witnesses under oath and to allow the accused to examine and cross-examine them.

Article of war No. 118: A court of inquiry, and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge-advocates thereof.

Such witnesses shall take the same oath which is taken by witnesses before courts-martial, and the person accused shall be permitted to examine and cross-examine them so as fully to investigate the circumstances in question.

That right should belong to these men and is provided for in this bill to the extent granted by the general law.

The function of the court of inquiry is briefly stated in the bill. It is to "find and report" whether any and which of these men are "qualified for reenlistment."

Such qualification is determined by the statutes. By the act of August 1, 1894—

No soldier shall be again enlisted in the army whose service during his last preceding term of enlistment has not been honest and faithful.

When this bill asks the court of inquiry to find and report whether they are qualified for reenlistment, it puts before this great court in each case the duty of determination upon the proofs, yea or nay, whether the soldier's service has been honest and faithful. [Applause.]

Mr. HULL of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, the passage of the bill now before the House will bring nothing more than long-delayed justice to the black men now known as the "Brownsville soldiers." Every man charged with the commission of a crime is presumed to be innocent until he is proven guilty. I hold that none of these men have been proven guilty of the crime with which they are charged. No braver men ever fought for the protection of the flag than these men have proved themselves to be. They fought with a valor that received the plaudits of every citizen of America. They are the men who led the charge in the only important engagement between the American and the Spanish forces in our war for the extension of Christianity, humanity, and civilization.

Mr. GARNER. Will the gentleman yield?

Mr. MADDEN. I only have a minute, and I can not yield. And they are entitled to decent treatment. They are American citizens, and they are entitled to the equal protection of every law that every other citizen enjoys. There would be no question involved of their guilt or innocence if it were not for the color of their skin and it is unfortunate that discrimination should be made between American citizens because one man is black and another is white.

Who objected to their leading the charge at San Juan? Who questioned their color then? Was the question one of color then, or was it one of bravery? Does anyone suppose that the victory was any less worthy, because it was won in a charge led by men having black skin? Not at all. Does anyone suppose that because the negro soldiers held the front of the line and fought with a courage never surpassed and seldom equaled, that the victory was less appreciated by the American people? By no means. The country owes something to the men who had the courage to march fearlessly forward under such circumstances.

Such men are at least entitled to simple justice. The bill now under consideration offers them a chance to reenter the service in which they have on more than one occasion proved their valor. When a call to arms is made for the defense of the flag, what are the questions asked? Not what is your color, not where were you born, not what is your religious belief; but Are you ready to offer up your life in defense of your country? The question, then, is, Have these men proved their courage; have they performed their duty when called upon; have they proved themselves brave in the hour of need; have they been worthy to wear the blue? I say yes, unequivocally. We claim the right to govern. If this claim be admitted, we must assume the responsibility. In assuming that responsibility, we must exercise the powers of government justly; justly not only with respect to our transaction of the ordinary business affairs of the country, but also with respect to that higher and more important function which involves the equal treatment of our masters—the citizens of the country. We can not afford to be charged with unfairness; we would be unworthy of the high place we occupy if we fail to exercise the authority reposed in us with due regard for justice.

The liberty of the humblest citizen is as dear to him as that of the most exalted. The honor of the one is as worthy of protection as that of the other. It is our duty to protect both. Injustice against whomsoever practiced by the Government is inexcusable, and no man is worthy to exercise the functions of government who is unwilling to deal fairly with the governed.

Mr. GAINES of Tennessee. Will my friend yield?

Mr. MADDEN. I decline to yield. I believe that these men when given an opportunity to prove their side of this case will be found to be worthy to wear the uniform of the United States Army. They would, then, after being found to be so worthy, be entitled as a matter of justice to the pay and to the privileges which they would have the right to enjoy had no controversy about this unfortunate question ever arisen.

Members on the other side charge me with favoring legislation favorable to the colored man, because of the fact that a great number of them happen to live in my congressional district.

Why, Mr. Speaker, I was a consistent and sincere friend of the negro long before I even dreamed of coming to Congress, and that friendship did not come from a desire on my part to influence their votes, but came rather from an inborn desire to be fair and just to all classes of citizens. The Creator did not put into my heart a selfish or domineering disposition, and I thank God for that.

Mr. Speaker, it has never been easy for me to understand how a man enjoying all the blessings vouchsafed to an American citizen, blessings such as no other people on earth enjoy, can so far forget the biblical injunctions as to permit himself to deny rights to others he demands for himself. The oft-repeated insinuation that a man's color, if it be other than white, is a fruitful reason for discrimination does not at all appeal to me. The Constitution of the United States was made for all of the people of this blessed land of ours, and the laws made under it were made, not for the protection of one branch of our citizenship, but for all the people—North, South, East, and West, white, black, and mixed—and it is therefore extremely difficult for me to understand why it is that Members of this body coming from a section where live, it is claimed, the only true friends of the black man, are always found on their feet scolding long and loud whenever a measure is before the House which, if adopted, would bring relief and comfort to this much-abused race.

I certainly hope that the patriotism of the membership of this House, regardless of what their political affiliations may be, or the sections of the land in which they live, will prompt them to vote for the restoration of these men to the position which they have so long occupied with so much honor to themselves and to the United States. [Applause.]

Mr. HULL of Iowa. How much time did the gentleman from Illinois use, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Illinois used four minutes.

Mr. HULL of Iowa. The gentleman yields back the other minute. I may want to use it, not for myself. I now yield to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, whatever may be the individual opinion of any Member of this House as to the guilt or innocence of any number of the soldiers of these three companies, whatever may be the individual opinion of any Member of the House to any question of law, whether criminal, civil, or constitutional, arising out of this occurrence and the disposition of it which has been made from time to time by the Executive and War Department, I submit that there ought not to be, in common justice, a vote in this House against this conservative

and just measure. This bill simply authorizes, if in his discretion he deems it wise, the Secretary of War to inaugurate a court or commission to inquire into this whole matter, with the object of finding out, if possible, which of these soldiers were guilty, if any, and which innocent, so that the innocent may not suffer with the guilty.

It does not seem to me that this is a political question, nor a sectional question, nor a race question, or any other sort of a question, but a question of simple justice.

No Member upon this floor, to whatever party he may belong, or from whatever State he may come, ought to be willing to deny to such of these colored soldiers who may be able to do so, or to all of them, the opportunity to establish their innocence; and so I trust that no one upon either side of the House will vote against this just bill.

Mr. HULL of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. PRINCE], a member of the committee.

Mr. PRINCE. Mr. Speaker, it is most unfortunate that the military law was not invoked immediately after this affray at Brownsville. On page 745 of the military laws of the United States, section 1863 reads as follows:

> A court of inquiry to examine into the nature of any transaction of or accusation or imputation against any officer or soldier may be ordered by the President or by any commanding officer.

Had that law been invoked, the time of Congress and the discussion before the country would not have occurred on this question that is now before the House. For the first time this branch of Congress has had presented to it a concrete proposition on this question. The proposition is to establish in effect a court of inquiry to find out whether these soldiers should have been separated from the service without trial. Now, with hat in hand, they come before this board of inquiry with a stigma placed upon them as men who have violated their oaths as soldiers, who have disgraced the army blue that they wore. They have to come with that stigma upon them before a court of inquiry to hear whether they should be reenlisted or not. They ought to have their day in court. This is a free country——

Mr. GARNER. Will the gentleman yield?

Mr. PRINCE. I can not yield. Ordinarily I would. These are soldiers; remember that. It is not a question of color; it is a question of treating fairly a soldier; the color does not enter into the question at all. He is a soldier wearing the blue, maintaining the flag, and he has been separated from the service. Now he comes and asks whether he is a proper person to be reenlisted in the service of the United States. A commission or a court of inquiry that ought to have been invoked when the affray occurred, after two and one-half years Congress is called upon to create, and we are now asked to vote in favor of it. Without question, some of these men are not guilty. I am not one of those who want to pass upon the guilt or innocence of these men.

Mr. GARNER. Will the gentleman yield just there?

Mr. PRINCE. I decline to yield to anybody. This board we are creating for that specific purpose. We are asking officers above the grade of colonel, who have taken an oath, many and many a time, to support the laws and the Constitution and maintain the honor of the army, to sit in judgment upon these men, and these officers, under oath, are to report from time to time whether these men should be reenlisted or not. If they are again put back into the service—and they have been separated from the service without trial—is it unfair to restore them to the place where they were before they were separated without trial? It seems to me it is fair and even-handed justice toward a soldier who had been separated from the service, and I am sorry to see my friend and colleague, for whom I have a high regard and appreciation, seek to say that this is a political question because, forsooth, in some portions of the country the colored voters saw fit to vote the Republican ticket. If it were a political question, we might have raised it before the presidential election, but not now. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. BARTLETT].

[Mr. BARTLETT of Georgia addressed the House. See Appendix.]

Mr. SLAYDEN. Mr. Speaker, I make the same request.

Mr. MADDEN. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. BARTLETT], the gentleman from Texas [Mr. SLAYDEN], and the gentleman from Illinois [Mr. MADDEN] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARTLETT of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that all who have spoken on this matter have permission to extend their remarks in the RECORD.

Mr. WILLIAMS. I would suggest that the gentleman state that the remarks be printed prior to the adjournment of this Congress.

Mr. HULL of Iowa. Mr. Speaker, I ask that all who have addressed themselves to this resolution may have permission to extend their remarks in the RECORD, the extension to be limited to the matter before the House, and the remarks be printed before the adjournment of Congress.

Mr. BARTLETT of Georgia. My permission was not limited to three days. I got my permission to extend under the rule.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that those who speak on this subject may have permission to extend remarks in the RECORD on the resolution within three days. Is there objection?

Mr. GILLESPIE. I object.

The SPEAKER pro tempore. The gentleman from Texas objects.

Mr. GILLESPIE. I withdraw the objection.

Mr. OLLIE M. JAMES. Why does the gentleman confine it to those who speak? Why not let all who desire to extend remarks put them in the RECORD?

Mr. BURLESON. I would object to that.

Mr. HULL of Iowa. I do this for the purpose of saving the time of the House by gentlemen asking permission to extend their remarks after they have spoken. I now yield three minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HEPBURN. Before the gentleman sits down, will he explain a portion of this bill which to my mind is very peculiar?

Mr. HULL of Iowa. I will not take time to do so now.

Mr. HEPBURN. Somebody ought to explain it.

Mr. HOBSON. Mr. Speaker, these three minutes will cost me a contest in my district, and may cost me my seat in Congress. I wore the uniform of the United States for eighteen years, and I have never known a case where an officer or an enlisted man was punished severely without a court of inquiry. I know that he is not allowed to be punished to the extent of thirty days' imprisonment without a court-martial—to dishonorably dismiss a man without a court-martial is unheard of. When these crimes were committed at Brownsville——

Mr. GARNER. Will the gentleman allow me?

Mr. HOBSON. No, sir; my time is too short. When these crimes were committed at Brownsville, the President of the United States could have ordered all officers and men to remain within barracks and could have ordered a court of inquiry, followed by a court-martial, which, held on the spot without delay, would no doubt have established the guilt or innocence of all the men, and would have given a regular, legal opportunity to every innocent man to establish the fact of his innocence. If, under duly administered oath, any man had refused to tell the whole truth or had been found to have concealed or abetted the guilty, he could have been punished accordingly. By such a regular and legal procedure the guilty, all of them or part of them, at least, could have been brought to full punishment at the scene of their hideous crime, fulfilling the ends of justice. But the President did not proceed in this regular, legal way. He scattered the men, guilty and innocent alike, to the four winds, and thus prevented the ends of justice. This action of the President prevented the establishment of the guilt of the guilty and prevented the innocent from establishing their innocence. These men have never had a chance to appear before a court of inquiry; never before a court-martial; have never been under oath. This bill provides the least that can now be done for the cause of justice.

Mr. Speaker, I saw black men carrying our flag on San Juan Hill; I have seen them before Manila. A black man took my father, wounded, from the field of Chancellorsville. Black men remained on my grandfather's plantation after the proclamation of emancipation and took care of my mother and grandmother. The white man is supreme in this country; he will remain supreme. That makes it only the more sacred that he should give absolute justice to the black man who is in our midst. [Loud applause.] I submit it to the conscience of my colleagues. This ought not to be made a party measure. We are standing here on the field of eternal justice, where all men are the same. It is justice that links man to the divine. Whether the heavens fall or the earth melt away, while we live let us be just. [Loud applause.]

Mr. GARNER. Mr. Speaker, Brownsville being in the district which I have the honor to represent, I feel that it is my duty to the people of that city and to myself to state to the House some

of the facts preceding the location of these soldiers at Brownsville, some of the circumstances leading up to this unfortunate affair, and to call attention to some of the facts which conclusively showed that they were the people who perpetrated the outrage, rather than some one else in the city of Brownsville.

In the first place, Mr. Speaker, these soldiers should never have been located at Fort Brown. As my colleague from Texas [Mr. SLAYDEN] has already stated to the House, the War Department had decided to send them to some place in the North. Protests were made to the War Department, and they then changed them to another place in the North. Protests were again made, and then it was decreed that they should go to Brownsville.

Hearing of that, my constituents protested against it. I visited the War Department, interviewed the Assistant Secretary of War, then Acting Secretary, and told him of the conditions existing there, and that the people did not want this black battalion stationed at Fort Brown. I was told by the Acting Secretary of War, General Oliver, that these soldiers were not wanted anywhere, but it was Texas' time to take them [applause], showing conclusively that, in the estimation of the War Department, this character of soldier was not welcomed by the people situated near to any of the forts of this country. They were sent to Brownsville, as I say, over the protests of the citizens, and it is represented that after they got there not a single act on the part of the citizens of Brownsville, not a single act on the part of its officers, not an act on the part of anyone else unless it could be said that of a representative of the Government itself, was responsible in any degree for the trouble referred to in the testimony taken before the Senate Military Committee.

After they had been stationed there a few days it seems that a soldier met a customs officer, and the officer knocked him down on account of offensive conduct toward his wife. This officer was an employee of the present administration, and while I think he did right in defending his family against the insults of these murderers, I mention it simply to show that it was not a private citizen, but a part of the Government itself, who brought on the trouble.

Mr. Speaker, I think it may be said that the people of Brownsville are composed in a greater degree of United States ex-soldiers and ex-officers of the Union Army than any other city of its size in the United States. The mayor of the city is an ex-officer of the United States Army. One of the leading citizens of that town, the president of a leading bank, is an ex-officer of the United States Army. A large percentage of the people of that town is made up of ex-soldiers of the United States Army. So it can not be said, here or elsewhere, that the people of that town have any animosity toward those who wear the uniform of an American soldier.

Now, what was the result? The town was shot up at the hour of midnight. The citizenship undertook to determine who did the act. They immediately selected a committee, and I want to say to the House that that committee was composed of as high-class men as there are in Texas, therefore as there are in the United States. That committee was selected to investigate the question as to who was guilty of this crime. They met and heard testimony, and sent the result of that testimony to the President of the United States, who made an inquiry of the commanding officer of that post, and he, realizing that the testimony was so strong, wired the War Department that he regretted to say that the evidence was convincing that the soldiers had perpetrated this murderous outrage.

I was surprised that the gentleman from Illinois, or any other gentleman on the floor of this House, should rise and say he did not believe that any one of these soldiers perpetrated this crime. The gentleman from Illinois evidently has not read the record. I can not conceive how any reasonable man, how any man who is not influenced by prejudice, how any man whose mind is open to conviction, and who has read the record could say that he believed that none of these soldiers perpetrated this crime.

It has been investigated by seven distinct and impartial investigations; first, by the commanding officer; second, by the citizens' committee, headed, as I said a moment ago, by an ex-officer of the United States Army. That committee took the evidence on the ground and concluded, beyond any doubt, that these soldiers perpetrated the crime. Then Major Blocksom, an impartial officer of high rank in the United States Army, made a full investigation and reported that there was no doubt but what the soldiers committed this murderous assault. Then Mr. Purdy, from the Department of Justice, a high-class lawyer and capable of distinguishing between legal and illegal testimony, was assigned the duty of investigating and determining who shot up Brownsville. He, likewise, after an exhaustive investigation, advised the President that no one could doubt but that the infamous Twenty-fifth were guilty as charged. (It might be remarked just here, that Mr. Purdy has since been made a United States judge.)

Again, the grand jury at Brownsville, composed of as law-abiding citizens as you will find in the United States, investigated the matter and in their report emphatically stated that no doubt existed in the mind of any one of them that the soldiers of this battalion had been guilty of murder; but they were unable to specify the identical party who pulled the trigger, therefore, respecting their oaths, they could not return bill of indictment, not being able to designate the particular soldiers who committed the crime.

Some have said that this was an indication that the people of Brownsville had some doubt as to the guilt of these men, but to my mind, it is another evidence of their love of law and justice, and the respect that each had for his oath as a grand juror. Had they desired to enter into a conspiracy to punish these troops regardless of their oaths, they could have indicted any number of them, and under the agreement with the military authorities, had them returned to Brownsville and incarcerated in the county jail; and had the court and the people generally, as some high in official life have intimated, been in a conspiracy to punish these men regardless of their guilt or innocence, they would have tried and convicted them.

Again, Brig. Gen. A. E. Garlington, Inspector-General of the United States Army, as well as Lieutenant-Colonel Lovering and Gen. A. B. Nettleton have, after full investigation, advised the War Department that these men were guilty, and that the President was not only justified but was in duty bound to issue the order which relieved the army of this band of murderers.

But, sweeping aside all these matters, and turning to the Senate investigation, we find some 200 witnesses have been examined; the affidavit of every soldier has been taken; and in all some 6,000 pages of testimony have conclusively shown that these soldiers were guilty. If 17 eyewitnesses and the strongest circumstances that have ever surrounded any case coming under the observation of any court can not convince one of the guilt of these soldiers, when the contrary evidence is the sole affidavit of the accused, then it must be apparent that the color of these men has so blinded his vision to justice that he can not see, impartially, the proof that is so overwhelming and conclusive.

Mr. Speaker, it will be remembered that the President of the United States has declared that this was the blackest crime in the history of the American army; it will also be remembered that he has declared more than once that after all the investigations had been made it was conclusively shown that some 15 of these soldiers pulled the triggers that caused the death of an American citizen; and that many of them had knowledge of the facts before, and all of them had information after, the crime that would have led to the detection of the most guilty. Therefore, in discharging the battalion, it can not be said that the innocent have suffered except by their own acts in refusing to give information that would lead to the detection of the midnight assassins. So these so-called "innocent members" of that battalion, while they may not have participated in the raid itself, have brought just punishment upon themselves by trying to shield their comrades.

Mr. HOBSON. Will the gentleman yield for a question?

Mr. GARNER. I will extend to the gentleman the courtesy that he refused to extend to me and will yield to him. [Applause.]

Mr. HOBSON. Did any one of these soldiers have a chance before a regularly constituted court of inquiry or court-martial?

Mr. GARNER. They did. I will say to the gentleman here is the record of the court-martial of Major Penrose. The gentleman says he has worn the uniform of an American soldier for eighteen years. I want to read to him a list of this court-martial and ask him if he does not consider it to be equal to any that the President will be able to call under this bill?

Mr. HOBSON. If the gentleman will simply read the heading of the general order, saying that it was a court-martial, regularly constituted, before whom these men appeared, that will answer the question.

Mr. GARNER. By an examination of this record he will see that the second specification in this court-martial was that the soldiers shot up the town of Brownsville, and in response to that specification the court-martial unanimously returned a verdict of guilty. While it can not be said that these men were being court-martialed themselves, the issue involved was exactly the point raised here, that a part of this battalion was guilty of shooting up the town of Brownsville. That issue was determined by the court-martial.

Mr. HOBSON. Was it a board or a court?

Mr. GARNER. It was a court-martial, and here is the order convening it:

Special Orders, No. 264.

DEPARTMENT OF TEXAS,
San Antonio, Tex., December 20, 1906.

2. A general court-martial will convene at these headquarters at 10 o'clock a. m., Friday, January 4, 1907, or as soon thereafter as practicable, for the trial of such persons as may properly be ordered before it.

Now the detail for the court was:

Col. George Le Roy Brown, Twenty-sixth Infantry; Lieut. Col. Louis M. Maus, deputy surgeon-general; Lieut Col. Charles J. Crane, military secretary; Lieut. Col. Alfred C. Sharpe, Thirtieth Infantry; Lieut. Col. Edward J. McClernand, First Cavalry; Lieut. Col. Robert R. Stevens, deputy quartermaster-general; Lieut. Col. Frank Baker, Ordnance Department; Maj. Hamilton S. Wallace, paymaster; Maj. Charles W. Taylor, Thirteenth Cavalry; Maj. Henry D. Snyder, surgeon; Maj. Charles J. T. Clarke, Twenty-sixth Infantry; Maj. Charles A. Bennett, Artillery Corps; Maj. John H. Gardner, First Cavalry.

One of the specifications in this court-martial was that the troops under Major Penrose's command were guilty of shooting up the town of Brownsville; that was the second specification. They took testimony for three weeks, making a volume of 1,100 pages, where the troops of this company, every one of them, could have appeared before it. The witnesses from Brownsville appeared before the same court, each party had able counsel, and, after full hearing, the second specification was sustained; therefore these soldiers were found guilty of shooting up the town.

Mr. MADDEN. This man was court-martialed because he was off duty without leave.

Mr. HOBSON. Will the gentleman yield for a question right there? If the same procedure had been instituted against these men that was instituted against this officer, I would never have made my point this morning or made my speech.

Mr. GARNER. Neither would the gentleman from Alabama have made his speech if he had known of the record in this case. [Applause.] But, Mr. Speaker, I believe, furthermore, that if the gentleman from Illinois had read the record, and he had not been afraid of some people in his district, who might read the record to-day, he would not have made the speech he did a few minutes ago.

Mr. MADDEN. I think the gentleman from Texas will agree with every Member of the House that nobody can charge "the gentleman from Illinois" with cowardice; no man in this House can charge "the gentleman from Illinois" with not having the courage of his convictions.

Mr. GARNER. Mr. Speaker, I did not charge the gentleman from Illinois with cowardice; but it is peculiar, indeed, that every time the race question comes up the men on that side of the House that have the greatest number of negroes in their district are the quickest and the loudest in their approval of the negro. [Applause.]

Mr. Speaker, remarkable as it may seen, when the matter was considered by every department of this Government, every verdict that has been rendered up to this good hour has been that the negroes perpetrated the crime. Now, I want to ask if there is a man on that side of the House or on this side of the House who has investigated the record in this case who will rise in his place and say that none of these soldiers perpetrated the crime? [Applause.]

Mr. Speaker, if these had been white soldiers, I do not believe there would even have been a resolution of inquiry in either branch of Congress, much less the confusion that this matter has brought about. The negro is a political asset in the Republican party. Therefore he will continue to be a disturbing factor so long as he is essential to the success of that party in their political contests in several States of the Union. This is, indeed, unfortunate for the Southland, because every time an act of this kind is passed it is calculated to and does encourage those people to believe that they will receive protection, and even encouragement, from the Republican party in their efforts to place themselves upon a social plane with the white race. This can never be done, and the more strenuously the negro and his white sympathizers undertake to bring about this state of affairs the more harm will result to him and the greater confusion and discord among the whites.

You may pass all the laws you please, place it in the Constitution, declare it from the pulpit, proclaim it from the mountain top, but there is no power on earth that will make the African the equal of the white man, and those who undertake it are doing both races a great injury.

No one can tell how this race question is to be solved, but all who understand the question admit that it is best to permit the South to solve it in its own way, knowing that the white race in that section has as keen a sense of justice and righteousness as any in the world.

Mr. Speaker, what will be accomplished by the passage of this bill? Either every man who applies for readmission into the army must be admitted upon his affidavit, or else every man who applies must be refused admission upon his affidavit. In either case the board will have no discretion in the premises, for all must be tried alike, and each and every one has sworn that he did not participate in the crime, nor did he know who perpetrated it. Under these conditions they must all be admitted who apply, or else all be rejected. Those believing that all should be returned where the most guilty can not be identified, should propose a bill directing their reenlistment, those who believe that the murderers should not be a part of the army should vote against this bill.

Every witness who knew any circumstance tending to show who shot up the town has been examined; every soldier's affidavit has been taken; all the testimony is in; and no one has been able to say who of the soldiers did the shooting, though all admitting that some of them did.

What will the board of five officers do? They can not secure additional testimony, therefore must pass on the record already made.

I can not help but believe that it is the intention of this bill to readmit every soldier who applies, but I indulge the hope that this committee of army officers will not admit a single one until he has established to their satisfaction that he neither perpetrated the crime nor had knowledge that would lead to the detection of the guilty.

What an anomalous condition we will have should these soldiers be readmitted into the army. The Commander in Chief of that army, the President-elect, of which they would be a part, has declared that the evidence was overwhelming, and beyond doubt showed that they were guilty, and no one here doubts his great legal ability, his statesmanship, and his sense of justice; therefore he would either have to exercise his constitutional right and again dismiss these troops, or else by his own decree continue in the army persons guilty of the heinous crime of murder. Wonderful, is it not, what political emergencies will do?

There is not a man in this House who would go further toward protecting the innocent negro than will I. And yet I say there is not a man in this House, and there is not a committee that can be appointed, that can ascertain, for the life of them, who was innocent and who was guilty, without the assistance of some of these soldiers. That being the case, I do not think that a battalion of men should be put back into the army where it is conceded by all that a portion of them are guilty.

In fact, according to my mind, there is not an innocent man in the battalion, for the reason that he either pulled the trigger or had knowledge of it, or has knowledge of facts that would aid the Government in ascertaining who was innocent or who was guilty. [Applause.]

Mr. WILLIAMS. Will the gentleman from Iowa now use a portion of his time?

Mr. HULL of Iowa. I want to be charged with a half a minute, just to say a word. The gentleman from Texas read from a court-martial proceeding in Brownsville, which was convened to try an officer who was in command of the post after the order was issued and the troops were discharged. The troops themselves have never had a court of inquiry. They did have an inspector-general go down there and report that the town was shot up by colored troops. That is not in controversy here. The simple question in this bill is to give the individual colored soldier a chance to show that he did not participate in this riot, and all who can show it can be reinstated. They never have had a court-martial or a court of inquiry. The individual soldier has never had an opportunity to do that, and will not have until this bill passes.

Mr. GARNER. Will the gentleman from Iowa yield for a question?

Mr. HULL of Iowa. I can not yield now.

Mr. WILLIAMS. Does the gentleman from Iowa propose to consume the balance of his time in one speech?

Mr. HULL of Iowa. Oh, no; I have a dozen gentlemen who want time.

Mr. WILLIAMS. I wish the gentleman would use some of his time now.

Mr. HULL of Iowa. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. WALDO.]

Mr. WALDO. Mr. Speaker, this is not a political question, this is not a race question, so far as I am concerned. I am about to leave this body, and it is highly improbable that I shall ever hold a political office again. I am here to ask merely that the Ameri-

can people, whether they be North or South, shall concede to men who have been discharged in violation of law and without authority an opportunity for such trial as our laws guarantee to them. That is all. It is very likely that many people might be convinced by the testimony that some of these colored troops were guilty. I am inclined to think, from a careful reading of this testimony, that some 5 or 6 men were. As to the others, there is absolutely no proof. On the contrary, the proof taken by all these officers shows that they were not guilty, and yet they have been discharged without honor and deprived of rights to which they are entitled, some of them, by honorable service for twenty-six years. One of these men has been in constant service for nearly twenty-six years. He has been in every war that we have had for the last quarter of a century—the Spanish-American war, the war in the Philippines, and in all the Indian wars. He was one of the men who helped save the white troops in Cuba. If he were the only man who is to be found innocent, the American people ought to give him the opportunity to show his innocence. I desire here publicly to thank the gentleman from Alabama [Mr. HOBSON] for having the courage to rise in his place and, in defiance of the universal prejudice of the people of the South, state that he is in favor of justice to negro soldiers. That is all that I am in favor of. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, I am in favor of doing justice to the negro soldiers of Companies B, C, and D of the Twenty-fifth U. S. Infantry. I want to give these colored soldiers their day in court. They are entitled to this, and they never have had this opportunity of proving their innocence. If one be guilty, let him be punished, but the innocent should be reenlisted in the army and given all their rights and emoluments. The innocent should not be punished for the guilty. I voted in favor of this bill in the Committee on Military Affairs, and I shall vote to pass it through this House. No fair-minded man can consistently oppose this measure. It is honest and it is just. It will do justice to the innocent men and go far to ascertain the guilty. If we fail to do substantial justice in the case, we will be false to ourselves and false to every principle that we revere and hold most dear. If we refuse to do impartial justice to the colored soldiers who are innocent, we will violate every tenet of our boasted love of fair play. In my opinion, if this bill becomes a law no guilty man will be able to reenlist in the army, and no innocent man should be prevented from doing so. I have confidence that the board of inquiry created by this bill will be composed of men of ability and of high character. I have no doubt that the board will do its full duty in the premises, and I believe no soldier will be reenlisted until it is shown beyond the peradventure of a reasonable doubt that he is guiltless of any complicity in the Brownsville affair. I have no prejudice in a matter where justice is concerned. I want to say that I am now and always have been, and I trust always will be, in favor of equal and exact justice to all men—here and everywhere throughout the world—without regard to race or to creed or to previous condition. We must do justice in this Brownsville matter. We can not do less without stultifying ourselves and bringing our free institutions into strange contrast with our acts and performances. I want to see justice done, and I hope the bill will pass. It is never too late to do justice. "For justice, all seasons summer and all places a temple." [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, the remarks of my colleague [Mr. SULZER] indicate the reasons which constrain me to support this measure. It is idle to ignore the fact that consideration of this proposal is complicated by the element of race antagonism. It is idle to ignore the fact that where two races dwell in considerable numbers together supremacy of one race will be asserted and established in some way or other. I fully sympathize with the determination of the white race in the South to maintain its supremacy as necessary to the preservation of its integrity against all opposition and against every obstacle; but, Mr. Speaker, how is this supremacy to be established? You can not establish superiority by asserting it, but by proving it. What is the test of superiority in Christian civilization? The greatest capacity to establish justice and the utmost readiness to do justice. [Applause.]

When a question arises between members of a superior and an inferior race, the superior, which insists upon exercising exclusive control of government, must vindicate its position by doing not only exact justice, but, in cases of doubt, by doing more than justice to the weaker. [Applause on the Republican side.] The stronger race can justify itself in excluding the other from equality of political rights only by showing that under its domination more perfect justice will always be done men and women of the weaker race than they could establish for themselves if they were admitted to a share in the management of public affairs. And, sir, be it said with all credit to the friends who sit around me here that never in the whole range of human experience has this problem of adjusting the relations between two races—one intent upon maintaining its supremacy, whatever the cost—been forced upon a people under circumstances so difficult and conditions so disastrous as in the Southern States of this Union after the civil war, and never has it been met with such wisdom, faced with such success, solved with such credit to a nation or such promise to the progress of civilization! [Applause.]

It is a fact, I believe, that whenever a controversy concerning property or wages occurs between a white and a colored man in the South juries and courts nearly always give the benefit of every doubt to the member of the race which is considered inferior. Political rights are denied to the negro, but all his natural rights are fully protected. While you gentlemen of the South are accused by your critics in the North of excluding the black man from the enjoyment of equal political rights, nobody can doubt you have extended to him in the fullest measure the enjoyment of industrial rights. Indeed, I believe the condition of the colored man is better under the system you have established than it is in any northern State. In the North the negro is permitted to vote, but industrial conditions are such that he is practically denied a chance to work. In the South, on the other hand, he is refused the right to vote, but given every opportunity to work. In the North he is welcome to carry a torch in the political procession, but he is not allowed to carry a dinner pail in the industrial procession; while the white people of the South, who have excluded him from the political procession, welcome him to the industrial procession. And, in my judgment, it is the measure of justice which the negro admittedly enjoys that has reconciled the conscience and judgment of civilization to the peculiar political position he occupies in the Southern States. [Applause.]

Mr. Speaker, the proposal before this House now is to do complete justice where some negroes were charged with conduct which has deeply moved the indignation of a southern community. I agree with the gentleman from Texas [Mr. SLAYDEN] that grave crime has been committed. I agree with the gentleman from Texas, and all the gentlemen who have spoken on the same side, that a number of these colored soldiers are undoubtedly guilty of it.

Moreover, sir, I sympathize with the President of the United States in the action which he took. That a military company enlisted, organized, and equipped for the protection of American citizens, which had shown itself capable of committing crime and had actually accomplished assassination, should have been immediately dismissed from the service of the United States, disbanded, and discharged seems to me absolutely self-evident. And I thank God this was promptly done by executive order.

But, sir, it is equally true that besides the men comprising that battalion who were undoubtedly guilty there may have been one, two, five, perhaps ten, or even more, who were innocent. The protection of society and the vindication of military discipline were subserved when that military company or organization was disbanded. That measure of discipline having been accomplished, justice requires that any individual members who may be able to show they were innocent of any share in the crime that made disbandment of the battalion an imperative duty of the President shall be permitted to return and reenlist in the army, not to join the same company—that has ceased to exist—but to be distributed among other branches of the service where they will be under the influence of different and better associations.

Mr. BURLESON. But they will take them all back in the army. Mark my prediction.

Mr. COCKRAN. The gentleman may be as good a prophet as Samuel of old, but surely, Mr. Speaker, it will not be contended that prophecy can be made the basis of legislation. We must legislate upon principles applicable and comprehensible to all of us, not upon gifts peculiar to the prophets. [Laughter and applause.]

Mr. SLAYDEN. Will the gentleman tell us why he thinks some of them may be innocent?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COCKRAN. If I may have the time to answer——

Mr. SLAYDEN. I want to know why he assumes that—upon what information that has come to us officially or otherwise he reaches the conclusion that any of them may be innocent.

The SPEAKER pro tempore. The gentleman from Texas is out of order.

Mr. HULL of Iowa. Mr. Speaker, I yield one minute to the gentleman from New York to enable him to answer the question.

Mr. COCKRAN. Here is my answer: I do not assume that any are innocent, but I say some of them may be innocent, and justice forbids the possibility of injustice being done to anyone, even though he be the blackest, the poorest, the most ignorant of all the population. [Applause.]

Mr. SLAYDEN. I thought the gentleman said that undoubtedly some of them were innocent.

Mr. COCKRAN. I say some of them may be innocent, and this bill merely provides machinery for an inquiry into that very fact, and if there be any found innocent to give them the rights to which their innocence entitles them. [Loud applause.]

Mr. ADAIR. Mr. Speaker, I can not in the time allotted me enter into a detailed discussion of the merits of the bill before the House. I must therefore content myself with a brief statement, setting forth my reasons and the motive which prompts me in favoring the passage of the bill.

I am going to vote for this bill, Mr. Speaker, because I believe it is a matter of justice and right. I want every man to have equal opportunities under the law, regardless of whether he be black or white. I want the men discharged because of the Brownsville occurrence to have the right to establish, if possible, their innocence, and if they can do so I want to see them reinstated. This is not a political question, neither is it a racial question; it is a question of the guilt or innocence of these discharged soldiers; and this bill provides a method of determining who are guilty and who are innocent, and it also provides for the reinstatement of all who it is ascertained had no part in that unfortunate occurrence. It has been suggested that some Members are supporting this bill because there are a large number of colored voters in their districts, and that their support of the bill is due to that fact rather than to the merits of the bill.

Mr. Speaker, it can not be charged that my support of the bill is due to such a motive, as there are a very limited number of colored voters in my district, and they are sufficiently intelligent to cast their votes according to the dictates of their own conscience, and will not be controlled or influenced by what I may say or do with reference to this bill.

I have always been and always expect to be a consistent and sincere friend of the colored man, and shall always recognize and advocate his rights under the Constitution and the laws of our country. Our laws are enacted not for a particular race or nationality, but for all American citizens, and so long as I am a Member of Congress I shall use my voice and vote in bringing about the enactment of such legislation as will do full and complete justice to every man, without regard to race, creed, or previous condition. While I do not want to criticise anybody, I can not but believe that if these discharged soldiers had been white men their cases would have been heard and determined long ago. Every honest man will admit that, while possibly not intentional, there is nevertheless more or less discrimination against the colored man in cases of this kind. We all admit they are the weaker race, and that is a strong reason why they should be given due consideration. They go out in the battle of life handicapped by reason of their color, and the least we can do is to see that they are given all their rights under the Constitution.

Many of these soldiers had served for twenty years with credit to themselves and credit to the Government. Their bravery had been demonstrated on more than one occasion and their loyalty and devotion to the country and the flag had never been questioned. I am not, Mr. Speaker, trying to obscure the fact that murder was committed and that some of these men are guilty. I am just as anxious that the guilty may be punished as any Member of this House, and I am also anxious that the stain of guilt may be removed from the innocent and that the right of reenlistment be restored to them. All I ask is a square deal for both the innocent and the guilty, and I believe this bill will give it to them.

The bill provides that a court of inquiry, to consist of five officers of the United States Army, not below the rank of colonel, shall be appointed by the Secretary of War to hear and report upon all charges and testimony relating to the shooting affray which took place at Brownsville, Tex., on the night of August 12–14, 1906. It provides that this court of inquiry shall, within one year from the date of its appointment, make a final report and from time to time shall make a partial report to the Secretary of War of the results of such inquiry. It provides that such soldiers and noncommissioned officers of Companies B, C, and D, of the Twenty-fifth Regiment, U. S. Infantry, who were discharged from the military service as members of said regiment under the provisions of Special Orders, No. 266, dated at the War Department the 9th day of November, 1906, as said court of inquiry shall find and report as qualified for reenlistment in the army, shall thereby become eligible for reenlistment.

It further provides, Mr. Speaker, that any noncommissioned officer or private soldier who shall be made eligible for reenlistment under the provisions of this bill shall, if reenlisted, be considered to have reenlisted immediately after his discharge, and to be entitled from the date of his discharge to the pay, allowances, and other rights and benefits that he would have been entitled to receive according to his rank from the date of discharge, as if he had been honorably discharged and had reenlisted immediately.

I can not see anything wrong or unfair in the provisions of this bill. It simply gives the discharged soldiers the right to appear before this court of inquiry and establish their innocence, and if they are unable to do that, they will not be eligible for reenlistment. Under the rule of law every man is presumed to be innocent until proven guilty beyond a reasonable doubt. Under this bill the burden rests upon the discharged soldiers, as it requires them to establish their innocence to the satisfaction of the court of inquiry and the Secretary of War.

It is only fair that these men be given an opportunity somehow or somewhere to establish their innocence, and up to this time that privilege has been denied them. Give them a day in court, let them be heard, and if guilty punish them, but in the name of justice do not punish the innocent because of the guilty.

I do not see how anyone can consistently oppose this measure. Its effect will be to vindicate the innocent and punish the guilty. I believe the court of inquiry appointed under the provisions of this bill will consist of men of high character, standing, and ability, and that no man will be allowed to reenlist until he has established his right. The passage of this bill is a matter of tardy justice. Let us show to the country that this House stands for equal and exact justice to all men regardless of race or color, by giving these discharged soldiers the right to be heard, and the right of reenlistment, if their innocence is established.

[Mr. MILLER addressed the House. See Appendix.]

Mr. HULL of Iowa. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Iowa has six and one-half minutes remaining.

Mr. WILLIAMS. Does the gentleman from Iowa [Mr. HULL] intend to yield all of his time to one person?

Mr. HULL of Iowa. I will yield to one.

Mr. WILLIAMS. How much time has the gentleman remaining?

The SPEAKER pro tempore. Will the gentleman from Iowa [Mr. HULL] inform the Chair whether he yields?

Mr. HULL of Iowa. No; I reserve the balance of my time.

Mr. WILLIAMS. I understand the gentleman from Iowa is going to yield it all to one person.

Mr. HULL of Iowa. Yes.

Mr. WILLIAMS. Then I will yield the balance of the time on this side to the gentleman from Missouri [Mr. CLARK].

The SPEAKER pro tempore. The gentleman from Missouri [Mr. CLARK] is recognized for eight minutes.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this subject.

Mr. WILLIAMS. Mr. Speaker, I regret that I have to do this. I think the printing business by unanimous consent in order to extend for those who have really spoken is all right, but to let everybody print who have not spoken upon this question, and thereby encumber the RECORD, I think I will have to object to.

Mr. CLARK of Missouri. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman from Missouri is recognized for eight minutes.

Mr. CLARK of Missouri. Mr. Speaker, there is no sense in gentlemen becoming heated up about this question on either side. It is purely and simply a legal proposition. One gentleman says it is a political question, and another gentleman says it is not a political question, while yet another one says it is a racial question. It is, however, neither a racial nor political question; but if it is a political question, which I do not believe, I stand with my party. [Applause on the Democratic side.] If it is a racial question, which I do not believe it is, I stand with the people of my blood. I have never been ashamed or afraid to stand up and be counted with any crowd to which I belong in any station of life.

The gentleman from New York [Mr. COCKRAN] says that the race to which we belong has conquered by reason of its sense of justice. That is not true. He is mistaken. We have conquered by the power of the lion's paw and the eagle's claw. That is the way we have gotten along in this world. [Applause on the Democratic side.] In every country where we have set our feet we have either achieved the mastery or we have found a grave. And that will be the way of it until the end of time. [Applause.] It is in the blood. It is our destiny. We could not escape it if we would, and we would not escape it if we could.

I will tell you about the political phase of this question. In the numerous debates I have had with our beloved friend, Gen. Charles Henry Grosvenor, on one occasion he was telling of the marvelous prosperity that prevailed in 1892, during Gen. Benjamin Harrison's administration. I said, "General, if that is true, how did we happen to mop up the face of the earth with you that fall?" He said, "It was that d—d Homestead strike!" That was the politics that year. There has never been any partisan politics in this thing. There has been a great deal of factional Republican politics in it, as much as there was of partisan politics in the Homestead strike. This Brownsville wrangle removed Senator JOSEPH BENSON FORAKER absolutely as a candidate for the Presidential nomination. It contributed largely to an event that I am glad of, and that was the election of the Hon. THEODORE E. BURTON to the Senate of the United States by putting Senator FORAKER out of the running. [Applause.]

As long as there was any factional politics to be played in this matter the Republicans split up and fought each other with the pertinacity of the Kilkenny cats. Now, having carried the election, you are doing what you generally have managed to do—you are getting together for further political effect, and that is all the politics there ever was in it. [Applause on the Democratic side.]

Mr. Speaker, a large number of men in this House have been prosecuting attorneys. That is one of the favored paths to a seat in this House. I have prosecuted hundreds; I have defended hundreds. I never made the slightest difference between a negro and a white man, either in the discharge of my duty as prosecuting attorney or in defending them in court. Some of the hardest fights I ever made in my life inside of a courthouse I made on the appointment of a judge to defend some poor negro that did not have a nickel with which to pay any living man to defend him. [Applause on the Democratic side.] I have no unkind feeling in my heart toward them. I worked with them when I was a boy, in the same field, played with them when I was a child, and every one of them that lives in my town to-day is my personal friend and I am their personal friend. When they want help, they come to me, and I have never yet turned one of them away empty-handed. I never will.

Mr. Speaker, you used to be a circuit attorney, and I was prosecuting attorney. The law in every civilized community where the English tongue is spoken is this: That the man that gives aid or comfort to a murderer is a murderer himself—an accessory after the fact. [Applause on the Democratic side.] Indeed, in the criminal code passed through this House only a few days ago both accessories before the fact and accessories after the fact are specifically declared to be principals in felonies. Now, what are the facts in this case?

Mr. HOBSON. Will the gentleman yield to a question?

Mr. CLARK of Missouri. I have not time. I do not want to be discourteous, but that is exactly the situation.

Some of these soldiers committed murder. There is not any doubt about that in any sensible man's mind. The man murdered was a peace officer, killed in the discharge of his duties. They tried to commit two more murders. Every man in that battalion that has any knowledge of that transaction is as guilty in the eyes of the law as the man that pulled the trigger. and you can not get away from that. [Applause on the Democratic side.] There is not a single man here or elsewhere who ever read a hornbook on criminal law who would, under oath, take issue with me on the law as I have stated it.

What was offered after President Roosevelt, as Commander in Chief of the Army and the Navy, put these men out of the service? William H. Taft was Secretary of War. They both said that if the men of that battalion would deliver up to justice the guilty ones the rest of them should be reinstated in the army. [Applause.] That was your President, Mr. Speaker, and that is your President-elect. Their proposition was a fair one, and the law ought to have been enforced on them whether they were black men or white men. [Renewed applause.] See how it is? The United States soldiers are the only men permitted to carry arms under the law and swagger around with them, except in a few towns, where the policemen have that power. If I knew of any man in Washington who had threatened hundreds of times to take my life, I do not have the poor privilege under the law of carrying a pistol for self-defense.

Soldiers, of all men, ought to behave themselves, whether black or white. This can not be twisted into a race question. It is purely a legal question. You can not befog it by talking about black men and white men. You can not befog it by talking about Republicans or Democrats. You will fool nobody by such jabber and such tactics. Every man that commits murder—I do not care whether in the army or out of the army—ought to be hanged until he is as dead as the men who lived before the flood. [Laughter and applause.] President Roosevelt has denounced the men that committed that crime as "bloody butchers and murderers." Mr. Speaker, there are some 200 of us in this town that one night witnessed a spectacle never seen before by human eyes and in all probability never to be duplicated in all the centuries yet to be. We saw a Senator of the United States [Mr. FORAKER] in a public place hold a joint discussion with the President of the United States and hold his own. It grew out of this Brownsville business and was a most thrilling performance. Just exactly how anybody can get his own consent that a murderer shall not be punished I can not tell.

One thing more and I will quit. This bill ought to be entitled "A bill to put a premium on perjury." [Loud applause.]

The bill runs as follows:

An act to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Be it enacted, etc., That the Secretary of War is hereby authorized to appoint a court of inquiry, to consist of five officers of the United States Army, not below the rank of colonel, which court shall be authorized to hear and report upon all charges and testimony relating to the shooting affray which took place at Brownsville, Tex., on the night of August 13–14, 1906. Said court shall, within one year from the date of its appointment, make a final report, and from time to time shall make partial reports, to the Secretary of War of the results of such inquiry, and such soldiers and noncommissioned officers of Companies B, C, and D, of the Twenty-fifth Regiment U. S. Infantry, who were discharged from the military service as members of said regiment, under the provisions of Special Orders, No. 266, dated at the War Department the 9th day of November, 1906, as said court shall find and report as qualified for reenlistment in the Army of the United States shall thereby become eligible for reenlistment.

SEC. 2. That any noncommissioned officer or private who shall be made eligible for reenlistment under the provisions of the preceding section shall, if reenlisted, be considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited, and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive according to his rank from said date of discharge as if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

The second section of this bill, when intelligently interpreted, provides that the men who perjure themselves, or whom you can not prove are guilty, shall not only be reinstated in the army, but they shall receive their emoluments for the two years, I believe it is, that they have been out of the army, and for the time until they go back into the army. In addition to that they are to resume rights to be put on the retired list. Does any sane man believe that a man who commits assassination will not also commit perjury? Others may vote for this bill. I will not.

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. Just one more sentence. I say now, speaking for every man here, that if these soldiers will give up the guilty ones the innocent ones may be taken care of. [Loud applause.]

Mr. HULL of Iowa. I yield the balance of my time to the gentleman——

Mr. BEDE. May I ask the gentleman from Missouri one question?

The SPEAKER. The gentleman has not the floor.

Mr. WILLIAMS. I have not the time to yield. If I had, I would gladly do so. [Cries of "Give him half a minute!"]

Mr. HULL of Iowa. I ask unanimous consent that the gentleman from Minnesota may have the right to ask one question of the gentleman from Missouri, and that he have time to reply.

Mr. CLARK of Missouri. I would like to have time to answer it.

Mr. HULL of Iowa. That is my request.

The SPEAKER. Is there objection?

Mr. HULL of Iowa. I will ask unanimous consent that the gentleman from Minnesota may have the right to ask the gentleman a question, not to exceed half a minute, and that the gentleman from Missouri have one minute to reply.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BEDE. I ask the question merely as a layman. The gentleman from Missouri has stated that many Members of this House have been prosecuting officers. I ask him this question from his knowledge of jurisprudence, as it would clear up my mind a little before this vote; if he can tell me if there has ever been a case where 167 men went into a conspiracy? There were 167 of these soldiers. I have never heard of a case where that many men went into a conspiracy.

Mr. CLARK of Missouri. Why, there are cases where thousands of men went into conspiracy. There is no question about that.

It does not make any difference what you call it. There were the Bald Knobbers in Missouri; there were the Night Riders, the Kuklux; the Mollie Maguires in Pennsylvania; the White Cappers; the Mafia in Louisiana; and the race riots at Springfield, Ohio, and Springfield, Ill. [Applause and laughter on the Democratic side.]

Mr. HENRY of Texas. I ask unanimous consent——

Mr. HULL of Iowa. Mr. Speaker, I must object. I want to yield the balance of my time now.

Mr. HENRY of Texas. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa yield?

Mr. HULL of Iowa. I will not.

The SPEAKER. The gentleman declines to yield.

Mr. HULL of Iowa. I yield the remainder of my time to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, neither in the judgment of civilized man nor in the judgment of Almighty God will the Saxon or white race ever attain, establish, or maintain supremacy in this world by or through acts of cruelty or injustice to an inferior race. [Applause.]

On the night of the 13th of August, 1906, an unfortunate thing happened in Brownsville, Tex. One man was killed; the chief of police was dangerously wounded. Some superficial examination was made by an officer of the army, specially detailed, with reference to ascertaining who was guilty. So far as I have been able to read the testimony taken of some of the men who are arraigned here to-day and charged with being guilty of crime, not one of them was asked any question the answer to which would or could have tended to show who committed the crime or that the witness being examined knew who committed it.

General Garlington, who made the report, based on the testimony, simply reported that the men at whose door the crime was laid were given the opportunity to prove that they did not know who was guilty. This was not true in any real sense. They were offered no such opportunity. The testimony, it would seem to a lawyer, was taken with a view to not eliciting from the witnesses examined any important thing they might know as to either the guilt or innocence of anybody. But of this, more at length, a little later.

Mr. GARNER. Will the gentleman yield?

Mr. KEIFER. No; not now. On the 9th of November, 1906, by the direction of the President, a War Department order, No. 266, was issued, discharging without honor from the service of the United States Companies B, C, and D, of the Twenty-fifth U. S. Infantry, including about 167 enlisted men. Part only of the members of these companies were at Brownsville when the shooting took place, and some of those then there were, for minor offenses, locked up in the guardhouse, and still others who were there were sick in hospital, and about 18 of the enlisted men of these companies were a thousand or more miles away, principally in Oklahoma, on furlough or on detail duty.

The gentleman from Missouri [Mr. CLARK], who has just taken his seat, says that they are all guilty of perjury; and he lays down as a principle of law something that has never been recognized in any court of justice in the world. In effect his legal claim is that if a man had an opportunity, or might in some way have, by possibility, the means of knowing that somebody was guilty of a crime, he himself becomes guilty with the principal as an accessory after the fact. No such absurdity has ever crystallized into the law of a civilized country, and never will.

It is not even true, as the distinguished gentleman from Missouri states, "that the man that gives aid or comfort to a murderer is a murderer himself—an accessory after the fact." This announcement of such a rule of law was hastily made or it never would have been made by the distinguished gentleman. An accessory after the fact to any crime, at common law or by statute, is very rare and never can exist where the crime is murder. There may be an accessory before the fact where the party did something to promote the murder before the deed was consummated. There can be no accessory after the fact in homicide or murder. After the murder has been committed there can be no new party to it. There must be a participation in some way in the commission of the crime before guilt can attach. An accessory to a crime, before or after the fact, arises only through participation, directly or indirectly, in the acts, or some of them, constituting or connected with the crime and with a guilty intent; and there can be no accessory after the fact to a crime of any character growing out of a suppression of knowledge of the crime or of the evidence of the guilt of the real criminal. An accessory after the fact to a crime is a person who, with no previous relation to it and after the principal act constituting it has been committed, participates in subsequent acts necessary to its full or final consummation. In larceny and like offenses where property is taken a person may be an accessory after the fact who, after the taking, aids in carrying it off and secreting it. There must be a participation in the crime while it is yet incomplete. Larceny consists in the unlawful taking of property of another, and the offense is regarded as committed any time after the original asportation, but the crime is held to be continuing and repeated so long as the goods are in the possession or under the control of the thief; and he may be prosecuted for the crime in any county of the same State where he has taken the stolen property. A horse stolen in one county and ridden to another renders the thief liable to prosecution in either. There may be repeated accessories in larceny and kindred incomplete offenses, but not in homicide.

But in no case can a man become an accessory after the fact by merely failing to give information as to who the guilty party was, even though he possessed full knowledge of the crime; and to announce, as does the gentleman from Missouri, that "every man in that battalion that has any knowledge of that transaction is as guilty in the eyes of the law as the man that pulled the trigger" is to announce that which is not supported by any authority and is unsound in principle and is not supported by sound reason.

There are many in higher life than the soldiers involved who withhold information as to a guilty party for various reasons, and sometimes justifiably do so, but whether the reason for not disclosing such informtion or knowledge is justifiable or not, those who do so are not regarded, criminally or otherwise, as accessories to a crime. There never was a conviction of a person as an accessory to a crime where the indictment or information only alleged that the person possessed knowledge that some other person had committed it. No such foolish indictment or information was ever framed.

Clergymen, attorneys, and physicians often acquire directly from the guilty the most accurate and detailed information as to their guilt, which is sacredly concealed from the public authorities and which they are not allowed by the common law or by state and federal statutes to disclose in a court of justice, however willing they may be to do so. The law does not regard these professional men as criminals, but guards their knowledge acquired in a confidential way from publicity, and wisely so.

Priests in the confessional may learn the author of the most heinous crime, and their sacred calling warrants and protects them in sacredly keeping the knowledge secret. If the rule of criminality said to exist was applied to priests, they would all be condemned to prison or the gallows.

It has always, in this and other countries, in schools, colleges, and universities, theological institutions included, been regarded as dishonorable for one student to disclose the bad conduct or acts of his fellows, and it is nowhere in civilization held to be dishonorable or criminal to keep secret knowledge of offenses committed by comrades or friends.

But these poor unfortunate negroes are here arraigned as murderers because they did not disclose their supposed knowledge of the guilt of some of their soldier comrades. And it is only assumed that they possessed or could possess knowledge of the guilt of any one of their comrades.

The shallow theory that all of the three companies were in a conspiracy to suppress all knowledge of the shooting up of Brownsville deserves no attention. No such conspiracy was possible or could have been carried out successfully.

Mr. Speaker, I do not care here to go into the question of the power of the President to issue the order of dismissal, and I would not regard it necessary, if I had the time, to arraign him for issuing it, however much I differ with him as to its wisdom or as to his right and power to issue it.

I have heard it said, and I believe it has been repeated on the floor here to-day, that there were precedents for commanding officers of the army dismissing whole battalions of men because of some misconduct. I know of no such precedent and I have reason to believe none can be found. A precedent has been talked about as coming from General Lee, when he issued an

order in October, 1864, with reference to a battalion of the army of northern Virginia. In that case General Lee expressly declined to exercise the power to dismiss the battalion, but simply ordered it out of the army of northern Virginia in disgrace. He did not assume to do anything more. That is the only precedent I have heard cited on the confederate side in the civil war. I will read here this much-talked-of order of General Lee:

General Order No. —.
HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
October —, 1864.

The ——— Battalion, for cowardly conduct on every battlefield from Gettysburg to the present time, is unworthy of a place as an organization in the Army of Northern Virginia. It will be marched to division headquarters Wednesday afternoon at 4 o'clock and surrender its colors and marched to the rear in disgrace. The general commanding the Army of Northern Virginia regrets that there are some brave officers and men belonging to this organization who must share in this common disgrace, but the good of the service requires it, and they must bear it as brave soldiers.

Gen. R. E. LEE,
———,
Assistant Adjutant-General.

It will be seen the battalion was only sent to the rear in disgrace, and the whole battalion was held guilty of cowardice, as the order recites, and of course all its members must suffer together.

Mr. BARTLETT of Georgia. The President in his message cited the precedent of an Ohio regiment.

Mr. KEIFER. I can not now allow the gentleman to take my time. General Grant or General Lee could order an organized army into battle where possibly 50 per cent or more of them might be killed or wounded, but neither of those generals had the right to order any of them dismissed from the army, organized under and in pursuance of law, without trial by court-martial.

The power of the President, as Commander in Chief, to command the Army of the United States does not carry with it the power to disband that army. And of course this is so as to generals commanding armies. The dismissal of the officers and enlisted men of the Volunteer Army in times of war would not be a precedent for the dismissal of officers and soldiers from the Regular Army, as the commissions and enlistment in the Volunteer Army provide for a term of months or years or during the war and always coupled with a condition—"or until sooner discharged." Hence the enlisting authority might discharge during the war an organization of volunteers at any time. The Regular Army of the United States in all its history furnishes no precedent for the presidential order.

The present adjutant-general of the United States Army, Maj. Gen. F. C. Ainsworth, of date of December 10, 1906, in a memorandum furnished at the request of the Secretary of War, among other things, says:

A protracted examination of the official records has thus far resulted in failure to discover a precedent in the Regular Army for the discharge of those members of the three companies of the Twenty-fifth Infantry who were present on the night of August 13, 1906, when an affray in the city of Brownsville took place.

* * * * * * *

No record of the summary discharge from the Regular Army, prior to the recent discharge of a battalion of the Twenty-fifth Infantry, of a considerable number of enlisted men at one time has been found.

The individual cases of summary discharge without honor and without court-martial from the Regular Army are shown by the same authority to be on account of "fraudulent enlistment," "desertion," "imprisonment after conviction by a civil court," and for "having become disqualified for service through their own misconduct," and not because the soldiers were charged with any crime punishable under the Army Regulations or by statutes, state or federal. And in most of the cases other than those arising from desertion the soldier was discharged on his own application.

Involuntary discharges from the United States Army seem to be unknown, especially where vested rights, due to long service and repeated enlistments, were involved. Only after conviction by a duly organized military court can such rights be properly or legally taken away and the soldier be dishonorably discharged.

The alleged precedents arising in the civil war where it is said volunteer military organizations were discharged the service I have already sufficiently commented on and pointed out that by the terms of enlistment they were at all times subject to discharge by the President from the service.

There were cases in the Union Army, like the one I have referred to in General Lee's army, where a regiment, battalion, or company was sent to the rear in disgrace as a punishment, but I think no precedent can be found of even an enlisted man being discharged for any offense by an army commander without trial by court-martial.

The case of an Ohio regiment just referred to by the gentleman from Georgia [Mr. BARTLETT] as a precedent was doubtless like the General Lee case, where a regiment was ordered to the rear by General Grant as a punishment for bad conduct on the battlefield of Shiloh. Other instances cited are purely cases where the President discharged volunteer military organizations for various reasons, but in accordance with their terms of enlistment.

But here is the question: These men never had a trial; never have faced a tribunal; never were shown to be guilty before the order for their dismissal was issued, nor since, unless possibly a very few of them on ex parte testimony and without trial.

I should like to read the testimony of one or more of these witnesses which my friend from Missouri [Mr. CLARK) says makes them guilty of perjury because they did not answer the questions and disclose somebody's guilt. This witness and the other witnesses responded to the questions asked.

Mr. HENRY of Texas. Read it all.

Mr. KEIFER. I will read the testimony of Musician Jones:

Q. Where were you on August 13 when the shooting commenced?—A. I was in my bed in the quarters.
Q. Asleep or awake?—A. Asleep, sir.
Q. Anybody ever abuse you in Brownsville?—A. No, sir.
Q. Have you ever been in a barroom in Brownsville?—A. No, sir.

Mr. HENRY of Texas. Read it all.

Mr. KEIFER. That is every word of it. That man was then dismissed without further inquiry and not permitted to testify further, and the gentleman from Missouri [Mr. CLARK] calls him a perjurer because he did not disclose who committed the crime. I have looked over the testimony of a large number of the witnesses who testified and who were examined in the same way, and I do not recall one of them having been asked a question that could have elicited an answer as to who was guilty had the witness known. The questions put to all of these witnesses seem to have been designedly so framed as to avoid getting any desired information.

Mr. HENRY of Texas rose.

Mr. KEIFER. Now, I can not yield. I have not the time. I would if I could. If you will give me half an hour I will give you half of it.

Lest the testimony of this witness may be thought exceptional I will read that of a number of other members of Companies B, C, and D, of the Twenty-fifth U. S. Infantry, who were called as witnesses. The testimony of each witness is read in full:

PVT. MARK GORMAN, COMPANY C, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when shooting commenced in Brownsville?—A. In bed.
Q. Where was the bed?—A. Upstairs.
Q. In quarters?—A. Yes, sir.
Q. Asleep or awake?—A. I was asleep; they woke me up.
Q. Anybody in Brownsville ever abuse you?—A. No, sir.
Q. Were you asleep at 11 o'clock inspection?—A. Yes, sir; I guess I was; I did not know when they came through.

PVT. JOSEPH ROGERS, COMPANY C, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13, 1906, when shooting commenced?—A. I was at the guardhouse.
Q. Asleep or awake?—A. Asleep, sir.
Q. Who did you first see when you awoke?—A. The sergeant of the guard.
Q. Name him.—A. Sergeant Reid.
Q. Was the shooting still going on?—A. Yes, sir.
Q. Anybody ever abuse you in Brownsville?—A. No, sir.

PVT. JAMES T. HARDIN, COMPANY C, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13, 1906, when shooting commenced in Brownsville?—A. I was at Lieutenant Higgins's quarters.
Q. Awake or asleep?—A. Asleep, sir.
Q. Who did you first see when you awoke?—A. Artificer Rudy, next morning.
Q. Anybody in Brownsville ever abuse you?—A. No, sir.

PVT. AUGUST WILLIAMS, COMPANY C, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when the shooting commenced?—A. In Brownsville, Tex.
Q. What part of Brownsville?—A. I was in the post; in quarters.
Q. Awake or asleep?—A. Asleep, sir.
Q. Anybody in Brownsville ever abuse you?—A. No, sir; nobody ever abused me.
Q. Who, if anybody, told you that they had been abused?—A. Nobody that I remember.

PVT. ROBERT TURNER, COMPANY C, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when shooting commenced?—A. Was over across the garrison at Lieutenant Hay's quarters at Fort Brown.
Q. Did you hear the shooting?—A. Yes, sir.
Q. Were you awake or asleep when the shooting commenced?—A. I was asleep when it first commenced.
Q. Did anybody in Brownsville ever abuse you?—A. No, sir.
Q. Did anybody ever tell you that they had been abused in Brownsville?—A. Yes, sir; one was Private—don't remember his name.

PVT. JOHN T. HAWKINS, COMPANY C, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when the shooting commenced?—A. I was asleep in bed in quarters.
Q. Anybody ever abuse you in Brownsville?—A. No, sir.

PVT. LEARTIS WEBB, COMPANY C, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when the shooting commenced?—A. In bed, asleep; bed was near the door upstairs; in the quarters.

Q. Awake or asleep —A. Asleep.
Q. Anybody ever abuse you in Brownsville?—A. No, sir.
Q. Anybody ever tell you that they had been abused in Brownsville?—A. No, sir.

PVT. CALVIN SMITH, COMPANY C, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when the shooting commenced?—A. I was in my bed, sir; in quarters.
Q. Awake or asleep?—A. I was asleep; woke up by noise of shooting.
Q. Anybody ever abuse you in Brownsville?—A. No, sir.

PVT. JOHN SMITH, COMPANY C, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when the shooting commenced at Brownsville?—A. I was in confinement.

PVT. HENRY T. W. BROWN, COMPANY D, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13, 1906, when the shooting commenced?—A. Fort Brown, Tex.; in barracks, asleep.
Q. Anybody ever abuse you in Brownsville?—A. No, sir.
Q. Any man ever tell you that he had been abused in Brownsville?—A. Once. His name is Newton, belonged to C Company. Man by the name of Reed, belonged to C Company. That is all.
Q. Ever hear of anybody else being abused there from any company?—A. No, sir.

COOK ROBERT WILLIAMS, COMPANY D, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when the shooting commenced?—A. In my room, sir; asleep.
Q. Anybody ever abuse you in Brownsville?—A. No, sir.
Q. Any man ever tell you he had been abused in Brownsville?—A. No, sir.

CORPL. ALBERT ROWLAND, COMPANY D, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when the shooting commenced?—A. I was in my quarters.
Q. Awake or asleep?—A. I was asleep at the beginning of it.
Q. Anybody ever abuse you in Brownsville?—A. No, sir.
Q. Did you ever hear anybody say that he had been abused in Brownsville?—A. I heard one man say; I can not think of his name; belongs to C Company; the man that said he got hit.
Q. Did you ever go into a saloon in Brownsville?—A. Only one; a discharged soldier had one there; I went into it.
Q. Was that a private saloon for the Twenty-fifth Infantry soldiers?—A. Yes; I think it was.
Q. Never went into a city saloon?—A. No, sir; never went into a city saloon.

PVT. DORSIE WILLIS, COMPANY D, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when the shooting commenced?—A. I was in bed, sir; in quarters in garrison; Company D quarters.
Q. Anybody ever abuse you in Brownsville?—A. No, sir.
Q. Hear any rumors that men were abused in Brownsville?—A. Yes, sir.
Q. Name those that you heard were abused.—A. Private Newton, Company C.
Q. Anybody else?—A. Private Reed, also Company C.
Q. Have you ever been in a city saloon in Brownsville?—A. No, sir; only that one that was run there by a discharged soldier.

PVT. WILLIAM E. JONES, COMPANY D, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when the shooting commenced?—A. I was in Captain Lyon's quarters, asleep.
Q. Anybody ever abuse you in Brownsville?—A. No, sir.

MUSICIAN HENRY JIMERSON, COMPANY B, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13, 1906, when shooting in Brownsville commenced?—A. In quarters, sir.
Q. Awake or asleep?—A. Asleep.
Q. Were you ever abused in Brownsville?—A. No, sir.
Q. Were you ever in a saloon in Brownsville?—A. No, sir; I never was.

PVT. WILLIAM M. MATTHEWS, COMPANY D, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13, 1906, when shooting commenced?—A. In quarters, sir.
Q. Awake or asleep?—A. Asleep, sir.
Q. Were you ever abused in Brownsville?—A. No, sir.
Q. Were you ever in a saloon in Brownsville?—A. Once, sir; called the depot saloon—Mexican saloon.

PVT. GEORGE W. PERKINS, COMPANY C, TWENTY-FIFTH INFANTRY.

Q. How long have you been in the service?—A. Eight years.
Q. Where were you on August 13, 1906, when the shooting commenced?—A. In Brownsville; in quarters, in bed.
Q. Awake or asleep?—A. Asleep at the time.
Q. Have you ever been abused in Brownsville?—A. No, sir.
Q. Have you ever been in a saloon in Brownsville kept by a white man?—A. Once I started in there and turned back. A Mexican told me not to go in those saloons, because they wouldn't serve me, so I turned back and wouldn't go in. On one occasion I was downtown unloading freight; stopped in; otherwise haven't been in.
Q. Ever been in a Mexican saloon?—A. No, sir.

PVT. JOHN BROWN, COMPANY B, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when shooting commenced?—A. In the baker shop, asleep.
Q. Have yau ever been abused in Brownsville?—A. No, sir.

PVT. WILLIAM E. JONES, COMPANY D, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when shooting commenced?—A. In Fort Brown, sir.
Q. Whereabouts?—A. Asleep, when the shooting commenced.
Q. Where?—A. In my bunk; sleeping in my quarters.
Q. Were you ever abused in Brownsville?—A. No, sir.

PVT. FRANK BUNSLER, COMPANY C, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13, 1906, when the shooting commenced?—A. In the guardhouse at Brownsville.

PVT. HENRY ODOM, COMPANY B, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13 when shooting commenced at Brownsville?—A. Asleep, sir; in barracks.
Q. Who did you first see when you woke up?—A. I got up and put on my trousers and ran down; met the major; first I saw.
Q. Have you ever been abused in Brownsville?—A. No, sir.
Q. Have you ever been in a barroom kept by a white man?—A. No, sir.
Q. Why not?—A. Because I very seldom went down town, sir.

PVT. LEROY HORN, COMPANY B, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13, 1906, when shooting commenced at Brownsville?—A. Laying in bed, asleep, sir. Bed on side of house next to town, in barracks.
Q. Were you ever abused in Brownsville?—A. No, sir.

PVT. SOLOMON JOHNSON, COMPANY B, TWENTY-FIFTH INFANTRY.

Q. On August 13, 1906, where were you when shooting commenced?—A. In quarters, sir; in barracks, in bed.
Q. Asleep or awake?—A. Asleep.
Q. Were you ever abused in Brownsville?—A. No, sir; I wasn't.
Q. Were you ever in a saloon in Brownsville kept by a white man?—A. No, sir.
Q. Why not?—A. It was said partition had been put between white and colored, so I never went down there.

PVT. WILLIAM ANDERSON, COMPANY B, TWENTY-FIFTH INFANTRY.

Q. Where were you on August 13, 1906, when shooting commenced?—A. In my bed asleep; in barracks when shooting begun. When I woke up, shooting was going on; shooting and call to arms woke me up, together.
Q. Anybody ever abuse you in Brownsville?—A. No, sir; never had any trouble any time with anyone.
Q. Did you ever hear of anyone having trouble? If so, state who.—A. I heard of Private Reed, C Company, and Newton, C Company, so I heard say; I don't know, though.
Q. Anybody else?—A. No, sir.

The testimony of these soldiers is sufficient to show that no real effort was made in good faith to have the members of these companies disclose any knowledge they might have possessed as to the guilt or innocence of anybody, and there was no effort to have them exculpate themselves. There was much testimony of members of the three companies of the character quoted.

On this character of testimony General Garlington, in his report to the War Department and the President, was pleased to say:

> The uniform denial on the part of the enlisted men concerning the "barrack talk" in regard to these acts of hostility upon the part of certain citizens of Brownsville indicated a possible general understanding among the enlisted men of this battalion as to the position they would take in the premises, but I could find no evidence of such understanding.

And, further, that—

> It has been established, by careful investigation, beyond reasonable doubt that the firing into the houses of the citizens of Brownsville, while the inhabitants thereof were pursuing their peaceful vocation or sleeping, and by which one citizen was killed and the chief of police so seriously wounded that he lost an arm, was done by enlisted men of the Twenty-fifth Infantry belonging to the battalion stationed at Fort Brown. After due opportunity and notice, the enlisted men of the Twenty-fifth Infantry have failed to tell all that it is reasonable to believe they know concerning the shooting. If they had done so, if they had been willing to relate all the circumstances—instances preliminary to the trouble—it is extremely probable that a clew sufficiently definite to lead to results would have been disclosed. They appear to stand together in a determination to resist the detection of the guilty; therefore they should stand together when the penalty falls.

And by way of conclusion he said:

> I recommend that orders be issued as soon as practicable discharging, without honor, every man in Companies B, C, and D of the Twenty-fifth Infantry serving at Fort Brown, Tex., on the night of August 13, 1906, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government.

On this report the President acted, and his order was as comprehensive as the recommendation just quoted. The bill we are about to pass will only partially and tardily repair the consequent injustice done.

It has been frequently asserted here to-day that Secretary of War Taft approved the issuance of the order of dismissal. My understanding is that he did not, and that he delayed its issue until he had no discretion in the matter.

It is said, after careful scrutiny of the testimony taken by the Senate Committee on Military Affairs, that about five or six, as I now recollect, of these persons have been inculpated, and the balance, according to every test that is applied to criminal procedure, are innocent. The bill is hardly just to these soldiers, but it is hoped that it will secure substantial relief to all who are found to be innocent. It is the best that can be done now, and the bill should be passed.

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, on the passage of the bill I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 211, nays 102, answered "present" 1, not voting 72, as follows:

YEAS—211.

Acheson	Barclay	Boyd	Campbell
Adair	Barnhart	Bradley	Capron
Alexander, N. Y.	Bartholdt	Brownlow	Cassel
Allen	Bates	Burleigh	Caulfield
Ames	Bede	Burton, Del.	Chaney
Andrus	Bennet, N. Y.	Burton, Ohio	Chapman
Anthony	Bennett, Ky.	Butler	Cockran
Ashbrook	Bonynge	Calderhead	Cole
Barchfeld	Boutell	Caldwell	Cook, Colo

Cooper, Wis.	Haggott	Loud	Reynolds
Cousins	Hall	Loudenslager	Roberts
Cox, Ind.	Hamilton, Iowa	Lowden	Rodenberg
Crumpacker	Hamilton, Mich.	McCall	Rothermel
Currier	Harding	McCreary	Ryan
Cushman	Haskins	McDermott	Scott
Dalzell	Haugen	McGuire	Sherman
Darragh	Hawley	McHenry	Sherwood
Davis	Hayes	McKinlay, Cal.	Slemp
Dawson	Henry, Conn.	McKinley, Ill.	Smith, Cal.
Denby	Hepburn	McKinney	Smith, Iowa
Denver	Higgins	McLachlan, Cal.	Smith, Mich.
Diekema	Hill, Conn.	McLaughlin, Mich.	Snapp
Dixon	Hinshaw	McMorran	Southwick
Douglas	Hitchcock	Madden	Sperry
Draper	Hobson	Madison	Stafford
Driscoll	Holliday	Malby	Steenerson
Durey	Howell, N. J.	Mann	Stevens, Minn.
Dwight	Howell, Utah	Martin	Sturgiss
Edwards, Ky.	Howland	Miller	Sulloway
Ellis, Oreg.	Hubbard, Iowa	Morse	Sulzer
Englebright	Hubbard, W. Va.	Mudd	Swasey
Esch	Hughes, N. J.	Murdock	Tawney
Fairchild	Hull, Iowa	Needham	Taylor, Ohio
Fitzgerald	Humphrey, Wash.	Nelson	Thistlewood
Focht	Jenkins	Nicholls	Thomas, Ohio
Fornes	Jones, Wash.	Norris	Tirrell
Foss	Keifer	Nye	Tou Velle
Foster, Ill.	Keliher	Olcott	Townsend
Foster, Ind.	Kennedy, Iowa	Olmsted	Volstead
Foster, Vt.	Kennedy, Ohio	Overstreet	Vreeland
French	Kinkaid	Parker	Waldo
Fuller	Kipp	Parsons	Wanger
Gaines, W. Va.	Knapp	Payne	Washburn
Gardner, Mass.	Knopf	Pearre	Weeks
Gardner, N. J.	Knowland	Perkins	Wheeler
Gilhams	Küstermann	Peters	Willett
Gillett	Lafean	Pollard	Wilson, Ill.
Goebel	Landis	Porter	Wilson, Pa.
Goulden	Langley	Pray	Wood
Graff	Law	Prince	Woodyard
Greene	Lawrence	Rainey	Young
Gronna	Lindbergh	Rauch	The Speaker
Guernsey	Longworth	Reeder	

NAYS—102.

Adamson	Estopinal	Humphreys, Miss.	Richardson
Aiken	Favrot	James, Ollie M.	Robinson
Alexander, Mo.	Ferris	Johnson, S. C.	Russell, Mo.
Bartlett, Ga.	Finley	Jones, Va.	Russell, Tex.
Beale, Pa.	Flood	Kimball	Shackleford
Beall, Tex.	Gaines, Tenn.	Kitchin	Sheppard
Bell, Ga.	Garner	Lamb	Sherley
Booher	Garrett	Lee	Sims
Brantley	Gill	Lenahan	Slayden
Brodhead	Gillespie	Lever	Small
Brundidge	Glass	Lewis	Smith, Tex.
Burgess	Godwin	Livingston	Sparkman
Burleson	Gordon	Lloyd	Spight
Burnett	Gregg	McLain	Stanley
Byrd	Griggs	Macon	Stephens, Tex.
Candler	Hackney	Maynard	Talbott
Carlin	Hammond	Moon, Tenn.	Taylor, Ala.
Carter	Hardwick	Moore, Tex.	Thomas, N. C.
Clark, Mo.	Hardy	Murphy	Underwood
Clayton	Hay	O'Connell	Wallace
Craig	Heflin	Padgett	Watkins
Cravens	Helm	Page	Webb
Crawford	Henry, Tex.	Patterson	Wiley
Davenport	Houston	Pujo	Williams
De Armond	Howard	Randell, Tex.	
Edwards, Ga.	Hull, Tenn.	Ransdell, La.	

ANSWERED "PRESENT"—1.

Ellis, Mo.

NOT VOTING—72.

Ansberry	Dawes	Huff	Mondell
Bannon	Ellerbe	Hughes, W. Va.	Moon, Pa.
Bartlett, Nev.	Fassett	Jackson	Moore, Pa.
Bingham	Floyd	James, Addison D.	Mouser
Birdsall	Foelker	Johnson, Ky.	Pou
Bowers	Fordney	Kahn	Pratt
Broussard	Foulkrod	Lamar, Fla.	Reid
Burke	Fowler	Lamar, Mo.	Rhinock
Calder	Fulton	Laning	Riordan
Cary	Gardner, Mich.	Lassiter	Rucker
Clark, Fla.	Goldfogle	Leake	Sabath
Cocks, N. Y.	Graham	Legare	Saunders
Conner	Hackett	Lindsay	Smith, Mo.
Cook, Pa.	Hale	Lorimer	Sterling
Cooper, Pa.	Hamill	Lovering	Watson
Cooper, Tex.	Hamlin	McGavin	Weems
Coudrey	Harrison	McMillan	Weisse
Davidson	Hill, Miss.	Marshall	Wolf

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. GARDNER of Michigan with Mr. HAMILL.

Mr. ELLIS of Missouri with Mr. SMITH of Missouri.

Mr. CARY with Mr. WEISSE.

Mr. JACKSON with Mr. WOLF.

Mr. CALDER with Mr. GOLDFOGLE.

Mr. GRAHAM with Mr. LEGARE.

Mr. BIRDSALL with Mr. BROUSSARD.

Mr. STERLING with Mr. SAUNDERS.

Mr. WATSON with Mr. SABATH.

Mr. MOORE of Pennsylvania with Mr. RUCKER.

Mr. MOON of Pennsylvania with Mr. RIORDAN.

Mr. MCMILLAN with Mr. RHINOCK.

Mr. LOVERING with Mr. REID.

Mr. MCGAVIN with Mr. PRATT.

Mr. LORIMER with Mr. POU.

Mr. ADDISON D. JAMES with Mr. LAMAR of Florida.

Mr. HUGHES of West Virginia with Mr. LAMAR of Missouri.

Mr. FOULKROD with Mr. HILL of Mississippi.

Mr. FOELKER with Mr. HARRISON.

Mr. FASSETT with Mr. FLOYD.

Mr. DAWES with Mr. LASSITER.

Mr. DAVIDSON with Mr. HAMLIN.

Mr. COUDREY with Mr. HACKETT.

Mr. COOPER of Pennsylvania with Mr. FULTON.

Mr. COOK of Pennsylvania with Mr. COOPER of Texas.

Mr. COCKS of New York with Mr. CLARK of Florida.

Mr. BURKE with Mr. BOWERS.

Mr. BINGHAM with Mr. BARTLETT of Nevada.

Mr. MANN with Mr. ANSBERRY.

On this vote:

Mr. HUFF with Mr. JOHNSON of Kentucky.

The result of the vote was announced as above recorded.

On motion of Mr. HULL of Iowa, a motion to reconsider the last vote was laid on the table.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes. Pending that motion, Mr. Speaker, I ask unanimous consent to include in the bill certain amendments, one of which was agreed to by the committee, but was by mistake in the printing of the bill omitted, and that is the amendment for the entertainment of foreign representatives of the English and French Governments who have been invited by the State Department to participate in the Champlain celebration next summer. Another is an amendment which the gentleman from Illinois [Mr. MANN] has in regard to a matter that was not determined until too late to be included in the bill, but which ought to be included.

The SPEAKER. The gentleman will have the amendments sent to the desk, and the Clerk will report them.

The Clerk read as follows:

Insert on page 55, after line 18:

"For allowance to ALBERT ESTOPINAL, for expenses incurred as respondent to the memorial asking that he be declared not elected a Member of the Sixtieth Congress, $511.35."

The SPEAKER. The Clerk will report the other amendments.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, will the gentleman from Minnesota [Mr. TAWNEY] yield to me for a moment?

Mr. TAWNEY. I yield to the gentleman.

Mr. WILLIAMS. Mr. Speaker, you are operating now under a rule under which you have made a majority amount to two-thirds, and under which you have ordered that a second should be granted, and as long as you are operating under a rule of that sort and not under the normal and natural rules of the House, I shall object to any favors that are asked while making efforts to operate under that rule. I therefore object.

Mr. MANN. Will the gentleman reserve his objection for a statement?

Mr. WILLIAMS. It is absolutely useless, because my objection does not go to the amendments. I am in favor of both of the amendments.

Mr. MANN. Will the gentleman reserve his objection?

Mr. WILLIAMS. No; I will make it.

Mr. MANN. The gentleman is not acting as usual about such matters. He is very courteous ordinarily.

Mr. WILLIAMS. That may be; but this proceeding is not as usual either.

Mr. MANN. I may say to the gentleman that it will probably cost his colleague on that side of the House $535.

Mr. WILLIAMS. Oh, I think not.

Mr. MANN. There is no way it will ever be in order except now.

Mr. WILLIAMS. If you have a set of rules that do not enable Congress to go ahead without unanimous consent, the Committee on Rules can bring in another rule.

Mr. MANN. The gentleman can take the responsibility with his colleague for this if he desires.

The SPEAKER. The committee can not bring in a rule which is not asked and voted for by the majority.

Mr. TAWNEY. Mr. Speaker, then I move to suspend the rules and pass the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year end-

ing June 30, 1909, and for prior years, and for other purposes, with amendments, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass the bill with certain amendments. The Clerk will report the bill, with the amendments.

The bill as amended was read at length.

During the reading,

Mr. STANLEY (interrupting the reading). Mr. Speaker, I make a point of order on the item about a housekeeper in the White House. It is not authorized by existing law.

The SPEAKER. But this is a motion to suspend the rules and pass the bill as it is with the amendments, whether they be matters subject to a point of order or not.

Mr. STANLEY. As I understand it, this does away with existing law?

The SPEAKER. Not at all.

Mr. MANN. It is in accordance with law.

The SPEAKER. Existing law can not be done away with without legislation by Congress. This is a motion to suspend the rules, such rules as might interfere and all rules that do interfere, if any, with the present and immediate consideration of this bill and the amendments. It is a motion to suspend all the rules and pass the bill with the amendments.

The reading of the bill having proceeded for some time, the following occurred:

Mr. GAINES of Tennessee (interrupting the reading). Mr. Speaker, I would like to make an inquiry.

The SPEAKER. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. If I am in order, I would like to ask a question.

The SPEAKER. The gentleman can not interrupt the reading.

Mr. GAINES of Tennessee. Then, I am not in order; that is what I asked. One never knows when you are in order here, you make so many rules.

The SPEAKER. The gentleman has served long enough in Congress to know he is not in order.

Mr. GAINES of Tennessee. I did not know I was not in order. I have just come into the Chamber; I have been at work, and public work at that, as usual.

The SPEAKER. The gentleman should learn——

Mr. GAINES of Tennessee. It takes a student like the Speaker to know all these rules, and he has to study them every minute, with somebody to prompt him.

The SPEAKER. The gentleman from Tennessee is absolutely discourteous and misstates the fact.

Mr. GAINES of Tennessee. "The gentleman" is not discourteous any more than the Speaker is discourteous to the gentleman from Tennessee. "The gentleman" has not misstated the fact.

The SPEAKER. The Chair sitting as Speaker of the House, desiring to be as nearly impartial as he can, a practice has grown up, on the supposition that the Speaker's tongue is tied, to insult him, and the Speaker will not sit silent——

Mr. GAINES of Tennessee. "The gentleman's" tongue is not tied, and he is insulted as often as the Speaker. He has done that for twelve years——

The SPEAKER. The gentleman will be in order, and the Clerk will proceed.

Mr. GAINES of Tennessee. The Speaker will be in order, too, and has no right to lecture a Member——

The SPEAKER. The gentleman will be in order.

Mr. GAINES of Tennessee. I am trying to be, Mr. Speaker.

The SPEAKER. The gentleman will be in order, and the Sergeant-at-Arms will see that he remains in order.

Mr. GAINES of Tennessee. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman is not recognized for a parliamentary inquiry.

Mr. GAINES of Tennessee. I will sit down, then.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER. Is a second demanded?

Mr. LIVINGSTON. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman demanding the second is entitled to twenty minutes and the gentleman from Minnesota is entitled to twenty minutes.

Mr. TAWNEY. Mr. Speaker, this bill carries appropriations for deficiencies for the fiscal year 1909. The aggregate estimates upon which the bill is based were $21,217,315.51. The amount recommended in the bill is $17,548,932.84. Thirteen million eight hundred and eighty-four thousand five hundred and seventy-eight dollars of this amount is made up of three items, neither one of which is a deficiency growing out of the discretionary action on the part of the department in the matter of public expenditures for the public service. Without exception, they are all made necessary by reason of laws passed by Congress authorizing and requiring additional obligations, for which the committees of Congress reporting the legislation failed to make the appropriations necessary to meet the obligations thus created.

That is true of two of these items, and especially and partially true of the third one. For the military establishment this bill carries $5,229,935. Of this amount $4,000,000 is for pay of officers and enlisted men in the army, made necessary by the law enacted recently increasing the compensation of officers and enlisted men of the army, for which the Congress did not appropriate sufficient money to meet these increased obligations created by this law. Hence this deficiency. With the exception of a few minor items the remaining amount of this deficiency is on account of our military occupation of Cuba, which amounts have been expended during the current fiscal year.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. SHERLEY. What effort is being made by the United States Government looking to have the Government reimbursed for these expenditures in Cuba?

Mr. TAWNEY. So far as the Congress of the United States constitutes a part of the Government it has endeavored to secure the reimbursement of our Treasury for this extraordinary expenditure made for the benefit of the people of Cuba. The act making appropriations to supply the deficiencies in the appropriations for the fiscal year ending June 30, 1907, approved March 4, 1907, contains the following provision:

> The President is hereby authorized to receive from the treasury of the Cuban Republic and pay into the Treasury of the United States from time to time such amounts to reimburse the United States, for the expenditures from the United States Treasury made necessary on account of the present intervention, as he may consider the Cuban treasury may be able to pay without serious embarrassment.

Mr. SHERLEY. What amounts have been received under that authorization?

Mr. TAWNEY. None whatever, as I am advised by the officials of the War Department.

Mr. SHERLEY. The Federal Government is no longer in charge of the revenues of Cuba?

Mr. TAWNEY. No; the Federal Government is no longer in charge of the revenues of Cuba and has not been since some time in January last.

Mr. SHERLEY. And no effort was made while we were in charge to reimburse the Government for these extraordinary expenses?

Mr. TAWNEY. None that I know of.

Mr. SHERLEY. Does the gentleman know what prospect there is of ever getting this money back?

Mr. TAWNEY. I do not know of any prospect now unless the State Department should be authorized to negotiate with the Republic of Cuba for the purpose of securing a reimbursement some time in the future of all or part of this extraordinary expense.

Mr. SHERLEY. Will the gentleman permit the offering of an amendment to that effect on this bill?

Mr. TAWNEY. No; I will not. I could not permit the offering of an amendment of that kind. The matter was discussed hastily, not in the formal meeting of the committee, but by members of the committee, and there is a diversity of opinion among members of the committee themselves on the subject, and the amendments I have offered here are amendments on which there is no disagreement whatever. I would say to the House that the aggregate amount which we have expended on account of our intervention for the purpose of bringing about peace in the island of Cuba this last time is $6,102,956.

Mr. Speaker, we have another item of $5,458,000, which carries the deficiency appropriation for the Isthmian Canal. These deficiencies arise out of the fact that the commission is doing a great deal more work this year than it was estimated a year ago, when the estimates were submitted, would be accomplished. These four items aggregate $13,884,578, and, deducted from the total amount carried as a deficiency, leave a deficiency in all other departments and branches of the public service of $4,715,254. And that includes an item of over a million dollars that is not really chargeable as a deficiency. Five hundred and seventy-four thousand six hundred and eighty-six dollars of that remaining balance is awards of the Spanish Treaty Claims Commission, judgments of the Court of Claims, judgments in Indian depredation claims, judgments in United States courts, and audited accounts.

Another item is $500,000 for the collection of the customs revenues, and to supplement the permanent definite appropriation of $5,500,000 for that purpose.

So the real deficiencies are comparatively small. Mr. Speaker, one of the primary causes for the fact that legitimate deficiencies are so very small now is due to the fact that Congress enacted four years ago this winter the so-called "antideficiency law;" and this law has not only been of benefit in preventing the creation of deficiencies, but it has also been of benefit in restoring to Congress the power of fixing the standard of public expenditure in all the departments of the Government.

There is no disposition now on the part of the departments to begin the expenditure of their appropriations on the basis of their estimates and irrespective of the amounts which Congress has seen fit to allow. I say the law has, therefore, been not only of great benefit in the matter of keeping down deficiencies by compelling the departments to keep within their appropriations, but it has also resulted in giving the departments to understand, and they now understand, that it is the Congress of the United States and not the departments of this Government that fixes the standard of public expenditures. The actual deficiencies carried in this bill of $4,000,000 added to the amount carried in the urgent deficiency bill of a little over $800,000 make the total deficiencies for this fiscal year less than $5,000,000. I reserve the balance of my time.

Mr. LIVINGSTON. I yield ten minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, it is unfortunate that the difficulties of the Republican party make it necessary to use time in order to straighten out their troubles that should be used in the discussion of public business. This appropriation bill, carrying seventeen million five hundred thousand and some odd dollars, has many items in it which should receive serious consideration at the hands of this House. There is no real necessity for the passage of this bill at this time. It could easily wait until the next session and receive ample consideration. Unfortunately, however, there are some Members on that side of the House who believe that the rules of this House should receive some consideration and be changed in some respects. In order to prevent this growing revolt from assuming such proportions that would make success possible in the next House, it is now proposed to take the time that might have been devoted to this important measure to consider a report from the Committee on Rules that will amend in one trivial respect the rules of this House and so break the force of the revolt which is now impending. Since the exigency of the Republican party requires that this condition be met, and so time taken that otherwise would be devoted to this bill, let me at least call attention to a few items in this bill, without any hope of effect on the result when the vote is taken, but that all may know just what is being done.

On the 29th of December, 1906, the Government of the United States occupied Cuba with her military forces. Since that time, until of 1st of February of this year, the United States Government has kept a force of about 6,000 men in the island of Cuba. It has cost this Government a little over $6,000,000 to do so. Some time ago, when Congress realized what was being done, it provided that the President should receive from the treasury of Cuba whatever moneys might be necessary in order to reimburse this Government for its expenditures. That has not been done. Not a single dollar expended in the pacification of Cuba has been or will be reimbursed, although the revenues of Cuba were ample to have done so. I have a report of Governor Magoon, made under date of December 1, 1907, in which he shows that from September 29, 1906, the day of occupation, until October 31, 1907, one year, the revenues of the Republic of Cuba, in the control of this Government, were $54,867,000. The expenditures were about $39,000,000; so that there was a surplus of revenues of about $15,000,000. In 1908 the revenues were $25,466,000; the expenditures, $23,309,000. So that there were ample funds in the treasury of the Cuban Republic to have completely reimbursed this Government for its expenditures. That has not been done. We have given up possession, the money has been expended, and there is little reason to believe that reimbursement will ever be made.

There is another item in this bill to which I desire to call attention, a deficiency appropriation for the mint at Philadelphia. It is not really a deficiency in the appropriation, but the appropriation is made necessary because of the unauthorized diversion of the funds that were appropriated for the mint. Moneys appropriated for certain purposes and obligations under contract were taken under the direction of the President and paid to men who were employed to design the new gold coins, without authority of law, so far as I know, and without any appropriation having been made for it.

There are some other items here to which attention might be called. I might call attention to the generosity with which the great Committee on Ways and Means have been treated. They have a clerical force equivalent to the clerical force of the Committee on Appropriations. Ordinarily the Committee on Ways and Means is not called upon to do much work. They have a clerk at $3,000, an assistant clerk at $2,000, and another clerk at $1,500 a year, and a janitor at $1,000. Since the 10th of November last that committee has been engaged in laborious work on the tariff bill; and because of the additional work, because of work imposed upon it for the first time in ten years, the committee receives $10,000, not for additional clerks, but for additional compensation to their regular clerks and to some men who have been assigned to the committee for special work.

I regret that the political necessities of the Republican party, the situation that requires the fixing up of the troubles that exist among themselves, have made it necessary to bring this bill in under a motion to suspend the rules. I should like to test the House on some of these items. It is useless to point out many of them, but there are others to which the attention of the House could justly be called and which should receive the condemnation of the House. I will not do more than refer to one other item in the bill.

It is not a gracious thing, as a rule, to object to appropriations that are for the convenience or benefit of Members with whom we are closely associated; but in this bill is a provision that those Members of Congress who are now members of the Monetary Commission created in the last session of Congress, and who were unsuccessful in their attempts to be reelected to the House, should be continued as members of that commission with a salary equal to that which they received as Members of Congress. There is no limitation upon the life of the commission; there is no time fixed when this commission shall report; and three Members of Congress, two in this House and one in the other, who have rendered valuable services as Members of Congress, who have also undoubtedly rendered valuable services as members of this commission, are to be continued as members of the commission with a salary equivalent to that which they received for their services as Members of the House as well as members of the commission.

It is in no mean or captious spirit that I criticise this proceeding. It is not in harmony with what I believe to be proper legislation; and however pleasant my relations happen to be with those gentlemen who will be the beneficiaries of this provision, I do not feel that it should pass without being condemned. [Applause.]

Mr. LIVINGSTON. Mr. Speaker, I yield to the gentleman from Kentucky [Mr. SHERLEY] ten minutes.

Mr. SHERLEY. Mr. Speaker, ordinarily the Republican party can never be accused of any hesitancy in disregarding the rights of the minority or of the people in the discussion of a bill, but in this particular instance they have failed to take advantage of two things. They have permitted the reading of a bill that carries $17,000,000, and they are going to grant twenty minutes a side for discussion, notwithstanding the fact that no amendment can be offered and that both the reading of the bill and the discussion, so far as a change in the legislation is concerned, are a waste of time.

I do not believe that any condition can arise that warrants the passage of a bill of this kind under a suspension of the rules. Inasmuch as we are to have a special session of Congress shortly there is no great need, and it is an outrageous invasion of the rights of membership in this House to pass such a bill through it in this way. There are items here that are subject to points of order, items that could stand neither the test of the legislative rule nor the test of the common sense of this House, and that would be stricken out if an opportunity was given. Now, the gentleman from Minnesota felicitates himself and the House on the fact that there are less deficiencies this year than usual. The explanation is very simple. When we appropriate a billion dollars at each session, even the greed of the departments is more or less satisfied, and there is not much room left for deficiencies. But there is one deficiency here that I want to call attention to. Men talk about expenditures, and say, "Oh, well, expenses have to go on, and you can not correct them." Now there is a deficiency in this bill of $600,000 for the Department of Commerce and Labor. On its face it is apparently a deficiency in regard to the Immigration Service. In point of fact the major part of the deficiency has been caused by the extravagant expenditures of an immigration commission authorized by Congress.

That commission in a little over two years has spent or will have spent at the end of this fiscal year $450,140.02. No one has been informed of the items that go to make up that expenditure. The men who are members of that commission—Mem-

bers of Congress, Members of this House and the other—owe it to Congress and to themselves to give to the Congress statements as to these detailed expenditures.

Mr. BENNET of New York. Will the gentleman yield for a brief statement?

Mr. SHERLEY. I will yield for a question. I can not yield for a statement.

Mr. BENNET of New York. Very well.

Mr. SHERLEY. This expenditure, according to the testimony——

Mr. FINLEY. Will the gentleman yield?

Mr. SHERLEY. For a question.

Mr. FINLEY. Do I understand the gentleman to say that no itemized statement has ever been made?

Mr. SHERLEY. I did not say that; but if there has been any report made by that commission I am not aware of it.

Mr. FINLEY. I have no knowledge of the matter, and I am asking if that is the fact.

Mr. SHERLEY. If there has been a report by the commission, I hope some gentleman will correct me.

Mr. LIVINGSTON. There has been no report.

Mr. SHERLEY. Now, inside of two years to have an expenditure of over $400,000 for a commission of this kind requires an explanation. On its face it does not look right to me.

That is the way some of our money goes. Here is another provision which is going to authorize some more of it to go the same way. We created a monetary commission, and, as I now recall, there is no fixed life to that commission. There is no limit upon its expenditure. I am informed that its expenses have been moderate. I trust that is true. I find in this bill a provision that authorizes the payment to members of that commission, who after the 4th of March will cease to be Members of Congress, a salary of $7,500 a year.

Now, at present, these men who are performing work, both as Members of Congress and members of this commission, are receiving $7,500; but when all of their work as Members of Congress ceases, and when only their work as members of the commission continues, they are to receive the same salary of $7,500.

It is not pleasant, as my colleague says, to call attention to this matter. I have the highest respect for the members of that commission whose terms as Members of Congress are about to end, and I think their loss is a loss to the House; but that does not take from us the obligation to check this sort of expenditure. Not one of these gentlemen needs to be taken care of, and it is not proper that we should provide for the payment of such sums to a commission that may run along year after year.

I am also told personally that the commission will last but a short time. We were told that in regard to the Immigration Commission. It was said also of the Commission on Revision of the Laws, that existed for years and years and had to be finally stopped, after quite an effort, by an act of Congress. So I insist that we owe it to ourselves to prevent this sort of an expenditure. They may not be great in any particular case, although the immigration matter is a large matter; but in their aggregate they help to make up a very large sum, and there are enough legitimate expenditures of the Government to warrant us in curtailing all these unnecessary expenditures.

Now, we are deprived on this side of any opportunity of making a point of order against any of these provisions, or to move to strike them out, or to have any real discussion. We are required either to vote for the whole bill or to vote against the whole bill, and there has been no excuse given for forcing this parliamentary situation upon the House. To my mind it is unjustifiable in the extreme. I for one am not willing to lend my sanction to these two items that I have mentioned, or to several others in the bill that time forbids me to now discuss.

Mr. LIVINGSTON. Mr. Speaker, how much time have I remaining?

The SPEAKER. One minute and a half.

Mr. LIVINGSTON. Mr. Speaker, a matter has been referred to by the gentleman from Kentucky [Mr. SHERLEY] that needs a little explanation. It is a deficiency created in the Bureau of Immigration. This House and the Senate have passed four acts establishing immigration stations—one at Charleston, one at Mobile, one at New Orleans, and the other day, just a day or two ago, one at Boston. The comptroller holds that these are special appropriations and have the right of way over the absolute current expenditures in the bureau and in the department, and there is a large amount of money that has been diverted in that way from the head tax that should have gone to the support of the bureau, and the bureau is not to blame any more——

Mr. SHERLEY. I agree with the gentleman, Mr. Speaker, that the bureau had no control over the expenditure of the commission, unfortunately.

Mr. LIVINGSTON. But, Mr. Speaker, this House is to blame for such legislation. They have no use for an immigrant station in Boston, and some of these other places are just as impractical, and the House should blame itself for some of these deficiencies, and not put all onto the committee or on the bureau or on the department. We ought to take our medicine when it comes to us.

Mr. FITZGERALD. I want to ask the gentleman if it is not a fact that the bureau, with a force of inspectors necessary when the immigration fund amounted to $1,200,000, has maintained the same force when it has fallen off to about $600,000 a year?

Mr. LIVINGSTON. That is true; yes. They are anticipating the month of March for the tide of immigration to begin to flow in again, and, if that is true, they will have more money.

Mr. TAWNEY. Mr. Speaker, how much time have I remaining?

The SPEAKER. Thirteen minutes.

Mr. TAWNEY. I yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, the remarks of the gentleman from Kentucky [Mr. SHERLEY] in relation to the Immigration Commission were not founded on knowledge. Out of the head tax, under the operation of the law which limits the amount which can be paid into the immigrant fund to $2,500,000, there were paid into the Treasury of the United States, into the general fund, last year in excess of that sum $880,000, so that really after this $600,000 item in the bill is deducted there would still be a surplus in the Treasury on account of these matters of $288,000, plus. Furthermore, the gentleman charges all the deficiencies to the Immigration Commission. I desire to indorse emphatically what the gentleman from Georgia [Mr. LIVINGSTON] has said about other expenditures.

We authorized a building at Charleston for $70,000, at New Orleans for $70,000, at Galveston for $70,000, at Philadelphia for $250,000, at Boston for $250,000, and in New York City, where 75 per cent of the immigration comes through, very properly and rightly, the Committee on Appropriations has reported out appropriations aggregating in the last two Congresses over one million and a half of dollars for buildings, every one of which was needed. Besides those appropriations the sum spent by the commission cuts a very small figure. The gentleman says that we ought to file a statement. Three hours ago the statement which he desired was filed in the Senate of the United States, and I now ask unanimous consent, Mr. Speaker, to present to this House for printing as a document a statement to Congress relative to the work and expenditures of the Immigration Commission, with a financial statement.

Mr. SHERLEY. Was not that report filed in the Senate as a result of a resolution of the Senate calling for it?

Mr. BENNET of New York. It was not. This is a report to Congress.

The SPEAKER. The gentleman from New York asks unanimous consent to have printed as a document (H. Doc. No. 1489) the report to which he refers. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. VREELAND].

Mr. VREELAND. Mr. Speaker, both the gentleman from New York [Mr. FITZGERALD] and the gentleman from Kentucky [Mr. SHERLEY], members of the committee, have referred to an item in this bill relating to the Monetary Commission. This item and its purpose was fully explained to each of these gentlemen. I had hoped that they would take a broader view of the necessity for it than that it was simply seeking an opportunity to pay a salary to several distinguished gentlemen. A year and a half ago, Mr. Speaker, we had a panic in the United States—a monetary panic. As the result of that there was a paralysis of business, millions of men were turned out of employment, untold suffering came to the American people, which to some extent still exists to-day. The effects of it will still be felt for years to come.

The Congress of the United States passed a temporary measure designed to prevent a currency famine in the future, but it limited the life of that law to May, 1914, and appointed a commission to take up and study the whole subject, for the purpose of preventing in the future monetary panics such as have prevailed in the past. A commission was appointed consisting of nine Members of the House and nine Members of the Senate. They have put in a year of study, constant work in the study of this question, in the collection of information and statistics and

data relating both to our own experience and to the experience of the other great commercial nations. Mr. Speaker, I will ask unanimous consent to insert as a part of my remarks a pamphlet prepared by the commission, showing the extensive field of investigation into which it has entered.

I ask unanimous consent, Mr. Speaker, to file that as a part of my remarks, for the information of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. VREELAND. Mr. Speaker, I think that any gentleman who looks that over and carefully examines the field which this commission is attempting to cover will say that if no other result comes from their efforts they will have at least accumulated the most exhaustive fund of information in reference to financial and currency matters that has ever been collected together. Now, at the end of a year's work we find that three members of this commission are going out of Congress—Senator TELLER, in the Senate; Representative OVERSTREET and Representative BONYNGE, in the House.

We confidently expect that we will be prepared to report to this Congress and recommend legislation which we shall ask to have enacted into law at least a year from this time, somewhere in March or April of the long session of Congress of next year. That is our hope and our expectation, that we will be able to conclude our investigation and make a report to be passed at that time. Now, any gentleman who examines the work that has been gone over by this commission and by those gentlemen who have taken an important part in it will understand that any new men coming upon that commission would be almost worthless in the pursuance of its labors. Senator KNOX is a member of that commission. He goes into the State Department, and we asked him to remain as a member of the commission, and he consented to place his great legal knowledge at the disposition of the commission. Representative THEODORE E. BURTON is going to the Upper House as a Senator from the State of Ohio.

This act will remove any doubt as to his standing as a member of the commission; so that the House will readily see that it would disarrange the work of this commission to have those men who have taken so active and important a part in this year's investigation go out and the Congress and the committee lose the knowledge of the work which they have gained in that time. This simply means that those two distinguished gentlemen of the House and Senator TELLER in the Senate will remain on for another year, and during that time they shall continue to draw the pay of a Member of Congress.

Mr. OLLIE M. JAMES. May I ask the gentleman a question? How much has this commission expended?

Mr. VREELAND. I am unable to state to the gentleman, but it has had no expenses except traveling expenses and to pay the employment of some experts who are preparing specific items in this work.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. OLLIE M. JAMES. But the amount that could be expended is unlimited.

Mr. VREELAND. I suppose it is.

List of conferences in London, Paris, and Berlin held by representatives of the National Monetary Commission, and of papers and statistics to be prepared for the commission.

EUROPEAN CONFERENCES HELD BY REPRESENTATIVES OF THE NATIONAL MONETARY COMMISSION.

CONFERENCES IN LONDON, 1908.

August 12. Parr's Bank (Limited), London, Mr. R. W. Whalley, general manager. Union Discount Company, London, Mr. Christopher R. Nugent, manager; Prof. Herbert S. Foxwell.

August 13. London City and Midland Bank, Mr. Edward H. Holden, M. P., managing director. National Provincial Bank of England, Mr. R. T. Haines, general manager; Sir George Murray, K. C. B., permanent secretary of the treasury.

August 14. The Statist, London, Mr. George Paish, editor.

August 15. Parr's Bank (Limited), Mr. R. W. Whalley, general manager; Bank of England, Mr. W. Middleton Campbell, governor; Mr. Frederick Huth Jackson, director; Mr. Alfred C. Cole, director; Mr. Edward C. Grenfell, director.

August 17. London City and Midland Bank, Mr. Edward H. Holden; Bank of England, Mr. H. W. Search, discount officer; London and Westminster Bank (Limited), Mr. T. J. Russell and Mr. Edward Clifton Brown.

August 18. Baring Bros. & Co., London, Mr. Gaspard Farrer. Hongkong and Shanghai Banking Corporation, Mr. C. S. Addis, manager in London.

August 19. Bank of England, Mr. Frederick Huth Jackson, Mr. Alfred C. Cole; Munroe & Co., Mr. F. de Reiset, 7 Rue Scribe, Paris; Bank of Liverpool, Mr. James H. Simpson, general manager.

August 20. Swiss Bankverein, London, Mr. Leon Rueff, managing director; Mr. L. Joseph, submanager.

CONFERENCES IN BERLIN.

August 26. Deutsche Bank, Dr. Paul Mankiewitz, director.

August 27. Deutsche Bank, Dr. Paul Mankiewitz, director; Reichsbank, Doctor von Glasenapp, vice-president; Doctor von Lumm, director.

August 28. Reichsbank, Doctor von Glasenapp, vice-president; Doctor von Lumm, director.

August 29. Dresdner Bank, Herren Schuster & Nathan, directors.

August 31. Dresdner Bank, Herren Schuster & Nathan, directors; Reichsbank, Doctor von Glasenapp, vice-president; Doctor von Lumm, director.

September 1. Deutsche Bank, Dr. Paul Mankiewitz, director.

September 2. Reichsbank, Doctor von Lumm, director; Dresdner Bank, Herren Schuster & Nathan, directors.

September 4. Schulze-Delitsch Genossenchaften, Herr Kleemann, director.

September 7. Preussische Central Genossenschafts-Kasse, Geheimrat Hessberger et al.; Berliner Kassen Verein, Herr Hoppenstedt.

September 8. Preussische Central Bodenkredit Actien Gesellschaft, geh. Regierungsrat von Klitzing.

September 9. Preussische Central Genossenschafts-Kasse, Geheimrat Hessberger et al.; Pfandbrief Bank, Kommerzienrat Dannanbaum.

September 10. Royal Seehandlung, Geheimer Oberfinanzrat Littner, vice-president.

September 11. Kur- und Neumarkisches Ritterschaftliches Kredit-Institut, Geheimrat Heintze, president; Neues Brandenburgischer Kredit Institut and Kur- und Neumarkische Ritterschaftliche Darlehns Kasse.

September 14. Berliner Handels Gesellschaft, Doctor Mosler; Disconto Gesellschaft, Doctor Salomonsohn.

September 15. Von Mendelssohn & Co., Herr Franz von Mendelssohn; S. Bleichroeder, Doctor von Schwabach.

September 16. Berliner Sparkasse, Stadtrat, Herr Emil Gehricke, president.

September 18. Disconto Gesellschaft, Doctor Salomonsohn.

CONFERENCES IN PARIS.

August 24 and September 26. Banque de France, M. Pallain, gouverneur.

August 25. Crédit Lyonnais, Baron Brincard, administrator.

September 29. Crédit Lyonnais, M. Lefevre, chef des études financières; Comptoir D'Escompte, M. Ullmann, directeur.

October 1. Crédit Lyonnais, M. Lefevre.

October 2. Crédit Agricole, M. Decharme, chef du service du crédit mutuel et de la coopération agricoles; Crédit Foncier, M. Touchard, secrétaire général.

October 3. Crédit Lyonnais, M. Lefevre.

October 5. Caisse des Dépôts et Consignations, M. Delatour, directeur-général.

October 6. Mouvement des Fonds (ministère des finances), M. Sergent, chef; Caisses d'Epargne, M. Georges Paulet, directeur de l'assurance et de la prévoyance sociales, au ministère du travail.

October 7. Banque de Paris et des Pays-Bas, M. Moret, directeur; Banque de France, M. Pallain, gouverneur.

ADDITIONAL CONFERENCES IN LONDON.

October 12. Lord Swaythling; London Joint Stock Bank, Mr. Charles Gow, manager.

October 13. The Union of London and Smith's Bank, Sir Felix Schuster, governor.

ENGLAND.

Reports to be prepared in England.

Prof. H. S. Foxwell, lecturer in the London School of Economics, 1 Harvey road, Cambridge, will prepare a history of banking in England, to include the Bank of England, joint-stock banks, private and merchant bankers, and any other institutions engaged in commercial banking.

H. Withers, financial editor of the London Times, 15 Copthall avenue, London, E. C., will prepare a study of banking practice in England and Scotland, including an account of the London Stock Exchange. (See later pages for details.)

Francis W. Hirst, editor of the Economist, 3 Arundel street, Strand, London, E. C., will prepare a paper upon the growth of the public debts of England, France, and Germany during the last thirty-five years, including national, provincial, municipal, and all publicly guaranteed obligations (e. g., of railroads), to contain some analysis of the budgets of the countries concerned.

George Paish, editor of the Statist, 51 Cannon street, London, E. C., will prepare a paper on the balance of trade and indebtedness between America and England.

Robert Martin Holland, honorable secretary of the clearing house, Post-Office Court, Lombard street, E. C., will prepare an account of the clearing system in London and other cities of the United Kingdom.

Ernest Sykes, of the Central Bankers' Association and of the Institute of Bankers, 34 Clements lane, London, E. C., will prepare a brief statement of the objects and history of these institutions.

ENGLISH STATISTICS.

R. H. I. Palgrave, F. R. S., Henstead Hall, Wrentham, Suffolk, will prepare statistics for the Bank of England since 1844. (See later pages for details.)

Francis W. Hirst, of the Economist, 3 Arundel street, Strand, London, will prepare statistics for the joint-stock and other banks during the last thirty years; as to British exports and imports of gold and rates of international exchange for the last fifty years; as to the growth of population, business, wealth, and commerce of Great Britain since 1867; as to the money supply of Great Britain at intervals since 1844; and also as to the growth of debts, national, provincial, municipal, and changes in the national budgets since 1870 in Great Britain, France, and Germany. (See later pages for details.)

H. W. Search, head of the discount department of the Bank of England, has prepared statistics of the rates for discounts, loans, and deposits of the joint-stock and other banks in London, provincial cities, and country towns for the past twenty years.

R. W. Whalley, of Parr's Bank, 4 Bartholomew lane, London, E. C., will secure information regarding proportion of checks or cash in his bank (metropolitan offices, provincial and country branches being separated).

GERMANY.

Provisional list of books and articles upon German banks to be translated.

I. THE REICHSBANK.

The law of 1875, with amendments and comments as given by R. Koch: Die Reichsgesetzgebung Über Münz-und-Notenbankwesen, Berlin, 1905, pages 1–43, 129–267, Allgemeine Bestimmungen über den Ge-

schäftsverkehr mit der Reichsbank, pages 44–133; also law of February 20, 1906.

Die Reichsbank 1876–1900. Jena 1900. Jubiläums-Schrift, pages 1–225.

RENEWAL OF REICHSBANK PRIVILEGES.

Verhandlungen des dritten allegemeinen Deutschen Bankiertages zu Hamburg am 5, und 6 September 1907, Berlin 1907, pages 68–127, including speeches of Messrs. Schinckel, von Klitzing, Edler von der Planitz, Salomonsohn, Jaffe, Damme, Muller, and others.

W. Lexis: Die Erneuerung des Privilegiums der Reichsbank, Bank-Archiv. VI, Jahrgang 1906, page 309.

M. Stroell: Ueber die Erneuerung des Privilegiums der Reichsbank und der Privat Notenbanken. Bank-Archiv. VI, Jahrgang 1906, page 311.

1. Koch, R. Der Kredit bei der Reichsbank. (Zeitschrift für Handelswissenschaft und Handelspraxis. Leipzig. Juli 1908.)

2. Koch. R. Über den Lombardkredit bei der Reichsbank, insbesondere die Beleihung von Reich- und Staatspapieren. (Deutsche Revue. Stuttgart and Leipzig. 1908. III. Vierteljahr, S. 35–40.)

II. JOINT-STOCK BANKS.

Doctor Riesser: Zur Entwicklungsgeschichte der deutschen Grossbanken mit besonderer Rücksicht auf die Konzentrationsbestrebungen. Jena 1906. (Third edition in preparation.)

III. OTHER BANKS.

a. Mortgage banks.—F. Hecht: Article on Hypothekenbanken in Conrad's Handwörterbuch. (Third edition in preparation.)

b. Landschaften.—Dr. J. Hermes: Article on Landschaften in Conrad's Handwörterbuch. (Second edition.)

Doctor Altrock: Article on Entschuldung in Conrad's Handwörterbuch. (Third edition.)

c. Rentenbanken.—Dr. J. Hermes: Article on Rentenbanken in Conrad's Handwörterbuch. (Second edition.)

d. Landeskultur-Rentenbanken.—Dr. J. Hermes: Article on Landeskultur-Rentenbanken in Conrad's Handwörterbuch. (Second edition.)

e. Genossenschaften.—H. Crüger: Article on Darlehnskassen in Conrad's Handwörterbuch. (Third edition.)

f. Savings banks.—Doctor Breslauer: Article to be prepared.

R. Schachner: Die staatliche und kommunale Sparkassen-politik der neuesten Zeit. Conrad's Jahrbuch, 1906, Seite 247–256.

Doctor Seidel: Das Sparkassenwesen. (Zeitschrift für die gesamte Staatswissenschaft. Tübingen, 1908, S. 58–107.

g. Miscellaneous.—W. Prion: Das Deutsche Wechseldiskont-Geschäft. Leipzig, 1907, pages 110–159. (Discusses relation of bank rate to other rates of discount.)

Dr. M. Wittner: Article on the use of checks in Germany (to be prepared).

Dr. M. Wittner: Brief sketch of the organization of the German money market (to be prepared).

Doctor Breslauer: Article (to be prepared) on the history, organization, and methods of the Bourse.

Dr. Carl Melchior: Article (to be prepared) upon the kinds and forms of corporations, and upon methods of remunerating directors.

German statistics.

Doctor Wittner and Doctor Breslauer, of the Centralverband des Deutschen Bank- und Bankiergewerbes, 7 Dorotheenstr. 3 II, Berlin, will prepare statistics of the Reichsbank, of the money supply of Germany, the exports and imports of gold, the rates of international exchange, the published rates of discount and deposit in different parts of the country, the growth of population, business, wealth, and commerce, statistics also of the Kreditgenossenschaften and the savings banks. (See later pages for details.)

Robert Franz, of the Deutsche Oekonomist, Burgstrasse 3, Berlin, C. 2, will prepare statistics of the joint-stock and other banks for the past twenty years, of the Hypothekenbanken and Landschaften. (See later pages for details.)

The president of the Reichsbank, Excellenz Havenstein, has furnished statistics of rates of discount and deposit throughout Germany corresponding to the figures collected by Mr. Search in England.

Geh. Kommerzienrat E. Jacob, of the Verein Berliner Kaufleute und Industrieller, Jägerstr. 22, Berlin, has been asked to collect data with regard to the relative use of coin, bank notes, and credit instruments, such as checks, drafts, money orders, among the different firms connected with that organization in Berlin.

ADDRESSES.

Doctor Wittner and Doctor Breslauer p. adr., Centralverband des Deutschen Bank und Bankiergewerbes, 7 Dorotheenstr. 3 II, Berlin.

Geh. Justizrat Doctor Riesser, Lichenstein-Allée 4, Berlin.

Geh. Regierungsrat Prof. Johannes Conrad, 13 Muhlweg, Halle a. d. S.

Doctor Whittaker, Wilhelmstrasse 98, Berlitz School, Berlin (translator of Jubiläumschrift).

H. L. Lutz, 49 Wendell street, Cambridge, Mass. (translator of other German material).

Dr. Carl Melchior, 75 Ferdinandstrasse, Hamburg.

FRANCE.

Monographs to be prepared in France.

André Liesse, professeur au Conservatoire National des Arts et Métiers (18 Rue Denfert-Rochereau), Paris, will prepare a history of banking in France to include the Banque de France, the Sociétés de Crédit, the local banks, the Crédit Foncier, and the Crédit Agricole, showing their evolution in form and policy and their interrelations during the past century, with critical opinions as to their relations with the Government, the policies pursued, and the services rendered by them to different classes.

Albert Aupetit, chef du service administratif et des études économiques de la Banque de France, will prepare a study of banking practices in France, showing the distinctive functions of each class of banks and differentiating the character of the business done by the several classes of institutions in Paris, in the large departmental cities and in rural communities, showing also the provisions of law or custom governing their organization, capital, reserve, liabilities of stockholders, officers, and directors, their methods of supervision and inspection, and the nature and extent of returns required or published. The account will portray the general nature of the business done, including the character of the deposits and of current accounts, with the usual rates of interest, if any, paid on both, and a statement of any charges upon the turnover, including the general character of bills discounted, loans, advances to customers, cash credits, and acceptances, with the usual rates charged for each.

It should include an explanation of all terms appearing in the ordinary reports of banks. It should also include a statement as to the use of checks, crossed checks, etc., a description of the organization and methods employed in the Paris chambre de compensation, with a statement as to the kinds of devices which are cleared; also a statement as to the number and aggregate transactions of the other chambres de compensation in France, and a description of the methods of making payments at a distance. There should also be included a description of any organizations or associations of banks other than clearing houses existing either in Paris or elsewhere in France.

Finally, the paper should present in appendices the text of the principal statutes governing the operations of the various classes of banks.

The study is to include the Bank of France, the Sociétés de Crédit, the local banks, the Crédit Foncier, the Crédit Agricole, the Caisse des Dépôts et Consignations, and the Caisses d'Epargne ordinaires and the Caisse d'Epargne Nationale.

Alfred Neymarck, editor of Le Rentier, 33 Rue St. Augustin, ancien président de la Société de Statistique de Paris, will prepare a paper upon savings in France, under the following heads:

1. The formation and development of saving in France.
2. The ordinary savings banks and the postal savings banks.
3. French and foreign securities; their distribution in France and abroad.
4. The influence of security investment upon the rate of discount, upon the banks, their deposits, their reserves, etc.

E. Vidal, editor of La Cote de la Banque et de la Bourse, 1–3 Place de la Bourse, will prepare an account of the history and method of the Paris Bourse, its regulations, whether of law or custom, regarding its organization, conditions of membership, kinds of business done, methods of listing, machinery of settlement, etc.

French statistics.

Albert Aupetit, chef des études économiques, Banque de France, rue la Vrillière, Paris, will collect the statements of the Bank of France since 1875, with tables of rates of interest charged, and the published market rates of discount, statistics of exports and imports of gold, of the rates of international exchange, of the money supply of France, and of the proportion of money and money substitutes in trade. (See later pages for details.)

M. Lefevre, chef des études financières, Crédit Lyonnais, Boulevard des Italiens, Paris, will collect statistics of the Sociétés de Crédit and other banks for the last twenty years, of the Crédit Foncier, of the Crédit Agricole, of the Caisses d'Epargne, and statistics showing the growth of population, business, wealth, and commerce in France. (See later pages for details.)

The governor of the Bank of France, M. Georges Pallain, has been asked to furnish statistics of rates of discount and deposit throughout France corresponding to the figures collected by Mr. Search for Great Britain.

English statistics.

[Statistics to be prepared by R. H. I. Palgrave, F. R. S., Henstead Hall, Wrentham, Suffolk.]

BANK OF ENGLAND STATEMENTS.

To include both issue and banking departments, stated separately—

1. For period since 1844, grouped in annual and decennial averages.
2. For last twenty years, weekly (omitting last five figures).
3. These should also state in each case percentage of reserve (gold, silver, and notes) in banking department to total deposit liabilities.
4. Also annual amount of dividends paid.
5. Average weekly fluctuations for the twenty years (1887–1907) of—
   a. Notes issued.
   b. Notes held by the public.
   c. Bank's reserves.
   d. Public deposits.

TABLE OF BANK OF ENGLAND RATES SINCE 1844.

1. Average rate for annual and decennial periods.
2. Maximum and minimum rates for each year.
3. Number of changes each year.
4. For twenty years (1887–1907) table showing date and character of all changes.

NOTE ISSUES.

a. By Bank of England (as above).
b. By other banks of issue in England and Wales.
c. By banks in Scotland.
d. By banks in Ireland.

1. Annual and decennial averages since 1844 with per capita amounts at decennial periods.
2. Four-weekly statements for last twenty years.
3. Average four-weekly fluctuations for these twenty years.

[Statistics to be prepared by the Economist, Granville House, 3 Arundel street, Strand. Francis W. Hirst, editor, 27 Campden Hill Square, London, W.]

JOINT-STOCK AND OTHER BANKS.

These should be stated separately, to include (*a*) London clearing-house banks, (*b*) other joint-stock banks in England and Wales, (*c*) private banks and merchant bankers who make reports, (*d*) Scotch banks, (*e*) Irish banks, (*f*) foreign and colonial banks doing business in England, as to their English business.

Statements of joint-stock and other banks and bankers should include, as far as possible, the following:

a. The name of the bank or banking house.
b. Number of branches.
c. Subscribed capital.
d. Paid-up capital and reserve fund.
e. Reserve liability of shareholders.
f. Number of shareholders.
g. Cash on hand and at Bank of England (where possible these to be separately stated).
h. Percentage of same to deposit liabilities.
i. Money at call and short notice.
j. Percentage of same to deposit liabilities.
k. Government and other securities.
l. Percentage of same to deposit liabilities.
m. Deposits.
n. Bills discounted.
o. Loans and advances.
p. Percentage of capital and reserve fund to other liabilities.
q. Dividend rate per cent paid last year.
r. Number of reports per year.

CONSOLIDATED STATEMENTS ANNUALLY FOR ALL BANKS FOR TWENTY YEARS.

1. Bank of England.
2. Other banks in England and Wales—
   a. London Clearing-House banks.
   b. Other joint-stock banks in England and Wales.
   c. Private banks and merchant bankers who make reports.
   d. Total for banks of England and Wales.
3. Scotch banks.
4. Irish banks.
5. Foreign and colonial banks doing business in England, as to their English business.
6. Total United Kingdom.

Figures to be given for the following items:

a. Number of banks.
b. Number of branches.
c. Number of inhabitants to each bank and branch.
d. Subscribed capital.
e. Paid-up capital and reserve funds.
f. Reserve liability of shareholders.
g. Deposits.
h. Cash on hand and at Bank of England; percentage of same to deposit liabilities.
i. Money at call and short notice; percentage of same to deposit liabilities.
j. Investments in securities.
k. Discounts, loans, and advances.
l. Percentage of capital and reserve fund to other liabilities.
m. Dividends.

GOLD MOVEMENTS.

Exports and imports of gold—
a. From Great Britain to and from various countries, for annual and decennial periods since 1857.
b. Weekly shipments and receipts for last ten years.
c. Monthly for twenty years.

RATES OF INTERNATIONAL EXCHANGE.

Quoted rates for sight exchange for same time as above (weekly for last ten years, monthly for last twenty years) between—
a. London and New York.
b. London and Paris.
c. London and Berlin.

GROWTH OF POPULATION, BUSINESS, WEALTH, AND COMMERCE.

For annual and decennial periods since 1867 for Great Britain, as shown by—
a. Population.
b. Foreign commerce (exports and imports).
c. Registered tonnage.
d. Amount of bank capital and reserve fund.
e. Bank deposits.
f. Postal, trustee, or other savings banks deposits.
g. Banks clearing-house transactions.
h. Home consumption of tea and sugar.
i. Amount of public revenues.
k. Amount of iron and steel production.
l. Transportation statistics, including gross earnings of railways and number of tons of freight carried 1 mile.
m. Growth in wealth as shown by income-tax returns yield per penny.
n. Total ratable value of lands and houses.
o. Any other available statistics showing industrial growth.
All the above should show also per capita growth.

PROPORTIONS OF MONEY AND MONEY SUBSTITUTES IN TRADE.

Statistics as to the relative use of coin, bank notes, and credit instruments, such as checks, drafts, money orders, etc., as shown by the receipts on a given day of several department stores and several shops in London, in some large provincial cities, and in one or two country towns.

QUOTED MARKET RATES.

The published rates for twenty years, for thirty days and six months' bills, for money on call, and the deposit rates of banks and discount houses, as published in the Economist.

MONEY SUPPLY OF THE UNITED KINGDOM.

1. Total supply of gold at periodic intervals since 1844:
2. Per capita supply of gold at same dates.
3. Total supply of notes at same dates.
4. Per capita of notes at same dates.
5. Percentage of gold supply to total note issue at same dates.
6. Percentage of gold supply to aggregate of notes and deposits.
7. Such figures as can be obtained showing the amount of gold and notes in the banks and in the hands of the people.
8. Amount of silver in circulation.
9. Per capita amount of silver in circulation.

The Economist will endeavor to supplement the figures collected by the deputy master of the mint, with regard to the gold and silver holdings of the banks, by figures especially collected showing the amount of notes held by them, for the purpose of finding the total amount of actual money held by the banks.

GROWTH OF PUBLIC DEBTS IN ENGLAND, FRANCE, AND GERMANY.

To include national, provincial, and municipal debts and all obligations guaranteed by the public, such as railroad bonds and the like.

NATIONAL BUDGETS OF ENGLAND, FRANCE, AND GERMANY.

a. Totals to be presented at intervals of five years during the last four decades.
b. Comparative analysis and classification of revenues and expenses in the budgets of the three countries for the last year available.

German statistics.

[Statistics to be prepared by Dr. Max Wittner and Doctor Breslauer, of the Centralverband des Deutschen Bank und Bankiergewerbes, 3 Dorotheenstrasse, Berlin.]

REICHSBANK STATEMENTS.

1. For period since 1875, grouped in annual and decennial averages.
2. For last twenty years, weekly (omitting last five figures).
3. These should also state in each case percentage of reserve (gold, silver, and Reichskassenscheine):
   a. To note issue.
   b. To notes and deposits.
4. Also annual rate of dividends paid to stockholders and to Government.
5. Average weekly fluctuations for the twenty years (1887–1907) of—
   a. Notes held by the public.
   b. Banks' reserves (coin, bullion, Reichskassenscheine).

TABLE OF REICHSBANK RATES SINCE 1875.

1. Average rate for annual and decennial periods.
2. Maximum and minimum rates for each year.
3. Number of changes each year.
4. For twenty years (1887–1907), table showing date and character of all changes.

NOTE ISSUES.

a. By Reichsbank (as above).
b. By other banks of issue in Germany.
1. Annual and decennial averages since 1875, with per capita amounts at decennial periods.
2. Monthly statements for last twenty years.
3. Average monthly fluctuations for these twenty years.

QUOTED MARKET RATES.

The published rates of the Reichsbank during twenty years, for thirty days and three months' bills, for money on call, for Lombards thirty days, and the private discount rate for the same period in Berlin, in leading provincial cities, and in country towns covering thirty, sixty, ninety, and one hundred and twenty day bills, money on call, on thirty-day Lombards, on advances to customers and on overdrafts, also rates paid on deposits (in so far as these can be obtained).

MONEY SUPPLY OF GERMANY.

1. Total supply of gold at periodic intervals since 1871.
2. Per capita supply of gold at periodic intervals since 1871.
3. Total supply of notes at same dates.
4. Per capita supply of notes at same dates.
5. Percentage of gold supply to total note issue at same dates.
6. Percentage of gold supply to aggregate of notes and deposits.
7. Such figures as can be obtained showing the amount of gold and notes in the banks and in the hands of the people.
8. Amount of silver in circulation.
9. Per capita amount of silver in circulation.

GOLD MOVEMENTS.

Exports and imports of gold—
a. From Germany to and from various countries for annual and decennial periods since 1871.
b. Monthly shipments and receipts for last twenty years.

RATES OF INTERNATIONAL EXCHANGE.

Quoted rates for sight exchange (weekly for last ten years, monthly for last twenty years) between—
a. Berlin and New York.
b. London and Berlin.
c. Paris and Berlin.

GROWTH OF POPULATION, BUSINESS, WEALTH, AND COMMERCE.

For annual and decennial periods since 1871 for Germany, as shown by—
a. Population.
b. Foreign commerce (exports and imports).
c. Registered tonnage.
d. Amount of bank capital and reserve funds.
e. Bank deposits.
f. Savings banks deposits.
g. Bank clearing-house transactions.
h. Home consumption of coffee, sugar, and beer.
i. Amount of public revenues.
k. Amount of iron and steel production.
l. Transportation statistics, including gross earnings of railways and number of tons of freight carried 1 mile.
m. Growth of wealth in Prussia as shown by income-tax returns.
n. Total ratable value of lands and houses.
o. Any other available statistics showing industrial growth.
All the above should show also per capita growth.

KREDITGENOSSENSCHAFTEN.

1. Number of Kreditgenossenschaften and Centralverbände in the Empire.
2. Number of members.
3. Classification of Kreditgenossenschaften according to limitation of liability, with number of members in each group.
4. Extent of members' balances.
5. Extent of reserves.
6. Extent of outside deposits.
7. Kinds and amounts of credit extended (discounts, current accounts, etc.), and other investments.
8. Rates of interest and of discount.
9. Classification of Kreditgenossenschaften as Schultze-Delitsch Raiffeisen, and Haas, and activities of each group, according to above scheme.

SAVINGS BANKS IN PRUSSIA AND IN EMPIRE, WHERE POSSIBLE.

1. Number of institutions.
2. Number of depositors.
3. Proportion of depositors to population.
4. Amount of deposits at the end of each year.
5. Proportion of deposits to depositors and to the total population.
6. Amount of yearly additions to deposits.
7. Amount of yearly withdrawals.
8. Rates of interest paid upon deposits.
9. Classification of investments of savings bank funds.

Above figures to be given for period from 1870 to 1907, and to be divided between city and community savings banks.

[Statistics to be prepared by Dr. Robert Franz, of the Deutsche Oekonomist, Burgstrasse 3, Berlin. C. 2.]

JOINT-STOCK AND OTHER BANKS.

These should be stated separately, to include—
a. Joint-stock banks in Germany.
b. Other banks and bankers who make reports.
c. Foreign and colonial banks doing business in Germany, as to their German business.

Statements of joint-stock and other banks and bankers should include, as far as possible, the following:

a. The name of the bank or banking house.
b. Number of branches (not including agencies).
c. Subscribed capital.
d. Paid-up capital and reserve funds.
e. Reserve liability of shareholders.
f. Number of shareholders.
g. Cash on hand and at Reichsbank (where possible these to be separately stated).
h. Percentage of same to deposit liabilities.
i. Money at call and short notice.
j. Percentage of same to deposit liabilities.
k. Government and other securities.
l. Percentage of same to capital and reserve fund.
m. Deposits and acceptances (stated separately when possible).
n. Bills discounted.
o. Loans and advances.
p. Percentage of capital and reserve fund to other liabilities.
q. Dividends, rate per cent paid last year.
r. Number of statements per year.
s. Syndicate interests and amount invested in the capital of other banks or bankers (stated separately where possible).

CONSOLIDATED STATEMENTS ANNUALLY FOR ALL BANKS FOR TWENTY YEARS.

1. Reichsbank.
2. All joint-stock banks in Germany.
3. Other banks and bankers who make reports.
4. Total for banks of Germany (not including foreign and colonial).
5. Foreign and colonial banks doing business in Germany, as to their German business.
6. Total of German banks.

Figures to be given for the following items:
a. Number of banks.
b. Number of branches.
c. Number of inhabitants to each bank and branch.
d. Subscribed capital.
e. Paid-up capital and reserve funds.
f. Reserve liability of shareholders.
g. Deposits and acceptances (stated separately when possible).
h. Cash on hand and at Reichsbank. Percentage of same to deposit liabilities.
i. Money at call and short notice. Percentage of same to deposit liabilities.
j. Investments in securities.
k. Discounts, loans, and advances.
l. Percentage of capital and reserve funds to other liabilities.
m. Dividends.
n. Syndicate interests and amount invested in the capital of other banks and bankers.

HYPOTHEKENBANKEN AND LANDSCHAFTEN.

Statements should be made for each institution separately for the most recent date available.

Consolidated statements for all institutions taken together should be given annually for twenty years. To include—
a. Number of banks.
b. Number of branches.
c. Subscribed capital.
d. Paid-up capital.
e. Reserve liability of shareholders.
f. Surplus.
g. Total capital and surplus.
h. Mortgage bonds issued.
i. Communal bonds issued.
*i*². Small railway bonds.
j. Deposits.
k. Acceptances.
l. Credit accounts.
m. Covering mortgages.
n. Free mortgages.
o. Communal loans.
p. Small railway loans.
q. Cash on hand and at the bank.
r. Discounts.
s. Securities.
t. Advances on collateral.
u. Deposits with other banks.
v. Amount of dividend.
w. Percentage of dividend.
x. Average size and average duration of mortgages.

French statistics.

[Statistics to be prepared by Albert Aupetit, Chief des Études Économiques de la Banque de France (Rue la Vrillière).]

STATEMENTS OF THE BANQUE DE FRANCE.

1. For period since 1875, grouped in annual and decennial averages.
2. For last twenty years, weekly (omitting last five figures).
3. These should also state in each case percentage of reserve (gold and silver) to (a) note issue, (b) notes and deposits.
4. Also annual rate of dividends paid to stockholders and percentage of capital paid to Government.
5. Average weekly fluctuations for the twenty years (1887 to 1907) of (a) notes held by the public, (b) bank reserves (coin and bullion).

TABLE OF RATES OF INTEREST SINCE 1875.

1. Average rate for annual and decennial periods.
2. Maximum and minimum rates for each year.
3. Number of changes each year.
4. For twenty years, 1887 to 1907, table showing date and character of all changes.

NOTE ISSUES.

1. Annual and decennial averages since 1875, with per capita amounts at decennial periods.
2. Monthly statements for the last twenty years.
3. Average monthly fluctuations for these twenty years.

MARKET RATES OF DISCOUNT.

Rates of the Banque de France during twenty years for thirty-days and three-months bills, for money on call, for thirty-day Lombards, and the rate in other institutions of credit during the same period in Paris, in the leading provincial cities, and in country towns, covering thirty, sixty, ninety, and one hundred and twenty day bills, money on call, on thirty-day advances upon security, and on overdrafts, as well as rates paid on deposits.

GOLD MOVEMENTS.

a. Exports and imports between France and various important countries for annual and decennial periods since 1871.
b. Monthly shipments and receipts for last twenty years.

RATES OF INTERNATIONAL EXCHANGE.

Quoted rates for sight exchange weekly for last ten years, monthly for last twenty years, between—
a. Paris and New York.
b. Paris and London.
c. Paris and Berlin.

MONEY SUPPLY OF FRANCE.

1. Estimated supply of gold at periodic intervals since 1871.
2. Per capita supply of gold at same intervals since 1871.
3. Quantity of notes issued at same date.
4. Per capita amount of notes issued at same date.
5. Percentage of gold supply to total note issue at same dates.
6. Percentage of gold supply to aggregate of notes and deposits.
7. Any figures obtainable showing amount of gold and notes in the banks and in the hands of the people.
8. Amount of silver in circulation.
9. Per capita amount of silver in circulation.

PROPORTION OF MONEY SUBSTITUTES IN TRADE.

Statistics as to the relative use of coin, bank notes, and credit instruments, such as checks, drafts, money orders, etc., as shown by the receipts on a given day from large banks or credit institutions, several department stores, and shops in Paris, in some large provincial cities, and in one or two country towns.

[Statistics to be prepared by Mr. Lefevre of the Études Financières du Crédit Lyonnais, Boulevard des Italiens.]

SOCIÉTÉS DE CRÉDIT AND ALL OTHER BANKS MAKING REPORTS.

The following items from the last annual statement should be given:
a. The name of the institution.
b. Number of branches (not including agencies).
c. Subscribed capital.
d. Paid-up capital and reserve funds.
e. Reserve liability of shareholders.
f. Number of shareholders (where possible).
g. Cash on hand and at the Bank of France.
h. Percentage of same to deposit liabilities.
i. Money at call and short notice.
j. Percentage of same to deposit liabilities.
k. Government and other securities.
l. Percentage of same to capital and reserve funds.
m. Deposits and acceptances, stated separately when possible.
n. Bills discounted.
o. Loans and advances.
p. Percentage of capital and reserve fund to other liabilities.
q. Dividends, rate per cent paid last year.
r. Number of statements per year.
s. Syndicate interests and participations, with amount invested in the capital of other banks, stated separately where possible.

CONSOLIDATED STATEMENTS ANNUALLY FOR ALL BANKS FOR TWENTY YEARS.

Separate groupings to be made for (1) Bank of France; (2) the Sociétés de Crédit; (3) all other banks making reports; (4) total of all banks in France. The figures should include the following items:
a. Number of banks.
b. Number of branches.
c. Number of inhabitants to each bank and branch.
d. Subscribed capital.
e. Paid-up capital and reserve funds.
f. Reserve liability of shareholders.
g. Deposits and acceptances, stated separately where possible.
h. Cash on hand and at Bank of France.
i. Percentage of same to deposit liabilities.
k. Money at call and at short notice.
l. Percentage of same to deposit liabilities.
m. Investments in securities.
n. Discounts, loans, and advances.
o. Percentage of capital and reserve funds to other liabilities.
p. Dividends.
q. Syndicate interests and participations in the capital of other institutions.

CRÉDIT FONCIER.

a. Number of branches.
b. Subscribed capital.
c. Paid-up capital.
d. Reserve liability of shareholders.
e. Surplus.
f. Total capital and surplus.
g. Mortgage bonds issued.
h. Communal bonds issued.
i. Deposits and current accounts.
j. Acceptances.
k. Amount of mortgages taken.
l. Average size of mortgages.
m. Average duration of mortgages.
n. Communal loans.
o. Cash on hand and at the bank.
p. Discounts.
q. Securities.
r. Advances on collateral.
s. Deposits with other banks.
t. Percentage of dividend.

CRÉDIT AGRICOLE.

1. Number of caisses locales.
2. Number of caisses regionales.
3. Number of members.
4. Number with limited liability.
5. Number with unlimited liability.
6. Extent of reserve fund.
7. Kinds and amounts of credit extended (discounts, current accounts, and so on) and other investments.
8. Rates of interest and of discount.

CAISSES D'ÉPARGNE.

The figures should be given separately for the Caisses d'Épargne Ordinaires and for the Caisses Nationales, to include:
1. Number of institutions.

2. Number of depositors.
3. Proportion of depositors to population.
4. Amount of deposits at the end of each year.
5. Proportion of deposits to depositors and to the total population.
6. Amount of yearly additions to deposits.
7. Amount of yearly withdrawals.
8. Rates of interest paid upon deposits.
9. Classification of investment of savings-bank funds.

Above figures to be given for period from 1870 to 1907.

GROWTH OF POPULATION, BUSINESS, WEALTH, AND COMMERCE.

For annual and decennial periods since 1871, as shown by—

a. Population.
b. Foreign commerce (exports and imports).
c. Registered tonnage.
d. Amount of bank capital and reserve fund.
e. Bank deposits.
f. Savings-bank deposits.
g. Bank clearing-house transactions.
h. Home consumption of coffee, sugar, and wine.
i. Amount of public revenue.
k. Amount of iron and steel production.
l. Transportation statistics, including gross earnings of railways and number of tons of freight carried 1 mile.
m. Growth of wealth in France as shown by any particular tax returns.
n. Total ratable value of lands and houses.
o. Any other available statistics showing industrial growth.

[Suggestions for the study of banking practice to be prepared by H. Withers, of the London Times. City office: 15 Copthall avenue, London, E. C. Private address, 6 Linden Gardens, London, W.]

1. What are the distinctive functions of—
a. Bank of England.
b. Joint-stock banks.
c. Private banks and merchant bankers.
d. Postal and trustee or other savings banks.
e. Discount houses.
f. Banks of Scotland.
2. What are the laws which govern each class as evidenced—
(1). By legislation, or
(2). By custom, growing out of the understood unwritten laws, to include in each case the provisions of law or custom governing—
a. Organization.
b. Government and control.
c. Capital and reserve fund.
d. Liabilities of stockholders, officers, and directors.
e. Requirements, if any, for the government or other supervision, inspection, or examination.
f. Nature and extent of statements or returns, public or private, if any, required or published.
3. What is the character of the business done by various classes of banks under the following different conditions:
a. In rural communities.
b. In industrial and financial centers, like Manchester.
c. In commercial centers, like Liverpool.
d. In the great international exchange center of London, to include in each case—
1. General nature of the business done.
2. General character of (*a*) deposits, (*b*) current accounts, with the usual rate of interest, if any, paid on each class.
3. General character of (*a*) bills discounted, (*b*) loans, (*c*) advances to customers or cash credits, with the usual rate of interest on each as compared with the bank rate, (*d*) acceptances.
(To include description of "crossed checks," charges on the turnover, distinction between current and deposit accounts, etc.)
4. Are there organizations or associations of banks other than clearing houses in existence; and if so, what is their character?
5. Number and character of clearing-house organizations in the United Kingdom.
6. Description of London Stock Exchange; its organization; conditions of membership; regulations whether of law or custom; methods of listing; kinds of business done, machinery of settlement, etc.

CANADA.

Reports to be prepared in Canada.

R. M. Breckenridge, 216 Jackson street, Hamilton, Ontario, will prepare a paper upon the history of banking in Canada, giving especial attention to recent legislation and to the organization of the Canadian Bankers' Association, with a compilation of the banking statutes revised to date.

Prof. Joseph French Johnson, of New York University, will prepare a study of banking practices and of the relations between the banks in Canada at the present time.

The commission will also conduct personal inquiries in leading Canadian cities.

JAPAN.

Prof. O. M. W. Sprague, of Harvard University (18 Sumner road, Cambridge, Mass.), will prepare a paper upon the organization and history of the banking system of Japan.

Steps have also been taken to secure information from the Marquis Katsura, premier and minister of finance; Baron Takahashi, vice-governor of the Bank of Japan, and other Japanese authorities.

Reports from other countries.

Dr. Julius Landmann, das Schweizerische Bankgesetz, Untersuchungen zur Geschichte und Kritik der Schweiz. Notenbankgesetzgebung, insbesondere des Bundesgesetzes vom 6 Oktober, 1905, über die Schweizerische Nationalbank.

To be translated under the supervision of Mr. Léon Rueff, of the Swiss Bankverein, 43 Lothbury, London, E. C.

A. W. Flux, of the London Board of Trade, Gwydyr House, Whitehall, London, S. W., England, will prepare a paper upon the recent history of Swedish banking, with especial reference to the changes of the last few years in the note-issuing arrangements.

Charles A. Conant, 32 Nassau street, New York, will prepare papers upon the organization and history of the banking systems of Belgium and Mexico, and short descriptions of the central banks of Austria-Hungary, Russia, and Holland.

Paul M. Warburg, of Kuhn, Loeb & Co., William and Pine streets, New York, will prepare a paper upon the organization of the discount market in London and European financial centers, with a discussion of the methods and effects of rediscounting as practiced there.

L. M. Jacobs, of the foreign-exchange department of the National City Bank, New York, will prepare a paper upon the business of "accepting" in English and European banks, with a discussion of acceptances as a means of increasing the flexibility in a country's credit.

UNITED STATES.

Reports upon banking in the United States.

Prof. William Graham Sumner, of Yale University, New Haven, Conn., has been asked to prepare a paper surveying the banking experiences of the United States during the past hundred years and summarizing the lessons to be learned therefrom.

Prof. Davis R. Dewey, of the Massachusetts Institute of Technology, will prepare a study of banking history in America before the civil war, giving especial attention to the first and second United States banks and the safety fund and free banking systems of New York.

Andrew McFarland Davis, 10 Appleton street, Cambridge, Mass., will prepare a study of the origin of the national-banking system, with especial reference to the motives which led to its creation and the conditions and principles which had influence in giving it form.

Prof. O. M. W. Sprague, of Harvard University (18 Sumner road, Cambridge, Mass.), has been asked to prepare a paper upon the experiences of the banks during the several periods of panic and general suspension since the organization of the national-banking system.

Alexander D. Noyes, 24 Vesey street, New York, financial editor of the Evening Post, will prepare a paper upon the changes in the amount of notes issued by the national banks since their institution in 1864.

Prof. Edwin W. Kemmerer, of Cornell University (Goldwin Smith Hall), Ithaca, N. Y., will prepare a statistical study of seasonal variations in the demand for currency and capital, as evidenced by changes in the domestic exchange rates upon New York in certain cities, the shipments of cash to and from various parts of the country, the movements of loans and reserves in the banks of leading financial centers, the changes in the loan and discount rates, the exports and imports of gold, the rates of foreign exchange, and the prices of certain active investment bonds.

Prof. David Kinley, of the University of Illinois, Urbana, Ill., will prepare a study of the development of the independent treasury system of the United States from its origin down to the present day.

John E. Gardin, of the foreign exchange department of the National City Bank, New York, will prepare an analysis of the balance of indebtedness of the United States during the last twenty of thirty years, with estimates of the amounts of the several items entering that balance and a discussion of their tendencies.

Samuel A. Welldon, 24 Broad street, New York, of the New York bar, will prepare a digest of the laws actually current in the various States, with regard to state banks, trust companies, and savings banks.

——— ——— will prepare a paper upon methods of bank clearances in different parts of the United States, including the settlement of balances and the treatment of checks upon outside towns.

Statistics for the United States.

Lawrence O. Murray, Comptroller of the Currency, will obtain:

First. A report of condition from all the national banks, giving specific items according to a special scheme prepared by the commission.

Second. A report from the national banks as to the relative use of coin, paper money, and credit instruments as shown by the deposits and receipts of the banks on given days (like the reports of 1881, 1890, 1892, and 1896). (This report is to be tabulated under the direction of Prof. David Kinley, of the University of Illinois.)

Third. Recapitulative tables for the national banks for the last twenty years, according to a scheme to be prepared.

The state-bank supervisors, in cooperation with Pierre Jay (room 125, State House, Boston, Mass.), president of the National Association of Supervisors of State Banks, will secure from the state banks and trust companies statistics similar to those secured by the Comptroller of the Currency from national banks.

O. P. Austin, Chief of the Bureau of Statistics, Washington, D. C., will secure statistics as to the annual growth of population, business, wealth, and commerce, and as to the exports and imports of gold during the last forty years.

The Commercial and Financial Chronicle, William B. Dana, editor, 140 Front street, New York, will collect (1) the rates of foreign exchange weekly for the last ten years and monthly for the last twenty years between New York and London; (2) weekly shipments and receipts of gold in New York during the same period; (3) quoted market rates for loans and discounts in New York for the same perior, to include call loans, time loans, and commercial paper for different lengths of time and of as many kinds as are available.

Fred I. Kent, vice-president Bankers' Trust Company, 7 Wall street, New York, will collect (1) the high and low rates for foreign drafts between (*a*) New York and London, (*b*) New York and Berlin, (*c*) New York and Paris, weekly for the last ten years, and monthly for twenty years; (2) the rates for domestic exchange upon New York in Chicago, New Orleans, St. Louis, and San Francisco during a similar period.

The managers of the clearing houses in all cities of 50,000 or more inhabitants will be asked to collect from the banks in those cities a statement of the shipments and receipts of cash from such banks, month by month from January, 1905, to December, 1908.

The managers of the clearing houses in Chicago, St. Louis, New Orleans, and San Francisco will be asked to furnish statements as to the movements in the deposits, loans, and cash reserves of their banks, week by week for the last ten years.

Other papers to be arranged for.

Mr. TAWNEY. Mr. Speaker, I do not wish to occupy any more of my time, unless the gentleman from South Carolina——

The SPEAKER. The question is on suspending the rules——

Mr. TAWNEY. Mr. Speaker, I promised to yield one minute to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Speaker, operating, as we are, under a rule forced upon the minority which does not permit any debate to amount to anything and prohibits amendments to any of these appropriation bills, I am denied the privilege of offering several amendments to this bill which, I am sure, would make it a much better bill. If the rule would permit it, I would offer ar

amendment striking out the appropriation allowed Dantzler and Myers, who contested the seats of myself and my colleague, Judge PATTERSON. The appropriation amounts to $2,500 and is a pure gift to these negroes, who had no idea of winning a seat and no other purpose than getting the fees allowed in this bill. I want the country to know the ridiculousness of these contests, and, with unanimous consent, I desire to submit a statement of the contested-election cases in South Carolina for the past twenty years. This farcical procedure, this unnecessary drain upon the Treasury, will never cease until this Congress has the courage to say to these negroes that "Your case must be more than a farce, more than a ridiculous pretense, before any fees will be allowed." Three contests have been filed again for the Sixty-first Congress, and they will never stop until the Republican majority joins with us on this side in refusing fees where the only purpose of the contest is to obtain the fees. I wish I had the chance to test the sense of the House on this matter, but your rule does not permit it, and I can only voice my protest.

The list shows 18 cases, only 2 of which were successful. The list will also show that the votes received by these Republican contestants have grown less and less, until they now practically amount to nothing.

List of contested election cases from South Carolina from the Fiftieth to the Sixtieth Congresses, both inclusive.

FIFTIETH CONGRESS.

Seventh district, Robert Smalls (vote 5,961) *v.* William Elliott (vote 6,493).

FIFTY-FIRST CONGRESS.

Seventh district, Thomas E. Miller (vote 7,003) *v.* William Elliott (vote 8,358). Miller seated.

FIFTY-SECOND CONGRESS.

Seventh district, Thomas E. Miller (vote 1,410) *v.* William Elliott (vote 3,792).

FIFTY-FOURTH CONGRESS.

First district, George W. Murray (vote 3,913) *v.* William Elliott (vote 5,650). Murray seated.

FIFTY-FIFTH CONGRESS.

First district, George W. Murray (vote 173) *v.* William Elliott (vote 2,478).
Second district, B. P. Chatfield (vote 635) *v.* W. Jasper Talbert (vote 7,999).
Seventh district, Thomas B. Johnston (vote 1,342) *v.* J. William Stokes (vote 8,065).

FIFTY-SIXTH CONGRESS.

Third district, R. R. Tolbert (vote 332) *v.* Asbury C. Latimer (vote 4,029).

FIFTY-SEVENTH CONGRESS.

Seventh district, A. B. Dantzler *v.* A. F. Lever.

FIFTY-EIGHTH CONGRESS.

First district, Aaron P. Prioleau (vote 175) *v.* George S. Legare (vote 3,749).
Seventh district, A. D. Dantzler (vote 167) *v.* A. F. Lever (vote 4,220).

FIFTY-NINTH CONGRESS.

First district, Aaron P. Prioleau (vote 234) *v.* George S. Legare (vote 6,068).
First district, James A. Noland (vote 346) *v.* George S. Legare (vote 6,068).
Second district, Isaac Myers (vote 419) *v.* James O. Patterson (vote 7,426).
Seventh district, Charles C. Jacobs (vote 563) *v.* Asbury F. Lever (vote 8,726).

SIXTIETH CONGRESS.

First district, Aaron P. Prioleau (vote 28) *v.* George S. Legare (vote 3,965).
Second district, Isaac Myers (vote 226) *v.* J. O. Patterson (vote 4,588).
Seventh district, A. D. Dantzler (vote 133) *v.* A. F. Lever (vote 5,391).

Mr. TAWNEY. Mr. Speaker, I yield one minute to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, the Committee on Interstate and Foreign Commerce has given consideration to the subject of locks and dams and waterways. There have been many inquiries by Members of the House upon the subject, and a pamphlet has been compiled by the committee at the request of some Members, and I ask unanimous consent to insert this in the RECORD as part of my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENS of Minnesota. The pamphlet is as follows:

DAMS AND WATER POWER.

WASHINGTON, D. C., *February 25, 1909.*

To the Committee on Interstate and Foreign Commerce,
House of Representatives:

Your subcommittee, appointed to consider and report upon the matters of the construction of the dam across Rainy River, Minnesota, the construction of a dam over the James River, Missouri, and the general subject of dams over navigable streams and the water power developed thereby, has conducted hearings which are in print and are documents of your committee, and in various ways has sought to obtain and compile information. At this time it has not seemed feasible to formulate any plan for legislation the enactment of which could now be definitely recommended. Your subcommittee appreciates the force and importance of the suggestions and recommendations of the President, as set forth in his messages to Congress and in other public documents. Nothing can be of greater consequence to the people than the preservation of the public rights of control and regulation; and of proper tolls, charges, or taxes by public authority over the water powers of the country.

These immense natural resources, in large part dormant, should be developed for the real welfare of the whole country, and not solely for the benefit of those few individuals who had the shrewdness and foresight to acquire such property rights as may be sufficient to dominate and utilize mostly for themselves these privileges. At the same time due regard must be had to the private rights which such individuals may have acquired and of which they can not be deprived without due process of law, and which can not be taken for public use without just compensation. The time will soon come when these water powers should be developed to the advantage of the sections in which they are located, and when great public improvements of varied importance must depend upon such development to properly utilize other vast natural resources. It should be the purpose of Congress to encourage this utilization and development without sacrificing public interests or private rights. If the National Government had the entire jurisdiction and control of all phases of the subject, the problem of suitable legislation would be much easier, though even then its solution would be perplexing and arduous. But when the power of the National Government is so carefully defined and limited by the Constitution of the United States, and when so large a part of the authority over this subject must necessarily remain with the States, and when the boundary of private rights must be ascertained and respected in the instances where such rights exist, and yet the whole range of utilization, control, rights, and charges must be considered in the preparation of any legislation to be passed by Congress, the difficulties of ascertaining accurately the respective powers of the National Government, the States, and the individual owners, of considering the divergent views and interests, and of formulating such provisions as shall be adequate to secure development of these great natural resources, are vastly increased and require much time for their proper understanding, thorough consideration, and final settlement.

Under the circumstances, your subcommittee has thought it wise to submit a partial report to the whole committee advising as to the progress it has made, and presenting the information of record it has gathered upon the subject. The views of the President are given in his veto of the Rainy River dam bill, his letter to Hon. J. ADAM BEDE, and his veto of the James River dam bill, all of which are included in and made a part of this report. The views of the Senate Committee on Commerce are embodied in a report of that committee, a copy of which is herein included. The views of the War Department are contained in a report and memorandum submitted to this committee, and an opinion upon a hearing by Hon. William H. Taft, Secretary of War. Some of the views of your committee may be found in a report of the committee upon the veto message of the President on the Rainy River dam bill.

There is also included in this report a letter containing various interrogatories propounded to Hon. Henry M. Hoyt, Solicitor-General of the United States, and Mr. Hoyt's reply thereto. There is also submitted a tentative draft of a bill "Committee print" reenacting the existing law, and proposing several amendments to the general law approved on the 21st day of June, 1906, "Regulating the construction of dams over navigable streams." This is not designed as a final expression of the views of the subcommittee but rather is submitted as a basis for discussion. It seeks to extend the regulating power of the National Government, through the War Department, to the largest practicable limits under the Constitution, so that there have been drafted two alternative propositions, setting forth different views as to the powers of the National Government; first, that the charge to be exacted by the National Government should be limited by the amount which should be necessary to restore the streams to the condition of navigability existing at the time the grant is made; or, second, such amount as the War Department should deem it wise to exact, to be paid into the Treasury and applied to the purpose of improvement of navigation, which sums must be otherwise provided by taxation as Congress shall direct. There is also proposed in the bill a time limit for the franchises, and a provision for the disposition of the franchises and property at the expiration of the limited term.

Your committee makes no further recommendations at this time, but submits this partial report and invites your attention to the documents herein included.

F. C. STEVENS.
JOHN J. ESCH.
WILLIAM RICHARDSON.
C. L. BARTLETT.

[Congressional Record, April 13, 1908, p. 4854.]

VETO MESSAGE RELATING TO EXTENSION OF TIME FOR CONSTRUCTION OF DAM ACROSS RAINY RIVER.

The Speaker laid before the House the following message from the President of the United States, which was read:

"*To the House of Representatives:*

"I return herewith, without my approval, House bill 15444, to extend the time for the construction of a dam across Rainy River.

"This bill is returned for several reasons, some of which are general, others special. In this particular case permission to construct this dam was originally given, as being in Rainy Lake River, by the act of May 4, 1898 (30 Stat., 398), which limited the time for commencing the work to one year and for completing it to three years from that date. Further extensions of time were granted as follows: For commencement, three years, and for completion, five years from May 4, 1900, by the act of that date (31 Stat., 167); for construction until May 4, 1907, by the act of June 28, 1902 (32 Stat., 485); for completion until July 1, 1908, by the act of February 25, 1905 (33 Stat., 814). The act of 1905 substituted the Rainy River Improvement Company for the original permittee. All rights given by these acts will expire July 1, 1908, unless the dam is completed on or before that date. In other words, the permittees will then have enjoyed for more than ten years the exclusive privilege of constructing this work, and have apparently failed to take advantage of it, for this bill would extend the time for three years longer to some unnamed day in July, 1911.

"I do not believe that natural resources should be granted and held in an undeveloped condition either for speculative or other reasons. So

far as I am aware, there are no assurances that the grantees are in any better condition promptly and properly to utilize this opportunity than they were at the time of the original act, ten years ago.

"In all permits of this character the duty of declaring a forfeiture, after notice and hearing, for failure to begin or complete construction within the time limited by the permit, or for other breach of conditions, should be definitely imposed upon the proper administrative officer (in this case the Secretary of War). There have been many unfortunate experiences resulting from conditional grants, which, though on their face apparently terminable for breach of condition, proved practically indeterminate because no one official was specifically given power to discover and declare the breach. The general statute regulating dams in navigable waters (act June 21, 1906, 34 Stat., 386), though representing an advance, yet leaves uncertain much that should be definitely expressed in each act permitting the construction of dams under this statute.

"A definite time limit is one of these important omissions. The public must retain the control of the great waterways. It is essential that any permit to obstruct them for reasons and on conditons that seem good at the moment should be subject to revision when changed conditions demand. The right reserved by Congress to alter, amend, or repeal is based on this principle; but actual experience of what happens with indeterminate public-utility franchises proves that they are in the vast majority of cases practically perpetual. Each right should be issued to expire on a specified day, without further legislative, administrative, or judicial action.

"Every permit to construct a dam on a navigable stream should specifically recognize the right of the Government to fix a term for its duration and to impose such charge or charges as may be deemed necessary to protect the present and future interests of the United States in accordance with the act of June 21, 1906. There is sharp conflict of judgment as to whether this general act empowers the War Department to fix a charge and set a time limit. All grounds for such doubt should be removed henceforth by the insertion in every act granting such a permit of words adequate to show that a time limit and a charge to be paid to the Government are among the interests of the United States which should be protected through conditions and stipulations to be imposed either by the War Department or, as I think would be preferable, by the Interior Department.

"The provision for a charge is of vital importance. The navigability of every inland waterway, and of all connected and connectable inland waterways as a whole, should be improved for the purposes of interstate and foreign commerce upon a consistent unified plan by which each part should be made to help every other part. One means available for the improvement of navigation at a particular point on any river may be a dam creating a slack-water pool of sufficient depth. Such a dam may, in many cases, develop power of sufficient value to pay, in whole or in part, for the improvement of navigation at that point, and if there is any surplus it can be spent upon improvements at other points in accordance with the general plan. Since the Government can do by any proper agency what it can do directly, it is in principle immaterial whether this income to construct needed improvements is derived from works constructed directly by the Government or by a corporation acting under federal authority, since federal authority is the one indispensable legal prerequisite for the work, though the charge to be paid to the Government for the power would, of course, differ in the two cases; indeed, the charge would necessarily vary greatly, for where the improvement was both costly and of great benefit to the public the charge would naturally be made low and the time limit long.

"The income derivable from this source would materially aid in the complete improvement of our navigable waters, for which there is now such crying need. The Chief of Engineers of the Army reports that the bills pending at this session of Congress permit the construction of dams in navigable streams capable of developing over 1,300,000 horsepower. These rivers run every hour in the day and every day in the year. To develop this amount of power would, under average conditions, require about 25,000,000 tons of medium-quality coal every year. This natural wealth is the heritage of the people. I see no reason for giving it away, though there is every reason for not imposing conditions so burdensome as to prevent the utilization of the power. The authority to make, modify, or withhold grants manifestly implies both the power of inquiring into the grounds on which the grants are asked and the duty of administering the grants in the public interest.

"We are now at the beginning of great development in water power. Its use through electrical transmission is entering more and more largely into every element of the daily life of the people. Already the evils of monopoly are becoming manifest; already the experience of the past shows the necessity of caution in making unrestricted grants of this great power.

"The present policy pursued in making these grants is unwise in giving away the property of the people in the flowing waters to individuals or organizations practically unknown and granting in perpetuity these valuable privileges in advance of the formulation of definite plans as to their use. In some cases the grantees apparently have little or no financial or other ability to utilize the gift, and have sought it merely because it could be had for the asking.

"In place of the present haphazard policy of permanently alienating valuable public property, we should substitute a definite policy along the following lines:

"First. There should be a limited or carefully guarded grant in the nature of an option or opportunity afforded within reasonable time for development of plans and for execution of the project.

"Second. Such a grant or concession should be accompanied in the act making the grant by a provision expressly making it the duty of the designated official to annul the grant if the work is not begun or plans are not carried out in accordance with the authority granted.

"Third. It should also be the duty of some designated official to see to it that in approving the plans the maximum development of the navigation and power is assured, or at least that in making the plans these may not be so developed as ultimately to interfere with the better utilization of the water or complete development of the power.

"Fourth. There should be a license fee or charge which, though small or normal at the outset, can in the future be adjusted so as to secure control in the interest of the public.

"Fifth. Provision should be made for the termination of the grant or privilege at a definite time, leaving to future generations the power or authority to renew or extend the concession in accordance with the conditions which may prevail at that time.

"THEODORE ROOSEVELT.

"THE WHITE HOUSE, *April 13, 1908.*"

LETTER OF THE PRESIDENT TO MR. BEDE.

THE WHITE HOUSE,
Washington, May 7, 1908.

MY DEAR MR. BEDE: While I stand absolutely for the policy with regard to the development of water powers announced in my message of February 26, because I believe that policy is just and in the interests of the whole people of the United States, still I am anxious that no injustice should be caused in this particular case in Minnesota which you have brought to my attention. At the time of my veto of the Rainy River dam bill I was not in possession of the information which has since come to me from you, that the dam is already about half completed under previous grants by Congress. That fact does not by any means remove Rainy River dam from the sphere of the new method of protecting the interest of the public, but it does warrant special consideration of the promoters of that project, because they have already expended part of their money under the old policy. There is, I believe, a simple way by which the interests of the people at large and of the Rainy River Improvement Company can be met at the same time, and that without in any degree sacrificing the policy for which I stand or establishing any unfortunate precedents in connection with it.

There are two provisions without which I will not approve any bill granting the rights to develop water power on a navigable stream. The first is a definite limitation in time. That limitation can be made long or short, as the circumstances in each case require. In the present instance I suggest a term of ninety-nine years, which, I doubt not, will be abundantly sufficient for every need of the Rainy River Improvement Company. The second provision relates to a charge for the benefits obtained by any company as the result of the permission granted to it by the United States. In view of the fact that the Rainy River dam is reported to me as half built, I suggest that a specific provision be inserted in the bill fixing the time when the Secretary of War may begin to collect a charge at twenty-five years from the date of the passage of the bill. Thus the Rainy River Improvement Company will be relieved of an immediate charge which it had not anticipated, and at the same time the future interests of the people of the United States will be protected. If these two provisions can be inserted in the bill as passed, I shall be very glad, indeed, to sign it.

In reference to the claim that it is the State and not the Nation which has power in connection with these waters, I would like to call your attention to the fact that as soon as the persons privately interested in these improvements get that position acknowledged, they are absolutely certain to take the further position that the State itself has no power in the matter. For example, the Illinois legislature has been for twelve months fighting about measures for the improvement of the Des Plaines and Illinois rivers and the development of water powers to pay for the improvement, the private citizens who desire to use the waters in their pecuniary interest maintaining that the waters are the property of the riparian owners and can not be used by the State. It seems to me clear that the United States Government, in cases where it can make or withhold a grant according as it chooses, can impose in connection with any grant it actually gives such conditions as may be necessary for the protection of the public. I do not see how there can be any question that it has the right to make the grant only for a limited time. Indeed, I can not imagine any argument being made against this proposition. As for the imposing of a charge, I can conceive of an argument being made that this can not be done. Nevertheless, it also seems to me absolutely clear that we have the right to do it.

In my judgment it is not a case as to whether the Constitution authorizes the action, but as to whether the National Government does or does not choose to take the position that, as a grant of this kind is an exclusive and therefore a monopolistic grant, it is fair that the holder, as a condition of the enjoyment, should give just compensation to the public at large, by whom, through the Government, that grant has been given. It seems to me unwise for Congress to take any other position. The greater the pecuniary gain to the holder of the grant, and the greater the value of the property by reason of this exclusive monopolistic right, the greater should be the compensation to the public at large. The compensation would be available for the use of the public, through the Federal Government, either in still further improving or aiding navigation, or in rebuilding the dam in case the company failed, or in removing an obstruction if it be an obstruction to navigation. It seems to me clear that the right to impose a compensation in any of these cases is an incident to the control which the Federal Government has over navigation, and which it can exercise either negatively by removing obstructions or affirmatively by improving navigation. Whether the United States itself constructs the dam or gives leave to construct it is, to my mind, wholly unimportant as regards the matter we have under consideration.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. J. ADAM BEDE,
House of Representatives.

HOUSE COMMITTEE REPORT ON RAINY RIVER DAM BILL (H. R. 15444).

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 15444) extending the time for the construction of a dam across Rainy River, having considered the same, report thereon with a recommendation that it pass.

This bill was passed by the House of Representatives on the 4th day of March, 1908, and was passed by the Senate on the 4th day of April, 1908, and on the 13th day of April, 1908, was returned by the President without his approval. The bill was referred to the Committee on Interstate and Foreign Commerce, which gave extended hearings upon the subject-matter of the bill. During the progress of the hearings, on the 5th day of May, Hon. James R. Garfield, Secretary of the Interior, appeared before the committee and made a general statement regarding the attitude of the administration toward this particular bill and its general position toward the question of similar legislation affecting water power. The following appears as a portion of the statement of Secretary Garfield (pp. 87 and 88 of the hearings):

"As regards this particular bill, I am advised that there was not before presented, at the time the bill was vetoed, all the facts which have since developed relating to the character of the work that had been done by the company which is seeking to have this act passed, which is a renewal of previous acts. In the veto message of the President there were five provisions which the President suggested as essential provisions for measures of this character, and it was desired, as to two of those particularly, that a statement be made to the subcommittee to indicate more in detail the reason why those provisions were essential.

"The first one, as to the limitation in time, that instead of there being granted an indefinite or what would be a perpetual right, in case the conditions of construction were complied with, the President has felt that there should be a limited grant made, say, for example, a grant of ninety-nine years.

"Next the question comes up as to what limitations or conditions should be imposed by the Federal Government in making such grants. One which has been felt to be exceedingly necessary is that of making a charge. I am aware that there are legal questions involved in this."

It appeared that this Rainy River is on the international boundary line between the United States and the Province of Ontario; that the company seeking a renewal of its privilege had proceeded with due diligence in carrying out its work; that the work done up to date represents an expenditure of more than $750,000 in the partial construction of the dam, race ways, etc., the securing of necessary property and rights; that the Dominion parliament of Canada and the provincial parliament of Ontario had granted proper rights and licenses to its associate company in Ontario to do the Canadian portion of this work. It further appeared that this whole project was a unit, and that it was necessary for the successful operation of it that both the American and Canadian rights be secured by one company, and that it be constructed and operated as one plant, in order to produce proper and profitable results to the public and to its owners.

It also appeared that the Dominion and provincial parliaments made this project a part of their navigation system between Lake Superior and Lake of the Woods, and that one of the reasons for the Canadian grants was that this improvement would maintain the waters of Rainy Lake at a higher level during the low-water period and be of great advantage to navigation. (Hearings, p. 133.)

House Document No. 431, Fifty-ninth Congress, first session, page 4, contains the following statement:

"The board believes that any decided betterment of navigation can be brought about only by extensive and costly works, which are not justified by present and prospective commerce. Moreover, this is an international waterway with a greater development and demand for navigation on the Canadian than on the United States side of the river, which condition would suggest that when the necessity for the improvement of the river is recognized it should be undertaken by a mutual arrangement between the two countries.

"In view of the foregoing, the board can not concur in the opinion of the district officer and the division engineer as to the advisability of making a survey. In the board's opinion the present and prospective commerce of this locality and the commercial interests of the American people are not sufficient to justify the probable cost of an effective improvement. It therefore believes that it is not advisable for the United States to undertake the work at the present time.

"For the board:

"R. L. HOXIE,
"Lieut. Col., Corps of Engineers,
"Senior Member Present.

"DECEMBER 18, 1905."

This is a report by the Corps of Engineers of the United States upon a survey for navigation and improvements at this point.

In view of these conceded facts both as to the public benefits accruing to Canada and the United States by reason of this improvement, and by reason of the equities of the projectors, who had made large investments in good faith and with due intelligence, relying upon the governmental action of the two countries, it seemed to the representatives of the administration and to your committee that this grant should be continued and this work should be prosecuted to a successful conclusion, provided it could be done by preserving the rights to the people and to the Government of the United States as laid down by the President in his message of disapproval of this bill. Accordingly several conferences have been held between the representatives of the administration and your committee with the endeavor to harmonize any conflicting views so far as the same might be necessary concerning this bill. The parliamentary situation of the bill is such that it is a subject of privilege in the House which must not be lost if the bill be considered at this session of Congress, and that it is not open to any amendments, but must be passed, if at all, as it was disapproved by the President.

The message of disapproval indicated that the "Act to regulate the construction of dams across navigable waters," approved June 21, 1906, was not sufficiently comprehensive in authorizing the War Department to fix a definite time limit and such charges as could be constitutionally exacted by the United States for its grant of any privilege to the company constructing the dam. Your committee realized that such defects might exist, and directed its proper subcommittee to take this whole subject under consideration, to submit such amendments to such general act at the first meeting in December next as should grant to the proper officials of the War Department the largest authority under the Constitution, to fix any definite time limit which should be necessary and such charge as could be made under the circumstances of each particular case. This action is as far as your committee can go during the present session of Congress.

The officers of the Rainy River Improvement Company in their hearings and conferences before this committee and, as we are informed, in their conferences with the officers of the administration, have always indicated their willingness to abide by whatever requirements and conditions should be exacted from them by Congress, or by the officials of the adminstration as a condition in the extension of their grant for the construction of this dam.

It appeared in the hearings before your committee from Gen. Alex. Mackenzie, Chief of Engineers, that new plans must be presented for this work in connection with the Rainy River project required by Canada. These plans have not yet come to the department. The work they are now doing is based on the old plans which do not accord with the Canadian work. Accordingly the Rainy River Improvement Company has agreed in writing with the Secretary of War that at its earliest convenience it will submit to the Secretary of War and Chief of Engineers, as provided by the general dam act of June 21, 1906, its new plans and specifications, and that as a necessary part of any approval of the same by the Secretary of War and Chief of Engineers there shall be embodied therein the following conditions and agreements:

First. Such reasonable limitations as to the time for such grant as the Secretary of War shall impose, conditioned that the United States shall not be subjected to any expense in the removal of such or any obstruction or improvement caused by said company, either at the expiration of said grant or at any other time that the United States may direct the same to be removed.

Second. That the said Rainy River Improvement Company has agreed and will agree to the payment of such charge to the United States as may be required by the Secretary of War, either under the present law or as may be hereafter determined by authority of Congress.

Third. That this grant is expressly made subject to any impositions hereinafter authorized or directed by Congress embodied in any general law or special modification or change of this or other acts, and that a special reservation to this effect shall be an essential part of such approval of said plans by the Secretary of War and Chief of Engineers.

Fourth. That any application of said company for the approval of its plans and specifications, whenever made, shall be agreed by said parties to be within the purview of a part of and as authorized by the pending act of Congress whenever the same shall become a law; and that all the provisions of the approval of the Secretary of War and Chief of Engineers to said plans and specifications and all conditions as a part thereof shall be a part of the authority of said officers now or hereafter conferred by general or special acts of Congress with reference to this project.

In view of these conditions proposed and agreed to by the Rainy River Improvement Company as an essential part of the approval by the Secretary of War and the Chief of Engineers, it seems to your committee that the requirements of the President in his message of disapproval have been met so far as possible, and that the peculiar circumstances and exigencies of this case are such as require immediate action by Congress. This report and statement have been submitted to the Secretary of the Interior, Hon. James R. Garfield, and appended are his views and report thereon:

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 23, 1908.

DEAR SIR: I have discussed the report of your subcommittee on the Rainy River Improvement Company bill with the President, and I am authorized by him to say that he recognizes the conditions which mark this case off very sharply from any which may hereafter arise, in view of the fact that under an existing law much capital has already been invested by the Rainy River Improvement Company which will represent a dead loss if there is no extension of the time within which the company is required to complete its work, and, furthermore, in view of the fact that the parliamentary situation in Congress is such that no new bill nor amendment to the present bill can now be passed.

It also appears that the Committee on Interstate and Foreign Commerce has announced in the report that at the next session of Congress it will endeavor to remedy the defects of the existing general law on the subject by submitting amendments which will permit the Executive to fix definite time limits and impose reasonable charges in all such cases, while on its part the Rainy River Improvement Company, through its president, has filed with the War Department an agreement that it will submit to and abide by such conditions as may be imposed by the Secretary of War, including a time limit and a reasonable charge, when it files, as it must, the new plans which must be approved by the War Department before it can proceed under the proposed law.

These conditions having been fulfilled, the President feels that it is safe, from the view point of the public interest, and equitable to the Rainy River Improvement Company, to enact the bill into law.

Very respectfully,

JAMES RUDOLPH GARFIELD, *Secretary.*

Hon. FREDERICK C. STEVENS,
Committee on Interstate and Foreign Commerce,
House of Representatives.

SPECIAL MESSAGE.

To the House of Representatives:

I return herewith without my approval House bill 17707, to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power. My reasons for not signing the bill are:

The bill gives to the grantee a valuable privilege, which by its very nature is monopolistic, and does not contain the conditions essential to protect the public interest.

In pursuance of a policy declared in my message of February 26, 1908 (S. Doc. No. 325), transmitting the report of the Inland Waterways Commission to Congress, I wrote on March 13, 1908, the following letter to the Senate Committee on Commerce:

"Numerous bills granting water rights in conformity with the general act of June 21, 1906, have been introduced during the present session of Congress, and some of these have already passed. While the general act authorizes the limitation and restriction of water rights in the public interest and would seem to warrant making a reasonable charge for the benefits conferred, those bills which have come to my attention do not seem to guard the public interests adequately in these respects. The effect of granting privileges such as are conferred by these bills, as I said in a recent message 'taken together with rights already acquired under state laws, would be to give away properties of enormous value. Through lack of foresight we have formed the habit of granting without compensation extremely valuable rights, amounting to monopolies, on navigable streams and on the public domain. The repurchase at great expense of water rights thus carelessly given away without return has already begun in the East, and before long will be necessary in the West also. No rights involving water power should be granted to any corporation in perpetuity, but only for a length of time sufficent to allow them to conduct their business profitably. A reasonable charge should, of course, be made for valuable rights and privileges which they obtain from the National Government. The values for which this charge is made will ultimately, through the natural growth and orderly development of our population and industries, reach enormous amounts. A fair share of the increase should be safeguarded for the benefit of the people, from whose labor it springs. The proceeds thus secured, after the cost of administration and improvement has been met, should naturally be devoted to the development of our inland waterways.' Accordingly I have decided to sign no bills hereafter which do not provide specifically for the right to fix and make a charge and for a definite limitation in time of the rights conferred."

In my veto message of April 13, 1908, returning House bill 15444, to extend the time for the construction of a dam across Rainy River, I said:

"We are now at the beginning of great development in water power. Its use through electrical transmission is entering more and more largely into every element of the daily life of the people. Already the evils of monopoly are becoming manifest; already the experience of the past shows the necessity of caution in making unrestricted grants of this great power.

"The present policy pursued in making these grants is unwise in giving away the property of the people in the flowing waters to individuals or organizations practically unknown, and granting in perpetuity these valuable privileges in advance of the formulation of definite plans

as to their use. In some cases the grantees apparently have little or no financial or other ability to utilize the gift, and have sought it merely because it could be had for the asking."

The Rainy River Company, by an agreement in writing, approved by the War Department, subsequently promised to submit to and abide by such conditions as may be imposed by the Secretary of War, including a time limit and a reasonable charge. Only because of its compliance in this way with these conditions did the bill extending the time limit for that project finally become a law.

An amendment to the present bill expressly authorizing the Government to fix a limitation of time and impose a charge was proposed by the War Department. The letter, veto message, and amendment above referred to were considered by the Senate Committee on Commerce, as appears by the committee's report on the present bill, and the proposed amendment was characterized by the committee as a "new departure from the policy heretofore pursued in respect to legislation authorizing the construction of such dams." Their report set forth an elaborate legal argument intended to show that the Federal Government has no power to impose any charge whatever for such a privilege.

The fact that the proposed policy is new is in itself no sufficient argument against its adoption. As we are met with new conditions of industry seriously affecting the public welfare, we should not hesitate to adopt measures for the protection of the public merely because those measures are new. When the public welfare is involved Congress should resolve any reasonable doubt as to its legislative power in favor of the people and against the seekers for a special privilege.

My reason for believing that the Federal Government, in granting a license to dam a navigable river, has the power to impose any conditions it finds necessary to protect the public, including a charge and a limitation of the time, is that its consent is legally essential to an enterprise of this character. It follows that Congress can impose conditions upon its consent. This principle was clearly stated in the House of Representatives on March 28, 1908, by Mr. WILLIAMS, of Mississippi, when he said:

* * * "There can be no doubt in the mind of any man seeking merely the public good and public right, independently of any desire for local legislation, of this general proposition, that whenever any sovereignty, state or federal, is required to issue a charter or a license or a consent in order to confer powers upon individuals or corporations, it is the duty of that sovereignty, in the interests of the people, so to condition the grant of that power as that it shall redound to the interest of all the people, and that utilities of vast value should not be gratuitously granted to individuals or corporations and perpetually alienated from the people or the State or the Government.

* * * "It is admitted that this power to erect dams in navigable streams can not be exercised by anybody except by an act of Congress. Now, then, if it require an act of Congress to permit any man to put a dam in a navigable stream, then two things follow: Congress should so exercise the power in making that grant as, first, to prevent any harm to the navigability of the stream itself, and, secondly, so as to prevent any individual or any private corporation from securing through the act of Congress any uncompensated advantage of private profit."

The authority of Congress in this matter was asserted by Secretary Taft on April 17, 1908, in his report on Senator NEWLANDS'S Inland Waterways Commission bill (S. 500), where he said:

"In the execution of any project and as incidental to and inseparably connected with the improvement of navigation, the power of Congress extends to the regulation of the use and development of the waters for purposes subsidiary to navigation."

And by the Solicitor-General in a memorandum prepared after a careful investigation of the subject.

Believing that the National Government has this power, I am convinced that its power ought to be exercised. The people of the country are threatened by a monopoly far more powerful, because in far closer touch with their domestic and industrial life, than anything known to our experience. A single generation will see the exhaustion of our natural resources of oil and gas and such a rise in the price of coal as will make the price of electrically transmitted water power a controlling factor in transportation, in manufacturing, and in household lighting and heating. Our water power alone, if fully developed and wisely used, is probably sufficient for our present transportation, industrial, municipal, and domestic needs. Most of it is undeveloped and is still in national or state control.

To give away, without conditions, this, one of the greatest of our resources, would be an act of folly. If we are guilty of it, our children will be forced to pay an annual return upon a capitalization based upon the highest prices which "the traffic will bear." They will find themselves face to face with powerful interests intrenched behind the doctrine of "vested rights" and strengthened by every defense which money can buy and the ingenuity of able corporation lawyers can devise. Long before that time they may and very probably will have become a consolidated interest, controlled from the great financial centers, dictating the terms upon which the citizen can conduct his business or earn his livelihood, and not amenable to the wholesome check of local opinion.

The total water power now in use by power plants in the United States is estimated by the Bureau of the Census and the Geological Survey as 5,300,000 horsepower. Information collected by the Bureau of Corporations shows that thirteen large concerns, of which the General Electric Company and the Westinghouse Electric and Manufacturing Company are most important, now hold water-power installations and advantageous power sites aggregating about 1,046,000 horsepower, where the control by these concerns is practically admitted. This is a quantity equal to over 19 per cent of the total now in use. Further evidence of a very strong nature as to additional intercorporate relations, furnished by the bureau, leads me to the conclusion that this total should be increased to 24 per cent; and still other evidence, though less conclusive, nevertheless affords reasonable ground for enlarging this estimate by 9 per cent additional. In other words, it is probable that these thirteen concerns directly or indirectly control developed water power and advantageous power sites equal to more than 33 per cent of the total water power now in use. This astonishing consolidation has taken place practically within the last five years. The movement is still in its infancy, and unless it is controlled the history of the oil industry will be repeated in the hydro-electric power industry, with results far more oppressive and disastrous for the people. It is true that the great bulk of our potential water power is as yet undeveloped, but the sites which are now controlled by combinations are those which offer the greatest advantages and therefore hold a strategic position. This is certain to be strengthened by the increasing demand for power and the extension of long-distance electrical transmission.

It is, in my opinion, relatively unimportant for us to know whether or not the promoters of this particular project are affiliated with any of these great corporations. If we make an unconditional grant to this grantee, our control over it ceases. He or any purchaser from him will be free to sell his rights to any one of them at pleasure. The time to attach conditions and prevent monopoly is when a grant is made.

The great corporations are acting with foresight, singleness of purpose, and vigor to control the water powers of the country. They pay no attention to state boundaries and are not interested in the constitutional law affecting navigable streams except as it affords what has been aptly called a "twilight zone," where they may find a convenient refuge from any regulation whatever by the public, whether through the national or the state governments. It is significant that they are opposing the control of water power on the Desplaines River by the State of Illinois with equal vigor and with like arguments to those with which they oppose the National Government pursuing the policy I advocate. Their attitude is the same with reference to their projects upon the mountain streams of the West, where the jurisdiction of the Federal Government as the owner of the public lands and national forests is not open to question. They are demanding legislation for unconditional grants in perpetuity of land for reservoirs, conduits, power houses, and transmission lines to replace the existing statute which authorizes the administrative officers of the Government to impose conditions to protect the public when any permit is issued. Several bills for that purpose are now pending in both Houses, among them the bill (S. 6626) to subject lands owned or held by the United States to condemnation in the state courts, and the bills H. R. 11356 and S. 2661, respectively, to grant locations and rights of way for electric and other power purposes through the public lands and reservations of the United States. These bills were either drafted by representatives of the power companies or are similar in effect to those thus drafted. On the other hand, the administration proposes that authority be given to issue power permits for a term not to exceed fifty years, irrevocable except for breach of condition. This provision to prevent revocation would remove the only valid ground of objection to the act of 1901, which expressly makes all permits revocable at discretion. The following amendment to authorize this in national forests was inserted in last year's agricultural appropriation bill:

"And hereafter permits for power plants within national forests may be made irrevocable, except for breach of condition, for such term, not exceeding fifty years, as the Secretary of Agriculture may by regulation prescribe, and land covered by such permits issued in pursuance of an application filed before entry, location, or application, subsequently approved under the act of June 11, 1906, shall in perpetuity remain subject to such permit and renewals thereof."

The representatives of the power companies present in Washington during the last session agreed upon the bill above mentioned as the most favorable to their interests. At their request frequent conferences were held between them and the representatives of the administration for the purpose of reaching an agreement if possible. The companies refused to accept anything less than a grant in perpetuity and insisted that the slight charge now imposed by the Forest Service was oppressive. But they made no response to the specific proposal that the reasonableness of the charge be determined through an investigation of their business by the Bureau of Corporations.

The amendment of the agricultural bill providing for irrevocable permits, being new legislation, was stricken out under the House rules upon a point of order made by friends of the House bill—that is, by friends of the power companies. Yet, in the face of this record, the power companies complain that they are forced to accept revocable permits by the policy of the administration.

The new legislation sought in their own interest by some companies in the West, and the opposition of other companies in the East to proposed legislation in the public interest, have a common source and a common purpose. Their sources is the rapidly growing water-power combination. Their purpose is a centralized monopoly of hydro-electric power development free of all public control. It is obvious that a monopoly of power in any community calls for strict public supervision and regulation.

The suggestion of the Senate Committee on Commerce in their report on the present bill that many of the streams for the damming of which a federal license is sought are, in fact, unnavigable is sufficiently answered in this case by the action of the House Committee on Interstate and Foreign Commerce upon this very measure. As stated in the House on March 18, 1908, by Mr. RUSSELL of Missouri, a bill to declare this river unnavigable was rejected by that committee.

I repeat the words with which I concluded my message vetoing the Rainy River bill:

"In place of the present haphazard policy of permanently alienating valuable public property we should substitute a definite policy along the following lines:

"First. There should be a limited or carefully guarded grant in the nature of an option or opportunity afforded within reasonable time for development of plans and for execution of the project.

"Second. Such a grant or concession should be accompanied in the act making the grant by a provision expressly making it the duty of a designated official to annul the grant if the work is not begun or plans are not carried out in accordance with the authority granted.

"Third. It should also be the duty of some designated official to see to it that in approving the plans the maximum development of the navigation and power is assured, or at least that in making the plans these may not be so developed as ultimately to interfere with the better utilization of the water or complete development of the power.

"Fourth. There should be a license fee or charge which, though small or nominal at the outset, can in the future be adjusted so as to secure a control in the interest of the public.

"Fifth. Provision should be made for the termination of the grant or privilege at a definite time, leaving to future generations the power or authority to renew or extend the concession in accordance with the conditions which may prevail at that time."

Further reflection suggests a sixth condition, viz:

The license should be forfeited upon proof that the licensee has joined in any conspiracy or unlawful combination in restraint of trade, as is provided for grants of coal lands in Alaska by the act of May 28, 1908.

I will sign no bill granting a privilege of this character which does not contain the substance of these conditions. I consider myself bound, as far as exercise of my executive power will allow, to do for the people, in prevention of monopoly of their resources, what I believe they would do for themselves if they were in a position to act. Accordingly I shall insist upon the conditions mentioned above not only in acts which I sign, but also in passing upon plans for use of water power presented to the executive departments for action. The imposition of conditions has received the sanction of Congress in the general act of 1906, regulating

the construction of dams in navigable waters, which authorizes the imposing of "such conditions and stipulations as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States."

I inclose a letter from the Commissioner of Corporations, setting forth the results of his investigations and the evidence of the far-reaching plans and operations of the General Electric Company, the Westinghouse Electric and Manufacturing Company, and other large concerns, for consolidation of the water powers of the country under their control. I also inclose the memorandum of the Solicitor-General, above referred to.

I esteem it my duty to use every endeavor to prevent this growing monopoly, the most threatening which has ever appeared, from being fastened upon the people of this nation.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 15, 1909.*

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF CORPORATIONS,
Washington, January 14, 1909.

SIR: I have the honor to submit herewith a report on certain features of the concentration of water powers.

The water-power situation has been greatly changed by recent improvements in electric-power transmission. Two-hundred-mile transmission is now regarded as commercially possible, even in the cheaper coal areas. A 200-mile radius opens an area of 120,000 square miles for the marketing of power from a given power plant.

A strong movement toward concentrating the control of water powers has accompanied this change. A very significant fact is that this concentration has taken place practically in the last five years. The chief existing concentrations are as follows:

(1) General Electric, being those power companies controlled by or affiliated with the General Electric Company or its subsidiary corporations.

(2) Westinghouse, being those similarly connected with the Westinghouse Electric and Manufacturing Company.

(3) Other concentrations of water power which can not at present be identified with either of the first two.

Intercompany relations are easily concealed. Strictly judicial proof of such community of interests is rarely obtainable, nor is it necessary for practical purposes. It is sufficient to give, as herein, the significant evidential facts, leaving the obvious deductions to be made therefrom.

Therefore the General Electric and the Westinghouse concentrations are classified in the following groups:

(*a*) Those where a control by one or the other of these parent companies, directly or through subsidiary corporations, is admitted.

(*b*) Those where such control is inferred from substantial evidence (hereinafter summarized) with reasonable conclusiveness.

(*c*) Those where such control is at least partially indicated, though not proven, by the available evidence.

This report does not by any means assume to be a complete survey even of the present conditions of concentration. There may be many further affiliations as yet undiscovered.

The exact relations, if any, between these two groups—General Electric and Westinghouse—can not now be stated. General Electric and Westinghouse patents have been pooled since 1896, and certain individuals are interested in both General Electric and Westinghouse power companies.

(1) GENERAL ELECTRIC.

The control of the General Electric Company is shown directly or through subsidiary corporations, or indicated by the appearance of the names of certain individuals unquestionably connected with the General Electric Company.

Such subsidiary corporations are:

United Electric Securities Company (Maine, 1890).
Electrical Securities Corporation (New York, 1904).
Electric Bond and Share Company (New York, 1905).

Such individuals most closely connected with General Electric Company water-power control are—

Sydney Z. Mitchell, vice-president and treasurer Electric Bond and Share Company (General Electric; see above), formerly with Stone & Webster, of Boston, to be mentioned later.

J. D. Mortimer, assistant secretary Electric Bond and Share Company (General Electric; see above) and director of American Gas and Electric Company.

C. N. Mason, vice-president Electrical Securities Corporation and of United Electric Securities Company (General Electric; see above).

H. L. Doherty, president American Gas and Electric Company, which in 1908 controlled at least 19 lighting and gas companies in various parts of the United States, and is, in turn, controlled by the Electric Bond and Share Company (General Electric; see above).

Other names which may be mentioned are—

C. A. Coffin, president General Electric Company.

A. W. Burchard, assistant to the president, General Electric Company, and director of American Gas and Electric Company (General Electric).

C. W. Wetmore, director of Electric Bond and Share Company.

Hinsdill Parsons, vice-president General Electric Company and director of Electric Bond and Share Company.

(*a*) Those water-power companies which are admittedly controlled by the General Electric Company or its subsidiary companies are—

Schenectady Power Company, New York, developments on the Hoosick River at Schaghticoke and Johnsonville, with a total development of 26,000 horsepower. This company is owned outright by the General Electric Company.

Carolina Power and Light Company, at Raleigh, N. C., with 4,000 horsepower installed on the Cape Fear River, and leasing power, in addition, on the Neuse River. The stock of this company is held by the Electric Bond and Share Company (General Electric) and voted by Mr. J. D. Mortimer. C. Elmer Smith, of Smith interests in Westinghouse group, is also interested.

Rockingham Power Company, in North Carolina, on the Yadkin River, in process of construction, with an installation to be of 32,000 horsepower. This company is financed by the Electrical Securities Corporation (General Electric), C. N. Mason, of the latter, being president. C. Elmer Smith (see above) is also interested.

Animas Power and Water Company, Colorado, on the Animas River, with 8,000 horsepower installed, is controlled through the Electric Bond and Share Company (General Electric).

Central Colorado Power Company, in Colorado, on the Grand River, with an installation to be of 18,000 horsepower, is also controlled through the Electric Bond and Share Company (General Electric).

(*b*) Those water-power companies, the control of which by the General Electric Company or its subsidiary companies is reasonably inferred, are—

Montgomery Light and Water Power Company, near Montgomery, Ala., on the Tallapoosa River, with an installation of 6,000 horsepower. H. L. Doherty, president American Gas and Electric Company (General Electric), is first vice-president of this company.

The Summit County Power Company, at Dillon, Colo., with an installation of 1,600 horsepower, has Mr. H. L. Doherty, of American Gas and Electric Company (General Electric), on its directorate.

Butte Electric and Power Company (Montana), a holding company for various subsidiary power companies, to wit: Montana Power Transmission Company, Madison River Power Company, Billings and Eastern Montana Power Company. These companies comprise six water-power developments in operation, with a total installation of 43,000 horsepower. The holding company (Butte Electric) is apparently controlled jointly by C. W. Wetmore, of Electric Bond and Share Company (General Electric), and C. A. Coffin, president of General Electric Company. P. E. Bisland, secretary, was formerly with Electrical Securities Corporation (General Electric).

Washington Water Power Company has three developments in Washington and Idaho, on the Spokane River, with a total installation of 61,000 horsepower. Mr. Hinsdill Parsons, vice-president of General Electric Company and Electric Bond and Share Company (General Electric), is on the directorate.

Great Western Power Company, in California, on the north fork of the Feather River in Butte County, with an installed capacity of 53,000 horsepower. On its directorate are Mr. A. W. Burchard, of the General Electric Company, and Mr. A. C. Bedford, of the Standard Oil Company.

(*c*) Control partially indicated.

There are also a number of other water-power companies, with a total of about 420,000 horsepower (including installations and power sites), whose connection with the General Electric Company is at least partially indicated, though the evidence thereto is by no means conclusive.

(2) WESTINGHOUSE.

The Westinghouse group contains the following companies:

The Security Investment Company;

Electric Properties Company (New York, 1906), successor to Westinghouse, Church, Kerr & Co.; and the

Smith interests, represented by C. Elmer Smith and S. Fahs Smith, of S. Morgan Smith Company, important manufacturers of water turbines. While C. Elmer Smith is interested in at least two General Electric power companies (Carolina and Rockingham; see above), the Smith interests seem especially harmonious with the Westinghouse group, and are so classified.

The individual names most prominently identified are:

John F. Wallace, of New York, president Electric Properties Company.

George C. Smith, of Pittsburg and New York, vice-president and director of the Electric Properties Company.

C. Elmer Smith, of Smith interests.

(*a*) Those power companies which are admittedly Westinghouse are:

Atlanta Water and Electric Power Company, on the Chattahoochee River above Atlanta, Ga., with an installation of 17,000 horsepower. C. Elmer Smith is president and George C. Smith and S. Fahs Smith directors.

Ontario Power Company of Niagara Falls, a Canadian corporation on the Canadian side, with an installation of 66,000 horsepower. Together with its distributing company in the United States, the Niagara, Lockport and Ontario Power Company, it is known as a Westinghouse concern, H. H. Westinghouse being president of the latter, and the majority of its stock being voted by the Electric Power Securities Company of New York, a construction company owned by Westinghouse interests.

(*b*) Those power companies whose connection with Westinghouse interests is inferred from substantial evidence (hereinafter summarized) are:

Albany Power and Manufacturing Company, near Albany, Ga., with 3,500 horsepower installed, on the Kinchatoonee, and owning besides a site on the Flint River, estimated at 10,000 horsepower, has for its vice-president C. Elmer Smith (Smith interests).

Electric Manufacturing and Power Company, on the Broad River, near Spartanburg, S. C., with 11,000 horsepower installed, as on its directorate E. H. Jennings, of Pittsburg, a director of the Electric Properties Company (Westinghouse).

Savannah River Power Company, on the Savannah River, near Anderson, S. C., has an installed development of 3,000 horsepower, and owns besides a site of 6,000 horsepower. This company has on its directorate C. Elmer Smith (Smith interests).

Gainesville Electric Railway Company, with 1,500 horsepower installed, on the Chestagee River, a tributary of the Chattahoochee, near Gainesville, Ga. Eighty-five per cent of its stock is owned by the North Georgia Electric Company (Smith interests).

North Georgia Electric Company; one development of 3,000 horsepower and at least seven other power sites on the upper waters of the Chattahoochee, and through the Etowah Power Company, personally identified with itself, it owns four other sites on the headwaters of the Coosa River. C. Elmer Smith is vice-president.

Chattanooga and Tennessee River Power Company, in process of construction at Hale Bar, on the Tennessee River, below Chattanooga, in cooperation with the War Department, by which the Government obtains slack-water navigation. The company in return receives ownership of the power of 58,000 horsepower to be installed. This company is being personally financed by A. N. Brady, of New York, a director of the Westinghouse Electric and Manufacturing Company. Mr. Brady is also a director of the American Tobacco Company, whose interests control the Southern Power Company (see below).

Northern Colorado Power Company, which has a steam development at Lafayette, Colo., and is projecting power plants on the Platte, has John F. Wallace and George C. Smith on its directorate (Westinghouse).

(*c*) Control partially indicated.

There are also a number of other water-power companies, with a total of about 102,000 horsepower (including installations and sites), whose connection with the Westinghouse Company is at least partially indicated, though the evidence thereto is by no means conclusive.

(3) OTHER CONCENTRATIONS.

The General Electric and Westinghouse companies present the most important examples of water-power concentration, as above set forth. There are, however, a number of other companies and interests further showing the facts and tendencies of concentration.

The more important instances are as follows:

The Gould interests, located in Virginia, with undeveloped powers and power sites on the James and Appomattox amounting to 20,000 horsepower, and owning besides other sites on the Appomattox and Rappahannock rivers.

Southern Power Company, the largest operating power company in the South, has 90,000 horsepower installed in three developments, 31,000 horsepower in process of construction, and at least seven other power sites in North Carolina and South Carolina, with a total potential capacity of 75,000 horsepower. This company supplies 110 cotton mills and other factories in at least 28 towns, including a population of about 200,000. Messrs. B. N. Duke, J. B. Duke, and Junius Parker, of the American Tobacco Company, are officers and directors.

Stone & Webster, of Boston. This concern owns and controls powers and sites in Florida, Georgia, Minnesota, and Wisconsin, and in the Puget Sound region, with a total capacity of about 150,000 horsepower. Mr. Sydney Z. Mitchell, now of the Electric Bond and Share Company (General Electric), was formerly connected with Stone & Webster, and in 1908, according to Moody's Manual, 1908, was still a director in three of Stone & Webster's subsidiary corporations, to wit, Puget Sound Electric Railway, Tacoma Railway and Power Company, and Puget Sound Power Company.

Charles H. Baker interests, having proposed developments in Alabama estimated at 130,000 horsepower.

Commonwealth Power Company, together with the Grand Rapids-Muskegon Power Company (both under same interests), controlling 13 developed water powers in Michigan, with a total installation of 43,000 horsepower. A harmonious connection apparently exists with the Eastern Michigan Power Company, which controls all the power sites on the Au Sable River, Michigan.

United Missouri River Power Company, a holding company controlling at least three subsidiaries, which, with a closely related company, have five developed powers and one in construction, making a total of 57,500 horsepower.

Portland General Electric Company, with developments on the Clackamas and Willamette rivers amounting to 22,500 horsepower, near Portland, Oreg. A. C. Bedford, a director of the Standard Oil Company, is president, and F. D. Pratt, also of Standard Oil Company, is a director.

Pacific Gas and Electric Company. This is a very important holding company of the California Gas and Electric Corporation and the San Francisco Gas and Electric Company. These two latter companies in turn represent the consolidation or acquisition of the stock or property of over 30 power or power-distributing companies in California. They control 11 water-power developments, with a total installed plant of 118,000 horsepower.

Pacific Light and Power Company, with another company controlled by the same interests, known as the "Huntington interests," represent eight developments in California, with a total of 30,000 horsepower. Henry E. Huntington is vice-president and Howard E. Huntington a director.

Edison Electric Company, with six developments in California and a total of 33,000 horsepower.

Hudson River Electric Power Company, a holding company for the Hudson River Water Power Company, Hudson River Power Transmission Company, Empire State Power Company, with developments at Spiers Falls and Mechanicsville, on the upper Hudson, and Schoharie Creek, near Amsterdam, N. Y., amounting to 45,000 horsepower installed, and sites owned in the Mohawk, Sacandaga, and Upper Hudson valleys, amounting to 30,000 horsepower, or a total of 75,000 horsepower. C. Elmer Smith was director of the holding company to within a year.

SUMMARY.

An estimate of the water power, developed and potential, now controlled by the General Electric interests, admitted or sufficiently proven, is about 252,000 horsepower; by the Westinghouse interests, similarly known, about 180,000 horsepower, and by other large power companies, 875,000 horsepower. This makes a total of 1,307,000 horsepower. Adding the horsepowers of the third class (c), those whose connection with these two great interests is at least probable, to wit, 520,000 horsepower, we have a small group of 13 selected companies or interests controlling a total of 1,827,000 horsepower.

Assuming that the water power at present in use by water-power plants in the United States is 5,300,000 horsepower, as estimated by the United States Census and Geological Survey from figures of installation, it is seen that approximately a quantity of horsepower equal to more than 33 per cent of that amount is now probably controlled by this small group of interests. Furthermore, this percentage by no means tells the whole truth. The foregoing powers naturally represent a majority of the best power sites. These sites are strategic points for large power and market control. Poorer sites will not generally be developed until these strategic sites are developed to their full capacity. And should these strategic sites be "coupled up" they become still more strategic. There are powerful economic reasons for such coupling. The great problem of water-power companies is that of the "uneven load," and not only an uneven load but of an uneven source of power, because of the fluctuating flow of the stream. A coupling up utilizes not only the different storages in the same drainage basin, but, of still greater import, the different drainage flows of different basins. Also by coupling up powers which have largely "day loads" can at night help out other powers which have largely "night loads," and vice versa. Coupling up is rapidly in progress in the United States. The Niagara Falls Power Company and the Canadian Niagara Power Company are coupled. The Southern Power Company, in North Carolina and South Carolina; the Commonwealth Power Company, in Michigan; the Pacific Gas and Electric Company, the Pacific Light and Power Company, and the Edison Electric Company, in California—each concern has its various developments coupled up into one unit.

The economic reasons urging water-power concentration are thus obvious. The facts set forth above show the very rapid and very recent concentration that has already occurred, practically all in the last five years. These economic reasons and business facts indicate clearly the further progress toward concentration that is likely to occur in the near future. It is obvious that the effect on the public of such present and future conditions is a matter for serious public consideration.

Very respectfully, yours,

HERBERT KNOX SMITH,
Commissioner of Corporations.

The PRESIDENT.

[Memorandum by the Solicitor-General on the power of Congress, in granting licenses for dams and other structures in navigable streams, to impose certain conditions.]

MAY 11, 1908.

The general principle that a grant of property or of any right or privilege may be upon conditions needs no citation of authority. If a grantor may give or withhold, he may give upon terms. The authority to make a grant generally carries with it the authority to withhold, to impose conditions, to modify, and to terminate.

The Pacific railroad charters contained the condition that the government service in transporting mails, troops, supplies, and so forth, should have the preference, and in some cases in consideration of the land grants the transportation was to be free from all toll or other charge upon any property or troops of the United States. (Sec. 6, act of July 1, 1862, 12 Stat., 489, 493, Union Pacific; sec. 3, act of Mar. 3, 1863, id., 772, 773, Missouri Pacific; see also act of July 1, 1864, 13 Stat., 339; sec. 11, act of July 2, 1864, id., 365, 370, Northern Pacific, in which Congress reserved the right to restrict charges for government transportation; sec. 11, act of July 27, 1866, 14 Stat., 292, 297.) In the acts to aid in the construction of telegraph lines "to secure to the Government the use of the same for postal, military, and other purposes," it was provided that the government business shall have priority over all other business, and shall be sent at rates to be annually fixed by the Postmaster-General (e. g., sec. 2, act of July 24, 1866, 14 Stat., 221).

These charters, licenses, and grants were made under the federal authority over interstate commerce and over post-roads, and manifestly the reservations or conditions were germane to the grants and for the benefit of the whole people, being for the benefit of their government. In reference to the proposal in connection with the control of the Government over navigation and the improvement of inland waterways to limit permissive licenses for dams and other structures to a definite time, and to impose a charge for the power developed or for any use of the surplus water, it is objected that this is to usurp power or to pervert and misapply federal power to an end or object to which it has no relation.

There is no doubt of the national power over navigation, and the inquiry presupposes governmental control as proposed and the grant of licenses only in navigable streams. The question is wholly one of power. No one questions the power of Congress over navigation and navigable waters as a branch of its power to regulate interstate and foreign commerce, and the power fails here, it is said, because of the lack of connection between navigation and the purpose for which the power is to be used, because to impose terms for the use of water made possible by structures in aid of navigation or structures permitted and licensed as not seriously interfering with navigation, by limiting the time during which that privilege or right shall be enjoyed and by imposing a charge for it, is not germane to the only branch of power which Congress may constitutionally exercise here; that is, the power over navigation. It is said that the State and not the United States controls and administers the rights which riparian owners may possess in the water or the use of the water; that riparian owners do possess rights of property which may not be taken from them under the guise of a power to regulate navigation; and that the States and not the United States are clothed as matter of sovereignty and dominion with the power over and the property in the waters themselves and the beds of the streams.

But first and in general, whatever the rights of the individual riparian or the particular State, which we will examine later, there is no doubt whatever that the federal authority over navigation is paramount to everything within its sphere, and the only question here would be the truth as a fact of the federal exercise of power, whether it was actually the authority over navigation which is being exercised, and whether the proposed law or laws which carry that authority into effect are a legitimate means of exercising the power and whether there is a genuine and legitimate relation between the power and the objects and purposes to which it is applied.

The question is, then, as to the reality and degree of connection between the power and the method and effect of its exercise. In the recent measures proposed for acquiring lands in the Southern Appalachian and White mountains for national forest purposes the test is that the land shall be situated on the watersheds of navigable streams and shall be more valuable for the regulation of stream flow than for other purposes. The House committee reports show, amid divergent views as to whether the particular thing proposed was in fact a legitimate exercise of the power, that all agreed Congress, having an unquestioned right to improve navigable streams, may take land for that purpose whenever in the judgment of Congress it is necessary to the proper exercise of the power. Thus the committee resolved that the Federal Government has no power to acquire lands within a State solely for forest reserves, but under its constitutional power over navigation may appropriate for the purchase of lands for forest reserves in a State, provided it clearly appears that such reserves have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part; and that any appropriation made therefor is limited to that purpose (Mr. JENKINS). Mr. PARKER did not concur, thinking the question at least doubtful, and that the United States has no interest in rivers except for purposes of navigation, and "it may fairly be said that the rivers of the Atlantic slope are not navigable above tidal flow."

Messrs. Littlefield, DIEKEMA, and BANNON have no doubt of the power, and think that if reforesting the watershed at its source is an appropriate means plainly adapted to the end of preventing the depositing in the river of accumulations that would obstruct its navigable portion, Congress has the right to acquire and control for that purpose. But the improvement of navigability in this way, by increasing the flow of the water, must not be theoretical, but physical, tangible, actual, and substantial, demonstrable by satisfactory, competent testimony in order to justify an appropriation. And the protection and improvement of navigability must also be the real, effective, sole, and not the incidental, purpose of the appropriation.

Mr. BRANTLEY holds that Congress has the constitutional power to acquire lands and forest reserves in a State by purchase, condemnation, or otherwise, as an aid to navigation, if it be made to appear to Congress that such reserves would materially or substantially aid navigation.

It is thus evident from all these views that there is no doubt of the power, and that the only real question is whether navigability is substantially aided or whether the proposed exercise of the power is too remote and fanciful to commend itself to the judgment of Congress as an appropriate means.

It is to be said respecting structures in navigable streams that the legislation of Congress has passed through an evolution up to the point now reached and the proposals now made. The Government has built many public works in aid of navigation where the improvement and protection were obvious, by dams, locks, and canals, an example of which is the canalization of the St. Marys River on the connecting waters of the Great Lakes just as they issue from Lake Superior and on the international boundary between this country and Canada. Another feature of this evolution may be noted here in that region. The

United States granted an easement for a right of way through public reserved lands of the United States to the State of Michigan for purposes of this canal, and then the state administration was surrendered and all rights reconveyed to the United States, so that locks and other works in aid of navigation there might be undertaken commensurate with the power and interests of the Nation and adequate for the enormous traffic passing that point and still increasing by leaps and bounds.

Sometimes Congress commits to municipalities or corporations or private individuals the construction and operation of works in aid of navigation where actual and practical navigation already exists and is being improved, as by the act of April 26, 904 (33 Stat., 309); and at points along such reaches of the stream where, except for the government canals and other works in aid of navigation, the river itself is not actually navigable (e. g., act of May 9, 1906, 34 Stat., 183; id., 211, 1288; act of March 6, 1906, 34 Stat., 52; extract from river and harbor act of March 2, 1907, 34 Stat., 1073, 1094); or permits structures for power development at points in rivers where government plans of navigation, improvement by locks, dams, and canals have already been adopted and the work begun, as at Muscle Shoals on the Tennessee River or on the Coosa River in Alabama; or gives the right to build a dam, maintain and operate power stations in connection with it in consideration of the construction of locks, and a dry dock in place of existing ones owned and operated by the United States, namely, Des Moines Rapids Canal, act of February 9, 1905 (33 Stat., 712); or the particular structure is also subjected to the provisions of the general dam act of June 21, 1906, hereafter to be referred to. (Act of February 25, 1907, 34 Stat., 929; act of April 23, 1906, id., 130; act of March 3, 1905, 33 Stat., 100.)

It is difficult to see any difference in principle between such a case granting the right to develop and use power in consideration of improving navigation facilities and the imposition of any other reasonable amount or kind of charge. Of course an illegal power can not be justified because it has already been illegally exercised; but the actual exercise of the power and the development of the matter under the acts of Congress are instructive and significant.

In the numerous cases where permissive licenses have been given to build dams or other structures in navigable streams at points where they are not at present actually navigable or practically used for purposes of navigation there is no question, first, that the stream being navigable as an integral thing or unit, the control over it as such belongs to Congress and not to the State. The action of Congress is an exclusion of any state authority which might otherwise exist, and the theory appears to be that although the structure may be an interference with the existing navigability, such as it is, it is, in the opinion of Congress, a reasonable interference. Congress by the very fact of its interposition and grant of license is looking to navigable character alone and to the future improvement or protection of navigation, and accordingly invariably Congress either imposes the necessity of making a proper lock or dam in all such cases and sluices or reserves the right to compel the construction in the future of a suitable lock for navigation purposes in connection therewith, subjects all plans to the approval of the Secretary of War, reserves the right at any time to take possession of the dam without compensation and control the same for the purposes of navigation, and imposes the duty of building in connection with the dam or canal or other works a wagon and foot bridge if desired in connection therewith for the purpose of travel; and the right to alter, amend, and repeal the grant or to require the alteration or removal of the structure is also reserved. (Act of June 4, 1906, 34 Stat., 265; act of June 16, 1906, id., 296.)

Not all these conditions appear in every such grant or license, but they all do appear from time to time in different acts, and it is clear that whether Congress is itself actually improving and protecting navigation or authorizing some other agency or instrumentality to do so in its behalf, or permitting a reasonable obstruction in the particular stream and place when the interests of navigation do not forbid, Congress is proceeding altogether under that power, expressly reserves full control in that behalf, and either provides for locks and canals in the particular construction authorized as part of the authority to build, or else reserves the right to do so whenever the interests of navigation demand. There are many instances of such acts. I cite a few: Act of July 3, 1886 (24 Stat., 123); act of February 27, 1899 (30 Stat., 904); act of June 14, 1906 (34 Stat., 266).

These other points are to be observed in this development of the law: The present and future interests of the United States are provided for (sec. 1, act of June 21, 1906, 34 Stat., 386); uniformly there is a stipulation that the United States shall be entitled to free use of the water power developed (id., and many other acts); a general limit of time for construction is imposed (id.); it is a standing provision and reservation that the construction authorized shall not interfere with navigation; the licensee shall be liable to riparians for damages caused by overflow, etc., the dam and works authorized shall be limited to the use of the surplus water not required for navigation (act of May 9, 1906, 34 Stat., 183); Congress may revoke, and there are provisions for forfeiture for breach of conditions. Such provisions and conditions, as I have said, appear throughout all these statutes.

Note also the special provisions in the river and harbor act of June 13, 1902 (32 Stat., 358), and in the act of June 28, 1902 (id., 408), by which leases or licenses for the use of water power in the Cumberland River, Tennessee, may be granted by the Secretary of War to the highest responsible bidders, after advertisement, limited to the use of the surplus water not required for navigation and under the condition that no structures shall be built and no operations conducted which shall injure navigation in any manner or interfere with the operations of the Government or impair the usefulness of any government improvement for the benefit of navigation.

In some casese these acts provide not only for sluiceways for logs, etc., but for sluiceways and ladders for fish. It might be as reasonably objected that the United States could make no such condition in connection with its licenses for the preservation of fish in the interest of all the people, because that was solely a matter of state control and largely a matter of riparian right, to say that it could not impose conditions and charges respecting the power developed by the surplus water.

Occasionally the title of the act recognizes the joint purpose or the collateral and subsidiary incident of power. Thus, an act of May 1, 1906 (34 Stat., 155), relative to the Rock River license, is entitled "An act permitting the building of dams, etc., in aid of navigation and for the development of water power.

In an act of June 29, 1906 (34 Stat., 628), permitting the erection of a lock and dam in aid of navigation in the White River, Arkansas, it is provided that the licensee shall purchase and pay for certain lands necessary for the successful construction and operation of the lock and dam and leave them to the United States, and that in consideration of the construction of these structures free of cost to the United States the United States grants to the licensee rights possessed by it to use the water power produced by the dam and to convert the same into electric power or otherwise utilize it for a period of ninety-nine years, but to furnish to the United States, free of cost, sufficient power to operate the locks and to light the United States buildings and grounds.

Another instance of authority granted to the Secretary of War to make leases or issue licenses for the use of water power is shown by the river and harbor act of September 19, 1890, respecting the Green and Barren rivers.

Without dwelling further on this subject, it is plain that, considering this whole body of laws, the United States is legitimately exercising the power over interstate commerce under the heading of the improvement and protection of navigation, and is imposing proper—that is, not only just, but legal—terms, conditions, and reservations, and as a question of power this is as clearly true when the United States licenses a structure which is a temporary and partial obstruction to navigation at some point where the Government is not yet ready to complete and unify the navigable use of the stream as where the Government is itself developing an actual plant for the improvement of navigation by constructing the appropriate works. And the connection between the power and its application is as evident and germane even where water power is developed and a charge made for it, because, while that or some other use of the water outside navigation use is the primary or the sole object of the licensee and the navigation use is only incidental to that use, so far as the licensee is concerned, that other use, from the standpoint of the Government and the people at large, is always and only incidental to the improvement and protection of navigation and that use. This is true as a real fact and principle controlling the subject, even if the ultimate improvement of navigation—the actual navigation use, that is—is remote in time and as a practical undertaking, and is contemplated, so to speak, far ahead.

State law, it is true, in general determines the title of riparian owners in the beds of both navigable and nonnavigable streams, and their rights of user in the flowing water. This riparian property and right, which, respecting title to the beds of nonnavigable streams as extending ad filum aquæ, is pretty uniform throughout the States, varies as to navigable streams according as States have followed the common-law rule of stopping the private title at the shore, or having followed the rule on unnavigable waters and extended it to the middle thread of the stream. Regarding the rights of the riparian in the water, the rules vary from the common-law doctrine in the humid States that the upland owner is entitled to the flow of the water as it was accustomed to flow to the doctrine of prior appropriation for beneficial use in the arid States, including the combination of the two doctrines known as the "California rule." But always and everywhere the use must be reasonable, and there is an order of preference in the uses beginning with domestic use. Even on public navigable rivers the riparian owner has many rights of user subject to the limitation that his use must be reasonable, so as not to injure the rights of others above or below him on the stream, and subject to the public easement of navigation, and generally to the public right of fishing. The riparian owner has, for instance, the right of access, but when the paramount control over navigation interferes this is a barren right, and he is not entitled to compensation; and it seems that even in States where he has the title to the submerged lands out to the middle of the stream the title is a bare, technical title not available for access or any other purpose, or at least not entitling him to compensation if the United States, for any lawful purpose, should appropriate and occupy the subaqueous lands. (Scranton *v.* Wheeler, 179 U. S., 141.)

So much for the private and individual interest of the riparian owner; and it is to be observed respecting the pending proposals that such rights are always capable of being asserted in a court of law; that presumably the Government or the government licensee will have acquired the necessary riparian ownership, and that provision is expressly made in all statutes of this character for compensation by the licensee to the riparian or others for all damages caused.

Now, as to the state interest, there is no doubt that a State may undertake the improvement of a navigable stream within her borders, or license structures over it or in it, until the United States under legislation by Congress assumes jurisdiction. In this matter and in similar instances the Supreme Court has held that there is a concurrent function and power, and that nonaction by Congress amounts to permission to the State to occupy the field. (Wilson et al. *v.* The Black Bird Creek Marsh Co., 2 Pet., 245, 252–253; The Passaic Bridges, 3 Wall., 793; Pound *v.* Turck, 95 U. S., 463; Escanaba Co. *v.* Chicago, 107 U. S., 683; Morgan *v.* Louisiana, 118 U. S., 465; New York, etc., R. R. Co. *v.* New York, 165 U. S., 631; United States *v.* Rio Grande Irrigation Co., 174 U. S., 690, 703.) But of course it can not be admitted that a State has any jurisdiction or control whatsoever after Congress has determined that the stream is navigable (whether it is explicitly so denominated or not) and proceeds to improve or protect the navigation or navigable capacity. Then the federal jurisdiction becomes plenary, paramount, and exclusive. The very fact that Congress has legislated as it has done respecting the various streams and waters embraced in the legislation above reviewed is conclusive proof that the national jurisdiction has completely ousted state jurisdiction over those waters and at those points. This seems to be the view of the States themselves and on all hands, and I do not understand that this position is disputed even by those who claim that for purposes of power and all other incidental uses of the water other than for navigation the state authority is supreme and exclusive.

It is a mistake to suppose that the federal jurisdiction and the navigability are doubtful because the stream may not be navigable now at the particular point. It is to make it navigable at some time, even if a remote future is contemplated, and slow progress toward a comprehensive and unifying plan—it is to improve navigation, to increase navigable capacity, and in the meantime to protect navigation that the national power interposes. In many senses a navigable stream is a unit. It is none the less a navigable stream because there is an obstruction at a particular point (The Montello, 20 Wall., 430), being navigable above or below or both. And while the test of navigability at any particular point is whether the stream is navigable in fact, the upper reaches of a stream and the preservation and maintenance of flow at the sources, although the stream is not navigable there, are clearly within the scope of the power as directed to the continuing protection as well as the immediate improvement of navigation. The case of United States *v.* Rio Grande Irrigation Co. (174 U. S., 690), by the necessary effect of the final order at page 710, sustains the contention that the United States may interpose to control or prevent the irrigation or other use of water above the limit of navigability, if it shall appear as a fact that such use impairs the navigable capacity over that portion of the stream where navigation does exist.

The preliminary report of the Inland Waterways Commission, with the President's message transmitting it to Congress, and the bill introduced in the Senate by Mr. NEWLANDS (S. 500), with the report and recommendations of the Secretary of War upon the same, are very instructive and significant in this matter. The bill reflects and embodies the main ideas and recommendations of the report and will alone serve the purposes of our consideration after one or two references to the report. The report and the President's message point out that a river system from the forest headwaters to the mouth is a unit and that navigation of the lower reaches can not be fully developed without the control of floods and low waters by storage and drainage; that navigable channels are directly concerned with the protection of source waters and with soil erosion, which forms bars and shoals from the richest portions of farms; and that the uses of a stream for domestic and municipal supply, for power, and often for irrigation, must be taken into account. The development of waterways and the conservation of forests are pressing needs and are interdependent. The systematic development of interstate commerce by improvement of inland waterways should proceed in coordination with all other uses of the waters and benefit to be derived from them, which constitute a public asset of incalculable value. The report notes that irrigation projects involving the storage of flood waters (in which, of course, reclamation of arid lands is the chief and primary object) creates canals as well as tending to purify and clarify waters and to conserve supply by seepage during droughts; that, on the other hand, works designed to improve navigation commonly produce headwater and develop power; that western projects are "chiefly thus far for irrigation, but prospectively for navigation and power."

Accordingly the great central idea of Mr. NEWLANDS'S measure is the conservation and correlation of the natural resources of the country in navigable waters, which are national resources, because essentially dependent upon and developed from the preservation and regulation of stream flow and the improvement of navigation. For example, section 2 of the bill provides for examinations, surveys, and investigation "with a view to the promotion of transportation; and to consider and coordinate the questions of irrigation, swamp-land reclamation, clarification of streams, utilization of water power, prevention of soil waste, protection of forests, regulation of flow, control of floods, transfer facilities and sites, and the regulation and control thereof, and such other questions regarding waterways as are related to the development of rivers, lakes, and canals for the purposes of commerce."

And again, by section 6, the projects authorized and begun under section 5 "may include such collateral works for the irrigation of arid lands (for reclamation and conservation as specified) and for the utilization of water power as may be deemed advisable in connection with the development of a channel for navigation, or as aiding in a compensatory way in the diminution of the cost of such project."

Section 7 authorizes the commission to be appointed "to enter into cooperation with States, municipalities, communities, corporations, and individuals in such collateral works."

The report of the Secretary of War on this bill, dated April 17, substantially and by inference approves its purpose and general provisions, while making certain specific suggestions. That report notes the provision of coordination between navigation and other uses of the waters in connection with their improvement for the promotion of commerce among the States, and the provision for cooperation with States, municipalities, etc., so as to promote "union of interests through mutual beneficial cooperation," which "feature is recognized by the War Department as highly desirable." The report also notes the provision for correlating the existing agencies in the departments of War, Interior, Agriculture, and Commerce and Labor, and "the utilization and control of water power available in navigable and source streams developed by works for improving navigation." To meet constitutional and legal objections, certain changes are suggested in order to make it clear that the bill contemplates no extension of federal authority beyond its recognized limits, by language which expressly restricts the plan to the development of navigable inland waterways for the purpose of regulating, improving, and protecting interstate and foreign commerce, and also by language which makes the dependence and connection of irrigation and other uses upon the navigation use more clear and certain.

If the power exists, it is for Congress to say whether the occasion for its exercise is real, and whether the connection between the occasion and the method and results of exercise of the power is substantial, and whether the means employed to carry the power into effect are legitimate. The wisdom, expediency, and justice of the means employed are all for Congress to determine. Certainly it is no objection to a power that its exercise is manifestly of vital importance and advantage to the general welfare. As I have suggested already, the interests of navigation may be a secondary or even negligible consideration with the licensees of the Government, but that does not make the government jurisdiction any the less a constitutional control over navigation, and the real object of the licensee, whether it be the development of power or irrigation, is none the less merely subsidiary and incidental from the government point of view. If the Government by its own works in actual aid of navigation, or by such works undertaken by the licensees and agents, or by private licensed and permitted structures in navigable streams where navigation is not yet in actual course of improvement, develops power, which is the natural and, indeed, necessary result of such works, it is preposterous to say that the Government can not deal with the subject on the basis of or with any reference to the power thus incidentally or intentionally developed, but must let it go to waste or give it away or turn it over to the State.

I repeat that the development of power or of irrigation from surplus waters is subsidiary and collateral to but nevertheless germane to an actual development of navigation or to an exercise of the navigation jurisdiction where development is in abeyance. Of course the terms to licensees should be fair, and this is a matter for the justice as well as the wisdom of Congress to settle. The period of license should be long enough to permit the enterprise to be financed. In some cases it may very likely be that all charges should be nominal for a reasonable period, and the rate per horsepower unit might ultimately be varied in accordance with different conditions of time, place, population, and other tributary factors.

Take a case in illustration: The proposal for the Long Sault on the St. Lawrence River contemplates a 20-foot channel in the river where now there is no navigable channel at all, and under our conventional arrangements with Great Britain vessels of the United States must use the canal on the Canadian side. This is navigation and an improvement to navigation of tremendous consequence and value. The power developed is enormous and correspondingly valuable. Of course the private enterprise which undertakes this public work is entitled to protection and reward. It may be that the contractors, in consideration of the creation of that most valuable channel, should be relieved from any government charges for the power developed for a term of years; but, on the other hand, the power developed, which belongs ultimately to and is held in trust for all the people of the United States, should not be granted forever and for nothing.

I understand that the government engineers and experts estimate that the proper use of the water powers of the country as an asset of the people would in time pay for all contemplated and possible improvement of the navigable inland waterways.

The proposed use of the funds to be produced is further evidence of the essential connection between the improvement of navigation and other uses of water thereby stored and made available, because the charges made are to constitute a permanent and general fund in aid of the development of all navigable waterways. The various States manifest concurrence and willingness toward the government plans, and while that fact would not authorize a scheme otherwise unconstitutional it is of vast practical importance that local jealousies will not be aroused and that the proposals contemplate and would receive cooperation from States, municipalities, and all others locally interested in plans which in the end are for the benefit of the whole people.

Keeping in mind the general principles established and the considerations of proper methods and particular equities which are committed to Congress, the strict constitutionality of the programme proposed can not well be doubted.

[H. R. 17707. Sixtieth Congress of the United States of America, at the second session, begun and held at the city of Washington on Monday, the 7th day of December, 1908.]

An act to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power.

Be it enacted, etc., That the consent of Congress is hereby given to William H. Standish, of Reeds Springs, Stone County, Mo., his heirs and assigns, to construct, maintain, and operate a dam in the big bend of the James River in township 23 north, range 24 west, in the county of Stone and State of Missouri, across the said James River at said point and to impound at the narrows in said bend and by canal and tunnel to divert and conduct across said narrows such portion of the water in said river, through said tunnel, into said river again as may be necessary for electric power purposes, all subject to and in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906: *Provided*, That the Secretary of War shall have at all times control of the use of the water, even to the extent of causing the persons, firms, or corporations taking advantage of the privileges granted herein to cease using the water whenever the same may be necessary for navigation: *And provided further*, That should the United States in the work of improving the aforesaid river find it necessary to flood the aforesaid tunnels, or in any way affect the flow of water through them, the owners or operators of aforesaid tunnels shall have no claim against the United States for damage on account of said flooding of the tunnels or said effect on the flow of water through them.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

J. G. CANNON,
Speaker of the House of Representatives.
CHARLES W. FAIRBANKS,
Vice-President of the United States and President of the Senate.

I certify that this act originated in the House of Representatives.
A. MCDOWELL, *Clerk.*

REPORT OF SENATE COMMITTEE.

DAM ACROSS JAMES RIVER.

The Committee on Commerce, to whom was referred the bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, having considered the same, report thereon with a recommendation that it pass without amendment.

Following is a copy of the House report on the bill:

[House Report No. 1256, Sixtieth Congress, first session.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, having considered the same, report thereon with amendments, and as so amended recommend that it pass.

The bill as amended has the approval of the War Department, as will appear by the indorsements attached and made a part of this report.

Amend the bill as follows:

In line 3, page 1, after the word "That," insert "the consent of Congress is hereby given to."

In lines 4 and 5, page 1, strike out "be, and they are hereby, authorized."

In lines 9 and 10, page 1, strike out "that at the narrows in said bend be, and they are hereby, authorized," and in line 10, page 1, after the word "impound," insert "at the narrows in said bend."

At the end of section 1 add the following:

"*Provided*, That the Secretary of War shall have at all times control of the use of the water, even to the extent of causing the persons, firms, or corporations, taking advantage of the privileges granted herein, to cease using the water whenever the same may be necessary for navigation: *And provided further*, That should the United States in the work of improving the aforesaid river find it necessary to flood the aforesaid tunnels or in any way affect the flow of water through them, the owners or operators of aforesaid tunnels shall have no claim against the United States for damage on account of said flooding of the tunnels or said effect on the flow of water through them."

Strike out all of section 2 and renumber section 3 to section 2.

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 11, 1908.

Respectfully returned to the Secretary of War with recommendation that the accompanying bill (H. R. 17707, 60th Cong., 1st sess.) to authorize the construction of a dam across James River, in Stone County, Mo., and to divert a portion of its waters through a channel into the said river again, to create electric power, be amended as indicated in red thereon.

As thus amended, I am of opinion that the bill makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

SMITH S. LEACH,
Acting Chief of Engineers.

[Third indorsement.]

WAR DEPARTMENT, *March 12, 1908.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the foregoing report of the Acting Chief of Engineers, United States Army, and to the accompanying copy of amended bill referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Following is a copy of a letter of the President received after the bill was referred to this committee:

THE WHITE HOUSE,
Washington, March 13, 1908.

SIR: Numerous bills granting water rights in conformity with the general act of June 21, 1906, have been introduced during the present session of Congress, and some of these have already passed. While the general act authorizes the limitation and restriction of water rights in the public interest, and would seem to warrant making a reasonable charge for the benefits conferred, those bills which have come to my attention do not seem to guard the public interests adequately in these respects. The effect of granting privileges such as are conferred by these bills, as I said in a recent message, "taken together with rights already acquired under state laws, would be to give away properties of enormous value. Through lack of foresight we have formed the habit of granting without compensation extremely valuable rights, amounting to monopolies, on navigable streams and on the public domain. The repurchase at great expense of water rights thus carelessly given away without return has already begun in the East, and before long will be necessary in the West also. No rights involving water power should be granted to any corporation in perpetuity, but only for a length of time sufficient to allow them to conduct their business profitably. A reasonable charge should of course be made for valuable rights and privileges which they obtain from the National Government. The values for which this charge is made will ultimately, through the natural growth and orderly development of our population and industries, reach enormous amounts. A fair share of the increase should be safeguarded for the benefit of the people, from whose labor it springs. The proceeds thus secured, after the cost of administration and improvement has been met, should naturally be devoted to the development of our inland waterways." Accordingly, I have decided to sign no bills hereafter which do not provide specifically for the right to fix and make a charge and for a definite limitation in time of the rights conferred.

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

The bill, together with the foregoing letter, was referred to the War Department for its views, which are presented in the following indorsements:

[Second indorsement.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 11, 1908.

1. Respectfully returned to the Secretary of War.

2. The Committee on Commerce of the United States Senate refers H. R. 17707, Sixtieth Congress, first session, being a bill to authorize William H. Standish to construct a dam across the James River, Missouri, and "to divert a portion of its waters through a tunnel into the said river again, to create electric power."

3. This bill was referred to this department for report during its consideration in the House of Representatives, and, after the usual inquiry through the local engineer officer, was reported on on March 11, 1908, to the effect that, so far as the interests of navigation are concerned, there is no objection to its passage.

4. Subsequently, March 18, 1908, the President of the United States, in a letter to the chairman of the Senate Committee on Commerce, stated that all bills of this character not having provision for a limited life and a remuneration to the United States for the privileges or rights conveyed will fail to receive executive approval. The Senate Committee on Commerce now desires the opinion of the War Department upon the merits of the bill and the propriety of its passage, "in view of the letter of the President to the chairman of the committee."

5. The Chief of Engineers notes that the bill (H. R. 17707) as it now stands does not comply with either of the President's requirements, and it is not believed that such requirements are provided for in the general dam act of June 2, 1906.

6. The following provision, if inserted in H. R. 17707, after the words "nineteen hundred and six," line 6, page 2, will, it is believed, accomplish the objects aimed at: "and the Chief of Engineers and the Secretary of War shall, in accordance with said act, and as a part of the conditions and stipulations provided for therein, fix such limitation of time for the privilege hereby permitted and such charge or charges for the same as they may deem necessary to protect the present or future interests of the United States."

The details as to time and amount in each case will depend upon the facts in each case, including amount of investment relative to the interests of navigation and the amount of future responsibility which may have to be assumed by the Government in the matter of proper maintenance of dams, operation of locks, and other items, including possible failure of grantee, which may bear upon any liabilities which the Government by chance might possibly be called upon to assume. While in the form of legislation suggested no definite time or amount is considered, it is appreciated that in each case such time and amount would require consideration by the grantor in advance of preliminary work by the grantee.

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT, *April 14, 1908.*

Respectfully returned to the chairman Committee on Commerce, United States Senate, concurring in the foregoing views of the Chief of Engineers, United States Army.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Following is the amendment suggested by the War Department:

Insert on page 2, line 6, after the word "six," the following: "And the Chief of Engineers and the Secretary of War shall, in accordance with the terms of said act, impose conditions and stipulations fixing such limitation of time for the privilege hereby permitted and such charge or charges for the same as they may deem necessary to protect the present or future interests of the United States."

The President, in a communication addressed to the chairman of the Senate Committee on Commerce, dated March 18 last, as well as in his veto message of April 17, relating to the bill (H. R. 15444) to extend the time for the construction of a dam across Rainy River, has declared it to be his policy not to approve of any bill permitting the construction of a dam by private parties across a navigable stream, although due provision is made for the conservation of the stream for the purposes of navigation, unless the bill provides for the payment of a royalty or compensation to the United States for the use of the water of the stream for purposes other than navigation.

This is a new departure from the policy heretofore pursued in respect to legislation authorizing the construction of such dams, and in view of this fact it becomes important to inquire whether the Government of the United States has the right to require compensation for the use of water in such streams for purposes other than navigation.

The common-law doctrine of England that a stream is not deemed to be a navigable water course unless the tide ebbs and flows in it is not the law in this country. The question whether a water course is a navigable stream is one of fact. If it is capable of being used for the purposes of trade and commerce in any mode, even for floating rafts of logs and timber, it is deemed to be a navigable stream.

(The Montello, 20 Wall., 430.)

(St. Anthony Water Power Company *v.* St. Paul Water Commissioners, 168 U. S., 349.)

The title to the water of a navigable stream within the borders of a State is not in the Federal Government, but in the State; and title to the banks and bed of the stream, after the Federal Government has parted with its riparian lands, is either in the State or in the riparian owner, or both, according to the laws of the respective States. These principles have been laid down and applied by the Supreme Court of the United States in the following, among other cases, and is the settled law of the land, to wit: Martin *v.* Waddell (16 Pet., 367); Pollard *v.* Hagan (3 How., 212); Goodtitle *v.* Kibbe (9 How., 471); Barney *v.* Keokuk (94 U. S., 324); St. Louis *v.* Myers (113 U. S., 560); Packer *v.* Bird (137 U. S., 661); Hadrin *v.* Jordan (140 U. S., 371); Kaukauna Water Power Company *v.* Green Bay and Mississippi Canal Company (142 U. S., 254); Shively *v.* Bowlby (152 U. S., 1); Water Power Company *v.* Water Commissioners (168 U. S., 349); Kean *v.* Calumet Canal Company (190 U. S., 452); United States *v.* The Chandler Dunbar Water Power Company (U. S. Supreme Court, April 20, 1908).

The use of water in such a stream is a matter of state regulation and state control. In many of the States the common-law rule, as defined in the following language of Chancellor Kent, prevails, to wit:

"Every proprietor of lands on the banks of a river has naturally an equal right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run (currere solebat) without diminution or alteration. No proprietor has a right to use the water to the prejudice of other proprietors above or below him unless he has a prior right to divert it, or a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. Aqua currit et debet currere ut currere solebat is the language of the law. Though he may use the water while it runs over his land as an incident to the land, he can not unreasonably detain it or give it another direction, and he must return it to its ordinary channel when it leaves his estate."

In the mining and arid States the rule of prior appropriation for mining and irrigation purposes prevails, and this rule of the States has been recognized by federal statutes (R. S., secs. 2339–2340). In some of the States there is a mixed application, as in California, of the common-law rule and the rule of prior appropriation.

But whatever rule may prevail in any State as to the use of the water in a stream, it is always subject to the following limitations, laid down by the Supreme Court in the case of the United States *v.* Rio Grande Dam and Irrigation Company (174 U. S., 690):

"Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its water; so far, at least, as may be necessary for the beneficial uses of the government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable water courses of the country, even against any state action."

Where the Federal Government is not interested as the owner of riparian lands, the only interest it has in the water of a stream is as to its use for purposes of navigation, and it can lay no claim to the use of the water for any other purpose, not even for irrigation. (Kansas *v.* Colorado, 206 U. S., 46.)

In this case the United States appeared as intervener; but inasmuch as it founded its claim not on the question of navigation, but on the question of irrigation, the court held that it had no ground for intervention, and dismissed its petition. In reference to this subject the court says:

"It follows from this that if in the present case the National Government was asserting, as against either Kansas or Colorado, that the appropriation for the purposes of irrigation of the waters of the Arkansas was affecting the navigability of the stream, it would become our duty to determine the truth of the charge. But the Government makes no such contention. On the contrary, it distinctly asserts that the Arkansas River is not now and never was practically navigable beyond Fort Gibson, in the Indian Territory, and nowhere claims that any appropriation of the waters by Kansas or Colorado affects its navigability.

"It rested its petition of intervention upon its alleged duty of legislating for the reclamation of arid lands. * * *

"Turning to the enumeration of the powers granted to Congress by the eighth section of the first article of the Constitution, it is enough to say that no one of them, by any implication, refers to the reclamation of arid lands. * * *

"While arid lands are to be found mainly, if not only, in the Western and newer States, yet the powers of the National Government within the limits of those States are the same, no greater and no less than those within the limits of the original thirteen, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving, by irrigation or otherwise, the lands within

their borders. Nor do we understand that hitherto Congress has acted in disregard to this limitation."

It was the doctrine at common law that a grant of land upon the borders of a navigable stream carried the grant only to high-water mark, while a grant of land bordering upon a nonnavigable stream carried the ownership to the center or thread of the stream, subject to the public easement.

In the case of Hardin *v.* Jordan (140 U. S., 384), the Supreme Court states:

"The United States have not repealed the common law as to the interpretation of their own grants, nor explained what interpretation or limitation should be given to or imposed upon the terms of the ordinary conveyances which they use, except in a few special instances; but these are left to the principles of law and rules adopted by each local government where the land may lie. We have adopted the common law, and must, therefore, apply its principles to the interpretation of their grant."

Further on the court states the same principle in this form:

"In our judgment the grants of the Government for lands bounded on streams and other waters without any reservation or limitation of terms are to be construed as to their effect according to the laws of the State in which the lands lie."

The rule of riparian ownership as to grants of land bordering on a navigable stream is diverse in the various States. Some States hold that the grant extends only to high-water mark; other States hold that it extends to low-water mark, while another class of States—and perhaps the most numerous—hold that the grant extends to the middle of the stream, subject to the public easement in the water of the stream. But whatever may be the law in this respect as to the effect of the grant, it only relates to the proprietorship in the banks and bed of the stream and not to the ownership of the water in the stream.

In those States which hold that the title of the riparian owner only extends to the high or low water mark the title to the bed of the stream is deemed to be in the State; and whether the title to the bed of the stream is in the riparian owner or in the State, in either case the general title to the water of the stream is deemed to be in the State; but it holds it not absolutely, but in trust for all lawful public uses. The State's interest in such a stream is akin to that of a riparian owner, though more comprehensive and general in its nature and does not exist in hostility to or in diminution of the rights of the riparian owner.

(Rossmiller *v.* State, 114 Wis., 169.)
(Peoples Ice Co. *v.* Davenport, 149 Mass., 322.)
(Brown *v.* Cunningham, 82 Iowa, 512.)
(Braston *v.* Rockport Ice Co., 77 Maine, 100.)
(Martin et al. *v.* Waddell, 16 Peters, 367.)

From the foregoing it will appear that there are three different parties who are interested in the waters of a navigable stream:

1. The United States.
2. The State in which the stream is located.
3. The riparian owner.

The interest of the United States is derived from and rests upon that paragrauph of the Constitution which gives Congress the power to regulate interstate commerce, and this power only extends to the extent of conserving the navigability of the stream. Beyond that the Federal Government has no interest or property in the stream.

The interest of the State in the stream is derived from its sovereignty, and it holds its property in the stream in trust for all public uses, but in subrogation to the rights of the Federal Government as to navigation and of the riparian owner. The right to the use of the waters of a stream for any lawful purpose, outside of the right of navigation, belongs wholly to the State and the riparian owner.

(Martin et al. *v.* Waddell, 16 Peters, 367.)

Chief Justice Shaw, in the case of Elliott *v.* Fitchburg Railroad Company (10 Cushing, 191) describes the rights of the riparian owner in the use of water in a stream in the following language, which states the enlarged and modified common-law doctrine:

"The right to flowing water is now well settled to be a right incident to property in the land; it is a right publici juris, of such a character that, while it is common and equal to all through whose land it runs, and no one can obstruct or divert it, yet, as one of the beneficial gifts of Providence, each proprietor has a right to a just and reasonable use of it as it passes through his land; and so long as it is not wholly obstructed or diverted or no larger appropriation of the water running through it is made than a just and reasonable use, it can not be said to be wrongful or injurious to a proprietor lower down. What is such a just and reasonable use may often be a difficult question, depending upon various circumstances. To take a quantity of water from a large running stream for agricultural or manufacturing purposes would cause no sensible or practicable diminution of the benefit, to the prejudice of a lower proprietor, whereas taking the same quantity from a small running brook passing through many farms would be of great and manifest injury to those below who need it for domestic supply or watering cattle, and therefore it would be an unreasonable use of the water and an action would lie in the latter case and not in the former. It is therefore, to a considerable extent, a question of degree; still the rule is the same, that each proprietor has a right to a reasonable use of it, for his own benefit, for domestic use, and for manufacturing and agricultural purposes. * * *

"That a portion of the water of a stream may be used for the purpose of irrigating land we think is well established as one of the rights of the proprietors of the soil along or through which it passes. Yet a proprietor can not, under color of that right or for actual purpose of irrigating his own land, wholly abstract or divert the water course or take such an unreasonable quantity of water or make such unreasonable use of it as to deprive other proprietors of the substantial benefits which they might derive from it if not diverted or used unreasonably.

"This rule that no riparian proprietor can wholly abstract or divert a water course, by which it would cease to be a running stream, or use it unreasonably in its passage and thereby deprive a lower proprietor of a quality of his property, deemed in law incidental and beneficial, necessarily flows from the principle that the right to the reasonable and beneficial use of a running stream is common to all the riparian proprietors, and so each is bound to use his common right as not essentially to prevent or interfere with an equally beneficial enjoyment of the common right by all the proprietors. * * *

"The right to the use of flowing water is publici juris and common to all the riparian proprietors. It is not an absolute and exclusive right to all the water flowing past their land, so that any obstruction would give a cause of action; but it is a right to the flow and enjoyment of the water, subject to a similar right in all the proprietors to the reasonable enjoyment of the same gift of Providence. It is, therefore, only for an abstraction and deprivation of this common benefit or for an unreasonable and unauthorized use of it that an action will lie."

The doctrine of prior appropriation, already referred to, is thus described by Justice Field in the case of Jennison *v.* Kirk (98 U. S., 453). After describing the system of discovery and appropriation and development of mining claims, he adds the following:

"But the mines could not be worked without water. Without water the gold would remain forever buried in the earth or rock. To carry water to mining localities when they were not on the bank of a stream or lake became, therefore, an important and necessary business in carrying on mining. Here, also, the first appropriator of water to be conveyed to such locality for mining or other beneficial purposes was recognized as having, to the extent of actual use, the better right. The doctrine of the common law respecting the right of riparian owners was not considered as applicable, or only in a very limited degree, to the conditions of miners in the mountains. The waters of rivers and lakes were, consequently, carried great distances in ditches and flumes, constructed with vast labor and enormous expenditures of money, along the sides of mountains and through canyons and ravines, to supply communities engaged in mining, as well as for agriculturists and ordinary consumption. Numerous regulations were adopted, or assumed to exist, from their obvious justness, for the security of these ditches and flumes and for the protection of rights to water, not only between different appropriators, but between them and the holders of mining claims. These regulations and customs were appealed to in controversies in the state courts and received their sanction, and properties to the value of many millions rested upon them. For eighteen years, from 1848 to 1866, the regulations and customs of miners, as enforced and molded by the courts and sanctioned by the legislation of the State, constituted the law governing property in mines and in water on the public mineral lands."

These water rights by prior appropriation, as described by Justice Field, were recognized and confirmed by congressional legislation in 1866 and 1870. Those acts are now sections 2339 and 2340 of the Revised Statutes. Justice Field further adds:

"It will thus be seen that the federal statutes merely gave a formal sanction to the rules already established. Those rules had been built up in reliance on the tacit acquiescence of the United States, the true owner of the lands and waters on which appropriations were made, and these statutes acquiesced therein expressly, 'a voluntary recognition of a preexisting right rather than the establishment of a new one.'"

In the case of Broder *v.* Natoma Water Company (101 U. S., 274), the Supreme Court, in referring to the contention that these statutes established a new right, uses the following language:

"We are of the opinion that it is the established doctrine of this court that rights of miners, who had taken possession of mines and worked and developed them, and the rights of persons who had constructed canals and ditches to be used in mining operations and for purposes of agricultural irrigation, in the region where such artificial use of the water was an absolute necessity, are rights which the Government had, by its conduct, recognized and encouraged and was bound to protect before the passage of the act of 1866, and that the section of the act which we have quoted was rather a voluntary recognition of a preexisting right of possession, constituting a valid claim to its continued use, than the establishment of a new one."

These decisions of Judge Shaw, of Massachusetts, and of Justice Field, of the Supreme Court, describe fully the rights of the riparian owners to the use of the water both under the doctrine of the common law and under the so-called "doctrine of prior appropriation," and the case of Rossmiller *v.* The State (114 Wis., 169), and the cases therein re-referred to, as well as the case of Martin et al. *v.* Waddell (16 Pet., 367), show the interest and property of a State in the waters of a stream.

From the foregoing statement and citation of authorities it is evident that the only use of the waters of a stream in which the United States has any property is its use for purposes of navigation. In the use of the stream for any other purpose the Federal Government has no property and hence has nothing to sell or to exact compensation for.

The plan proposed by the President would deprive the States and the riparian owners of their rights in the use of the water of a navigable stream now vested in them by law, and would concentrate the entire disposal and control in the Federal Government, a power which neither the States nor the riparian owners can, with justice or safety, for a moment concede. But assuming for the sake of the argument that the Federal Government can lay a tribute in such cases as is proposed by the President, it can not be under the interstate-commerce clause of the Constitution, but must be under section 8 of Article I, which reads as follows:

"SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

Such a tribute must be either a direct tax or in the nature of an impost or excise tax. If a direct tax, it can not be levied directly by the Federal Government, but must be apportioned among the States, leaving each State to make the collection; and if an impost or excise tax, then it must be levied by the rule of uniformity upon every dam and water power in the United States not constructed directly or indirectly by the Federal Government. In other words, there must be a general excise law on the subject. The power of the Federal Government over the navigable streams of the country is no greater in the so-called "western or public-land States" than in the New England States. If a tribute can be levied on a dam and water power in Minnesota or Colorado, it can be levied on a dam and water power in Maine or Massachusetts, for the power of the Federal Government over navigable streams is the same in the one case as in the other. In the case of Pollock *v.* Farmers' Loan and Trust Company (157 U. S., 557) the court states:

"Thus in the matter of taxation the Constitution recognizes the two great classes of direct and indirect taxes and lays down two rules by which their imposition must be governed, namely, the rule of apportionment as to direct taxes and the rule of uniformity as to duties, imposts, and excises."

In the case of Thomas *v.* United States (192 U. S., 363), Chief Justice Fuller says:

"And these two classes, taxes so called, and 'duties, imposts, and excises,' apparently embrace all forms of taxation contemplated by the Constitution. As was observed in Pollock *v.* Farmers' Loan and Trust Company (157 U. S., 429, 557), 'Although there have been from time to time intimations that there might be some tax which was not a direct tax nor included under the words "duties, imposts, and excises," such a tax for more than one hundred years of national existence has as yet remained undiscovered, notwithstanding the stress of particular circumstances has invited thorough investigation into sources of revenue. * * *'

"There is no occasion to attempt to confine the words 'duties, imposts, and excises' to the limits of precise definition. We think that they were used comprehensively to cover customs and excise duties imposed on importation, consumption, manufacture, and sale of certain commodities, privileges, particular business transactions, vocations, occupations, and the like."

An act authorizing the construction of a dam is, so far as the United States is concerned, a mere revocable license or privilege, and if a tax can be imposed on such a privilege it must be general and uniform throughout the United States. It must apply to all dams and water powers on navigable streams throughout the entire country.

Nearly all navigable streams in their upper and more remote courses are not, as a matter of fact, navigable, and in such reaches of the river dams can be erected and water powers created under state authority and state license, and so long as such dams and water powers do not materially injure or diminish the navigability of the stream in its navigable portions the Federal Government has no ground for interference. It has been customary, however, in many of such cases to apply to Congress for a federal license and the granting of it, while not necessary, serves a twofold purpose; first, that it authorizes the Federal Government, through the War Department, to control and direct the construction of the dam, and, second, that it recognizes the fact, which might otherwise require proof, that the dam will not affect the navigability of the stream in its navigable portions.

(Kansas *v.* Colorado, 206 U. S., 46; United States *v.* Rio Grande Company, 174 U. S., 690.)

And in such cases it is of as much advantage to the United States as to the grantee of the license to have congressional action and recognition, but in such cases the Federal Government has nothing to sell, and therefore has no moral or legal ground to demand compensation in any form.

For reasons above given the committee report the bill without the amendment recommended by the War Department.

SUBCOMMITTEE'S LETTER TO HON. HENRY M. HOYT, SOLICITOR-GENERAL.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 27, 1909.

Hon. HENRY M. HOYT,
Solicitor-General, Washington, D. C.

DEAR SIR: The subcommittee of the Committee on Interstate and Foreign Commerce of the House of Representatives, to which has been referred H. R. 17707, Sixtieth Congress, first session, together with the veto message of the President and accompanying papers, as well as all legislation to amend the general dam act of June 21, 1906, has under consideration the memorandum submitted by yourself, contained upon pages 16 and following, of the special veto message of the President as printed in House Document No. 1350, Sixtieth Congress, second session. We congratulate you upon the ability of the presentation of your views and appreciate the information contained in your memorandum.

There have arisen in our discussion some questions which do not seem to be covered in your opinion, and the subcommittee would much value any further information or opinion you may see fit to forward to it concerning the propositions herein set forth:

A. You have illustrated your position by the citation of numerous acts of Congress, bills proposed in Congress but not enacted, reports of commissions and expressions of executive departments, but not to any great extent by the citation of cases decided by the courts.

(I) Is there a lack of cases bearing on this point, especially in the Supreme Court of the United States?

(II) If there are such decisions, are they in accord with the opinion you express?

B. If an act should be passed containing such conditions as you indicate, would you recommend that they should be so expressed as to facilitate the power of a court to pass upon them without bringing into question the remainder of the act; and, in case they should be held invalid because beyond the power of Congress, to hold the grant by the act valid and free from those conditions?

C. Assuming that the Congress has full and exclusive authority to control every navigable stream and its waters for purposes of commerce, and therefore can grant to a private concern a privilege or license to construct a dam which may in some respects affect the natural condition of such streams, although the United States has no property rights therein or interest in such construction, or any lands, riparian or other, to be affected thereby, and has made no expenditure for improvement at that point:

(I) Can Congress impose as a condition of such grant the payment of money by the licensee or the imposition of a burden on him which can be used by Congress—

1. For general public purposes as may be provided by law.

2. For the benefit and improvement of the navigation of a designated stream or streams at any point and in any manner which may be determined by Congress.

3. For removing the particular structure which may be authorized by Congress in such grant, or for making further improvements at that place which may substantially make good any disadvantage caused by the exercise of the grant.

D. If in a given case the riparian owner is entitled to the use of the power which may be developed by a navigable stream, without impairing the navigability, can he be deprived of that use in whole or in part by any action or nonaction of the United States? For instance, if on such a stream the riparian owner has acquired lands on both sides of such a stream for the purpose, with others, of developing and selling power produced by that stream, and has now a clear legal title to those lands and to that power, the right to develop such power without impairing navigation being worth, say, $1,000 per year, has the United States the constitutional authority to prevent such development unless $500 per year be paid to the United States, or—

(I) Would such action by the United States operate to deprive the owner, without due process of law, of property worth $500 per year?

(II) Would such private property be taken for public use without just compensation?

E. Should any such payment or burden imposed as the condition of such grant by Congress be construed as a—

1. (I) Tax under the provisions of Article I, section 8, paragraph 1, or section 9, paragraph 4, of the Constitution, known as the "taxing clauses," or—

(II) As a mere incident to the exercise of power under Article I, section 8, paragraph 3, of the Constitution, known as the "commerce clause?"

2. If such charge or compensation be not a tax under any circumstances, would it be possible, as a matter of law—

(I) To exact compensation for such licenses which could be covered into the Treasury as a general or special fund, sufficient to provide for all or nearly all such public improvements, which otherwise must be provided by taxation to be raised under the powers and limitations of the Constitution, or—

(II) Could this be exacted although the work under such license might be a real, valuable, and conceded aid to navigation?

F. Briefly, in such cases—

(I) Can Congress use this license as a means of raising money to carry on general public improvements or perform other public work or—

(II) Is it necessarily confined to making improvements at the particular place, and to substantially the measure of the burden, affected by the license?

(III) If such payment be a tax, would it be a direct tax or not, and how should it be levied and collected?

G. Some grants of territory to the United States, and some treaties with foreign powers respecting boundaries, provide that the navigation of certain streams shall remain open and free. Is the authority of the United States over those streams any less than its power over other navigable streams, with respect to imposing conditions on the development of navigation or mechanical power?

H. The treaty between the United States and Great Britain of 1842, known as the "Webster-Ashburton treaty," in sections 2, 3, and 7, contains substantially the following provision:

"It being understood that all the water communications and all the usual portages, etc., * * * as now actually used shall be free and open to the use of the citizens and subjects of both countries."

The treaty between the United States and Mexico of 1848, articles 6 and 7, contains substantially the following provision:

"The navigation of the rivers (naming them) shall be common and free to the vessels and citizens of both countries, and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right, not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution be laid, etc., * * * for the purpose of making said rivers navigable or for maintaining them in such state. If it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments."

The ordinance of 1787, passed by Congress for the government of the Northwest Territory, known as the "Northwest Ordinance," contains the following provision (article 4):

"The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free as well to the inhabitants of said territory as to the citizens of the United States and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor."

The enabling acts by Congress of the following States, viz, Minnesota and Wisconsin, contain substantially the following provision:

"The said rivers and waters leading into the same shall be common highways and forever free as well to the inhabitants of the said State as to all other citizens of the United States without any tax, duty, poll, or impost whatever."

The enabling acts of Alabama, Mississippi, Missouri, and Louisiana add to the end of such paragraph the words "by the State."

1. Do these provisions with respect to the rivers and waters referred to in the above-cited provisions of those treaties and enabling acts and of that ordinance constitute any prohibition or limitation upon the power of Congress to fix such charge as it may deem best upon any project for the construction of a dam within the territory affected, in which the United States has no interest by expenditure of money, ownership of property, or otherwise, which project, as a fact, may improve navigation and facilitate commerce?

2. Can such charge be imposed in such cases to an extent which may prevent the construction of such improvement to navigation when, if such charge be not made, navigation would be improved by the owners of the riparian property?

3. In such cases, must such charge be limited by an amount sufficient to overcome any disadvantage to navigation caused by such grant, and so practically restore the stream to its original state as to its navigability?

4. In fine, is the power of the United States over those streams and waters any less than its power over other navigable streams and waters with respect to imposing conditions on the development of navigation or of mechanical power?

I. Is there any constitutional objection to a provision in a bill authorizing the construction of a dam across a navigable stream for the purpose of improving navigation that the United States may provide a proportion of the expense, to be fixed in some manner provided by law, and in return there should be paid to the United States a compensation, to be fixed or provided by law, in consideration of its contribution, which fund should go into the Treasury for general purposes as may be directed by Congress?

REPLY OF HON. HENRY M. HOYT.

OFFICE OF THE SOLICITOR-GENERAL,
Washington, D. C., February 23, 1909.

Hon. F. C. STEVENS,
Chairman, etc., House of Representatives.

MY DEAR SIR: Addressing myself to the letter dated January 27 (which I received February 13) from the subcommittee of the Committee on Interstate and Foreign Commerce, to which was referred H. R. 17707, with the veto message of the President among other associated matters, I beg to say in answer to your first two questions that there is not only a lack but an entire absence of decisions, so far as I am aware, on the particular aspect of the power of Congress over navigable waters discussed in the memorandum to which you refer, prepared by me in May of last year at the request of the President.

In the memorandum I was undertaking to trace the general principle that a grant of any right or privilege may be upon terms and conditions, and to illustrate by legislation enacted the application of the principle as affecting the incidental development of water power and other incidental conditions in cases where Congress itself was improving navigation or authorizing others to do so, or retaining absolute control of the subject for the future in licensing structures in waters not now navigable in fact at the particular point. I also considered the views of members of the Judiciary Committee of your House with reference to a suggested exercise of the power of Congress proposing to acquire forest reserve lands as a step germane to navigability, which at first glance might seem remote from the power, but was not really so.

I thought then, and still think, that the views expressed as to the constitutionality of the particular legislation under consideration or proposed are sound. It is to be remembered that the views set forth were expressed informally in reference to that particular legislation,

and for the special purpose of advice to the President on the matter then before him, and for his information respecting his proper executive action.

The categoric questions you now submit to me, however, regard many different aspects of the general inquiry. They are based upon hypothetical circumstances and search the entire subject through, constitutionally and encyclopedically. The questions relate to a new field of inquiry and are highly judicial in their nature, and of course can not be intelligently answered until the Supreme Court has adjudged some case or cases raising them. To answer the questions now would be merely an attempt speculatively to forecast the course of judicial decision on the subject, and would be a presumption on my part. Under these circumstances it seems to me obvious that it would be highly improper for me to express any opinion, and I am therefore constrained to decline to do so.

Very respectfully, yours,

HENRY M. HOYT,
Solicitor-General.

REPORT AND MEMORANDUM OF THE WAR DEPARTMENT CONCERNING THE AUTHORITY OF THE UNITED STATES OVER THE USE OF WATER FOR POWER PURPOSES.

[Circular No. 14.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 4, 1905.

The following report on a bill introduced and considered at the third session of the Fifty-eighth Congress is published for the information of officers of the Corps of Engineers in charge of river and harbor works, it being thought that the important legal propositions discussed, and a knowledge of the department's position regarding the subject-matter, may be of interest and value:

WAR DEPARTMENT,
January 17, 1905.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the accompanying report of the Chief of Engineers, United States Army, of yesterday's date, and to drafts of bills therein referred to. The report seems to me to be very comprehensive, accurate, and instructive.

WM. H. TAFT, *Secretary of War.*

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 16, 1905.

Hon. WM. H. TAFT,
Secretary of War.

SIR: 1. I have the honor to return herewith a letter, dated the 13th ultimo, from the Committee on Interstate and Foreign Commerce of the House of Representatives, inclosing for the views of the War Department thereon H. R. 16298, Fifty-eighth Congress, third session—

"A bill to provide for and regulate the use of the navigable rivers and streams of the United States for manufacturing, industrial, and other purposes by means of water power obtained therefrom."

2. There are two distinct propositions embraced in the bill, as follows:

(*a*) To authorize the Secretary of War to grant leases and licenses to private persons or corporations for the use of water power created by dams and other structures built by the Government on navigable waters for the benefit of navigation.

(*b*) To empower the Secretary of War to authorize private persons or corporations to construct dams and other structures, and to develop and use water power, at points on navigable rivers where the Government has not built such structures.

3. In connection with legislation of this kind careful consideration should be given to the question of the limitations of the power of the Federal Government over navigable waters. By virtue of its power to regulate commerce Congress may exercise control over the navigable waters of the United States, but only to the extent necessary to protect, preserve, and improve free navigation. The Federal Government has no possessory title to the water flowing in navigable streams, nor to the land comprising their beds and shores, and hence Congress can grant no absolute authority to anyone to use and occupy such water and land for manufacturing and industrial purposes. The establishment, regulation, and control of manufacturing and industrial enterprises, as well as other matters pertaining to the comfort, convenience, and prosperity of the people, come within the powers of the States, and the Supreme Court of the United States holds that the authority of a State over navigable waters within its borders, and the shores and beds thereof, is plenary, subject only to such action as Congress may take in the execution of its powers under the Constitution to regulate commerce among the several States.

4. Many of the provisions of the bill under consideration appear to conflict with these principles of law, and particularly sections 3 and 6, which propose to confer upon the United States, and upon any lessee or grantee under the provisions of the bill, the power to condemn any land or other property bordering on or adjacent to the river or stream to be used. Eminent domain is the right to take property for public uses, and is inherent in the United States by virtue of its sovereignty. Private property can be expropriated by the Federal Government, however, for public purposes only—that is, when it is necessary for the use of the Government in the exercise of any of its legitimate powers. To take or to authorize the taking of the property of one individual for the use and benefit of another in carrying on a private business or industry, as proposed by the bill, is not a proper exercise of the right of eminent domain. There may be certain enterprises of a quasi public character, such as electric-light and railway companies, that would desire to avail themselves of the uses of water power, and to which the right to condemn private property could properly be granted; but the granting of such right is believed to be a function of the States, inasmuch as the organization and incorporation of these enterprises, as well as the title and ownership of the property affected, are matters for state control and regulation. In view of the foregoing, I am unable to recommend favorable consideration of the bill in its present form.

5. To legislation authorizing the Secretary of War to lease water power created by works constructed by the Government I see no special objection, but I know of no demand for it in the public interest.

The right of Congress to regulate, control, and dispose of such water power is believed to be unquestionable, inasmuch as the power constitutes a valuable property created at the public expense, and when utilized by private persons or corporations should be paid for. Whether a general policy of this kind should be adopted, however, is a question that should be very carefully considered. Locks and dams are built and operated for the purpose of facilitating navigation and commerce, and nothing should be permitted that would tend to impair their usefulness or interfere with their operation for this purpose. Partnerships or quasi partnerships between the Government and private persons or corporations have not been generally favored in the past, as experience has shown that they are apt to be attended by many annoying complications. I do not believe that sufficient revenue would be derived from renting water power to compensate for the trouble and inconvenience that might ensue from the adoption of such a policy. Congress has heretofore authorized the renting of land and water power at the locks and dams on the Muskingum River and Green and Barren rivers; but it is understood that this was done for the reason that at the time these works came into the possession of the United States there was in existence a number of leases granted by the former owners which constituted an easement on the property, some of which leases had many years to run. In cases where a new privilege is asked, it has been customary to invite public competition, setting a minimum price; but no active competition has been developed. There is also one company which uses land and water power at Lock No. 4 on the Kentucky River, under a lease granted by the State of Kentucky, which expires in 1977. During the past fiscal year there were in existence 27 different leases, and the total gross revenue received by the Government was only $4,500, and in a number of instances in the past the Government has been compelled to resort to suits against lessees to collect the rental. While many applications would be made for permission to use government water power, if no charge was made therefor, it is believed that few leases would be made, and then only at favored localities, if adequate compensation were exacted. In the river and harbor act of June 13, 1902, Congress authorized the leasing of water power at the locks and dams on the Cumberland River. Before the enactment of this law a number of persons appeared to be desirous of using water power in this river, but although the law has been in existence more than two years not a single lease has been applied for or granted. If, however, Congress should decide to adopt this policy, I beg to recommend that the legislation take the form of the accompanying draft of a bill which, in my opinion, is so drawn as amply to protect the interests of the Government.

6. Regarding the proposition to empower the Secretary of War to authorize the use and development of water power at localities not improved by the United States, it should be borne in mind that natural water power—that is, power made available by the existence of natural falls and rapids in a river—is appurtenant to riparian ownership, and the right to use it is governed by state laws on the subject of private property. As above set forth, the Federal Government can regulate and control it only to such extent as may be necessary in the interest of navigation. Sections 9 and 10 of the river and harbor act of March 3, 1899, cover cases of this kind, and under this law the interests of the Government can, in my opinion, be better protected than by a law general in its scope, as contemplated by the bill. I do not favor the proposed legislation, but if any is enacted, it should be permissive in its character, simply giving the consent of Congress, with suitable limitations, to the erection of the necessary structures in navigable streams for the development of water power, this consent to be executed through the Chief of Engineers and the Secretary of War, to whom should be left entire control in the matter of plans and details.

A draft of a bill embodying these views is submitted herewith for the consideration of the committee.

Very respectfully,

A. MACKENZIE,
Brig. Gen., Chief of Engineers, U. S. Army.

By command of Brigadier-General Mackenzie.

FREDERIC V. ABBOT,
Major, Corps of Engineers.

Hearing before Hon. William H. Taft, Secretary of War, in connection with the development of the Illinois Valley water power.

WAR DEPARTMENT,
DISTRICT OF COLUMBIA,
February 23, 1907—10.30 a. m.

Present: Brig. Gen. Alexander Mackenzie, Chief of Engineers, United States Army; Mr. I. Randolph, representing the State of Illinois; Hon. H. M. SNAPP, Mr. J. W. Woermann, and Mr. Charles A. Monroe, representing the Economy Light and Power Company.

Secretary TAFT. Gentlemen, as I understand this application, it is to prevent me from granting a permit to any person on the Des Plaines River to build a dam for water-power purposes, on the ground that the State is interested in supervising that matter itself. Is that about the size of it?

STATEMENT OF MR. I. RANDOLPH ON BEHALF OF THE STATE OF ILLINOIS.

The position of the State, as I understand it, is this: I am appearing in this matter at the present time for the State, because, as I understand, the Sanitary District has no interest in the present application whatever. The work of the Sanitary District, however, has made possible the development of very, very important water power on the Des Plaines and Illinois rivers. Prior to the completion of that work the water powers on the Des Plaines River were inconsequential. They amounted to but little. The water power on the Illinois River was somewhat better. There was no development at Marseilles. But the opening of the Sanitary District naturally has turned into those rivers a permanent volume of water, which makes the development of the water powers possible on quite a valuable scale.

The interest of the State in this is to see that this asset is developed to the fullest extent and that it shall be so developed as not to interfere with the creation of a waterway such as the State hopes to see put through. * * *

Mr. SNAPP. If the General Government has no right either in this property or to the water power developed thereby, there can properly be no determination of this matter by any of the officers of the Government. Now, as a matter of fact, all the property interest in the Des Plaines Valley belongs to private parties. There is absolutely no public ownership of any land in the Des Plaines Valley. The stream is not a navigable stream. In low water the entire flow of the Des Plaines River would come probably through a 6-inch pipe. It falls downhill, falling 100 feet in less than 30 miles. Neither the flow of the water nor the contour of the land makes the stream navigable, and it has been so held.

Secretary TAFT. You say the Des Plaines River is not a navigable stream?

Mr. SNAPP. It is not a navigable stream either in law or in fact. It could not be navigated in low water, in the natural condition of the river, by a birch-bark canoe.

Secretary TAFT. How do we get any jurisdiction of it, General Mackenzie?

Mr. SNAPP. Let me answer, Mr. Secretary, as a lawyer. You undoubtedly have none, and I was going to bring to the attention of the Secretary——

Secretary TAFT. Why do you come here for a permit, then?

(Mr. SNAPP then explains that they did not come for a permit, but for advice to be more safe to proceed.)

Mr. Randolph then states that the river is meandered by the surveys, and thinks that might make it navigable. Secretary Taft answers that has nothing to do with determining whether the river is navigable. A long conversation follows, after which Secretary Taft rendered the following decision, taken down in shorthand and now on file in the War Department with the Chief of Engineers:

"OPINION.

"There are two answers to the contention of the State of Illinois in this matter. The application, if I understand it—and it is rather informal than otherwise—is for this department to take no official action which may interfere with the state control of the water power which may be developed in the Des Plaines River under a proposed improvement by the construction of a 14-foot waterway; and also to take no action which may interfere with the waterway as a waterway.

"There are two answers to that. The department is not going to take any action, and has not taken any action. The advisory step, taken at the instance of Mr. SNAPP, or the person who intended to put some sort of water-power construction in the Des Plaines River, was extra-official, and really was beyond the authority of the Chief of Engineers, except as he was accommodating to express an opinion in the interest of explanation. The truth is that the Des Plaines River, not being a navigable stream, no permit was necessary to put any obstruction into it which the War Department could prevent. But even if it had been a navigable stream, and even if the application had been made, and properly made to this department, to say whether this would interfere with navigation if the department concluded it would not interfere with navigation, then it is not within the power of the department to withhold its expressing such an opinion and granting such a permit, so far as the United States is concerned, for the purpose of aiding the State in controlling the water power. If the State has any control over the water power, which it may exercise in conflict with the claimed rights of the riparian owner, then it must exercise it itself, through its own legislation and through its own executive officers. All the United States does, assuming it to be a navigable stream, is merely to protect the navigation of the stream. With reference to the water power, it has no function except in respect to water power which it itself creates by its own investment in property that it itself owns; and then, of course, it may say how that water power shall be used.

"But with respect to the water power on a navigable stream, which may be exercised without interference with the use of the river for navigation purposes, that is controlled by the laws of the State. It is controlled by the riparian ownership and by the common law as it governs those rights. Therefore I do not see, with reference to this matter, that this department has any function to perform or which it can perform.

"It has merely offered a friendly suggestion, with reference to a possible improvement of the river, which has not been authorized and which until it is authorized can not be regarded as giving any right to this Government to interfere in the use of the stream, the proposed action of the private owners here would not be in conflict with such a plan. That is an expression of an opinion with reference to existing plans, but not with respect to existing conditions.

"Therefore what General Mackenzie has done, out of the kindness of his heart, does not commit this department to any assertion of authority in the matter and certainly does not carry us to the necessity of retracing our steps and saying that they shall go on with this when we had not any power to interfere at all.

"It is not that we approve this; it is not that we disapprove it. It is that we have nothing whatever to do with it. That is the truth of it. If the State wishes to control the matter of the water power, then it is for the legislature, through which it can express that view, in so far as it may constitutionally affect it by legislation."

General MACKENZIE. That is virtually what was told the governor, Mr. Secretary, and this is the result of one of our indorsements.

Secretary TAFT. All right; I think that disposes of it.

MEMORANDUM.

Certain questions which have had the consideration of the Inland Waterways Commission relate to rights of property and to the extent and power of the Federal Government in the premises under existing law. I submit the following remarks and quotations as having, to my mind, a bearing upon the questions raised.

These facts are presented not with a view of depreciating some of the suggestions which have been advanced as to the importance of federal control in certain matters under consideration by the commission, but as my view as to conditions under existing law as to ownership and as an expression of the thought that to accomplish some of the results considered important it would appear that modifications of law and possibly amendments to the Constitution may be necessary.

First, as to the land.—The title to the lands forming the banks and beds of navigable waters is in the several States by virtue of their inherent sovereignty, and their property and dominion in these areas are supreme, subject only to the general rights of commerce and navigation and the laws and regulations which Congress may make for the protection thereof. This doctrine was fully set forth by the Supreme Court of the United States in the case of Pollard's Lessee *v.* Hagan (3 How., 212), and has been reaffirmed in various subsequent decisions.

"Lands under navigable waters belong to the States, subject to the rights surrendered by the Constitution to the United States. (Pollard *v.* Hagan, 3 How., 229.)

"On admission of a State into the Union the shores of navigable waters lying below high-water mark pass to and are vested in the State, and thereafter Congress can not grant them. (Goodtitle *v.* Kibbe, 9 How., 477.)

"The shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but are reserved to the States, and the new States have the same rights, jurisdiction, and sovereignty over the subject as the original States. (St. Anthony Falls Water Power Company *v.* Water Commissions, 168 U. S., 360.)

"Ownership of and dominion over lands covered by navigable waters within States belong to the States, subject to the right of Congress to control navigations so far as necessary for the regulation of commerce. (Morris *v.* United States, 174 U. S., 216.)"

In the leading case of Shively *v.* Bowlby (52 U. S., 1) the doctrine is exhaustively discussed, and the following is quoted from the conclusions of the court:

"At common law the title and the dominion in lands flowed by the tide were in the King for the benefit of the nation. Upon the settlement of the colonies like rights passed to the grantees in the royal charters, in trust for the communities to be established. Upon the American Revolution these rights, charged with a like trust, were vested in the original States within their respective borders, subject to the rights surrendered by the Constitution to the United States.

"Upon the acquisition of a Territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States, for the benefit of the whole people, and in trust for the several States to be ultimately created out of the Territory.

"The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tide waters and in the lands under them within their respective jurisdictions. The title and rights of riparian or littoral proprietors in the soil below high-water mark, therefore, are governed by the laws of the several States, subject to the rights granted to the United States by the Constitution.

"The United States, while they hold the country as a Territory, having all the powers both of national and municipal government, may grant, for appropriate purposes, titles or rights in the soil below high-water mark of tide waters. But they have never done so by general laws; and, unless in some case of international duty or public exigency, have acted upon the policy, as most in accordance with the interest of the people and with the object for which the Territories were acquired, of leaving the administration and disposition of the sovereign rights in navigable waters and in the soil under them to the control of the States, respectively, when organized and admitted into the Union.

"Grants by Congress of portions of the public lands within a Territory to settlers thereon, though bordering on or bounded by navigable waters, convey, of their own force, no title or right below high-water mark, and do not impair the title and dominion of the future State when created, but leave the question of the use of the shores by the owners of uplands to the sovereign control of each State, subject only to the rights vested by the Constitution in the United States."

While some of the cases cited related to water courses where the tide ebbs and flows, which were the only water courses recognized in England as navigable, the doctrine enunciated is equally applicable to all the navigable waterways of the United States, and the court has so held.

"The common-law doctrine as to the dominion, sovereignty, and ownership of lands under tide waters on the borders of the sea applies equally to the lands beneath the navigable waters of the Great Lakes; and in this country such dominion, sovereignty, and ownership belong to the States, respectively, within whose borders such lands are situated, subject always to the right of Congress to control the navigation so far as may be necessary for the regulation of foreign and interstate commerce. (Illinois Central R. R. Co. *v.* State of Illinois, 146 U. S., 387.)"

In the Genesee Chief (12 Howard, 443) the court declared that "the Great Lakes and other navigable waters of the country, above as well as below the flow of the tide, are in the strictest sense entitled to the denomination of navigable waters."

In Barney *v.* Keokuk (94 U. S., 324), referring to the State of Iowa, the court says:

"It appears to be the settled law of that State that the title of the riparian proprietors on the banks of the Mississippi extends only to ordinary high-water mark, and that the shore between high and low water mark, as well as the bed of the river, belongs to the State. This is also the common law with regard to navigable waters, although in England no waters are deemed navigable except those in which the tide ebbs and flows. In this country, as a general thing, all waters are deemed navigable which are really so; and especially is it true with regard to the Mississippi and its principal branches."

Waterways which are classed as unnavigable are subject to no public easement in favor of the Federal Government, not even to that of commerce. That the States have absolute sovereignty with respect to the regulation and control of property rights in the lands forming the shores and beds of such waterways within their boundaries may be considered an admitted proposition that hardly needs assertion.

"Where a river is not navigable in fact (unless reserved in the original grant) it is a private stream and the public has no easement in it. The riparian proprietors own the bed and may bridge the river, fence it, erect dams across it, and use the water for power or other purposes, provided they do not infringe upon the rights of those above or below them." (Gould on Waters, sec. 46; Farnham on Waters, sec. 29a.)

"Streams which are not navigable in fact are not subject to public easement, and they can be made navigable only by the exercise of the power of eminent domain and the making of compensation for the easements acquired." (I Farnham on Waters, secs. 77 and 79; Cooley Constitutional Limitations, 7th ed., p. 862.)

The doctrine of state ownership and control also applies to the public domain and lands owned by the United States.

"A patent of the United States, conveying land lying upon the borders of a navigable river within the boundaries of a State, conveys no title to land lying under the stream, since the United States has no title thereto." (Scranton *v.* Wheeler, 163 U. S., 703.)

"The power of Congress to make regulations for the sale and disposition of the public lands confers no right to grant land within a State which was below high-water mark in a navigable stream at the time the State was admitted into the Union." (Pollard *v.* Hagan, 3 Howard, 230.)

In the case of Hardin *v.* Jordan (140 U. S., 371), where the question arose whether a survey or patent of the United States bounded by a lake which was not navigable was limited by the margin or extended to the center of the lake, the court held that "grants by the United States of its public lands bounded on streams and other waters, made without reservation or restriction, are to be construed as to their effect according to the law of the State in which the land lies."

And the court further says:

"With regard to grants of the Government for land bordering on tide water, it has been distinctly settled that they only extend to high-water mark, and that the title to the shore and lands under water in front of lands so granted inures to the State within which they are situated, if a State has been organized and established there. Such title to the shore and lands under water is regarded as incidental to the sovereignty of the State—a portion of the royalties belonging thereto and held in trust for the public purposes of navigation and fishery—and can not be retained or granted out to individuals by the United States. Such title being in the State, the lands are subject to state regulation and control, under the condition, however, of not

interfering with the regulations which may be made by Congress with regard to public navigation and commerce."

The foregoing citations are from leading cases, a few only of the many that could be referred to. They are deemed sufficient, however, to show that the powers of the State over the soil forming the banks and bed of water courses, both navigable and unnavigable, are plenary so far as the title, disposition, and use of such areas are concerned, restricted only by the easement conferred by the Constitution on the Federal Government for the benefit of navigation and commerce.

Second, as to the water.—The rule of the common law is that every riparian owner has a right to the continued natural flow of the stream, and that this right is not a mere easement or appurtenance, but is inseparably annexed to the soil itself.

"Riparian proprietors upon both navigable and unnavigable streams are entitled, in the absence of grant, license, or prescription limiting their rights, to have the stream which washes their lands flow as it is wont by nature, without material diminution or alteration. Each proprietor may, therefore, insist that the stream shall flow to his land in the usual quantity at its natural place and height, and that it shall flow off his land to his neighbor below in its accustomed place and at its natural level. The proprietors have no property in the flowing water, which is indivisible and not the subject of riparian ownership, but may use it for any purpose to which it can be applied beneficially without material injury to others' rights, or for which the fall of the stream may make it available as a motive power." (Gould on Waters, sec. 204.)

Says Chancellor Kent (3 Kent Com., sec. 439):

"Every proprietor of lands on the banks of a river has naturally an equal right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run (currere solebat), without diminution or alteration. No proprietor has a right to use the water, to the prejudice of other proprietors, above or below him, unless he has a prior right to divert it, or a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. Aqua currit et debet currere ut currere solebat is the language of the law. Though he may use the water while it runs over his land as an incident to the land, he can not unreasonably detain it, or give it another direction, and he must return it to its ordinary channel when it leaves his estate."

This language has been quoted with approval by the Supreme Court, and is considered a correct statement of the common-law rule of riparian rights in flowing water which obtains in all the States of the Union that have adopted this rule. Each State, however, has the power to change by statute the common-law rule as to streams within its borders, and in a number of States this has been done.

In the case of United States *v.* Rio Grande Irrigation Company (174 U. S., 690) the court say:

"Notwithstanding the unquestioned rule of the common law in reference to the right of a lower riparian proprietor to insist upon the continuous flow of the stream as it was, and although there has been in all the Western States an adoption or recognition of the common law, it was early developed in their history that the mining industry in certain States, the reclamation of arid lands in others, compelled a departure from the common-law rule, and justified an appropriation of flowing waters both for mining purposes and for the reclamation of arid lands, and there has come to be recognized in those States, by custom and by state legislation, a different rule—a rule which permits, under certain circumstances, the appropriation of the waters of a flowing stream for other than domestic purposes."

Regarding such legislation, the court holds "that as to every stream within its dominion a State may change the common-law rule and permit the appropriation of the flowing waters for such purposes as it deems wise," subject, however, to two limitations:

"First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its waters, so far at least as may be necessary for the beneficial use of the government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States."

In the case of Kansas *v.* Colorado the question presented for consideration and decision was whether the State of Kansas had a right to the continuous flow of the waters of the Arkansas River as that flow existed before any human interference therewith—or the State of Colorado the right to appropriate the waters of that stream so as to prevent that continuous flow—or whether the matter was subject to the superior authority of the United States and, consequently, to national legislation, regulation, and control. The court discussed the whole question; sustained the validity of state legislation on the subject; and held that the rights of the States in regard to the flow of the Arkansas River were not subordinate to any superior right on the part of the National Government to control the system of the reclamation of arid lands, but "that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters."

The petition of intervention filed on behalf of the Government was dismissed by the court "without prejudice to the rights of the United States to take such action as it shall deem necessary to preserve or improve the navigability of the Arkansas River."

Following the line of this decision, the powers of the Federal Government may be more fully expressed as follows:

1. Paragraph 2, section 3, Article IV, of the Constitution provides that—

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

By virtue of this provision of the Constitution the Federal Government has complete jurisdiction over the Territories, and—

"Congress has full power of legislation, subject to no restrictions other than those expressly named in the Constitution, and therefore may legislate in respect to all arid lands within their limits.

"As to those lands within the limits of the States, at least of the Western States, the National Government is the most considerable owner and has power to dispose of and make all needful rules and regulations respecting its property. We do not mean that its legislation can override state laws in respect to the general subject of reclamation. While arid lands are to be found mainly, if not only, in the Western and newer States, yet the powers of the National Government within the limits of those States are the same, no greater and no less, than those within the limits of the original thirteen, and it would be strange if in the absence of a definite grant of power the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving, by irrigation or otherwise, the lands within their borders."

As the owner of the lands bordering on water courses within the States, and either constituting a part of the original public domain or acquired for special purposes, the Federal Government has all the rights of a riparian proprietor under state laws, and may make all needful rules and regulations for the beneficial use of its property.

2. Section 8, Article I, of the Constitution provides, inter alia, that the Congress shall have power "to regulate commerce with foreign nations and among the several States and within the Indian tribes."

By virtue of this provision the Federal Government has dominant jurisdiction over interstate commerce and its natural highways, and consequently the right and power to take all needed measures and to enact all legislation necessary to preserve, protect, and improve navigable water courses and to secure their uninterrupted navigability, even against any state action. In this regard its powers are supreme and exclusive, and for this purpose it may regulate and control the flow of water and occupy and use the underlying lands without liability to the State or the riparian owners.

Commerce includes navigation. The power to regulate commerce comprehends the control for that purpose, and to the extent necessary, of all the navigable rivers of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the Nation and subject to all the requisite legislation by Congress. This necessarily includes the power to keep these open and free from any obstruction to their navigation interposed by the States or otherwise; to remove such obstructions where they exist; and to provide by such sanctions as they may deem proper, against the occurrence of the evil and for the punishment of the offenders. For these purposes Congress possesses all the powers which existed in the States before the adoption of the National Constitution. (Gilman *v.* Philadelphia, 3 Wall., 724.)

"Whatever the nature of the interest of a riparian owner in the submerged lands in front of his upland bordering on a public navigable water, his title is not as full and complete as his title to fast land which has no direct connection with the navigation of such water. It is a qualified title, a bare technical title, not at his absolute disposal, as is his upland, but to be held at all times subordinate to such use of the submerged lands and of the waters flowing over them as may be consistent with or demanded by the public right of navigation. (Scranton *v.* Wheeler, 179 U. S., 141.)

"All navigable waters are under the control of the United States for the purpose of regulating and improving navigation, and although the title to the shore and submerged soil is in the various States and individual owners under them, it is always subject to the servitude in respect to navigation created in favor of the Federal Government by the Constitution. (Gibson *v.* United States, 166 U. S., 269.)

"In a navigable stream the public right is paramount, and the owner of the fee of the land on either side of the stream or in its bed holds title subject to the paramount right of navigation over the waters of the river. (West Chicago Street Railroad *v.* Chicago, 201 U. S., 506.)"

The foregoing pages are designed simply to indicate in a general way the respective jurisdictions of the federal and state governments over the subject-matter. It is believed that the citations made are pertinent, and that they set forth clearly the general doctrine as judicially enunciated.

It is suggested, however, that knowledge of state enactments are essential to complete information on the subject. The attitude of the several States differ materially; some adhere to the common-law rule of limiting the rights of a private riparian owner to high-water mark, reserving to themselves complete ownership below that point; others make private grants to low-water mark, and still others extend such rights to the middle of the stream without restrictions of any kind. A careful examination of the statutes of the various States will be necessary to ascertain the actual existing status of those property rights with which the commission is concerned.

A bill to regulate the construction of dams across navigable waters.

Be it enacted, etc., That when, hereafter, authority is granted by Congress to any persons to construct and maintain a dam for water power or other purposes across any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, or until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving said plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that such persons shall construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock in locks, booms, sluices, or any other structures which the Secretary of War and the Chief of Engineers at any time may deem necessary in the interest of navigation, or in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock, or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions: *Provided further*, That in acting upon said plans as aforesaid, the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed and for the full development of water power; and as a part of the conditions and stipulations imposed by them, shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted, [as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same,] [as may be proper and legal,] the proceeds of such charge or charges to be paid into the Treasury to be applied to the improvement of navigation.

SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built under the provisions of this act, a suitable lock or locks, or any other structures for navigation purposes, and at all times to control the said

dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

SEC. 3. That the person, company, or corporation building, maintaining, or operating any dam and appurtenant works, under the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall at any time fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, and in such case the Secretary of War is hereby authorized and directed to revoke any such right or privilege and to declare the same void, without prejudice to the equities of any such person, company, or corporation at the time of revocation: *Provided*, That in the event of any revocation under the foregoing provisions of this section or by Congress the United States shall pay the owners of any dam and appurtenant works built under authority of this act, as full compensation, the reasonable value thereof, exclusive of the value of the authority granted, such reasonable value to be determined by mutual agreement between the Secretary of War and the said owners, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties: *And provided also*, That the authority hereby granted shall terminate at the end of ninety-nine years from the date of the original approval of the project under this act, unless sooner revoked as herein provided, or Congress shall otherwise direct, and in the event of such termination payment may be made in the manner and to the amount provided as aforesaid.

SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such person to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction. Said provision as to expense shall not apply wherever the United States has been previously reimbursed or has received such charges or compensation as is provided by this act to be paid to the United States, and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act, the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

SEC. 8. That the word "persons" as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations.

Mr. TAWNEY. Mr. Speaker, I do not care to use any more of my time and I yield back the balance.

The SPEAKER. The question is on suspending the rules and passing the bill as amended.

The question was taken, and the Chair announced the "ayes" seemed to have it.

Mr. CLARK of Missouri. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 99, answered "present" 13, not voting 112, as follows:

YEAS—161.

Acheson	Butler	Diekema	Gardner, Mass.
Alexander, N. Y.	Calderhead	Douglas	Gardner, Mich.
Allen	Campbell	Draper	Gardner, N. J.
Ames	Capron	Durey	Gilhams
Anthony	Chaney	Dwight	Gillett
Barchfeld	Chapman	Edwards, Ky.	Goebel
Bartholdt	Cole	Ellis, Oreg.	Graff
Bates	Cook, Colo.	Englebright	Greene
Beale, Pa.	Cousins	Esch	Gronna
Bennet, N. Y.	Crumpacker	Fairchild	Guernsey
Bennett, Ky.	Currier	Focht	Haggott
Bingham	Cushman	Foss	Hale
Boutell	Dalzell	Foster, Ind.	Hall
Brownlow	Darragh	Foster, Vt.	Hamilton, Iowa
Burke	Davis	French	Hamilton, Mich.
Burleigh	Dawson	Fuller	Hammond
Burton, Del.	Denby	Gaines, W. Va.	Harding
Haskins	Küstermann	Moon, Tenn.	Sperry
Hawley	Lafean	Morse	Stafford
Hayes	Landis	Murdock	Steenerson
Henry, Conn.	Law	Needham	Sterling
Higgins	Lawrence	Nicholls	Stevens, Minn.
Hinshaw	Longworth	Norris	Sulloway
Holliday	Loud	Olcott	Swasey
Howell, N. J.	Loudenslager	Olmsted	Tawney
Howell, Utah	Lovering	Parker	Taylor, Ohio
Howland	McCall	Payne	Thistlewood
Hubbard, Iowa	McCreary	Perkins	Thomas, Ohio
Hubbard, W. Va.	McGuire	Pollard	Tirrell
Huff	McKinlay, Cal.	Porter	Vreeland
Hughes, W. Va.	McKinley, Ill.	Pray	Waldo
Humphrey, Wash.	McKinney	Prince	Wanger
Jenkins	McLachlan, Cal.	Reeder	Washburn
Jones, Wash.	McLaughlin, Mich.	Reynolds	Weeks
Keifer	McMillan	Rodenberg	Wheeler
Kennedy, Iowa	Madison	Sherman	Wilson, Ill.
Kennedy, Ohio	Malby	Slemp	Wood
Kinkaid	Mann	Smith, Cal.	Woodyard
Knapp	Marshall	Smith, Iowa	
Knopf	Martin	Smith, Mich.	
Knowland	Miller	Snapp	

NAYS—99.

Adair	Finley	Hughes, N. J.	Robinson
Adamson	Fitzgerald	Hull, Tenn.	Rothermel
Aiken	Flood	Humphreys, Miss.	Russell, Mo.
Alexander, Mo.	Fornes	James, Ollie M.	Russell, Tex.
Barnhart	Foster, Ill.	Johnson, Ky.	Sabath
Bartlett, Ga.	Gaines, Tenn.	Jones, Va.	Saunders
Beall, Tex.	Garner	Kelliher	Shackleford
Bell, Ga.	Garrett	Kitchin	Sheppard
Booher	Gillespie	Lee	Sherley
Brodhead	Godwin	Lenahan	Sims
Brundidge	Gordon	Lever	Slayden
Burnett	Goulden	Lewis	Small
Byrd	Gregg	Lloyd	Smith, Tex.
Candler	Griggs	McDermott	Spight
Carlin	Hackney	Macon	Stanley
Clark, Mo.	Hardwick	Moore, Tex.	Stephens, Tex.
Clayton	Hardy	Murphy	Sulzer
Cox, Ind.	Harrison	O'Connell	Thomas, N. C.
Craig	Hay	Page	Tou Velle
Crawford	Heflin	Patterson	Underwood
De Armond	Helm	Peters	Watkins
Denver	Henry, Tex.	Rainey	Webb
Dixon	Hitchcock	Randell, Tex.	Wiley
Edwards, Ga.	Hobson	Ransdell, La.	Wilson, Pa.
Favrot	Houston	Richardson	

ANSWERED "PRESENT"—13.

Bonynge	Ellis, Mo.	McMorran	Ryan
Carter	Ferris	Overstreet	
Cooper, Wis.	Fulton	Padgett	
Davenport	Livingston	Parsons	

NOT VOTING—112.

Andrus	Coudrey	Johnson, S. C.	Pearre
Ansberry	Cravens	Kahn	Pou
Ashbrook	Davidson	Kimball	Pratt
Bannon	Dawes	Kipp	Pujo
Barclay	Driscoll	Lamar, Fla.	Rauch
Bartlett, Nev.	Ellerbe	Lamar, Mo.	Reid
Bede	Estopinal	Lamb	Rhinock
Birdsall	Fassett	Langley	Riordan
Bowers	Floyd	Laning	Roberts
Boyd	Foelker	Lassiter	Rucker
Bradley	Fordney	Leake	Scott
Brantley	Foulkrod	Legare	Sherwood
Broussard	Fowler	Lindbergh	Smith, Mo.
Burgess	Gill	Lindsay	Southwick
Burleson	Glass	Lorimer	Sparkman
Burton, Ohio	Goldfogle	Lowden	Sturgiss
Calder	Graham	McGavin	Talbott
Caldwell	Hackett	McHenry	Taylor, Ala.
Cary	Hamill	McLain	Townsend
Cassel	Hamlin	Madden	Volstead
Caulfield	Haugen	Maynard	Wallace
Clark, Fla.	Hepburn	Mondell	Watson
Cockran	Hill, Conn.	Moon, Pa.	Weems
Cocks, N. Y.	Hill, Miss.	Moore, Pa.	Weisse
Conner	Howard	Mouser	Willett
Cook, Pa.	Hull, Iowa	Mudd	Williams
Cooper, Pa.	Jackson	Nelson	Wolf
Cooper, Tex.	James, Addison D.	Nye	Young

So the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MUDD with Mr. TALBOTT.

Mr. MADDEN with Mr. BURLESON.

Mr. BRADLEY with Mr. ELLERBE.

Mr. ANDRUS with Mr. ASHBROOK.

Mr. BARCLAY with Mr. BRANTLEY.

Mr. BEDE with Mr. BURGESS.

Mr. BOYD with Mr. CALDWELL.

Mr. CASSEL with Mr. CRAVENS.

Mr. CAULFIELD with Mr. ESTOPINAL.

Mr. DRISCOLL with Mr. GILL.

Mr. FORDNEY with Mr. GLASS.

Mr. HAUGEN with Mr. HOWARD.

Mr. HEPBURN with Mr. LAMB.

Mr. HILL of Connecticut with Mr. JOHNSON of South Carolina.

Mr. HULL of Iowa with Mr. KIMBALL.

Mr. LANGLEY with Mr. KIPP.

Mr. LINDBERGH with Mr. MCHENRY.
Mr. LOWDEN with Mr. WILLIAMS.
Mr. MCMORRAN with Mr. PUJO.
Mr. MONDELL with Mr. MCLAIN.
Mr. MOUSER with Mr. MAYNARD.
Mr. NELSON with Mr. RAUCH.
Mr. PEARRE with Mr. RUCKER.
Mr. ROBERTS with Mr. SHERWOOD.
Mr. SCOTT with Mr. SPARKMAN.
Mr. SOUTHWICK with Mr. TAYLOR of Alabama.
Mr. TOWNSEND with Mr. WILLETT.
Mr. WATSON with Mr. WALLACE.
Mr. BURTON of Ohio with Mr. RYAN.
The result of the vote was announced as above recorded.

ADDITIONAL JUDGE, WESTERN DISTRICT OF WASHINGTON.

Mr. JENKINS. Mr. Speaker, I desire to call up the conference report on the disagreeing votes of the two Houses on amendments of the Senate to the bill H. R. 27061, an act to provide for the appointment of an additional judge in and for the western district of Washington.

The SPEAKER. The Clerk will read the report.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 27061) to provide for the appointment of an additional judge in and for the western district of Washington, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

That the House recede from its disagreement to the amendment of the title of the bill, and agree to the same.

JOHN J. JENKINS,
D. S. ALEXANDER,
HENRY D. CLAYTON,
Managers on the part of the House.

CHAUNCEY M. DEPEW,
J. B. FORAKER,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

Statement of House conferees accompanying report of committee of conference on H. R. 27061 under and pursuant to House Rule XXIX:

An amendment of the Senate provided for the appointment of an additional judge of the district court of the United States for the district of Oregon, and it is recommended that the House recede from its disagreement and agree to the same; and that the House recede from its disagreement to the amendment of the title of the bill and agree to the same.

JOHN J. JENKINS,
D. S. ALEXANDER,
HENRY D. CLAYTON,
Managers on the part of the House.

Mr. JENKINS. Mr. Speaker, I move the adoption of the report.

Mr. MANN. Mr. Speaker——

The SPEAKER. Does the gentleman from Wisconsin [Mr. JENKINS] yield to the gentleman from Illinois [Mr. MANN]?

Mr. JENKINS. I yield to the gentleman from Illinois for five minutes.

Mr. MANN. Mr. Speaker, this is a bill which, as it passed the House, provided for a new district judge for one of the districts of Washington. Some reason was given for that when the bill passed the House. The Senate has added to that an amendment providing for a new district judge for Oregon. It seems to me that the Senate has somewhat taken advantage of an opportunity to indulge in a little logrolling with the House. If there be occasion for a new district judge for Oregon, that matter should have been presented to the House by itself and not as a rider upon a bill providing for a new district judge for Washington. These items ought to stand by themselves and not to be forced upon the House. The question of a district judge for Oregon has never been considered in the House, and we ought not to permit the Senate, when we pass a bill providing for a district judge in one State, to force us to agree to a judge in another State, when the matter has not been presented to the House for our action, and which ought to have been reported from the Committee on the Judiciary.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly; I yield for a question.

Mr. TAWNEY. Do I understand the gentleman to say that this matter has never been considered by the House at all?

Mr. MANN. It has never been considered by the House, so far as I know.

Mr. TAWNEY. But has come here added as an amendment by the Senate?

Mr. MANN. It has been added to this bill as an amendment by the Senate.

Mr. TAWNEY. Disagreed to, went into conference, and now comes back with a final conference report?

Mr. MANN. That is as I understand it.

Mr. TAWNEY. Which is now under consideration?

Mr. MANN. Which is now under consideration, giving an additional district judge for Oregon. I do not know whether it requires another district judge or not. I know if you provide another district judge for each two Members of Congress, you have got to increase the number very greatly.

The gentleman from Washington, when he addressed this House on this bill, asking for a district judge for Washington, undertook to give special reasons for a district judge in Washington, and upon his statement of those special reasons the House passed the bill; and we are now in the position, if we do not reject the report, of acceding to the creation of another district judge for Oregon, concerning which we have never heard, concerning which no report has been made to the House. I hope the conference report will not be agreed to.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. CLARK of Missouri. If Illinois were furnished United States judges in proportion to this Oregon matter, you would have 12 or 13 district judges out there, would you not?

Mr. MANN. That would be about what it would amount to.

Mr. CLARK of Missouri. You have come over to my platform of the other day, that the Senate ought to be resisted in these matters.

Mr. MANN. That has been my platform for some time. I am not in favor of creating district judges and circuit judges by any logrolling in the Senate.

Mr. CLARK of Missouri. I am not in favor of the Senate bullying the House in that way.

Mr. JENKINS. Mr. Speaker, I feel it due to the House and to the committee, and particularly to the conference committee, that a statement be made to the House. There has been no logrolling so far as the Senate is concerned. The facts are that the Committee on the Judiciary unanimously agreed upon the facts and evidence presented to the committee that the State of Washington was entitled to another district judge. The House, by an overwhelming vote, approved of the judgment of the Committee on the Judiciary and passed a bill, and it went to the Senate.

Now, I do not think it fair to characterize the action of the other body as logrolling. They have as good a right to amend bills as this House has to amend bills of the Senate. In their wisdom they saw fit to attach an amendment giving the State of Oregon an additional district judge. They insist that the evidence is overwhelming in favor of the proposition, and when that bill came back here with that amendment, on my motion the House disagreed to the amendment. Our attention was invited to it, and the Senate asked the House for a conference, and this House in its wisdom agreed to a conference——

Mr. HENRY of Texas. Will the gentleman yield to me for a minute?

Mr. JENKINS. Certainly.

Mr. HENRY of Texas. Has any bill ever been introduced by any Representative of the State of Oregon, and has any such bill been before the Committee on the Judiciary?

Mr. JENKINS. Why, yes; there has been a bill introduced by the gentleman from Oregon [Mr. ELLIS], I will say to my colleague.

Mr. HENRY of Texas. When was it introduced?

Mr. JENKINS. I can not say, now.

Mr. HENRY of Texas. Was it ever considered by the Committee on the Judiciary?

Mr. JENKINS. I want to make my statement, so that gentlemen will have all the facts before the House.

As I said a moment ago, an amendment was made by the Senate. They had the right to do it. And a conference having been asked and the conferees appointed, the conferees met and were forced either to smother the bill giving the State of Washington an additional judge, or we had to come to this House and throw the responsibility upon the House.

Now, the conference committee did not feel like leaving the State of Washington without an additional judge, but felt as though the House ought to take the responsibility. Therefore the conference committee brought the matter here, and it is now before the House.

Mr. MANN. I hope the gentleman did not think I was making any reflection upon the conference committee, because that is a method of presenting the question fairly to the House.

Mr. JENKINS. Of course, by what was said here the other day it was clear that those who spoke with reference to the matter were not very favorable to this additional judge; but there is so much said on the part of Members of this House and throughout the country about committees smothering legislation and depriving the House of its constitutional right to pass upon questions, that this committee thought it was due to the House to bring this entire matter here and let the House say whether or not this judge should be denied to the people of Washington, when we are satisfied that they are entitled to one. Now, the evidence produced before the conference committee satisfied the House conferees that the State of Oregon was entitled to an additional judge, and in order that the House may be in possession of all the facts, I desire to yield ten minutes to the gentleman from Oregon [Mr. ELLIS].

Mr. ELLIS of Oregon. Mr. Speaker, in regard to this bill, we are not asking anything here to-day but what we think is absolutely fair and just, and with all the facts before this House as to the existing conditions there, I am satisfied when it comes to a vote that those of you in possession of those facts will see that what we are asking is absolutely fair.

Now, we do not make any claim that Washington is not entitled to all the people of that State are asking, but we can make a better showing here to-day in facts and figures than can possibly be made by that district. In the first place, the State of Oregon is all in one judicial district, comprising over 96,000 square miles, and in order to reach the court many people must travel six or seven hundred miles. There are men under indictment there now who have been under indictment for four long years, some of them clamoring for trial, and they have not been able to have it. They must bring witnesses in many instances a distance of not less than 650 miles, which virtually amounts to a denial of justice, if the defendant is a poor man, because he can not stand the expense of getting his witnesses into court.

Mr. HENRY of Texas. Four or five years ago did we not give you an additional judge for the State of Oregon?

Mr. ELLIS of Oregon. You did not.

Mr. HENRY of Texas. I desire to say that at that time I investigated the question, and I believed you were entitled to an additional judge then. So I shall not oppose this bill.

Mr. ELLIS of Oregon. I want to say, in making a comparison of the number of cases on the dockets of the two courts, I say nothing in the disparagement of Washington, but the territory embraced in the western district of Washington does not embrace one-third of the territory embraced in the district of Oregon. Washington already has two judges, but Oregon has only one.

Mr. TAWNEY. How many subdivisions are there in your district?

Mr. ELLIS of Oregon. It is not subdivided at all. It is all in one district.

Mr. TAWNEY. I understand it is all in one district, but in how many places are terms of court held?

Mr. ELLIS of Oregon. The court is held in the city of Portland and in no other place. This bill provides for holding court in two other places, one 231 miles east of Portland, and one about 300 miles south of Portland.

Mr. TAWNEY. Would not the people of the State be benefited more by providing for, say, three divisions, and requiring the present judge to hold court at each one of those three places—a regular term?

Mr. ELLIS of Oregon. If it was possible for the present judge to do it; but the state of the business is so congested that it is absolutely impossible for him to do it.. Business is now years behind in that district. There were pending on the 6th day of July last, admiralty cases, 121; bankruptcy cases, 145; civil cases in which the United States was a party, 105; in which it was not a party, 394; criminal cases, 58.

In the western district of Washington there are pending: Admiralty cases, 113; bankruptcy, 157; civil, in which the United States is a party, 79; civil cases, in which the United States is not a party, 291; criminal cases, 52; a total of 692, or 131 more cases pending in the district of Oregon than in the western district of Washington, comprising practically one-third of the territory, with railroad facilities right at hand and water transportation, while in a large part of the State of Oregon they must use the old-fashioned stagecoach in getting to and from points, and travel six or seven hundred miles.

Then there were fines imposed in the district of Oregon during the fiscal year amounting to $17,541. In the western district of Washington they amounted to $4,200—over $13,000 difference in favor of Oregon in fines collected. It seems to me, Mr. Speaker, that under that condition of facts we are entitled to an additional judge.

A bill was introduced creating an additional district in Oregon, and I was before the committee, and others from Oregon were before the committee, urging it; but the committee of the House, as well as the committee of the Senate, seemed to be disposed not to create additional districts, and therefore the matter drifted along, until we find ourselves in the present predicament. We feel that it is an absolute necessity, and in order that justice may be meted out, in order that those under indictment may have a speedy trial, in order that the business men may have justice in our State, in order that those who live at a great distance from court may have justice by getting their cases before the court and having a hearing, I insist that the measure is absolutely just and equitable and should pass the House. [Applause.]

Mr. JENKINS. Mr. Speaker, I now yield ten minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, in reply to the suggestion—if I caught the words of the gentleman correctly—that the Judiciary Committee of the House may not be always careful in the way of creating new judgeships, I desire to say that since I have been a member of that committee the committee has repeatedly turned down propositions to create new judges and new districts.

Mr. MANN. And this is one of them.

Mr. CLAYTON. The gentleman will permit me to finish my statement. This committee, Mr. Chairman, and the records of the committee will bear me out, has rejected and rejects at every session of Congress numbers of bills creating new districts and new judges. It has adopted a rule and has unfailingly adhered to it, and that rule is not to create a judgeship or a district unless there is absolute necessity for such made manifest to that committee.

I believe my memory is correct when I say that not only has that been the rule of the committee, but it has gone further than that even, and has, as a rule, required the approval of the Department of Justice predicated upon an investigation and report made by the Attorney-General as to the state of the public business in the particular locality where the judge is desired, or where the new district is desired. That committee has always been very careful.

Now, Mr. Speaker, my recollection of this particular matter is that several years ago a bill creating a new judge in the State of Oregon passed the committee. I know that the people there have persistently asked this of the Judiciary Committee, and on account of its growth and population, on account of the development and the remarkable increase in litigation, and on account of the vast distance to be traveled, have asked for this legislation. It has been demonstrated that this judgeship is a necessity.

However, the Judiciary Committee of the House did not at this session bring itself to the conclusion that this bill should be put through at this session in regard to the judgeship of Oregon. But the gentleman from Washington and the members of the bar from that State appeared before this committee and presented what I consider an unanswerable case in behalf of a new judgeship in the State of Washington, and the Department of Justice urged it and presented irrefutable arguments in favor of it. The House committee and this House gave a judge to the State of Washington, but it did not give a judge to the State of Oregon.

Now, when the Washington bill got to the Senate, the Senate amended that bill by tacking on the Oregon judgeship proposition. Mr. Speaker, as much as we may regret the growth of business in the United States courts, the fact is it is increasing from year to year. I have stood here for ten years and tried to do at least one thing that would cut down the business of the federal courts at least in one particular.

I have asked you repeatedly to repeal the bankrupt law, for its repeal would tend to relieve the federal courts. But you have refused to do that. I have opposed the enactment of new statutes that increased the business of the federal courts. But the majority has overruled us and passed them. We have passed a great many laws necessary in the progress of the development of our country; they have also increased the business of the federal courts. The business of the federal courts, like everything else in this country, is increasing, and the business of the federal courts in the State of Oregon is growing just

as rapidly as the business developments and population of that great State are growing.

It would be a poor policy for this great Government of ours to set up the plan of withholding justice and withholding accessible courts, withholding a proper number of judges for the due and proper administration of the law. We must see to it that justice is without bargain, sale, or denial, and, in my judgment, it will prove a matter of economy to create this judgeship in the mileage that will be saved to jurors and witnesses. Speaking for the people of Oregon who are interested as litigants in that court, it would be a great saving to them in the matter of convenience and in the matter of railroad transportation. [Applause.]

This State of Oregon, in my opinion, should have this extra judge. Mr. Speaker, I could not stand up here in the House of Representatives and acknowledge, as I do now, that in the greatest State in this Union, not greatest in territory, but the greatest in resources, considering her territory, and the greatest in population without regard to numbers—the State of Alabama—has three federal judges, if I did not believe that the State of Oregon needs this new judge. We found it necessary to have three judges in Alabama in order that justice might be administered economically and freely and without denial in that great Commonwealth. Nearly every State in this Union is growing, particularly in the West and in the South, and we can *not* stop the growth, and Congress must legislate to meet the growth and the demands for the administration of public justice economically and conveniently to the people.

If the House of Representatives was right in creating a judgeship for the State of Washington—and you have voted that it was right in doing that, for you passed that bill here some days ago—manifestly it would be right to pass the proposition for the State of Oregon. Some gentleman has asked me why this increase of business out there? Mr. Speaker, the admiralty practice in the Western States that have water transportation is very much larger than it is in many of the older States. A large part of the business of transportation is done on the water, and wherever there is a large water commerce that means necessarily much litigation growing out of suits in admiralty, involving large amounts and consuming much time in its trial.

The SPEAKER. The time of the gentleman has expired.

Mr. JENKINS. I yield the gentleman one minute more.

Mr. CLAYTON. Then, Mr. Speaker, there are various sorts of lawsuits growing out of land transactions in that new country and out of all sorts of rights, mining rights, timber rights, water rights, a great class of litigation that is incident to the development of any great and growing Commonwealth such as the State of Oregon is. This bill, in my judgment, ought to pass as amended. [Applause.]

Mr. JENKINS. Mr. Speaker, I yield one minute to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Speaker, in addition to what has already been said by my colleague, I wish to call attention to the following facts: In 1907 there were 66 civil cases in which the United States was a party, and in 1908 there were 105, an increase of 39. There was no increase in the criminal cases for those two years. Of the civil cases in which the United States was not a party, in 1907 there were 403 cases, and in 1908 515, an increase of 79. In other cases there was an increase of 124. So the total increase in cases on the docket was from 581 in 1907 to 823 in 1908, an increase of 242 cases in one year. Mr. Speaker, we need the district judge for the business of Oregon, and I hope the bill will pass.

Mr. JENKINS. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I hold in my hand the report of the Attorney-General for the last fiscal year, giving the amount of business in the two courts, the district of Oregon and the western district of Washington. I notice that in the district of Oregon during the last fiscal year there were disposed of 16 civil cases in which the United States was a party and 51 cases in the western district of Washington. In that same year there were disposed of civil cases in which the United States was not a party 60 in the district of Oregon and 249 in the western district of Washington.

I fail to see how these figures show the necessity for an extra judge—16 cases, 8 jury trials in the whole district in the course of a year in civil cases in which the United States was a party, as against 51 in the western district of Washington, and 60 civil cases in which the United States was not a party terminated in Oregon as against 249 terminated in the western district of Washington. If there be reason for the creation of an additional judge in the western district of Washington, certainly the amount of business terminated in the district of Oregon does not justify a new judge there—not an additional judge.

Mr. SIMS. How many land-law suits did they have there?

Mr. MANN. I do not know whether I can pick up the land law, but I can the admiralty. The gentleman from Alabama referred to the number of admiralty suits.

Mr. ELLIS of Oregon. If the gentleman will permit me, I will say this, that in some of the litigation pending in Oregon were some of these land cases, which took a great deal of time, a great number of days in a single case, so the number of cases is no criterion.

Mr. MANN. That will not continue all of the gentleman's life, I hope. Now, let us take the admiralty cases to which the gentleman from Alabama referred. There were 13 terminated in the district of Oregon and 63 terminated in the western district of Washington. Does that show the necessity for an additional judge in Oregon? It may be true that there have been some extensive land-fraud cases there, but I do hope that the gentlemen representing Oregon will not undertake to say that these land-fraud cases there are to continue during the life of the State.

Mr. JENKINS. Mr. Speaker, I yield ten minutes to the gentleman from New York [Mr. ALEXANDER].

Mr. ALEXANDER of New York. Mr. Speaker, some gentlemen present will remember that the other day I spoke of the courts of the ninth circuit, saying that they had been under consideration and investigation, and fully reported upon to the Judiciary Committee. My colleague [Mr. CLAYTON] has already referred to that report. It came in connection with Oregon and Washington, and the report then made by the Attorney-General convinced the subcommittee that Oregon needed relief as well as Washington. Two years ago a bill was passed by the Senate for 2 circuit judges. We did not then have sufficient data upon which to determine whether it should be 2 circuit judges or 2 district judges. But after the investigation it was manifest that 2 additional judges were needed in the ninth circuit. Now, the ninth circuit is everything west of the Rocky Mountains. It had only 9 district judges and 3 circuit judges, while the eighth circuit has 18 district judges and 4 circuit judges.

Mr. SHACKLEFORD. What States are embraced in that?

Mr. ALEXANDER of New York. The Missouri and Mississippi Valley States. Everything west of the Rocky Mountains is within the ninth circuit, and the two additional district judges provided in this bill evens it up and gives the necessary help. The entire State of Oregon is one district, and it was thought inadvisable to divide it into two districts, but to give it an additional judge. Let me compare——

Mr. SIMS. Will the gentleman permit? Has the committee determined on an evening up? In other words, has the Mississippi country too many judges——

Mr. ALEXANDER of New York. The committee is influenced by what is necessary in the ninth circuit. We are not "evening things up."

Mr. SIMS. The gentleman said the Mississippi country had so many, and to "even it up" you were giving another one over here.

Mr. ALEXANDER of New York. Oh, no. I meant to give the ninth circuit what it needs, just as the eighth circuit has what it needs.

Mr. SIMS. In proportion to population, has not the ninth circuit a much fewer number of judges than the eighth?

Mr. ALEXANDER of New York. The ninth circuit, in proportion to population, may have as many judges as the eighth, but it is short in proportion to the work to be done.

Mr. MANN. It has a great deal more in proportion to population.

Mr. ALEXANDER of New York. In Oregon the civil cases pending July 1, 1907, to which the United States was a party, were 66; in the western district of Washington, 70. On July 1, 1908, civil cases pending in Oregon were 105, in Washington 79. Pending July 1, 1907, criminal cases in Oregon, 58; in Washington, 52. Pending July 1, 1908, criminal cases in Oregon, 58; in Washington, western district, 52. Of civil cases pending July 1, 1907, to which the United States was not a party, in Oregon, 436, and in Washington, 381.

Mr. SIMS. Another question. Why did the gentleman's committee of the House then turn down the Oregon proposition?

Mr. ALEXANDER of New York. We did not turn down the Oregon proposition.

Mr. SIMS. But you refused to report it.

Mr. ALEXANDER of New York. We did not refuse——

Mr. SIMS. Then you failed to report it.

Mr. ALEXANDER of New York. We failed to report it because we did not want to create another district.

The subcommittee to which these bills have been referred has studied them with relation to the ninth circuit, and we knew where the judges were needed.

Mr. ELLIS of Oregon. Will the gentleman yield for a question?

Mr. ALEXANDER of New York. Certainly.

Mr. ELLIS of Oregon. Is it not a fact that Oregon came asking for an additional district and not an additional judge, and the committee was opposed to creating more districts?

Mr. ALEXANDER of New York. That is the principal reason why we did not report it. The committee is opposed to increasing districts, but in favor of increasing judges when necessary.

Mr. CLAYTON. Will my colleague on the committee yield to me for one question?

Mr. ALEXANDER of New York. Yes.

Mr. CLAYTON. The gentleman from Illinois [Mr. MANN] in his speech furnished some figures showing that comparatively a few number of cases had been disposed of in the Oregon courts. That is not the question. I ask the gentleman's permission to say to the House that on July 1, 1907, there were 36 civil cases pending in the federal courts.

Mr. ALEXANDER of New York. I just read a comparative statement.

Mr. CLAYTON. A comparative statement will show the amount of business which has lately begun in the courts. We can not judge by the amount of business that is turned out of the courts, but by how much there is in the court there that ought to be turned out of the court.

Mr. ALEXANDER of New York. Yes. Mr. Speaker, I am going to add just one word more.

Mr. PARSONS. Can the gentleman explain why so few cases have been disposed of in the courts in the Oregon district?

Mr. ALEXANDER of New York. Well, one reason is, perhaps, that the judge of the Oregon district may not be as rapid a worker as Judge Hanford, of the Washington district. Judge Hanford has a reputation of being one of the most rapid workers in the United States. The judge of Oregon is equally as able, but perhaps not quite so rapid. The work, considering the amount of it, is not behind the work in other districts.

Mr. STEPHENS of Texas. The gentleman is an able lawyer and can answer one question, possibly, that will throw some light on the subject. Can not this new judge you are creating for Washington also have a district cut out in Oregon and fill the vacancy of both States by creating one judge? Can not a new district be made in Oregon and let him hold court in two States?

Mr. ALEXANDER of New York. No. The policy is to increase the judges when necessary, and not create more districts. We have too many districts in the country.

Mr. STEPHENS of Texas. As a legal proposition, could not one judge hold in two different States?

Mr. ALEXANDER of New York. Oh, yes; he often does so. He is called from one district to the other, as work demands attention.

Mr. SIMS. Can the gentleman assure us he will get a rapid worker now?

Mr. JENKINS. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. I ask for a division.

The House divided; and there were—ayes 140, noes 56.

So the conference report was agreed to.

BUILDING ASSOCIATIONS, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill S. 6055, with amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill with amendment.

The bill as amended was read, as follows:

An act (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

Be it enacted, etc., That section 691, subchapter 7, of the Code of Law of the District of Columbia, relating to building associations, be amended so that the same shall read:

"SEC. 691. Objects.—The object of such corporation shall be the accumulation of a capital in money to be derived from the savings and accumulations by the members thereof, to be paid into said corporation in such sums and at such times as may be designated by the by-laws of said corporation, from which the members thereof may obtain advances upon their shares of stock: *Provided*, That the Comptroller of the Currency, in addition to the powers conferred upon him by law for the examination of national banks, is further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any building association incorporated under the provisions of this chapter, as well as any other building or loan association located or doing business in the District of Columbia. The expenses necessarily incurred in making any such examination shall be paid by such association to the Comptroller of the Currency at the time of the making of such examination: *And provided further*, That every building or loan association located and doing business in the District of Columbia shall make to the Comptroller of the Currency at least one report during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or secretary of such association and attested by the signature of at least three of the directors. The said comptroller shall also have power to take possession of any company or association whenever in his judgment it is insolvent or is knowingly violating the laws under which such company is incorporated, and to liquidate the same in the manner provided in the laws of the United States in respect to national banks: *Provided further*, That from and after the 1st day of July, A. D. 1909, no person, company, association, copartnership, or corporation, except corporations organized under and availing themselves of the privileges of this act, and except building associations heretofore organized and in actual operation before the passage of this act, shall conduct or carry on in the District of Columbia the kind of business named in this act without strict compliance in all particulars with the provisions of this act. Any person, officer, or agent of any company, firm, or corporation who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not more than $1,000 or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court. That any willful false swearing in regard to any certificate, or report, or public notice required by the provisions of this act shall be perjury, and shall be punished as such according to the laws of the District of Columbia. And any misappropriation of any of the money of any corporation or company formed under or availing itself of the privileges of this act, or of any building or loan association located or doing business in the District of Columbia, or any money, funds, or property intrusted to any such corporation, company, or association, shall be held to be larceny and shall be punished as such under the laws of said District."

SEC. 2. That there be added to the Code of Law of the District of Columbia a new section, to stand as section 691a, and to read as follows:

"SEC. 691a. That any association or corporation organized and existing under the laws of any State or Territory to do, or now doing, in the District of Columbia, a deposit, investment, loan, or mortgage business, or otherwise having any of the features of a building association, shall be subject to all the provisions of the foregoing section of this act in respect of the powers of the Comptroller of the Currency thereover, and any such association or corporation shall at all times keep on deposit with the Comptroller of the Currency in money, or stocks, bonds and mortgages, or other securities to be approved by said officer, not less than 25 per cent of its capital and surplus as security for its depositors and creditors, and as a guarantee for the faithful performance of its contracts, and may also make such further deposits of its assets as above described with the comptroller for such purpose as it may from time to time desire so to do."

Mr. SIMS. I demand a second.

The SPEAKER. The second is ordered under the rules.

Mr. SMITH of Michigan. I yield five minutes to the gentleman from Pennsylvania [Mr. BRODHEAD].

Mr. BRODHEAD. Mr. Speaker, the purpose of this bill is to provide an official examination of the affairs and accounts of building and loan associations doing business in the District of Columbia. It also provides that such building and loan associations shall make at least one report a year to the Comptroller of the Currency, and gives the Comptroller power to declare such building and loan associations insolvent and take charge of their affairs when, in his judgment, the facts require such action.

Mr. MADDEN. Does this bill provide a periodical examination of the accounts and assets of these associations?

Mr. BRODHEAD. It provides for an examination of their affairs and accounts in the discretion of the Comptroller of the Currency.

Mr. MADDEN. Does it provide for the same character of examination of building and loan associations organized in outside States doing business in the District?

Mr. BRODHEAD. Yes. There is also a provision that all building and loan associations, domestic as well as foreign, shall deposit 20 per cent of their assets, either in money or in stock or in bonds or in other securities, in the hands of the Comptroller. The purpose of all this is to protect the people who invest in building and loan associations, a large majority of whom are persons of small means.

Mr. MADDEN. There is no system of examination now of the building and loan associations doing business in the District?

Mr. BRODHEAD. None; and this bill is to fill that omission.

Mr. MADDEN. So that nobody knows whether their assets or accounts are worth anything or not?

Mr. BRODHEAD. No. There is no provision for examinations of building and loan associations in the District.

Mr. MADDEN. This is a work in the right direction.

Mr. BRODHEAD. I think that it is; and I think, therefore, the bill should pass.

This bill is meant to apply only to companies doing the business of building and loan associations, and is, indeed, a step in the right direction; but it is only a step. It seems to me there are many other steps that should be taken toward the perfecting of the laws of this District pertaining to the organization, regulation, and control of corporations doing business here.

Mr. Speaker, the remaining days of this Congress are too few, and the business now pressing on us is too great to permit of any further successful effort toward improving that part of the District Code pertaining to corporations other than the passage of this present bill. But let me take this opportunity of submitting a few observations which may be of some use to a succeeding Congress in the way of suggestions of how the District corporation laws might be amended to advantage.

First. After examination of the code it appears to me that any three or more persons may form a corporation and carry on any enterprise (with two or three exceptions, such as a bank, railroad, or real estate business) by executing and filing in the office of the recorder of deeds a certificate in the prescribed form. The law does not require that any one of the organizers should be a citizen of the District; yet later on it provides that after the first year the stockholders shall annually elect "not less than three nor more than fifteen trustees," a majority of whom must be citizens of the District. Why permit all of the organizers and all of the trustees to be nonresidents during the first year, and immediately after the first year make it obligatory that a majority of the trustees be citizens of the District? As to this the suggestion is that the code be amended so as to provide that at least one of the original incorporators and at least one of the trustees or directors shall at all times be a bona fide resident of the District, whose address shall be filed with the recorder of deeds. There is sufficient reason why at least one director should be a resident of the District to facilitate service of process, but there does not seem to be sufficient reason to hamper outside capital from coming into the District by requiring that after the first year a majority of the whole board of trustees must be residents. This amendment was provided in the bill introduced on December 2, 1907, by the gentleman from New York [Mr. GOULDEN] (See H. R. 227) and submitted to the District Commissioners, who found no fault with it. The bill is still in committee.

Second. Under the code as it now stands, domestic corporations can not be organized to buy, sell, or deal in real estate, except corporations to transact the business ordinarily carried on by real-estate agents or brokers. Exactly why the existence of domestic real-estate companies should be prohibited is not clear to me. Such companies tend to systematically develop large tracts of vacant land outside of large cities. The beautiful suburbs of Philadelphia and many other cities are examples. But, assuming that the prohibition is a good one; that having heretofore been carefully considered and written in the law, it is to that extent res adjudicata, then why not prohibit foreign real-estate corporations from doing business in the District? There is nothing in the code now that would prohibit a real-estate corporation, incorporated in some State, from entering here and doing business in the District. In this respect the suggestion is that either the prohibition against domestic corporations should be repealed or the code amended so as to exclude foreign corporations from doing a real-estate business from which the domestic corporation is excluded. A bill placing the same prohibition against foreign corporations as exists against domestic corporations was introduced by the gentleman from Texas [Mr. SHEPPARD] on March 7, 1908 (H. R. 18880), and referred to the Committee on the District of Columbia on the same day, and, on March 9, 1908, referred to the Commissioners of the District; but I can find no reply from the commissioners. The bill is therefore still pending before the District Committee.

Third. At present, upon the filing of the certificate of organization, no fees are charged, excepting those for recording. Graduated filing fees should be provided for. Such provision was contained in the bill which I have just referred to, introduced by the gentleman from New York [Mr. GOULDEN]; but, as I said, the bill is still pending in committee.

Fourth. A provision should be inserted in the code requiring the address of the resident director to be on file in the recorder's office. Upon the death or resignation of such resident director the company should be compelled, within ten days after such death or resignation, to name a successor, who shall also be a resident and whose address shall be immediately filed in the recorder's office. This provision is to facilitate the service of processes. In the absence of such resident director from the District for a period of ten days or more, service of process should be deemed good and sufficient service upon the corporation by leaving such process at the post-office address of said director or in charge of a person of full age and years of discretion and the mailing of same to the said post-office address as filed.

The provision in the code at present, I think, opens the door to a great deal of uncertainty in regard to the service of process on corporations. It is short, indefinite, and reads as follows:

SEC. 112. Corporations. In a suit against a corporation, whether foreign or domestic, if process can not be served, such corporation may be proceeded against as a nonresident defendant by notice by publication.

The provision relative to nonresidents provides that publication may be substituted for personal service upon any defendant who can not be found and who is shown by affidavit to be a nonresident or to have been absent from the District for at least six months. No order for the substitution of publication for personal service can be made until a summons for the defendant shall have been issued and returned "not to be found" and the nonresidence of the defendant or his absence shall be proved by affidavit to the satisfaction of the court, and whereupon an order of publication is issued and published at least once a week for at least three successive weeks, and so on.

It would seem much simpler in every respect to have a corporation designate a certain person, whose address shall continually be kept on file in the recorder's office, upon whom service can be had. It would make it easier for the plaintiff and would insure the defendant corporation of receiving notice, whereas a published notice once a week might escape attention.

Fifth. The code should provide that a majority of all the stock of the corporation should be represented either in person or by proxy at meetings where directors or trustees are elected. The code at present provides that the affairs of corporations shall be managed by not less than 3 nor more than 15 trustees, who shall be stockholders, and, after the first year, a majority of whom shall be citizens of the District, who shall be annually elected by the stockholders at such time and place as shall be determined by the by-laws; and that notice of such election shall be published not less than thirty days previous to such meeting in some newspaper published in the District; and that the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy.

The suggestion, you will see, is that at such meeting the election shall be made by the attending stockholders, either in person or by proxy, provided that a majority of all the stock is thus represented.

Sixth. What seems to me to be one of the most serious defects in the corporation laws of the District is the provision relative to the annual reports to be made by companies doing business in the District. Section 617 of the code apparently provides that every such company shall annually make a report which shall be published in a newspaper in the District, stating the amount of capital and the proportion actually paid, and the amount of existing debts, which report shall be signed by the president and shall be verified by his oath and filed in the office of the recorder of deeds.

And it is provided in section 618 that if any company fail to comply with this provision any creditor of the corporation or other person interested may, by petition, have a mandamus compelling such publication to be made, the cost of such proceedings to be paid by the corporation; and, further, upon such failure the trustees of such company shall be jointly and severally liable for the debts of the company then existing and for all that shall be contracted before such report shall be made.

It will be noticed that the penalty is wholly insufficient. This insufficiency is apparent without further analysis. Since January 1, 1902, when the District law went into effect, more than 7,000 incorporation papers have been filed, of which number 5,000 are for corporations organized for other than charitable purposes; that is, they were organized and did or are now doing business for gain. The law is meant to compel such companies to file annual reports for the information of those interested; yet less than 300 out of the 5,000 observe the law. Each year the number is growing less and less, and by next year or the year after the law will not be observed by any of them.

It is suggested that the code should be amended providing for a suitable penalty for failure to file such reports. The corporation counsel of the District should be furnished by the recorder of deeds with a list of all the corporations having failed to comply with this provision, and it should be the duty of the corporation counsel to proceed against such corporation to restrain it from continuing to conduct its business in the District and to collect a fine to be imposed for such neglect.

A remedy for the existing omission in the code was proposed by the gentleman from Texas [Mr. SHEPPARD] on March 7, 1908 (H. R. 18881) and by the gentleman from California [Mr. KAHN] by a bill he introduced March 14, 1908 (H. R. 19310), which was referred to the Committee on the District of Columbia and by that committee to the District Commissioners, who made the following favorable report thereon:

EXECUTIVE OFFICE.
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 2, 1908.

Hon. S. W. SMITH,
Chairman of Committee on District of Columbia,
House of Representatives.

SIR: The commissioners have the honor to recommend favorable action upon H. R. 19310, entitled "A bill to amend sections 617, 618, and 619 of the Code of Law for the District of Columbia, and for other

purposes," which was referred to them at your instance for examination and report.

This bill proposes to amend sections 617, 618, and 619 of the District Code so as to insure the filing of annual reports by domestic corporations. The code at present provides that these annual reports shall be made public and filed in the office of the recorder of deeds, but it neglects to provide such a penalty as insures the observance of the law. Since January 1, 1902, when the District law went into effect, the commissioners are informed by the recorder of deeds, more than 7,000 incorporation papers have been filed for record by that officer. The great majority of such papers were certificates of incorporation of companies organized under the provision of subchapter 4 of chapter 18 of the code. That is, companies formed for business purposes—for gain. It is estimated by the recorder of deeds that at least 5,000 such concerns have been organized here since January 1, 1902, but less than 300 of these 5,000 companies have, during the present year, filed the annual reports which the law requires of them, the recorder stating that the number complying with this law grows smaller each year.

The bill under consideration makes the law effective by authorizing prosecutions against all corporations failing to comply with the law, with the view of restraining them from doing business in the District, while it also makes any willful false swearing in regard to any certificate, report, statement, or notice required by chapter 18 of the code relating to corporations, perjury and punishable as such, and also makes any misappropriation of any money of any organization formed under the provisions of the District corporation laws, larceny and punishable as such, as well as the misappropriation of any money, funds, or property intrusted to such corporation.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners of the District of Columbia.

Seventh. Now, Mr. Speaker, as to foreign corporations doing business in the District. In the first place, the existing law is unsatisfactory in respect to obtaining service of process on foreign corporations. Until the amendment of the code, approved February 1, 1907, it provided merely that process should be served on the agent of said corporation. Exactly as to who was the agent gave rise to much litigation. Whereupon the code was amended so as to provide that, as to a foreign corporation transacting business in the District without having any place of business or resident agent therein, service could be had upon any officer or agent or employee of such corporation.

This seems to go too far the other way, as a foreign corporation might be sued by service upon some insignificant employee—a day laborer, for instance—and the officers of the company who should defend the action would have no real notice of the impending suit; whereupon, I suppose, they would have to go into court with a petition praying to be permitted to enter a defense—maybe after a judgment had been entered for nonappearance. Then, again, arises the question as to whether the person served was the agent or was the employee of the corporation defendant.

The case of Ricketts *v.* The Sun Printing and Publishing Company, found in Twenty-seventh Appeal Cases, District of Columbia, page 222, is a case where much time was taken up merely upon the question of whether the process was good or not.

Again, a more recent case, that of Karr *v.* New York Continental Jewell Filtration Company, reported in volume 31, Appeal Cases, District of Columbia, page 459, is another instance where much time was wasted upon a mere question of the sufficiency of service. In this latter case the defendant corporation had a contract for the construction of the tunnel under Capitol Hill in connection with the recent railroad improvements there. The contract included the work necessary to readjust the street grades after the completion of the tunnel. The plaintiff sued for damages for personal injuries after the completion of the tunnel, but before the work of readjusting the street grades was finished, and service was had upon a laborer and upon a civil engineer who had been employed by the company in the construction of the tunnel. The plaintiff came into court specially and moved to vacate the service on the ground that the defendant corporation had turned over the work to readjust the street grades to another corporation, and that the persons served were their employees, and not those of the defendant. In both cases the time of the court, as well as valuable time of the litigants, was taken up by the question of what constitutes the agent or employee of a foreign corporation qualified to receive service under the District Code.

These cases illustrate the uncertain state of the law upon this question. The point is, first, the law should be so written as to enable the courts to get down to the merits of the case and not waste a year or two upon such question as the validity of service, growing out of the uncertainty of the law, the merits of the case being thereby postponed.

The suggested remedy is that every foreign corporation doing business in the District shall appoint, in writing, the recorder of deeds of said District its attorney for the purpose of receiving service of process, the duty of the recorder being to immediately inform the corporation defendant. This suggested remedy is found in the bill introduced by the gentleman from California [Mr. KAHN] on March 12, 1908 (H. R. 19175). This bill was referred to the Committee on the District of Columbia, and by that committee to the commissioners, who approved the bill. It is still pending before the committee.

Eighth. Foreign corporations should also file annual reports and pay a graduated fee thereon, and such provision should also be applicable to domestic corporations. This suggested change was proposed by the gentleman from Texas [Mr. SHEPPARD] in the bill he introduced March 8, 1908 (H. R. 18882), which was favorably reported upon by the commissioners and is still pending before the District Committee.

Ninth. The certified copies of the charters of foreign corporations should be filed with the recorder of deeds, and permits should be issued to them to operate within the District. This, too, is the suggestion of the gentleman from Texas [Mr. SHEPPARD] in his bill H. R. 18884.

It will be seen that the defects of the present code have occurred to several Members of this House, who have from time to time introduced bills for the purpose of remedying such defects. These bills have been referred to the commissioners, and upon almost all of them the commissioners have made favorable reports to the District Committee. But the question of remedying the existing code is still pending before that committee. It is an important subject, and therefore it is perfectly right that considerable time and attention should be given to it. The committee might have reported a bill this session, but I think the consideration of the subject was delayed by the committee by reason of the commissioners' letter, dated April 27, 1908, which is as follows:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 27, 1908.

Hon. S. W. SMITH,
Chairman of Committee on District of Columbia,
House of Representatives.

SIR: The Commissioners of the District of Columbia have the honor to suggest with reference to House bill 227, "to amend the Code of Law for the District of Columbia regarding corporations," which was referred to them at your instance for their views, that owing to the large number of bills affecting corporations, both local and foreign, which have been introduced at this session of Congress, that no action be taken upon any of these measures during the present session, but during the recess the commissioners will give consideration to the various bills with the view of transmitting to Congress upon its reassembling a measure which will present, in codified form, the changes which are proposed to be accomplished and which, in the judgment of the commissioners and the recorder of deeds, ought to be enacted.

Very respectfully,

HENRY L. WEST,
Acting President of the Board of Commissioners
of the District of Columbia.

It will be noticed, Mr. Speaker, that the commissioners, on April 27, 1908, suggested that no action be taken in this matter for the reason that during the recess occurring between the first and second sessions of the Sixtieth Congress the commissioners would give consideration to the various bills with a view to transmitting to Congress, upon its reassembling in December, 1908, a measure which would present in codified form the changes which are proposed to be accomplished, and which, in the judgment of the commissioners, should be enacted. I regret to say that the commissioners did not present such a bill. The commissioners' letter of April 27, 1908, was never followed up by the commissioners.

In the light of the several bills to which reference was made in the commissioners' letter, and to which I have referred, I endeavored to prepare a bill which presents in codified form the several changes in the code of which I have been speaking. In the preparation of this bill it is proper I should mention and give due credit to Mr. J. F. Smith, the fourth assistant corporation counsel, who gave me his most valuable assistance upon my personal request. He comes from the district which I have the honor to represent, and I took advantage of personal friendship to draw upon his knowledge of this subject. The bill which I introduced February 13, 1909 (H. R. 28108), although drawn with the help of Mr. Smith, I can not present as coming from the office of the corporation counsel of the District. The bill, however, was referred by the Committee on the District of Columbia to the commissioners, and I herewith present the commissioners' letter, from which it will be noticed that there is no objection filed to the bill. The letter is as follows:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 18, 1909.

Hon. J. DAVIS BRODHEAD,
House of Representatives.

DEAR SIR: With respect to your request of the 15th instant for a report upon bill (H. R. 28108) to amend the Code of Law for the District of Columbia regarding corporations, the commissioners have to state that in so far as they have been able to give it their examination and attention, it is unobjectionable except that the taxes now paid by

insurance companies, namely, 1½ per cent on the net premium receipts, are considered sufficient for such organizations, and they have so reported to the chairman of the District Committee.

The copy of H. R. 26747, having the same title, with proposed amendments thereon, is herewith returned.

Very respectfully, HENRY L. WEST,
Acting President of the Board of Commissioners of the District of Columbia.

I now present for the consideration of the House the bill which I introduced on February 13, 1909, H. R. 28108, not with the hope of its being passed at this session, for the time is too short and there are too many other important bills ahead of it, but with the hope that it may be of some use to a succeeding Congress in the framing of a more perfect measure.

[To amend the Code of Law for the District of Columbia regarding corporations.]

Be it enacted, etc., That from and after the passage of this act sections 605, 606, 607, 608, 609, 617, 618, and 619 of the Code of Law for the District of Columbia be amended so as to read as follows:

"SEC. 605. Any three or more persons, one of whom shall be an actual and bona fide resident of the District, who desire to form a corporation for the purpose of carrying on any enterprise or business which may be lawfully conducted by an individual, excepting banks of circulation or discount, railroads, and such other enterprise or business as may be otherwise specially provided for in this code, shall make, sign, and acknowledge, before some officer qualified by law to take the acknowledgment of deeds, and file in the office of the recorder of deeds of the District of Columbia a certificate in writing: *Provided*, That nothing herein contained shall be held to authorize the organization of corporations to buy, hold, sell, or deal in real estate, except corporations organized for the purpose of transacting the business ordinarily carried on by real-estate agents or brokers: *And provided further*, That corporations organized outside of the District of Columbia to buy, hold, sell, or deal in real estate, except corporations to transact the business ordinarily carried on by real-estate agents or brokers, shall not be permitted to operate in the District of Columbia.

"SEC. 606. In such certificates shall be stated—

"First. The corporate name of the company and the object or objects for which it is formed.

"Second. The term of its existence, which may be perpetual.

"Third. The amount of the capital stock of the company and the number of shares of which said stock shall consist.

"Fourth. The number of directors who shall manage the concerns of the company for the first year and their names, at least one of which directors shall be an actual and bona fide resident of the District of Columbia, whose post-office address in said District shall be stated in said certificate.

"Fifth. The name of the place in the District of Columbia at which the office of the said company is to be located and the post-office address in said District of the said office.

"SEC. 607. Upon the filing of such certificate in accordance with the provisions of the preceding sections, the persons who have signed and acknowledged the same shall pay or cause to be paid to the recorder of deeds, in lieu of other fees therefor, the following sums, to be computed upon the amount of the capital stock of the company as stated in such certificate: Upon the first $25,000, or fractional part thereof, if any, $10; upon each $25,000, or fractional part thereof, if each $100,000, or fractional part thereof, if any, in excess of $500,000, additional; upon each $50,000, or fractional part thereof, if any, in excess of $100,000, up to and including $500,000, $5 additional; upon each $100,000, or fractional part thereof, if any, in excess of $500,000, up to and including $1,000,000, $5 additional; and upon each million dollars, or fractional part thereof, if any, in excess of $1,000,000, $25 additional.

"Upon the filing of such certificate and the payment of the fees as herein provided, the recorder of deeds shall issue a charter, upon a form authorized by the official attorney for the District of Columbia, which, together with the certificate, shall be duly recorded in the office of the recorder of deeds, and upon the issuance of such charter the persons who shall have signed and acknowledged the certificate, and their successors, shall be a body politic and corporate in fact and in name, by the name stated in such certificate and charter, and by that name have succession and be capable of suing and being sued in any court of law or equity in the District; and they and their successors may have a common seal, and make and alter the same at pleasure, and they shall by their corporate name be capable in law of purchasing, holding, and conveying any real or personal estate whatever which may be necessary to enable the company to carry on its operations named in such certificate, but shall not mortgage or convey such estate or give any lien thereon, except in pursuance of a vote of the stockholders of the company.

"Any action at law or in equity may be begun against such corporation by the service of process upon the director resident in the District of Columbia, as named in its certificate aforesaid, and, in the absence of said resident director from the District of Columbia for the period of ten days or more, service of such process, which shall be deemed good and sufficient service of the same upon the corporation of which he is a director, may be made by leaving such process at the post-office address of the said resident director, in charge of a person of mature years and discretion, or by mailing the same to the said resident director at his post-office address: *Provided, however*, That the company of which such resident director is a director may, in its annual report, or in a certificate duly executed and filed with the recorder of deeds, name a successor to the director named in the certificate filed for the purposes of incorporation, which successor shall also be a resident of the District of Columbia, giving the post-office address of such successor, upon whom the service of process may be made in like manner and with like effect as if made upon the director named in the aforesaid certificate as a resident of the District of Columbia, and from time to time, as occasion may require, such company shall, by a certificate filed as aforesaid, designate a person, actually resident in the District of Columbia, upon whom process may be served as hereinbefore provided, and service of process upon the person last so designated shall be good and sufficient service upon such company. In case of the death or resignation of the director resident within the District of Columbia, or of any successor of such resident, named under the aforesaid provision, the company of which such deceased was a director shall, within ten days thereafter, name a successor to such deceased resident director, who shall also be a resident and upon whom service of process may be made in like manner and with like effect as if made upon the director named in the aforesaid certificate as a resident of the District of Columbia.

"SEC. 608. The stock, property, and concerns of such company shall be managed by not less than three and not more than fifteen directors, one of whom shall be a bona fide resident of the District of Columbia, whose post-office address shall be kept on file in the office of the recorder of deeds of the District of Columbia, who shall, respectively, be stockholders, and who shall, except for the first year, be annually elected by the stockholders at such time and place as shall be determined by the by-laws of the company.

"SEC. 609. Notice of the time and place of holding such elections shall be published not less than thirty days previous thereto in at least one daily newspaper of general circulation printed and published in the District, or shall be given to each stockholder in such other manner as may be provided by the by-laws of the company, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, providing a majority of the stock is represented. All the elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the company, and the persons receiving the greatest number of votes shall be directors; and when any vacancy shall happen among the directors it shall be filled for the remainder of the year in such manner as may be provided by the by-laws of the company.

"SEC. 617. That every corporation heretofore incorporated under the provisions of the Code of Law for the District of Columbia, and every corporation, except insurance corporations, which may hereafter be incorporated under the said provisions shall, within twenty days from the 1st of January of each year, make and file in the office of the recorder of deeds of the District of Columbia, to be by said officer duly recorded, a statement signed and sworn to by its president and secretary before an officer authorized to take acknowledgments of deeds of real estate situated in the said District, containing the following information:

"First. The name of the corporation and the place or places where its business operations are carried on, giving, wherever practicable, the street and number of the building, and whether or not it has actually entered upon the prosecution of its business.

"Second. The amount of the total authorized capital stock of the corporation, the number of shares into which the same is divided, and the par value of each share, and if there be more than one class of stock outstanding, a description of the different classes, and the amount actually paid thereon, and in case there shall have been bonds issued, the amount of its bonded indebtedness.

"Third. The names and residences of each of the directors and officers and their respective terms of office, and the date of the last preceding annual meeting and election of its directors, together with the date appointed for the next annual meeting for the election of directors, and if any part of the management of the corporation has been delegated to an executive committee, the names, residences, and terms of office of the persons comprising such committee.

"Fourth. The value of its property and assets of every description.

"Fifth. The total amount of its outstanding debts.

"SEC. 618. That it shall be the duty of the recorder of deeds of the District of Columbia during the month of February of each year to certify to the corporation counsel of said District a list of all corporations having failed to comply with the provisions of the preceding section, and it shall be the duty of said corporation counsel, within sixty days after the receipt of said report, to proceed against said corporation by proper legal proceedings to restrain such corporation from doing business in said District, and upon judgment in such proceedings against any such corporation it shall be enjoined as aforesaid, and it shall be the duty of the corporation counsel aforesaid to institute the proper legal proceedings within sixty days after receiving notice from any other source of any such default of any such corporation.

"SEC. 619. That any willful false swearing in regard to any certificate, report, statement, or notice required by the provisions of this chapter shall be perjury and shall be punished as such according to the laws of the District of Columbia. Any misappropriation of any money of any corporation, company, or association organized under the provisions of this chapter, or of any money, funds, or property intrusted to it, shall be held to be larceny and shall be punished as such under the laws of said District.

"SEC. 619a. That from and after the passage of this act every company incorporated under the laws of the District of Columbia, except cemetery companies, and companies incorporated for literary, charitable, or religious purposes, shall pay to the recorder of deeds of the District of Columbia, on filing a certificate or application for incorporation, as provided by said act, in lieu of other fees therefor, the same sums, to be computed upon the amount of the capital stock of the company, as stated in such certificate or application, as are set forth in section 607 of the code as amended by this act.

"SEC. 619b. That whenever the words 'trustee' or 'trustees' occur in any of the sections of subchapter 4 of chapter 18 of the Code of Law for the District of Columbia not hereby specifically amended the words 'director' or 'directors' shall be substituted therefor, and such sections are hereby so amended.

FOREIGN CORPORATIONS.

"SEC. 619c. That every foreign corporation now engaged in business in said District, and every foreign corporation hereafter engaging in business in said District, shall file in the office of the recorder of deeds of said District a certified copy of its charter or certificate of incorporation, together with a statement signed and sworn to by its president, treasurer, and a majority of its directors, trustees, or managers, showing the amount of its authorized capital stock and the amount thereof which has been paid in, and if any part of such payment has been made otherwise than in cash such statement shall set forth the particulars thereof: *Provided*, That the provisions of this section shall not apply to insurance corporations or to corporations and associations created for religious or charitable purposes only: *And provided further*, That foreign corporations desiring to operate within the District of Columbia shall file with the recorder of deeds certified copies of their charters before permission to operate therein shall be granted; and no such corporation shall operate within the District of Columbia without first having received a permit so to do from the Commissioners of the said District, nor until the assessor of said District shall certify in writing to said commissioners that at least 10 per cent of the authorized capital of such corporations has been paid in cash: *Provided*, That the provisions of this section shall not apply to insurance companies.

"SEC. 619d. That every foreign coporation now engaged in business in the District of Columbia, and every foreign corporation hereafter engaging in business in said District, except insurance companies, shall

appoint in writing the recorder of deeds of said District and his successors in office to be its attorney, upon whom all process in any action or proceeding against it may be served; and in such writing such corporation shall agree that any process against it which is served on such attorney shall be of the same legal force and validity as if served on the corporation, and that such appointment shall continue in force as long as any liability remains outstanding against the corporation in said District. Such original appointment shall be acknowledged before some officer authorized to take acknowledgment of deeds, and shall be filed in the office of said recorder of deeds, and a copy certified by him or by the deputy recorder of deeds shall be sufficient evidence of such appointment and agreement. Service upon said attorney shall be sufficient service upon the principal, and may be made by leaving a duly attested copy of the process with said recorder of deeds at his office, or, in the absence of the recorder, with the deputy recorder of deeds of said District: *Provided*, That the post-office address of every such corporation shall be filed with said recorder of deeds with its power of attorney, and from time to time statements of any change of address of said corporation: *Provided further*, That immediately after being served with or accepting any such process or notice, the said recorder of deeds shall make and file with said power of attorney a copy of such process or notice, with a notice indorsed thereon of the time of service or acceptance, as the case may be, and transmit such process or notice by registered mail to such corporation at the address last furnished, as aforesaid, and said recorder of deeds shall keep a record of all process served upon him, showing the date and hour when such service was made.

"SEC. 619e. That every foreign corporation doing business in the District of Columbia, and every foreign corporation hereafter engaged in business in said District, shall, within thirty days after an increase or reduction of its capital stock or change in par value of its shares, file in the office of the recorder of deeds of said District a certificate thereof substantially like that required of domestic corporations under like conditions.

"SEC. 619f. That every foreign corporation doing business in the District of Columbia, and every foreign corporation hereafter engaging in business in said District which is not required by law to make annual returns to some other official in said District shall, annually, within thirty days after each and every annual meeting, make and file a report in the office of the recorder of deeds containing, in addition to the information required from domestic corporations, a statement as to the time when the annual franchise tax, if any, was paid in its home State, and the amount of such tax.

"SEC. 619g. That no foreign corporation now carrying on, and no foreign corporation which may hereafter carry on, in said District of Columbia a banking, insurance, mortgage, loan, investment, or trust business, and no person engaged in any such business shall carry it on in or under a name which, previous to such use, was in lawful use by a corporation which was established under the laws of the District of Columbia and was carrying on the same or a similar business or in or under a name so similar thereto as to be liable to be mistaken for it. The supreme court of the District of Columbia shall have jurisdiction in equity to enforce the foregoing provisions of this section. Whoever violates the provisions of this section shall be punished by a fine of not more than $1,000.

"SEC. 619h. That the recorder of deeds of the District of Columbia shall carefully preserve in his office all documents required by this act to be filed with him, and cause the same to be accurately recorded and indexed in well-bound books to be kept in his office, and for so filing and recording said documents he shall, before receiving them for record, collect the fees now prescribed for filing, indexing, and recording other instruments: *Provided*, That in addition to the fees before mentioned in this section every foreign corporation shall pay to the said recorder of deeds the following fees: For filing a copy of its charter or certificate of incorporation, as hereinbefore required, $10; for filing the financial statement required to be filed with its said charter or certificate of incorporation, 5; for filing a certificate of increase or reduction of capital stock, $3; for filing an annual return or report, $2; for filing any other statement, power of attorney, or any other document required by law to be filed, $1.

"SEC. 619i. That no action shall be maintained by any foreign corporation in the District of Columbia until it shall have complied with the provisions of this act.

"SEC. 619j. That any corporation violating or failing to comply with the provisions of sections 617, 619c, 619d, 619e, or 619f of this act shall forfeit $50 as a penalty for such violation or failure, to be recovered by suit at the instance of the District of Columbia in any court of competent jurisdiction, and each day's violation or continuance of such failure shall be considered to give a new and distinct right of action therefor; and it shall be the duty of the recorder of deeds of the District of Columbia during the month of July of each year to certify to the corporation counsel of said District a list of all corporations so in default on the 1st day of said month; and it shall be the duty of the said corporation counsel within sixty days after the receipt of said report to proceed against said corporation by proper legal proceedings to restrain such foreign corporation from doing business in the District of Columbia, and upon judgment in such proceedings against any such corporation it shall be enjoined as aforesaid. and it shall be the duty of the corporation counsel aforesaid to institute the proper legal proceedings within sixty days after receiving notice from any other source of any default of any corporation.

"SEC. 619k. That any company hereafter incorporated in the District of Columbia to transact the business of life, fire, marine, and inland and casualty insurance, including accident, health, liability, plate-glass, steam-boiler, burglary and theft, credit, and sprinkler insurance, shall have a capital stock of not less than $100,000. Whenever any such District of Columbia or foreign corporation, now or hereafter incorporated and transacting business in the District of Columbia, shall become insolvent or impaired to the extent of 25 per cent of its capital stock it shall be the duty of the superintendent of insurance to suspend its license, and unless such impairment is made good within sixty days thereafter it shall be the duty of the said superintendent to revoke its license to do business in the District, and any insurance company or association doing business without a license, or after its license has been revoked, shall be liable to the penalties imposed by section 648 of the code.

"SEC. 619l. That each and every company heretofore chartered under the laws of the District of Columbia shall pay to the recorder of deeds an annual registration fee of $10 on or before the 1st day of May of each year; and every company which shall be hereafter chartered under the laws of the District of Columbia shall also pay to the recorder of deeds an annual registration fee of $10 on before the 1st day of May of each year after the filing of its charter: *Provided*, That any such company having an authorized capital stock of over $50,000 and less than $100,000 shall pay an annual registration fee of $20; and every such company having an authorized capital stock of $100,000 and less than $200,000 shall pay an annual registration fee of $30; and every such company having an authorized capital stock of $200,000 and less than $1,000,000 shall pay an annual registration fee of $50; and every such company having an authorized capital stock of $1,000,000 or more shall pay an annual registration fee of $100.

"Each and every company incorporated outside the District of Columbia and doing business in the District of Columbia shall, on or before the 1st day of May of each year, pay to the recorder of deeds the following registration fees:

"Every such company having an authorized capital stock of $25,000 or less, an annual registration fee of $25.

"Every such company having an authorized capital stock of over $25,000 and not exceeding $100,000, an annual registration fee of $100.

"Every such company having an authorized capital stock of over $100,000, an annual registration fee of $100, and in addition thereto an annual registration fee of $10 for every $100,000 of authorized capital stock over and above $100,000 and not exceeding $1,000,000; and if such authorized capital stock exceeds $1,000,000, then such company shall pay a still further additional fee of $1 for every $100,000 over and above $1,000,000.

"Any company organized within or without the District of Columbia which shall fail to pay the fee herein provided shall because of such failure forfeit its right to do business in the District of Columbia, which forfeiture shall be consummated without judicial ascertainment by the recorder of deeds entering upon the margin of the ledger kept in his office relating to such companies the word 'Forfeited,' giving the date of such forfeiture, and any company whose right to do business may be thus forfeited shall be denied the right to sue and defend in any of the courts of the District of Columbia, and in any suit against such company on a cause of action arising before such forfeiture no affirmative relief may be granted to such defendant company unless its right to do business is revived as provided hereinafter.

"The recorder of deeds shall, on or before the 1st day of March of each year, notify every company affected by this section by mailing a notice, addressed in its corporate name, to the post-office address as filed in his office as hereinbefore provided, written or printed, that such fee will be due at a date named therein, a record of the date of which mailing shall be kept by said officer, and which mailing of such notice and the said record thereof shall constitute legal and sufficient notice for all the purposes of this act; and in thirty days after the 1st day of May of each year said officer shall publish for ten consecutive days in at least one daily newspaper of general circulation printed and published in the District of Columbia a list of the companies whose right to do business in the District of Columbia has been forfeited for noncompliance with this section: *Provided*, That any company which shall within six months after such publication pay the fee and $5 additional thereto for each month or fractional part of a month which shall elapse after such forfeiture shall be relieved from the forfeiture of its right to do business by reason of such failure, and when such fee and the said penalty are fully paid to the recorder of deeds it shall be the duty of said officer to revive and reinstate said right to do business by erasing or canceling the word 'Forfeited' from his ledger and substituting therefor the word 'Revived,' giving the date of such revival: *Provided further*, That this act shall not be construed to repeal any law prescribing fees to be collected by the recorder of deeds.

"SEC. 619m. That all the provisions of this act applicable to foreign corporations shall likewise be applicable to all foreign joint stock companies and foreign associations doing business in said District, excepting those created only for religious or charitable purposes.

"SEC. 619n. That this act shall take effect from and after the expiration of thirty days immediately following its passage, and from and after the expiration of said period all acts and parts of acts contrary to the provisions of this act or inconsistent therewith be, and the same hereby are, repealed."

Mr. SIMS. Mr. Speaker, I was not a member of the subcommittee that investigated this bill. The gentleman from Pennsylvania, who has just taken his seat, was. It is a Senate bill, reported with an amendment, and after being reported some gentlemen spoke to me and some wrote to me in opposition to the bill, or to the House amendment to the Senate bill, which required the deposit of 25 per cent of the capital and surplus of companies chartered in the States doing business in the District.

Mr. MADDEN. I want to suggest to the gentleman whether it would not be competent for those associations to deposit interest-bearing securities, so that they would not lose anything by having to make the deposit.

Mr. BRODHEAD. Oh, yes.

Mr. SIMS. I was going to say that complaint was made to me that as the local building and loan associations did not have to make any deposit, it would be a discrimination against those outside corporations to require them to make one.

I am unfamiliar with the business of building and loan associations. I wish to submit a letter and have it read, written by Mr. CLAYTON, who signs the memorandum furnished me. Since this report of the House District Committee an amendment has been made, or offered, and is moved to be passed as a part of this bill, which, so far as I know or so far as I am able to see, removes the complaint that was made to me in reference to this bill, and I will ask that this memorandum be printed in the RECORD as a part of my remarks.

The SPEAKER. Is there objection? The Chair hears none.

Mr. SIMS. I demanded a second; and unless some other gentleman wishes to say something in opposition to the bill, I do not care to use any more time.

The memorandum is as follows:

When the war revenue act of 1898 was passed, building associations were expressly excepted from its provisions, on the stated ground that

they were cooperative societies, promotive of thrift among people of small means.

When, in 1902, the House Committee on Appropriations reported the so-called "personal tax act for the District of Columbia," building associations were omitted from it as subjects of taxation, but when the bill came out of conference and was passed it was discovered that a paragraph had been inserted taxing them 4 per cent per annum on their gross earnings. The late Representative Powers, of Maine, told the writer that this was done on representation made in behalf of trust companies, that building associations were competitors with them and ought to be taxed equally with them.

In 1904, after a full hearing before a subcommittee of the House District Committee, the tax was reduced to 2 per cent, and so remains.

In 1906 Commissioner Macfarland concluded that building associations ought to make reports to the Comptroller of the Currency and be subject to his examination, like savings banks, and the corporation counsel began the draft of a bill, which he did not complete, because he needed a consultation with building association officers and because the District Commissioners wished priority given to other measures that they deemed more urgent.

In February, 1907, Commissioner Macfarland produced the draft of a bill not prepared by the corporation counsel, and as to which neither the corporation counsel nor any building-association officer had been consulted, and was about to send it to Congress with recommendation for enactment, when it was held up on representation to the commissioners that the bill would close up every building association in the District.

In 1908 Commissioner Macfarland agreed to modify his bill so as to remove the provisions that a committee of building-association lawyers deemed destructive, on condition that the building associations would not oppose the modified bill, and they never have done so, though in place of his fragmentary bill they would have preferred such an amendment of the District Code as would enable them to incorporate under it.

The modified Macfarland bill is Senate bill 6055 of the present Congress. It has passed the Senate and is now on the House Calendar with an amendment proposed by Mr. A. B. Browne, of the local bar (see H. Rept. No. 2065). On page 2 of the report the reason given for the amendment is an alleged performance of officers of a building association organized under the laws of Montana. But there never was a building and loan association in the District with a Montana charter, and the reference is obviously to the Etna Banking and Trust Company, of Helena, Mont.

The amendment purports to relate only to building associations, but it is so worded as to have a much wider sweep, the words "otherwise having any of the features of a building association" including any trust company, bank, savings bank, or other financial organization whatsoever, because one feature of a building association is to receive money from its members, another to do a loan and mortgage business with its members, and so this language would include any financial institution whatsoever chartered outside the District. It would include those local building associations that have been contemplating conversion into mutual savings associations under some state law as a means of escaping the pursuit that has been made of them for nearly seven years by rival financial interests, and which will doubtless be continued for seven years more, if necessary.

If permitted, the building associations can produce a bill that will put them efficiently under government supervision while permitting them to live.

Mr. SMITH of Michigan. I call for a vote.

The question was taken, and the rules were suspended and the bill was passed.

Mr. BRODHEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon this subject.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

HALL OF THE HOUSE.

Mr. McCALL. Mr. Speaker, I move to suspend the rules and pass the following resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Massachusetts moves to suspend the rules and pass the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 265) to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes.

Resolved, etc., That the Superintendent of the Capitol Building and Grounds is hereby directed to change and reconstruct the Hall of the House of Representatives, and change the seating arrangements therein, substantially in accordance with the plan marked "Scheme B," transmitted by him to the Speaker under date of December 7, 1908, under the terms of the House resolution No. 419, of the first session of the Sixtieth Congress. The said changes and reconstruction shall be made under the direction of the Speaker, the present chairman of the House Committee on the Library, the present chairman of the Select Committee on the Distribution of Rooms, and WILLIAM M. HOWARD, of Georgia, who shall also have authority to determine the character of the seating arrangements and furniture, the division of the lobby and cloakroom space, and to make slight changes from the plans of said "Scheme B." But they shall not be authorized to decrease the area at the floor level as shown on said "Scheme B" by more than 400 square feet, and they shall not increase the area at said level as shown on said "Scheme B."

SEC. 2. That to carry out the purpose of this resolution the expenditure of $350,000, or so much thereof as may be necessary, is hereby authorized; and said disbursements made under this resolution shall be made by the Secretary of the Interior, on vouchers approved by the Superintendent of the United States Capitol Building and Grounds, as the appropriations for the Capitol building are approved and disbursed.

Mr. THOMAS of North Carolina. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from North Carolina demands a second. A second is ordered under the rule. The gentleman is entitled to twenty minutes and the gentleman from Massachusetts is entitled to twenty minutes.

Mr. CLARK of Missouri. Mr. Speaker, I move that that rack down in front, with the diagram on it, be taken out, and that the House come to order and let the gentleman from Massachusetts proceed with his speech.

The SPEAKER. The gentleman from Massachusetts, as the Chair understands, has just asked to have it brought in.

Mr. CLARK of Missouri. If that is true, I will withdraw that motion, provided the gentlemen down there in front will sit down.

The SPEAKER. The Chair would be gratified if the real czar of the House could get order. The Chair concluded he would just wait. [Laughter.]

Mr. McCALL. Mr. Speaker, the object of the resolution before the House is, first of all, to reduce the size of this Chamber to the proportions of a chamber which a legislative body ought to occupy, and make it a fit place for deliberation. Then the resolution has the incidental purpose of improving the system of ventilation, by extending the House to the outer walls of the Capitol, giving us a direct connection with the outer air. Some gentlemen might not regard that consideration as second to the first one, because it is a matter vital to the health of the Members. As is well known, this Chamber in which we are sitting is by far the largest of any of the legislative chambers in the world. It is absolutely impossible, it is scarcely necessary for me to say, for a man of ordinary voice to be heard throughout this whole room. It takes a very unusual voice to make itself heard. In the ordinary business of this House a Member who is sitting upon one of the outer rows is compelled to do one of three things if he remains in the House, either to sit listlessly and know nothing of what is going on, or to come down to the center of the Hall and commit larceny by taking the seat of some other Member, or to stand up in the area in front of the Speaker.

I think there is no difference of opinion upon the part of writers of great authority who have witnessed the proceedings of the House from the gallery as to the vast character of the Hall, the bad effect that it has upon the character of our deliberations, and also the influence it exerts to make the proceedings tedious and uninteresting; but I will read to you only from two writers of authority, one a British writer and the other an American writer.

Mr. Bryce, in his American Commonwealth, gives a lively and yet a very correct description of the condition of things here. He says of the Hall that—

> It is more than thrice as large as the English House of Commons, with a floor about equal in area to that of Westminster Hall, 139 feet long by 93 feet wide and 36 feet high. * * * The proportions are so good that it is not till you observe how small a man looks at the farther end, and how faint ordinary voices sound, that you realize its vast size. * * *
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> When you enter, your first impression is of noise and turmoil, a noise like that of short, sharp waves in a highland loch fretting under a squall against a rocky shore. The raising and dropping of desk lids, the scratching of pens, the clapping of hands to call the pages—keen little boys who race along the gangways—the pattering of many feet, the hum of talking on the floor and in the galleries, make up a din over which the Speaker, with the sharp taps of his hammer, or the orators, straining shrill threats, find it hard to make themselves audible. I never heard American voices sound so harsh or disagreeable as they do here. Nor is it only the noise that gives the impression of disorder. Often three or four Members are on their feet at once, each shouting to catch the Speaker's attention. * * * Less favorable conditions for oratory can not be imagined, and one is not surprised to be told that debate was more animated and practical in the much smaller room which the House formerly occupied.
>
> Not only is the present room so big that only a powerful and well-trained voice can fill it, but the desks and chairs make a speaker feel as if he were addressing furniture rather than men, while of the Members few seem to listen to the speeches. It is true that they sit in the House instead of running out in the lobbies, as people do in the British House of Commons, but they are more occupied in talking or writing or reading newspapers than in attending to the debate. To attend is not easy, for only a shrill voice can overcome the murmurous roar; and one sometimes finds the newspapers, in describing an unusually effective speech, observe that "Mr. So-and-So's speech drew listeners about him from all parts of the House." They could not hear him where they sat, so they left their places to crowd in the gangways near him. "Speaking in the House," says an American writer, "is like trying to address the people in the Broadway omnibuses from the curbstone in front of the Astor House * * *."
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> Men of fine intellect and of good ordinary elocution have exclaimed in despair that in the House of Representatives the mere physical effort to be heard uses up all the powers, so that intellectual action becomes impossible. The natural refuge is in written speeches or in habitual silence, which one dreads more and more to break.
>
> It is hard to talk calm good sense at the top of your voice, hard to unfold a complicated measure. A speaker's vocal organs react upon his manner, and his manner on the substance of his speech. It is also hard to thunder at an unscrupulous majority or a factious minority when they do not sit opposite to you, but all around you and behind you, as is the case in the House. The Americans think this an advantage, because it prevents scenes of disorder. They may be right, but what order gains oratory loses. It is admitted that the desks are a mistake, as encouraging inattention by enabling men to write their letters, but though nearly everybody agrees that they would be better away nobody supposes that a proposition to remove them would succeed.

Then President Woodrow Wilson, perhaps the most authoritative American writer upon our system of congressional government, speaking of the House, says:

> There are, to begin with, physical and architectural reasons why businesslike debate of public affairs by the House of Representatives is out of the question. To those who visit the galleries of the Representative Chamber during a session of the House these reasons are as obvious as they are astonishing.
>
> It would be natural to expect that a body which meets ostensibly for consultation and deliberation should hold its sittings in a room small enough to admit of any easy interchange of views and a ready concert of action, where its Members would be brought into close, sympathetic contact, and it is nothing less than astonishing to find it spread at large through the vast spaces of such a chamber as the Hall of the House of Representatives, where there are no close ranks of cooperating parties, but each Member has a roomy desk and an easy revolving chair; an immense, capacious Chamber, disposing its giant dimensions freely beneath the great level lacunar ceiling, through whose glass panels the full light of day pours in. The most vivid impression the visitor gets in looking over that vast Hall is the impression of space.
>
> A speaker—

Mr. Wilson goes on—

> must needs have a voice like O'Connell's, the practical visitor is apt to think as he sits in the gallery, to fill even the silent spaces of that room; how much more to overcome the disorderly noises that buzz and rattle through it when the Representatives are assembled—a voice clear, sonorous, dominant, like the voice of a clarion. One who speaks there with the voice and lungs of the ordinary mortal must content himself with the audience of those Members in his own immediate neighborhood, whose ears he rudely assails in vehement efforts to command the attention of those beyond him, and who, therefore, can not choose but hear him.

It is a matter of everyday experience that we have constant calls for order. Probably in the course of an ordinary session the Speaker is engaged in using his gavel vigorously upon the desk for three or four weeks in the aggregate, and he does well that he does not have to use it more.

I shall not take any more of the time of the House at this moment, except to say that I believe it is vital to the efficiency of the House of Representatives, and, to make it meet its full purpose as the representative Chamber of the American people, that we should make some such a change as is proposed in this resolution.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. McCALL. Certainly.

Mr. COOPER of Wisconsin. How much will the proposed change reduce the area of the House?

Mr. McCALL. The proposed change would reduce the area of the floor about 2,100 feet and the area of the galleries about 3,100 feet. It will reduce the cubical contents of the Hall from three hundred and eighty odd thousand feet to a little less than 260,000 cubic feet, or about one-third.

Mr. COOPER of Wisconsin. That would still leave it larger than the Senate Chamber?

Mr. McCALL. Larger than the Senate Chamber, both in area and in cubical contents. The Hall of the House would then contain a little less than 260,000 cubic feet, and the Senate Chamber has 210,000 feet.

Mr. NICHOLLS. Will the gentleman yield for a question?

Mr. McCALL. I will yield to the gentleman from Pennsylvania.

Mr. NICHOLLS. Will the reduction in the cubical contents of the room also reduce the amount of air available for Members to breathe, so that thereby it would be a detriment?

Mr. McCALL. The architects report that we should have as perfect a system of ventilation, as good a system of artificial ventilation, as we have now. We should also have 5 windows opening directly to the outer air, and the Speaker's desk would be put back to a level with the lobby, so that we would have another connection with the outer air, as much as the architects think it would be safe to have with reference to the health of Members. We have proportionately reduced the gallery space, so I do not think the number of cubic feet of air to each person in the Hall would be materially reduced, and our source of pure air would be much greater.

Mr. NICHOLLS. Would not the amount of air which would necessarily be changed in order to provide pure air have to come in more rapidly, and therefore endanger the health of Members from draft?

Mr. McCALL. I think there would be very little difference on that point. We should have nearly as many cubic feet of air for each person on the floor and in the galleries as we now have.

Mr. JONES of Virginia. Will the gentleman yield for a question?

Mr. McCALL. Certainly.

Mr. JONES of Virginia. I would like to ask the gentleman if he thinks the Hall so reduced would be large enough to accommodate both Houses in convention?

Mr. McCALL. It would. Both Houses have met in the Senate Chamber. We should have nearly 1,500 feet more floor space than has the Senate Chamber. Now, Mr. Speaker, I wish to make this request: I ask unanimous consent that there may be an extension of time for debate on this question.

The SPEAKER. How much?

Mr. McCALL. Thirty minutes on a side, instead of twenty minutes.

The SPEAKER. The gentleman from Massachusetts asks that there be thirty minutes' debate on each side instead of twenty. Is there objection?

There was no objection.

Mr. SIMS. Will the gentleman yield to me?

Mr. McCALL. I will yield to the gentleman from Tennessee.

Mr. SIMS. I want to ask the gentleman if he thinks any change could be made in the way of getting the desks out of here, and reducing the space of the Hall, that would not be of benefit over what we now have?

Mr. McCALL. I think it would take an ingenious architect to devise a worse system than we now have. I will say that I have not entered into the details of these plans because they have been exhibited in the lobby for several days, and Members have had an opportunity to examine them.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. McCALL. Certainly.

Mr. HUMPHREYS of Mississippi. This resolution does not provide for any particular kind of furniture, does it?

Mr. McCALL. No; it was the purpose of the committee not to involve this general proposition with too many details, but to leave other matters over for consideration, either as to the style of chairs or anything else of that character. We had no thought of having simply benches; there are a number of styles of chairs that may be adopted, and the question of the style and kind of furniture is left open.

Mr. HUMPHREYS of Mississippi. The resolution does not commit us to the particular style of chair shown in the picture?

Mr. McCALL. No.

Mr. HUMPHREYS of Mississippi. We can have the swivel chair if we desire?

Mr. McCALL. Precisely. Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of North Carolina. Mr. Speaker, this is a very important matter, involving a very radical change in the Hall and the seating arrangements of the House. I demanded a second because I thought the membership of the House was entitled to have a full and free discussion of this joint resolution. Personally I dislike always to disagree with the chairman of the committee, the distinguished gentleman from Massachusetts; hence I did not, as a member of the Committee on the Library, file a minority report. I felt, however, that it was my duty to reserve the right to take any position I chose upon the floor of the House in order that I might state my own position and in order that we might have a full discussion of this resolution.

Mr. Speaker, this proposition to change the seating arrangement of the Hall of the House of Representatives——

Mr. CAMPBELL. Mr. Speaker, I am very anxious to hear what the gentleman now addressing the House has to say, but on account of the confusion made by the swinging of the chairs here and because of the size of the Hall, it is utterly impossible to hear what the gentleman is saying.

The SPEAKER. The gentleman makes the point that the House is not in order. The point is well taken. The House will be in order.

Mr. THOMAS of North Carolina. Mr. Speaker, as I was saying, this proposition to change the seating arrangement of the Hall of the House is by no means a new one. At the last session of this Congress the Library Committee reported a resolution providing for the removal of the desks and the placing of benches in the Hall of the House, and that proposition, after quite a full debate, was voted down by a vote of 141 to 105.

Subsequently a resolution was brought in providing that the Superintendent of the Capitol should consult with architects and experts upon ventilation and acoustics, with a view to the rearrangement of the construction of the Hall of the House of Representatives, to place it in direct contact with the outer wall or walls of the building, to improve its ventilation and acoustical properties, and to reduce its size, and to report with plans on the first Monday of December, 1908. The Superintendent of the Capitol has made his report, giving preference to what is known as "Scheme B," which is the diagram now exhibited in the Hall of the House. The idea of changing the seating arrangements of the Hall was carried into effect in 1859, and

benches were put in the Hall, and in 1860, the very next year, the plan having proven a failure, by a somewhat close vote the benches were removed and the desks were again placed in the Hall.

Again, in 1901, a proposition was made to change the seating arrangement, and that proposition, which was moved as an amendment to an appropriation bill, was voted down. At that time in the debate the present Speaker of the House of Representatives said:

Mr. Chairman, with some length of service in this House, I have noticed that when any Member had a message to his fellow-Members that they wanted to hear, there was no difficulty in their hearing it. So much for that. We have heard gentlemen quite well during this little debate of twenty minutes on a side. Now, the Architect of the Capitol tells me he can a little decrease the size of the desks and put them into blocks of four or five, and then it is quite practicable to seat all the Members in the Hall under the new apportionment. Three legs is enough for a bunch of these desks, and my own judgment is, with the necessity for a quorum, that we will get along better to retain the seats a little bit decreased in size and put closer together, and have more room than we now have. I ask for a vote.

Mr. Speaker, the proposition to change the seating arrangement and take out the desks has been always a subject of much controversy. Mr. Asher Hinds, in his Parliamentary Precedents, says such a move was made in 1829 upon the ground that the seating arrangement with the desks caused a confusion detrimental to the public business. The desks were advocated as a matter of convenience. Again, in 1841, the desks were subject to criticism, and in 1842. In 1847 the removal of the desks was again proposed, but without result. So that it appears from Hinds's Precedents of the House of Representatives that up to date numerous efforts have been made to take out the desks and change the seating arrangement of the House; but each time it has been unsuccessful, the resolution having been voted down by the Members of the House except in one instance. In 1859 the desks were removed, but quickly restored in 1860.

At the last session of Congress the proposition was to put in benches instead of chairs for seats and remove the desks, which was also voted down by the Members of the House.

The resolution of last session provided for benches for seats and was a temporary arrangement. This resolution pending is for a permanent arrangement of the Hall as to seats and a reconstruction of the Hall to cost $350,000. It is intended to provide not only for better ventilation and better acoustics in the Hall of the House, but makes a radical change and a permanent change in the seating arrangement and entire construction of the Hall. I admit that this new plan, this proposed change, is better than the benches proposed at the last session of Congress, and yet I have found it very difficult and impossible to give my assent to the change. This is a magnificent and imposing Hall in the first place, and I am very doubtful if it could be materially improved in appearance. It is comfortable, and if the ventilation could be made better I believe, and I have never been able to change my opinion on the subject, that the retention of the present desks and seating arrangement would be best for comfort and convenience of the Members.

It is said that a change should be made in the Hall of the House because Members can then be heard better in debate; but, as was said by the present Speaker of the House in the speech from which I quoted, in 1901, one who has any speech of importance upon any important subject can be heard now. In the third place, I believe that it will be difficult, if we take the desks out, to keep a quorum of Members here.

Mr. GOULDEN. Will the gentleman please tell us what the proposed change is?

Mr. THOMAS of North Carolina. I will, in a few moments. A quorum in Committee of the Whole is 100, and in the House it is a majority of the Members. Now, in the British Parliament and other parliamentary bodies in the world a quorum is much smaller. I may be wrong about the matter, but I fear if we remove these desks, leaving only chairs and a book rack, the effect will be to divide this body into two classes—those who wish to debate and those who do not debate—and we will thereby have a greatly decreased attendance upon the public business and will find it difficult to keep a quorum.

Mr. Speaker, I am apprehensive that this change will be unsatisfactory and that it may prove, as in the past, a failure. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eighteen minutes remaining.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. THOMAS of North Carolina. Yes.

Mr. PARSONS. Were there desks in the old House of Representatives, in the old Chamber?

Mr. THOMAS of North Carolina. That is my understanding; yes. The desks have always been in the Hall of the House, whether the old Chamber or this new Chamber. Now, Mr. Speaker, I do not wish to consume much more time. I wish to say in answer to my friend from New York [Mr. GOULDEN] that the proposed change decreases materially the size of the Hall. It would be one-third less in size——

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. THOMAS of North Carolina. When I have finished this sentence. It will be one-third less in size than it is now, and one-third larger than the Senate Chamber.

The scheme proposes chairs with book rack, which is a very much better arrangement than the benches proposed last session. The change contemplates removal of the desks, and chairs with book rack in front—not necessarily fixed or stationary chairs, but chairs in a half circle as now, with a book rack in front of each chair in which to keep books and papers. It also contemplates moving the Speaker's chair back to the south wall of the corridor, in front of the lobby, the present lobby remaining as it is. It contemplates having windows over the press gallery, giving better ventilation and more light from the south side of the Capitol, the river side. But with all the improvements in the plan proposed in this resolution of this session I can not help believing that eventually the change will be unsatisfactory. I may be mistaken. I now yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I heard the gentleman say something about the proposition last spring to put in benches. That is not the proposition now?

Mr. THOMAS of North Carolina. Not at all; it is materially different.

Mr. COOPER of Wisconsin. Another gentleman talked about taking out the desks. That conveys the impression that there will be no facilities for writing.

Mr. THOMAS of North Carolina. I explained that to the House.

Mr. COOPER of Wisconsin. There will be ample facilities for writing and taking notes, and also for books and papers, as I understand.

Mr. THOMAS of North Carolina. There will be a kind of writing table and a book rack underneath in front of each chair. Now, Mr. Speaker, to show that I am not wedded to any particular plan, and I am only doing what I conceive to be my duty in voicing my own individual sentiments upon this matter and in having the matter debated fully, I am going to yield to a Member of the House who is in favor of the passage of the joint resolution. I now yield to the gentleman from Virginia [Mr. SAUNDERS].

The SPEAKER. How much time?

Mr. THOMAS of North Carolina. Three minutes.

Mr. SAUNDERS. Mr. Speaker, this proposition before the House is an intensely practical one and should receive the unanimous support of this body.

Whatever may be said concerning the spacious proportions, and stately appearance of our present Chamber, it is admittedly defective for the purposes of a working, deliberative body. It is the largest legislative hall in the world, though its membership is much smaller than that of either the House of Commons in England, or the Chamber of Deputies in France.

I believe I am correct in saying that the membership of the House of Commons is about 675, and that of the Chamber of Deputies about 560.

The pending proposition is to reduce the size of the Chamber, so as to bring the Members closer together, and to induce more real debate. When a like proposition was under consideration in May last, it was pointed out with great force by its advocates, that there were comparatively few Members with voices sufficiently sonorous to fill the Chamber, even in a quiet House. In the confusion that frequently prevails, and which is an inevitable incident of our present arrangements, he is fortunate indeed, who can make himself heard beyond his immediate surroundings. At such times, the Members on the outer tier of seats, are absolutely shut out from what is going on. In no real sense therefore, do they participate in the deliberations of the House, since such a participation requires, some knowledge at least, of what is being said, and of the arguments pro and con, upon the subject under consideration.

In the debate of last session, it was stated that a former Speaker of this body, Mr. Reed, decidedly favored a change in the present seating arrangements of our Chamber, and he was quoted as saying that this change was the one thing needed to make the House of Representatives what it ought to be; that the present room was too large; and that confusion would continue, until this rearrangement was effected.

Many objections are urged against the change. One is that we do not want to exchange our chairs for benches. Well, benches are not a necessary part of the proposed rearrangement. Another objection is that the chairs and desks were once taken

out, and benches put in, and after a short trial, the desks were restored.

But inquiry develops that desks were restored to enable the Members to "frank their documents and write their letters while attending the sessions of the House."

It is true that Members now write letters in the House, and possibly frank some documents, and this practice will continue so long as the desks remain. But there is no longer any excuse for this action. All the Members now have secretaries to relieve them of this clerical detail work, and in the Office Building we have the most ample accommodations for our files, books, letters, and papers of all sorts.

Another objection urged, is that with the desks removed, the Members will have no place in which either to store books of reference, and data of all sorts, needed in the course of debate, or upon which to write amendments to bills and resolutions under discussion. But there is no scheme of rearrangement suggested, which does not provide for such a place, though it may not be in the form of a desk. As to the larger books of reference that may be needed in debate, they are conveniently stored in a room adjacent to our Chamber, and can be readily furnished by the attendant in charge, as occasion requires.

Another objection urged is that in some sense this is an American system—that our arrangements as to chairs, and desks, are sanctioned by American usage—that this is an American Chamber, so to say—and that we must not copy the arrangements of the British House of Commons, the French Chamber of Deputies, or of any foreign deliberative assembly. Mr. Speaker, there is one thing at least, that is American, and that is we want the best of everything. If from the experience of others, we can devise any improvement upon existing conditions, whatever they may be, we ought to avail ourselves of that experience. The present arrangements are bad enough, so bad that they suggest that we try, at least, an experiment in search of something better. The acoustics of our Chamber are bad, and the ventilation wretched.

If our experiment proves to be unsatisfactory, we can, without difficulty, return to the old conditions.

But, Mr. Speaker, why continue to debate a proposition which can only be determined by actual trial, a trial which it is competent for us to make with but little cost, or trouble.

As a rule, innovations of any sort, however meritorious, are vehemently opposed. It is equally true, that existing conditions, however startling and objectionable, find their ardent defenders.

It seems to be a part of human philosophy, to bear the ills we know, in preference to a trial of suggested evil. Every student of English history knows that the infamous rotten borough system, found its warmest supporters among the greatest statesmen of cotemporary English life.

It is certainly true that the men who can be heard throughout the Chamber, not on special occasions when they have some special message to deliver, but in the course of ordinary debate, under the usual conditions, are few and exceptional. It is further true that many men whom the House would be willing to hear, are deterred from making the effort, by the exertion required.

If I may borrow the felicitous phrase of another gentleman, "I would like to see muscular oratory exchanged for intellectual oratory, and instead of a contest of violent vociferation, one of deliberate debate."

There are many features of the suggested change which ought to commend themselves to this House, and as a business body we ought not to be deterred from making an experiment that may lead to better things, by suggestions that we are aping other countries and following foreign precerents.

If other countries can furnish, or suggest, improvements on our present methods, even if they are consecrated by the experience of generations, let us avail ourselves of light from whatever quarter it may happen to come.

We need not fear the sneer that we are aping anyone, provided that what we may ultimately adopt, is approved by that robust common sense which, above everything else, is characteristic of the American people. In this connection I wish to make the following quotation from the speech of the Hon. Mr. McCALL of Massachusetts: "This resolution is first of all to reduce the size of this Chamber to the proportions of a chamber which a legislative body ought to occupy, and make it a fit place for deliberation. Then it has the incidental purpose of improving the system of ventilation, by extending the House to the outer walls of the Capitol, giving us a direct connection with the outer air."

We can not afford not to make this experiment. If we want to improve, we must keep on trying.

Mr. HENRY of Texas. Mr. Speaker, during the closing days of last session the gentleman from Massachusetts [Mr. McCALL] reported a proposition for removal of the seats and desks from the Hall. His plan did not contemplate changing its architectural proportions and dimensions. To this proposal I was opposed and entered my protest. After its defeat I was anxious that something should be done to give us more comfort and better ventilation. It seemed to me then that it was wholly inadvisable to remove the desks and chairs, substituting benches for them, unless the plan of the House could be changed so as to give us better acoustic properties and more wholesome atmosphere. After this resolution was defeated I went to the gentleman from Massachusetts [Mr. McCALL] and urged him to introduce his resolution anew, providing for a survey of the House, in order that the Hall might be extended to the outer walls southward, eastward, or westward for the purpose of giving outside ventilation. The gentleman from Massachusetts [Mr. McCALL] assented to this view, introduced his resolution on May 12, 1908, and it was passed during the last session of Congress.

The present report and plans are the result of that resolution and action. And now, Mr. Speaker, having carefully examined the report of the gentleman from Massachusetts [Mr. McCALL] and the plans recommended by the Superintendent of the Capitol Building and Grounds, it gives me great pleasure to say they have my cordial approval. [Applause.]

Let us contemplate for a moment the changes proposed. This new plan retains the rectangular hall, but leaves it surrounded by pillars and other details of architecture which make it a great improvement over the present one. While this plan reduces it in size, it will still remain one-third larger than the Senate Chamber. As the Hall exists at present, its dimensions are as follows: Greatest length on the floor, 113½ feet; greatest breadth on the floor, 67½ feet; length at gallery level, 139 feet; breadth at gallery level, 93 feet. Its height is 36 feet from floor to ceiling. The area on the present floor is 7,600 square feet. The area at the gallery level is 12,927 square feet. The new plan provides that the greatest length on the floor shall be 87 feet; the greatest breadth on the floor, 64 feet. The length at the gallery level shall be 118 feet. The breadth at the gallery level shall be 115 feet. The area on the floor shall be 5,440 square feet. The area at the gallery level shall be 9,616 square feet.

These changes will reduce the cubical contents of the Hall about one-third and greatly increase the cloakroom space. The seating arrangement under this new plan will admit the use of ample individual chairs, as in the Senate of the United States, or chairs joined together and continuing between the aisles. There will also be an extended rack in front of each row of chairs, giving to each Member a space on which to write and a desk and pockets large enough to hold papers and several volumes. The scheme provides for removing the Hall to the south and eliminates the corridor directly back of the Speaker's desk. The press gallery would then be directly over the present Members' lobby and open to the southward along the south front of the House, with five large windows in direct communication with the open air. This arrangement would give an abundance of outer air, ventilation, and sunshine.

A short historical reference is not out of order here. In 1859 the House, by a close vote, directed that the desks be removed and benches substituted, although the dimensions of the Hall were not changed. In February, 1860, by a vote of 95 yeas to 86 nays, the desks were restored. With the spacious and comfortable Office Building for the use of Members, the vote would now be different. With the removal of the desks and chairs, undoubtedly the present space on the floor is not needed. We have now offices in the new Office Building where our papers, books, and documents are kept and our daily routine work, not necessary on the floor, can be done. When it is contemplated that the hall of the House of Commons is but 60 feet long by 45 feet wide, with an area of but 2,700 square feet, and seats 673 members, it can readily be seen that the present floor space is not necessary. Allow me to state that my experience of more than twelve years on the floor of this House has demonstrated to me that I can speak with greater ease in the open air in Texas to several thousand people than in the House of Representatives under present conditions. There should be a change, and this plan proposes removing the partition wall south of where I stand and the one above the Speaker's desk, retaining the rectangular form of the House and pushing it southward to the open air. When these partition walls are taken out, we have five spacious windows in direct connection with the open air to the southward, giving pure atmosphere and abundant ventilation.

The Speaker's stand will be moved southward, corresponding with its present position. There will be large lobbies to the northward in the present Hall corresponding to the Senate marble room, and on the four corners of the new one will be

large retiring and smoking rooms. These changes will increase the convenience of Members by giving them much larger smoking rooms and ample space for conference and conversation beyond the hearing of the proceedings on the floor. Behind the seats will be folding leaves with sufficient room for writing, making notes, and placing manuscript while a Member is speaking. By this change, reducing the House of Representatives one-third in size, and removing the desks and seats, the Chamber can be made to easily seat 450 Members.

Mr. Speaker, there is not much more to be added by me to what I have already said. The controlling element with me touching this resolution is one pertaining to better ventilation and more wholesome atmosphere on this floor. As the present Chamber is constructed it has proven to be almost a death trap, and undoubtedly the health and lives of many Members have been endangered by the foul air we breathe. The present House is simply a hall within a hall, a box within a box, and should have been changed years ago.

Mr. WEBB. Will the gentleman allow me to ask him a question?

Mr. HENRY of Texas. Certainly.

Mr. WEBB. I have noticed that this Scheme B reduces the seating capacity of the gallery from 594, as at present, to 288. Do you not think that is reducing the number of people who can come to hear the deliberations of this House below the number that ought to be provided for?

Mr. HENRY of Texas. Under the present plans, as I understand them, if it is desired, the capacity of the galleries can be enlarged to twice the space here mentioned.

Mr. WEBB. This resolution adopts Scheme B, and Scheme B says that 288 seats can be furnished in the gallery.

Mr. McCALL. If the gentleman will permit me.

Mr. HENRY of Texas. Certainly.

Mr. McCALL. The architect reports that he can much extend the gallery space in Scheme B.

Mr. WEBB. In that case it is more acceptable.

Mr. HENRY of Texas. That is the purport of my remark.

Mr. STANLEY. Those who come to the galleries usually come to see, rather than to hear.

Mr. HENRY of Texas. They usually see more than they hear under present conditions in the House.

Mr. WALDO. Will the gentleman allow me to ask him a question?

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. Will the gentleman give me just one minute?

Mr. McCALL. I yield one minute more to the gentleman.

Mr. WALDO. Is there any provision in this scheme for desks under which a Member can have more space when he is making extended remarks?

Mr. HENRY of Texas. I understand not, but there is space in front there that could be used.

And now, gentlemen, for the sake of comfort, health, and orderly proceeding, let us vote to remove the partitions and open this great Hall to the south, letting in God's fresh air and bright sunshine, that it may sweep through these corridors and purify the surroundings, bringing intellectual vigor and physical strength to the Representatives of the people. [Loud applause.]

Mr. McCALL. Mr. Speaker, I have received the following letter from the gentleman from Texas [Mr. BURLESON], which I desire to read:

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 27, 1909.

MY DEAR MR. MCCALL: I regret very much that I will not be able to be on the floor when consideration of your resolution for the remodeling of the Assembly Hall of the House of Representatives is given. I have always taken a deep interest in the movement for this reform and do not hesitate to state that I believe favorable action on your resolution will not only make the discharge of our duties more pleasant and satisfactory to ourselves, but will result in more carefully considered legislation for our country.

Sincerely, yours, A. S. BURLESON.

In reference to what I said about the galleries, I meant that under Scheme B the gallery accommodations can be very much extended over what is now shown in the plan. Will the gentleman from Mississippi occupy three minutes?

Mr. WILLIAMS. Mr. Speaker, I have voted against all plans that have heretofore been brought in for the reconstruction architecturally of the House and for the alteration and the reconstruction of the conveniences of the Members. I voted against all plans with benches, because I knew that I myself would not be comfortable upon a bench, and did not think that anybody else would be. I voted against the schemes presented because none of them reached the essential point. The essential thing that ought to be mandatory, in my mind, is direct communication with the open air. Now, this plan carries us down to the south wall of the building and gives us direct communication with the open air.

There are two causes of existing conditions. One is bad air, and the other is hot air in the shape of private conversation, constantly interrupting the Members who are trying to speak. The reason of the constant conversation is that the Member does not hear and he does not want to be bored to death sitting stock still and holding his hands. Now, if this plan is adopted Members can hear, and those who can hear and are hearing will be very impatient with those who will not let them hear even better. And those who can hear as a rule will want to hear, and that will bring about silence in itself.

But the great thing that makes me advocate the plan is this: That it does not bring benches in, but leaves chairs; and secondly, that it carries us to the open air. No sort of artificial ventilation that I have ever seen is worth a copper cent.

I never knew any way of getting pure air except by getting immediate access to open air. I want to see this plan tried. Perhaps it is a little out of taste for me to say anything in favor of it, because I am going out, and I will never have to suffer its inconveniences if there shall be any. Equally, however, I shall never enjoy its conveniences, if such shall be the result.

When the matter was up before, I think it was I who suggested, or maybe proposed, a motion that there should be instructions that the architect, in making his plans, should see if he could not move this box within a box in which we sit to the corner of this building, or if not to its corner, at least to one of its sides, so as to get at the open air.

Mr. LLOYD. Do you understand that this takes us to the outer wall, or just to the second wall?

Mr. WILLIAMS. It takes us to the outer wall so far as air connection by windows is concerned.

Mr. THOMAS of North Carolina. I do not think the gentleman fully understands the matter.

Mr. WILLIAMS. It takes us to the outer air so far as its communication with the Hall is concerned, because it leaves those arches with absolutely free communication with the windows.

Mr. THOMAS of North Carolina. For the information of Members will the gentleman allow me to state what I understand Scheme B will do?

Mr. WILLIAMS. If it is a question concerning the details of the plans concerning which the gentleman desires to interrogate me, the gentleman had better ask the gentleman from Massachusetts [Mr. MCCALL], who can answer more accurately than I.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28243. An act to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, had further insisted upon its amendments Nos. 58 and 59, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TILLMAN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. DANIEL L. D. GRANGER, late a Representative from the State of Rhode Island.

Resolved, That the business of the Senate be now suspended, in order that fitting tribute may be paid his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

Also:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ARIOSTO A. WILEY, late a Member of the House of Representatives from the State of Alabama.

Resolved, That the business of the Senate be now suspended, in order that a fitting tribute may be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the widow and family of the deceased.

Also:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. LLEWELLYN POWERS, late a Member of the House of Representatives from the State of Maine.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. ASBURY C. LATIMER, late a Senator from the State of South Carolina.

Resolved, That as a mark of respect to the memory of the deceased Senator the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased Senator.

Also:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. ADOLPH MEYER, late a Member of the House of Representatives from the State of Louisiana.

Resolved, That the business of the Senate be suspended in order that fitting tribute may be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Also:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. ABRAHAM LINCOLN BRICK, late a Member of the House of Representatives from the State of Indiana.

Resolved, That the business of the Senate be now suspended in order that a fitting tribute may be paid to his memory.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

RIVER AND HARBOR BILL.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, and ask for a conference.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the House disagree to the Senate amendments to the following bill, of which the Clerk will read the title, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. BURTON of Ohio, Mr. ALEXANDER of New York, and Mr. SPARKMAN.

HALL OF THE HOUSE.

The House resumed consideration of House joint resolution 265.

Mr. THOMAS of North Carolina. Mr. Speaker, for the information of Members of the House, I wish to say, in reply to what has been said by the gentleman from Mississippi, that Scheme B does not contemplate carrying the Hall back to the extreme south end of the Capitol. It does contemplate taking out the partition which runs back of the Speaker's chair; but the Members' lobby will remain as it now is. The only way in which we will get air will be by the windows in the press gallery.

Mr. McCALL. I was going to ask the gentleman whether the five windows in the press gallery will not open directly into the Hall?

Mr. THOMAS of North Carolina. They will.

Mr. McCALL. Then, of course, we shall be connected with the outer air.

Mr. THOMAS of North Carolina. In that way; yes.

Mr. WILLIAMS. We shall be moved back to the wall behind the present one, and the gallery will run from that wall slopingly up to the outer wall, and will reach, at the back part of the outer wall, the south wall of the building.

Mr. McCALL. Yes.

Mr. WILLIAMS. With the windows in there?

Mr. McCALL. Yes.

Mr. WILLIAMS. So that the bad air can escape and the fresh air can come in. The polluted atmosphere of the rooms is caused by the inability of the bad air to escape from the place we are in rather than by the intrusion of any bad air from the outside.

Mr. THOMAS of North Carolina. Now, Mr. Speaker, I wish to say one word more and I shall feel that I have discharged my duty. I am just as much in favor of proper ventilation and good acoustics in the Hall as anybody, but the proposition is not alone for pure air and better acoustics. The resolution means new seating arrangements and complete reconstruction of the Hall. The joint resolution carries an appropriation of $350,000, and when the change is made it will be a permanent change.

Mr. STERLING. Will the gentleman yield?

Mr. THOMAS of North Carolina. I will.

Mr. STERLING. I would like to ask the gentleman if the committee has any estimate as to what this change will cost?

Mr. THOMAS of North Carolina. Three hundred and fifty thousand dollars.

Mr. STERLING. And how soon will the change be made?

Mr. THOMAS of North Carolina. I do not know; I suppose it will be made some time during the recess of Congress after the extra session.

Mr. STERLING. Would it not take a year to do the work?

Mr. THOMAS of North Carolina. I am unable to tell the gentleman, and I will have to refer him to the Superintendent of the Capitol.

Mr. STERLING. Has the gentleman any assurance that the acoustic properties of the Hall will be any better after the change, or is it an experiment?

Mr. THOMAS of North Carolina. As I understand, the acoustic properties will be better simply because of the decrease of the size of the Hall, which will still retain its rectangular shape, and be decreased in size one-third.

Mr. STANLEY. I want to ask the gentleman from Massachusetts a question. Will the gentleman yield?

Mr. McCALL. Yes.

Mr. STANLEY. These windows, I believe, are on the south side of the building?

Mr. McCALL. Yes.

Mr. STANLEY. And they are large enough to let in the sunlight?

Mr. McCALL. When we wish to let it in.

Mr. STANLEY. The reason I ask is this: The gentleman from Massachusetts is a much better scientist than I, but I understand that the physical presence of sunlight in a room or a building of this kind is as necessary as to have fresh air, in order to keep it in a healthful condition.

Mr. McCALL. I can not be sure about that; but, as the gentleman says, these windows are on the south side of the building. Now, Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, when Mr. Reed was Speaker of the House he came to the conclusion that no man could preserve order in the House while the Hall was so large. Every Speaker, and everyone who has presided over this House, has found the same difficulty and for the same reason. When the proposition came up a year ago to make the Hall smaller, it was coupled with one or two other propositions that prevented me from voting for it. In the first place, it took out all the desks so that no Member could make any memorandum during the sessions of the House, for debate or otherwise, and then it left us without a place in which we could put papers that might be needed at any moment for use in debate.

This plan overcomes that difficulty, and substitutes another but smaller desk on which a Member can make memoranda, and a place where he can put his papers. That plan also increased the difficulty about ventilation. We have now a sort of box within a box that shuts us from the outside air. The plan last year proposed a partition on each side of the Hall, cutting off about 30 feet and tending to make a third box inside of the present box, keeping us from the outer air.

At that time I opposed it, and said that some plan ought to be devised by which we could move the Hall to the outer air, There is plenty of air and light outside, and God knows we need it enough here, and I thought we ought to have it. It was somewhat on that suggestion, made by myself and others, that the House voted down the plan.

[The time of Mr. PAYNE having expired, the gentleman from Massachusetts, Mr. MCCALL, yielded one minute more.]

Mr. PAYNE. Then a resolution was passed referring this matter to the Superintendent of the Capitol, requiring him to devise a plan that would bring the Hall to the outside air. This plan does it, and not only gives us windows above, but gives us an opportunity to get outside air from the windows below by opening the doors at the south end of the Hall. It reduces the size of the Hall one-third; it leaves a lobby at the back of the present Hall where Members can meet visitors, and it seems to me it answers every requirement, except possibly one. I do not know but that I should be better pleased if it cut the Hall down still more. I see the plans call for 450 seats.

I would like it if a plan could be adopted that cut it down to 400, if that would make it effectual forever to keep the membership of the House below 400. [Applause.] I would go a

little further and amend the Constitution in that respect, if I could, because you can not trust the Members of the House under the influences that come here to increase the number of Members every time a new apportionment is made. I hope the plan will be adopted.

Mr. DOUGLAS. Mr. Speaker, I would like to ask the gentleman from Massachusetts a question and to settle something that I have not been able to settle in my own mind. As I understand it, there is a lobby back of the seats, a Member's lobby. What becomes of the space above that lobby, which is up here now.

Mr. McCALL. A large part of that space will be taken up by the gallery being made deeper. Did the gentleman from Alabama [Mr. CLAYTON] desire time?

Mr. CLAYTON. Mr. Speaker, the gentleman from Massachusetts [Mr. McCALL] kindly agreed to give me three minutes, but I think it perfectly manifest that the House is in thorough accord with the gentleman's views, and therefore, being in accord with those views also, I think it unnecessary to say anything further.

Mr. McCALL. How is it as to the gentleman from New York [Mr. COCKRAN]?

Mr. COCKRAN. I think it is unnecessary to say anything more.

Mr. McCALL. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and agreeing to the resolution.

The question was taken, and the rules were suspended, and the resolution was passed.

WASHINGTON, SPA SPRINGS AND GRETTA RAILROAD COMPANY.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (S. 9006) to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, approved February 18, 1907, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 18 of an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland, a corporation created by the laws of the State of Maryland and authorized by an act of Congress approved February 18, 1907, to extend its line into the District of Columbia, be, and the same is hereby, amended to read as follows:

"SEC. 18. That the construction of the said extension on the lines of said railroad company within the District of Columbia shall be commenced within six months from the passage of this act and shall be completed and cars in operation within one year from the passage of this act, in default of which this act shall be void and of no effect: *Provided,* That the tracks of the Washington, Spa Springs and Gretta Railroad shall be located approximately in the middle of Bladensburg road, as the same shall be ultimately widened to a width of 90 feet; and that the Washington, Spa Springs and Gretta Railroad Company shall, in conjunction with its track construction, grade and macadamize, to such section and profile as is approved by the Commissioners of the District of Columbia, a width of 15 feet on both sides of its track construction; and that the Washington, Spa Springs and Gretta Railroad Company shall bear and defray all costs of this widening, which shall be done to the entire satisfaction of the Commissioners of the District of Columbia: *And provided further,* That all the rights, duties, obligations, and requirements as to permits and deposits contained in the act of February 18, 1907, authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia shall, in conjunction with this amendment, remain in full force and effect."

The SPEAKER. Is a second demanded?

Mr. SIMS. I demand a second.

The SPEAKER. A second is ordered.

Mr. SMITH of Michigan. Mr. Speaker, this railroad company was authorized to extend its lines into the District of Columbia by an act passed in February, 1907. Through no fault of the railroad company, it has been unable to complete its line in the meantime.

Mr. SIMS. Mr. Speaker, there seems to be no objection to this bill.

Mr. SMITH of Michigan. I certainly do not desire to take up any more time than necessary.

Mr. BUTLER. I do not understand what the bill is.

Mr. SMITH of Michigan. It is a bill to amend section 18 of the law passed February 18, 1907, authorizing the Washington, Spa Springs and Gretta Railroad Company to come into the District over the Bladensburg highway. If there are no further questions, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

The question was taken, and the motion was agreed to.

COMMISSION ON NAVAL ORGANIZATION.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 743), which was read and, with the accompanying papers, referred to the Committee on Naval Affairs and ordered printed:

To the Senate and House of Representatives:

I send you herewith the final report of the Commission on Naval Reorganization, which outlines a new departmental system. Accompanying is the letter from Mr. Justice Moody sent to me in transmitting the report. I have expressed to Justice Moody and his associates my profound sense of obligation for the admirable work they have done.

I invite your attention to the sound and conservative character of this report. It is in full accord with American policy, for it recognizes the complete supremacy of the civil power as regards the military no less than the civil or manufacturing side of naval administration. Nothing drastic is recommended as to the bureaus or other agencies by means of which the purely business affairs of the Navy Department are now administered. These are simply coordinated and brought under the general control of the Secretary in such manner as to secure unity of effort and action. The recommendation for the creation of the two councils, the Secretary's general council and his military council, are based upon the fundamental and all-essential proposition that a navy exists and ought only to exist for war and for war alone; for the efficacy of the navy in securing and guaranteeing peace depends absolutely upon its evident efficiency for war. Preparation for war can only be thorough and complete if the Secretary has the same expert military assistance and the same advisers in time of peace as in time of war. The proposed plan has this object in view. It should be remembered that perfection of organization and training and perfect preparedness cost no more than slipshod inefficiency in so spending money as to disregard, or even prevent or impede, proper training and preparedness. The plan outlined does not imply any greater expenditure of money than at present. It provides merely that the money should be spent wisely instead of as at present spending it so that a certain proportion is wasted in friction or in useless work. Training and preparation are essential elements of success in war. It is necessary to have the best ships and to have a sufficient number of them; but the number and character of ships will not necessarily bring victory. Efficiency in organization and personnel must be the main dependence in securing victory where there is even an approximate equality in material.

To supplement and finish the work of this commission another commission must eventually be designated, to take up the proposed plan and complete it as to details; but no plan can be satisfactory if there is deviation from the essential military principles specified in this report. These principles are those which all sound naval experts have come to recognize as fundamental. I call your attention to the fact that the commission, whose conclusions I lay before you, was composed of five rear-admirals, two ex-Secretaries of the Navy, and an ex-Member of the House of Representatives, who, throughout his term of service in the House, was one of the most able and resolute champions that the navy has ever had in Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 27, 1909.*

HARRY KIMMELL.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

In compliance with the resolution of the House of Representatives, the Senate concurring, of February 26, 1909, I return herewith House bill No. 17214, entitled "An act for the relief of Harry Kimmell, a commander on the retired list of the United States Navy."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 27, 1909.*

Mr. HUFF. Mr. Speaker, I move a rereference of that bill to the Committee on Naval Affairs.

The SPEAKER. Without objection, the bill and message will be referred to the Committee on Naval Affairs.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BARTLETT of Nevada was granted leave of absence indefinitely, on account of sickness.

FOREST HILL CEMETERY, SCRANTON, PA.

Mr. NICHOLLS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill which I send to the Clerk's desk at this time and that the said bill be passed.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee of the Whole House be

discharged from the consideration of the following bill and it be considered at this time. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 28055) to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa., one condemned brass or bronze cannon, with suitable outfit of cannon balls, which may not be needed in the service; the same to be placed by the Lieutenant Ezra S. Griffin Post, No. 139, Grand Army of the Republic, on the soldiers' plot in the Forest Hill Cemetery, located at Scranton, Pa., in honor of the soldiers and sailors from that county who served their country and State: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15681. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico; and

H. R. 4286. An act for the relief of John Shull.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 9067. An act to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 21896. An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes;

H. R. 27068. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes;

H. R. 24149. An act granting to the Montana, Wyoming and Southern Railway a right of way across the Fort Keogh Military Reservation, Mont.;

H. R. 15939. An act authorizing the Secretary of Commerce and Labor to exchange property;

H. R. 25823. An act to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railway, and for other purposes," approved February 21, 1907;

H. R. 12499. An act for the relief of Clarence Frederick Chapman, U. S. Navy; and

H. J. Res. 231. Joint resolution authorizing the Director of the Census to collect and publish additional statistics.

SITE FOR ALEXANDER HAMILTON MEMORIAL, ETC., WASHINGTON, D. C.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent for the immediate consideration of House joint resolution 225, authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton Memorial in Washington, D. C.

The SPEAKER. The gentleman from Michigan asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the following resolution and to consider the same. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution 225 authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton Memorial in Washington, D. C.

Resolved, etc., That the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of the Treasury, and the president and secretary of the Alexander Hamilton National Memorial Association are hereby created a commission and authorized to select a site upon the property belonging to the United States in the city of Washington, other than the Capitol and Library grounds, for the erection of the Alexander Hamilton Memorial, to be presented by the Alexander Hamilton National Memorial Association to the people of the United States.

SEC. 2. That for the preparation of the site so selected and the erection of a pedestal upon which to place the said memorial, under the direction of the commission hereby created, the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I only desire to say just a word in connection with this resolution. I would be much more pleased if it also provided for a monument to Thomas Jefferson. The latter did much more for his country than Hamilton. There is no monument in Washington to Thomas Jefferson, and it seems to me that the people for whom he did so much and this great Government he helped to mold and shape have been neglectful in the matter. I have no objection to a monument to Hamilton, but I would like to see a great memorial to Jefferson in the Capital City of the Republic.

Mr. PAYNE. Mr. Speaker, I want to say to my colleague that if the friends of Thomas Jefferson see fit to propose a monument in the city of Washington, I have no doubt the site will be selected very cordially by the Government of the United States.

Mr. SULZER. And $10,000 appropriated?

Mr. PAYNE. This is a monument to be put up by the Alexander Hamilton Memorial Association.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

OUTWARD ALIEN MANIFESTS ON CERTAIN VESSELS.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 7785.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 7785) relative to outward alien manifests on certain vessels.

Be it enacted, etc., That until the provisions of section 12 of the immigration act of February 27, 1907, relating to outward alien manifests, shall be made applicable to passengers going out of the United States to Canada by land carriage, said provisions shall not apply to passengers going by vessels employed exclusively in the trade between the ports of the United States and the Dominion of Canada and the Republic of Mexico.

The committee amendment was read, as follows:

Line 4, after the word "February," strike out the word "twenty-seventh" and insert in lieu thereof the word "twentieth."

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to have some explanation of this bill.

Mr. BENNET of New York. I shall be very glad to give it to my colleague. When we passed the immigration act in 1907, we added a new provision that hereafter there should be statistics collected of the outgoing aliens, so as to show at the end of the year what was the net increase or decrease of the alien population. These statistics are valuable. But between Canada and the United States there is a constant daily passage of Canadians. It is of no value to collect those statistics. We expressly exempted railroads crossing the border between Canada and the United States from the operation of the law, because the statistics would not only be valueless but misleading, but we neglected to exempt in that act that steamship company which runs from Boston to a port somewhere in Canada, and in so far as statistics are collected of the daily passage of aliens between the two countries they are not only valueless but misleading, and this bill corrects that defect.

Mr. HARRISON. How does this correct it?

Mr. BENNET of New York. By providing that until we make a law applicable to railways it shall not be applicable to the steamship line.

Mr. WILSON of Pennsylvania. By what method do you determine the number of Canadians that come to this country and remain here, if you gather no statistics there?

Mr. BENNET of New York. I will say to my friend from Pennsylvania [Mr. WILSON] that at the border stations and on the railroads we make every attempt through our immigration officials to obtain the number of Canadians that come here and remain here permanently. But the Canadians that cross the river at Detroit daily and come into the United States at Niagara and go back at night there is no use in attempting——

Mr. WILSON of Pennsylvania. The position of the gentleman is that no matter which way you attempt to get the statistics they will be inaccurate?

Mr. BENNET of New York. Absolutely; yes, sir.

Mr. SABATH. Mr. Speaker, the ranking member of the Committee on Immigration [Mr. BURNETT] is opposed to this bill, and he is not here, and for that reason I am obliged to object.

Mr. BENNET of New York. Mr. Speaker, I move to suspend the rules and pass the bill.

Mr. SABATH. You may get it through when he is here.

Mr. SULZER. I trust that that motion will not prevail.

Mr. BENNET of New York. Mr. Speaker, I withdraw the request.

Mr. SABATH. I do it because Mr. BURNETT is not present.

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SPECIAL PEACE OFFICERS AND EMPLOYEES, ALASKA SCHOOL SERVICE.

Mr. CALE. Mr. Speaker, I move to suspend the rules and take up for consideration the bill S. 8058, as amended.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 8058) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior.

Strike out all after the enacting clause and insert:

"That the Attorney-General shall have power to appoint, in his discretion, any person employed in the Alaska school service who may be designated by the Secretary of the Interior as a special peace officer of the division of the district of Alaska in which such person resides; and such special peace officer shall have authority to arrest, upon warrant duly issued, any native of the district of Alaska charged with the violation of any of the provisions of the Criminal Code of Alaska (act March 3, 1899, 2d supp. Rev. Stat., p. 1003) or any amendment thereof, or any white man charged with the violation of any of said provisions to the detriment of any native of the district of Alaska; and such peace officer shall also have authority to make such arrests, without warrant, for a crime committed or attempted in his presence, or when the person arrested has committed a felony, although not in his presence, or when a felony has in fact been committed and he has reasonable cause for believing the person arrested to have committed it; and any person so arrested shall be taken, in accordance with such rules and regulations as may be prescribed by the Attorney-General, and without unnecessary delay, before a United States commissioner or other judicial officer for trial: *Provided, however,* That no person so appointed shall be entitled to any fees or emoluments of any character whatsoever for performing any of the services herein mentioned, but may be allowed, in the discretion of the Attorney-General, expenses actually and necessarily incurred in connection with such services."

The SPEAKER. Is there objection?

There was no objection.

So the rules were suspended and the bill was passed.

PUBLIC LANDS, IMPERIAL COUNTY, CAL.

Mr. SMITH of California. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 28190, and ask unanimous consent for its present consideration.

The SPEAKER. The Clerk will report the bill.

Mr. SMITH of California. Mr. Speaker, I want to ask also that the bill S. 9373 be substituted. They are identical, although it had not been reported back from the committee.

Mr. PAYNE. Let us find out whether the Senate bill is here, if the gentleman is going to try to pass it.

Mr. SABATH. What is it about? I would like to know.

The SPEAKER. The gentleman from California [Mr. SMITH] asks unanimous consent to discharge the Committee on the Public Lands from the further consideration of the bill S. 9373, and pass the same, there being a similar bill reported from that committee on the calendar. The Clerk will read.

The Clerk read as follows:

An act (S. 9373) to provide for the sale of isolated tracts of public land in Imperial County, Cal.

Be it enacted, etc., That all the allotted portions of townships 13, 14, 15, and 16 south, of ranges 11, 12, 13, 14, 15, and 16, and of fractional township 17 south, of ranges 15 and 16, all east of San Bernardino meridian, which are 10 chains or less in width and lie between or abut on entered or patented lands, shall be sold at private sale for cash, at such price and under such regulations as the Secretary of the Interior shall prescribe, but not at less than $2.50 an acre: *Provided,* That any entryman or owner of such entered or patented tracts shall have a preferred right to buy one-half of all such lots as abut on lands held under his entry or owned by him within six months after the time when the said Secretary shall fix the price of such tracts, and this preferred right shall not prevent such entryman or owner from buying all of any such abutting lots as may remain unsold at the expiration of said six months.

Mr. GAINES of Tennessee. Mr. Speaker, reserving the right to object, I would like to ask the gentleman——

Mr. SMITH of California. I will explain what it is. There was a resurvey of the public lands in the Imperial Valley.

Mr. GAINES of Tennessee. Why do you sell it for cash during this panic? Why do you not make it six, twelve, and eighteen months?

Mr. SMITH of California. The tracts interlying, where the two surveys come together, are very small, sometimes only a fraction of an acre, and frequently 2 or 3 acres, to the half mile of frontage on the farm. In some cases farmers have located their buildings unintentionally just outside of their farms. The largest lot I know of is about 13 acres.

Mr. GAINES of Tennessee. That does not answer, I think, my inquiry. Why do you sell for cash instead of giving them a chance on time?

Mr. SMITH of California. They have so much money in that country that they do not want time.

Mr. GAINES of Tennessee. How much is it worth per acre?

Mr. SMITH of California. As it lies in a desert state, it is worth about nothing. But when it is under irrigation it is worth about a hundred dollars an acre.

Mr. HARRISON. Is any of it cultivated now?

Mr. SMITH of California. I think in some cases the farmers have extended their irrigation beyond the boundaries of their claim proper.

Mr. HARRISON. It is to enable the farmers that have encroached beyond the irrigation section to purchase the land?

Mr. SMITH of California. Yes, sir.

Mr. HARRISON. How much is there in the largest body of land?

Mr. SMITH of California. The largest body is 13 acres and a fraction, and that would be divided by this bill between the two farms where it lies, giving each one about 6 acres.

Mr. CLAYTON. Mr. Speaker, I would like to ask the gentleman a question. I observe from the reading of the bill that it provides that this land may be sold at private sale.

Mr. SMITH of California. Yes, sir.

Mr. CLAYTON. Now, is there any Senegambian in that wood pile—private sale?

Mr. SMITH of California. Well, I will give you the color of the gentleman, and you can name him. [Laughter.] It is not desired that anybody should go in and get these little narrow strips to the annoyance of the farmers; and it gives the farmer there the first privilege of buying any of that land abutting on his land.

Mr. CLAYTON. This is to be a private sale, but, as I understand it, in no sense a secret matter? There will be publicity, so that there is no Senegambian in it?

Mr. SMITH of California. I do not think there is.

Mr. CLARK of Missouri. Is this land down in the fruit belt?

Mr. SMITH of California. No, sir. It is in the Imperial Valley, where the chief occupation is raising alfalfa, melons, and general farm products.

Mr. CLARK of Missouri. It is worth about $100 to $150 an acre, is it not, when you get water on it?

Mr. SMITH of California. Yes, sir.

Mr. CLARK of Missouri. I object.

Mr. SMITH of California. I hope the gentleman will not object. As the land lies in a state of nature, it is not productive.

Mr. CLARK of Missouri. I understand land around there is not worth three whoops unless it is irrigated.

Mr. SMITH of California. It derives its great value from irrigation. I hope the gentleman will not object. The Land Department is very anxious to clear up the titles to this land.

Mr. CLARK of Missouri. The Land Department is not anxious to get rid of government lands, is it?

Mr. SMITH of California. In this particular case, it is.

Mr. CLARK of Missouri. How much will land sell for around there?

Mr. SMITH of California. Why, in a state of nature it practically has no price.

Mr. CLARK of Missouri. How much do they have to pay to enter it?

Mr. SMITH of California. About $2.50 an acre. It is nearly all homesteaded.

Mr. CLARK of Missouri. This land is already surrounded by farms that are irrigated, is it not?

Mr. SMITH of California. It lies in little narrow strips from 5 to 10 rods wide, where the surveys have not come together, and that leaves a little narrow strip between two farms, and they want to sell that little narrow strip to the abutting farmers. The largest area is 13 acres, and they want to divide that between two farmers, each one getting about 6½ acres.

Mr. CLARK of Missouri. What is the provision in this bill about the price?

Mr. SMITH of California. Not less than $2.50 an acre, or whatever other price the Secretary of the Interior may fix.

Mr. CLARK of Missouri. And the fellows who want to go on it have already applied?

Mr. SMITH of California. They will.

Mr. CLARK of Missouri. And that shuts out anybody else?

Mr. SMITH of California. I do not think anybody would want to buy any of these little strips, where there is not more than a few acres, unless they wanted to annoy the abutting farmers.

Mr. CLARK of Missouri. Did you not say that there were 30 acres in one place?

Mr. SMITH of California. Thirteen acres between two of the farms. It nearly all lies in a long narrow strip.

Mr. CLARK of Missouri. I withdraw my objection.

Mr. SMITH of California. A discrepancy was made in the surveys, and this permits the farmers to buy the land abutting.

The SPEAKER. Is there objection?

Mr. SULZER. I desire to ask the gentleman one more question. This is a very good bill and ought to pass, ought it not?

Mr. SMITH of California. Yes, sir; I think so.

The SPEAKER. The Chair hears no objection.

The bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. A corresponding House bill (H. R. 28190), of the same title, on the House Calendar, will be laid on the table.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 11 o'clock on Monday morning.

The motion was agreed to; and accordingly (at 6 o'clock and 53 minutes p. m.) the House was declared in recess.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Jamaica Bay, Rockaway Inlet, and waters having outlet in Dead Horse Inlet, New York (H. Doc. No. 1488)—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

A letter from the chairman of the Immigration Commission, transmitting a statement relative to the work and expenditures of the commission (H. Doc. No. 1489)—ordered to be printed as a House document.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lewis B. Brasher against The United States (H. Doc. No. 1491)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOBSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 27429) to promote the cause of international peace and arbitration, reported the same with amendments, accompanied by a report (No. 2282), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 28377) for the erection of a public building for the Geological Survey and other offices, reported the same without amendment, accompanied by a report (No. 2284), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Expenditures in the Post-Office Department, to which was referred House Document No. 1076, regarding expenditures for traveling expenses, Post-Office Department, submitted a report (No. 2283) thereon, which report was ordered printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 27457) to withdraw from entry and sale and granting to the city of Los Angeles, Cal., certain lands therein described, reported the same with amendment, accompanied by a report (No. 2281), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 6041) for the relief of the Bath Iron Works and others, reported the same adversely, accompanied by a report (No. 2279), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 15101) for the relief of the Bath Iron Works and others, reported the same adversely, accompanied by a report (No. 2280), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 28377) for the erection of a public building for the Geological Survey and for other offices—to the Committee on Public Buildings and Grounds.

By Mr. BROWNLOW: A bill (H. R. 28378) to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases—to the Committee on the Judiciary.

By Mr. RYAN: A bill (H. R. 28379) to promote the safety of employees and travelers on railroads by compelling common carriers by railroad to properly man their trains—to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW: A bill (H. R. 28380) providing for the establishment of a national park in Gage County, Nebr.—to the Committee on the Public Lands.

By Mr. GAINES of Tennessee: A bill (H. R. 28381) concerning inventions by government employees—to the Committee on Patents.

By Mr. BEDE: A bill (H. R. 28382) to legalize the construction of a bridge across the Mississippi River at Hill City, Aitkin County, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Illinois: Resolution (H. Res. 601) for the appointment of two additional clerks to the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. GAINES of Tennessee: Resolution (H. Res. 602) creating a "department of highways and good roads"—to the Committee on Rules.

By Mr. BENNET of New York: Resolution (H. Res. 603) relative to protection of the person of the President of the United States—to the Committee on Rules.

By Mr. JENKINS: Joint resolution (H. J. Res. 264) proposing an amendment to the Constitution of the United States, providing for succession to the Presidency and Vice-Presidency—to the Committee on the Judiciary.

By Mr. McCALL: Joint resolution (H. J. Res. 265) providing for certain changes in the arrangement of the Hall of the House of Representatives—to the Committee on the Library.

By Mr. ALLEN: Joint resolution (H. J. Res. 266) to change name of Branch avenue, in the District of Columbia, to Huntington avenue—to the Committee on the District of Columbia.

By Mr. STEVENS of Minnesota: Memorial of the legislature of Minnesota, urging improvement of the Minnesota River and the Red River of the North—to the Committee on Rivers and Harbors.

By Mr. CALDER: Memorial of the legislature of Wyoming, relating to creation of forest reserves—to the Committee on the Public Lands.

By Mr. BURLEIGH: Memorial of the legislature of Maine, in favor of the volunteer retired list bill—to the Committee on Military Affairs.

By Mr. GRONNA: Memorial of the legislature of North Dakota, relating to the issuance of bonds for the improvement of rivers, harbors, and waterways—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 28383) granting a pension to Franklin Barbour—to the Committee on Pensions.

Also, a bill (H. R. 28384) granting a pension to William H. Scheer—to the Committee on Pensions.

By Mr. CHAPMAN: A bill (H. R. 28385) for the relief of Andrew Yewell—to the Committee on Claims.

Also, a bill (H. R. 28386) granting an increase of pension to Jacob J. Staiger—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 28387) granting an increase of pension to Joseph A. Noble—to the Committee on Invalid Pensions.

By Mr. GREENE: A bill (H. R. 28388) for the relief of Spencer Borden—to the Committee on Claims.

By Mr. HOUSTON: A bill (H. R. 28389) for the relief of the estate of James D. Hays—to the Committee on War Claims.

Also, a bill (H. R. 28390) granting an increase of pension to William Davis—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 28391) for the relief of the estate of Joseph M. Moss, deceased—to the Committee on War Claims.

By Mr. KIMBALL: A bill (H. R. 28392) for the relief of the estate of J. Howard Sheffer, deceased—to the Committee on War Claims.

Also, a bill (H. R. 28393) for the relief of Ambrose D. Vallandingham—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 28394) granting a pension to Patrick Daly, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28395) granting a pension to George F. Goss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28396) for the relief of G. W. Adkins—to the Committee on War Claims.

Also, a bill (H. R. 28397) for the relief of Elizabeth Caskey—to the Committee on War Claims.

Also, a bill (H. R. 28398) granting an increase of pension to James H. Phelps—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 28399) granting a pension to Edwin H. Moyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28400) granting an increase of pension to James M. Wiest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28401) granting an increase of pension to Jacob B. Gettes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28402) granting an increase of pension to William H. Morton—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 28403) granting a pension to Freeman B. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28404) to remove the charge of desertion from the military record of Frank Cooper—to the Committee on Military Affairs.

Also, a bill (H. R. 28405) granting an increase of pension to Winfield S. Howe—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of Defiance (Ohio) Lodge, No. 147, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. ANTHONY: Petitions of the Topeka Milling Company, of Topeka; the Kelley & Lysle Milling Company, of Leavenworth; the C. Hoffman & Son Milling Company, of Enterprise; and the Inter Ocean Mills (Willis Norton & Co.), of Topeka, all in the State of Kansas, outlining certain changes desired in the tariff schedule on flour and in its application in our relations with foreign countries—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of Mary Adelaide Jeffries, of Swarthmore, Pa., favoring S. 5117 and H. R. 18445, to investigate and develop methods of treatment of tuberculosis—to the Committee on Appropriations.

By Mr. CALDER: Petition of National Forest Conservation League, favoring a duty of $2 per thousand on certain kinds of lumber—rough fir, cedar, spruce, etc.—to the Committee on Ways and Means.

Also, petition of Westinghame, Church, Kerr & Co., against any further legislation calculated to hamper railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Veteran Association of the Fifth New York Volunteer Infantry, favoring S. 1045, to protect monuments on battlefields of Bull Run—to the Committee on Military Affairs.

Also, petition of Thomas A. Dowling, of Brooklyn, N. Y., urging passage of the pension bill for soldiers' widows—to the Committee on Invalid Pensions.

Also, petition of the Louisiana Purchase Exposition committee on legislation, proposing a monument to Thomas Jefferson on the site of the St. Louis Exposition, to be built out of any surplus remaining in settlement of its affairs—to the Committee on Appropriations.

Also, petition of the National Lime Manufacturers' Association, of Riverton, Va., for an appropriation to enable the Geological Survey to investigate the manufacture of lime—to the Committee on Appropriations.

Also, petition of the board of directors of the National Business League of America, against a national consular school—to the Committee on Foreign Affairs.

By Mr. DARRAGH: Petition of L. S. Morey and 22 other citizens of Edmon, Mich., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. DAWSON: Petition of Iowa Retail Hardware Association, against parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of C. Meyer and other citizens of Eleva, Wis., against a reduction of tariff on farm products—to the Committee on Ways and Means.

By Mr. FOCHT: Petition of citizens of Newport, Pa., favoring H. R. 18445, for treatment of tuberculosis—to the Committee on Appropriations.

By Mr. FORNES: Petition of National Pocahontas Memorial Association of New York City, protesting against S. 4453, for monument to Pocahontas at Jamestown, Va.—to the Committee on the Library.

Also, petition of National Business League of America, against a national consular school—to the Committee on Foreign Affairs.

By Mr. FOWLER: Petition of the Quinn & Boden Company, of Rahway, N. J., against H. R. 28192—to the Committee on Patents.

Also, petition of Rahway Lodge, No. 1075, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of the Mothers' Association and Rev. A. C. Nickerson, of Plainfield, N. J., favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. FULLER: Petition of board of directors of National Business League of America, against creation of a national consular school—to the Committee on Foreign Affairs.

Also, petition of the Haddorff Piano Company, of Rockford, Ill., against the parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. B. Ralston & Son, opposing parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of David Hunter, of Rockford, Ill., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLETT: Petition of citizens of Athol, Mass., favoring removing from the widows' pension laws the bar of the date of marriage—to the Committee on Invalid Pensions.

Also, petition of citizens of Orange and Fitchburg, favoring legislation for the investigation of tuberculosis—to the Committee on Appropriations.

Also, petition of New Salem Grange, Patrons of Husbandry, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of Greenwich Grange, Patrons of Husbandry, of Greenwich Village, favoring a national highways commission—to the Committee on Agriculture.

By Mr. GOULDEN: Petition favoring the children's bureau bill—to the Committee on Expenditures in the Interior Department.

Also, petition of the United Confederate Veterans of New Orleans, La., for amendment to Hepburn rate bill, giving free transportation to members of the Grand Army of the Republic posts and United Confederate Veterans camps—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Pocahontas Memorial Association of New York City, protesting against S. 4453, for monument to Pocahontas at Jamestown—to the Committee on the Library.

By Mr. GRONNA: Petition of Minot (N. Dak.) Lodge, No. 1089, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. HAMMOND: Petition of N. J. Desch & Co. and 11 other citizens of Minnesota Lake, Minn., against a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. N. Jacobsen and 29 other citizens of Hills, Minn., against tax on tea or coffee—to the Committee on Ways and Means.

Also, petition of Rosenberger & Currier, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of citizens of Fourth Congressional District of Iowa, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HAYES: Petitions of Joseph Maher and 245 others, of Tacoma and Seattle and intervening towns, and J. N. Snodgrass and 367 others, of Tacoma and other parts of Washington, favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petitions of Mashapaug Lake Grange, No. 101; L. L. Lowry and others; Somers Grange, No. 105; and Andover Grange, No. 76, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petitions of F. S. Shinn and John R. Parker, of Lakewood, N. J., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HUFF: Paper to accompany bill for relief of W. Scott King (H. R. 27449)—to the Committee on Military Affairs.

By Mr. HULL of Iowa: Petition of Iowa Retail Hardware Association against parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON of Kentucky: Papers to accompany bills for relief of estate of Alexander Williams; H. M. Moss, heir of Joseph M. Moss; and Mary H. Letcher, executrix of estate of Thomas K. Letcher—to the Committee on War Claims.

By Mr. KIMBALL: Papers to accompany bills for relief of Ruth W. Spurr, heir of J. Howard Sheffer; J. N. Yager and other heirs of S. C. Yager; George W. McIntyre; and Ambrose D. Vallandingham—to the Committee on War Claims.

Also, petition of Paris (Ky.) Lodge, No. 373, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. LONGWORTH: Petition of Newtown Council, No. 230, and Walnut Hills Council, No. 125, Junior Order United American Mechanics, for an effective exclusion law against all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of merchants of Pinconning, Mich., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. MARSHALL: Memorial of the senate and house of representatives of North Dakota, favoring issuance of $500,000,000 2 per cent bonds for waterway improvement—to the Committee on Rivers and Harbors.

Also, petition of Heinrich Steinhauer, for legislation to prevent the inhuman and brutal treatment of German-Russian immigrants at Ellis Island—to the Committee on Immigration and Naturalization.

By Mr. POLLARD: Petition of Nebraska legislature, for appropriation for a clock on the post-office building in Lincoln, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. PRAY: Petition of Great Falls Lodge, No. 214; Bozeman Lodge, No. 463; Billings Lodge, No. 394; Missoula Lodge, No. 383; Virginia City Lodge, No. 390; and Silver Bow Lodge, No. 240, Benevolent and Protective Order of Elks, all in the State of Montana, for reservation for the care of the American elk—to the Committee on the Public Lands.

Also, petition of citizens of Montana, against Sunday-closing bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. REYNOLDS: Petition of Johnstown (Pa.) Lodge, No. 175, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. ROBERTS: Petition of citizens at Ford Hall meeting, Boston, Mass., evening of February 21, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of Melrose (Mass.) Lodge, No. 1631, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. SHERLEY: Paper to accompany bill for relief of C. Lee Hawkins, administrator of estate of Reuben W. Hawkins—to the Committee on War Claims.

By Mr. SIMS: Paper to accompany bill for relief of M. D. Meriwether—to the Committee on War Claims.

Also, petition of Pleasant Springs Colored Farmers' Progressive Union, No. 74, for the granting of a pension to those colored people who were slaves at and prior to the year 1861—to the Committee on Pensions.

By Mr. SNAPP: Petition of certain residents of Elwood, Ill., favoring parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolutions of the men's class of the United Church of New Haven, Conn., favoring the children's bureau bill—to the Committee on Expenditures in the Interior Department.

Also, resolutions of the Connecticut Congress of Mothers, favoring the children's bureau bill—to the Committee on Expenditures in the Interior Department.

By Mr. STEPHENS of Texas: Petition of Amarillo Lodge, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. STEVENS of Minnesota: Joint memorial of state legislature of Minnesota, against enactment of the McCumber grain-inspection bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Millers' Club of Minnesota, against tax levied on American flour by European countries—to the Committee on Ways and Means.

Also, petition of the Minnesota Mercantile Company, of Stillwater, Minn., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of St. Paul (Minn.) Lodge, No. 50, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

Also, petition of St. Paul Board of Trade, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. SWASEY: Papers to accompany bills for relief of Frank Cooper and Freeman B. Andrews—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Winfield S. Howe—to the Committee on Invalid Pensions.

Also, petition of citizens of Greene, Me., in favor of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. THISTLEWOOD: Petition of Commercial Club of Metropolis, Ill., favoring appropriation for improvement of inland waterways—to the Committee on Rivers and Harbors.

By Mr. WANGER: Preamble and resolution disapproving of the creation of a national consular school, adopted by the board of directors of the National Business League of America at Chicago, February 15, 1909—to the Committee on Foreign Affairs.

By Mr. WEBB: Petition of merchants of Cleveland County, against the parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Petition of Joseph A. Schofield and 92 others, of Warren County, Pa., against removal of duty on crude oil—to the Committee on Ways and Means.

By Mr. WILEY: Petition of E. P. Rigsby and others, of Shell, Ala., against reduction of the duty on lumber—to the Committee on Ways and Means.

By Mr. WOOD: Petition of citizens of Trenton, N. J., favoring the children's bureau bill—to the Committee on Expenditures in the Interior Department.

Also, petition of Princeton Agricultural Association and Mercer Grange, No. 77, Patrons of Husbandry, of Hopewell, N. J., for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Lambertville (N. J.) Lodge, No. 1070, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

SENATE.

MONDAY, *March 1, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. HOPKINS. Mr. President, on the 23d of February the Senate had under consideration the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

That bill, as I understand it, was a substitute for what is known as the "Foraker bill," touching the Brownsville matter. I was not present at the time of the consideration of the bill. There were two votes taken upon the bill; one on the amendment that was offered by the senior Senator from Virginia [Mr. DANIEL] to strike out section 2 of the bill, and the other on the passage of the bill itself.

I find that in the arrangement of pairs I am recorded in favor of the amendment and against the bill. This is an error. Had I been present I should have voted against the amendment offered by the Senator from Virginia, and I should have voted for the bill on its final passage. I desire to make this statement in order to correct the RECORD as I find it.

CREDENTIALS.

Mr. FOSTER. Mr. President, in the absence of the senior Senator from Georgia [Mr. BACON], on account of sickness, I present the credentials of the junior Senator from Georgia [Mr. CLAY].

The credentials of A. S. CLAY, appointed by the governor of Georgia a Senator from that State for the term beginning March 4, 1909, to fill the vacancy in the term until the next meeting of the legislature thereof, were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 5729. An act to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof;

S. 9006. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907; and

S. 9373. An act to provide for the sale of isolated tracts of public land in Imperial County, Cal.

The message also announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 6055. An act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia;

S. 8058. An act authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior;

S. 9278. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors; and

S. 9421. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.;

H. R. 28376. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes;

H. J. Res. 225. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C.;

H. J. Res. 261. Joint resolution authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America in the year 1912;

H. J. Res. 262. Joint resolution extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; and

H. J. Res. 265. Joint resolution to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON of Ohio, Mr. ALEXANDER of New York, and Mr. SPARKMAN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 9067. An act to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers;

S. 9422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors;

S. 9454. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors;

H. R. 4286. An act for the relief of John Shull; and

H. R. 15681. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico.

RIVER AND HARBOR APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FRYE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. NELSON, Mr. GALLINGER, and Mr. MARTIN conferees on the part of the Senate.

HOUSE BILLS REFERRED.

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa., was read twice by its title and referred to the Committee on Military Affairs.

H. R. 28376. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. J. Res. 225. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C., was read twice by its title and referred to the Committee on the Library.

H. J. Res. 261. Joint resolution authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America, in the year 1912, was read twice by its title and referred to the Committee on Foreign Affairs.

H. J. Res. 262. Joint resolution extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of the State Child Labor Committee of Boston, and of the Ford Hall Citizens Meeting of Boston, in the State of Massachusetts; of the Woman's Municipal League of Brooklyn; of Eliza C. Tappan, of Glen Cove; and of sundry citizens of Pelham, all in the State of New York, praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

He also presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 6, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 10, 1909, and concurred in by the house February 19, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

Senate joint memorial 6.

Whereas there is pending in the Congress of the United States a bill providing for instruction in forestry in the colleges of agriculture and mechanic arts and for experiments in forestry in the agricultural experiment stations located in the different States, providing for an appropriation of $2,500 per annum to each branch of these institutions located in the several States for such purposes; and

Whereas the protection and perpetuation of our forests is of vital importance, said industry being one of the most valuable to all our people

and one which should be protected and encouraged in every possible way: Therefore be it

Resolved by the senate and house of representatives of the State of Oregon, That it is the sense of the people of the State of Oregon that this bill should pass and that our Representatives in Congress and in the Senate of the United States use all honorable means in assisting in its passage; and be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States in Congress assembled and to each of our Representatives and United States Senators by the secretary of state.

Concurred in by the house February 19, 1909.

C. N. MCARTHUR, *Speaker.*

Passed by the senate February 10, 1909.

JAY BOWERMAN, *President.*

Indorsed: Senate joint resolution 6, Wm. H. Barry, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

The VICE-PRESIDENT presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House joint memorial No. 2, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 22, 1909, and concurred in by the senate, February 9, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

House joint memorial 2.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the legislative assembly of the State of Oregon, most respectfully represent that—

Whereas the grain growers of the Pacific coast are compelled to handle their grain in bags on account of the principal market for their product being in Europe, which necessitates the shipping of grain around by ocean, and the consequent use of bags for holding grain to prevent the shifting of the cargo; and

Whereas the grain producers of the Pacific coast are at a disadvantage on account of their great distance from market, as they are farthest away from the point of consumption of their product, and consequently pay a higher freight rate and receive a lower price for their product; and

Whereas the grain growers of the Pacific coast are further handicapped by the fact that they are forced, on account of high freight rates, and their situation to pay more for their machinery than is paid by grain producers in any other part of this country, or by any of their competitors in any other part of the world; and

Whereas the duty on grain bags and on burlap cloth used in the manufacture of grain bags, wool bags, and for inclosing hop products, affords substantially no protection to American labor and but small protection to American manufacture, and it will be impossible to ever build up a large industry in the manufacture of such articles, and we therefore believe as a protective measure, it fails of its object, being more oppressive than protective, and a heavy tax on the industries on which the Pacific coast depend mainly for their prosperity, and as a means of producing revenue is unfair as it falls as a burden on those already burdened by the high cost of producing grain and other products and the low price at which they must sell the same. Therefore

Your memorialists request your honorable body to remove the duty on burlap described by section 341 of the Dingley tariff, 1897, and admit the goods enumerated in that section into the United States free of duty; and to amend section 343 of the present Dingley tariff to read as follows: Bags or sacks made from plain woven fabrics, of single jute yarn, not dyed, colored, stained, painted, printed, or bleached, and not exceeding 30 threads to the square inch, counting the warp and filling, one-half of 1 cent per pound.

Be it resolved by the legislative assembly that the secretary of state is hereby instructed to transmit a copy of this resolution to Hon. C. W. FULTON and Hon. JONATHAN BOURNE, United States Senators, and to Hon. W. R. ELLIS and Hon. W. C. HAWLEY, Representatives from Oregon, and respectfully request them to use their utmost endeavor to have the above-mentioned duties removed.

Passed the house January 22, 1909.

C. N. MCARTHUR,
Speaker of the House.

Passed the senate February 9, 1909.

JAY BOWERMAN,
President of the Senate.

Indorsed house joint memorial 2, W. F. Drager, chief clerk; filed February 23, 1909; F. W. Benson, secretary of state.

The VICE-PRESIDENT presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 11, twenty-fifth legislative assembly of the State of Oregon, adopted by the house February 19, 1909, and concurred in by the senate Februry 20, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

Joint memorial 11.

Whereas the bill in the United States Congress to acquire forest lands on the Eastern Appalachian Mountains, in the States of New Hampshire and Maine at the north, and in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee and Kentucky at the south, has three times passed the United States Senate, was recommended in a special message once by President William McKinley and twice by Theodore Roosevelt, has the unqualified approval of the President-elect, William H. Taft, and has now been recommended to the House of Representatives by a vote of 10 to 4 in the Committee on Agriculture; and

Whereas the governor of Massachusetts, Curtis Guild, jr., has asked the governor and people of Oregon to lend their support to the passage of this measure at this session of Congress before it adjourns on March 4: Therefore be it

Resolved by the senate and house of representatives of the State of Oregon, That the passage of this measure by the Federal Government is approved. Be it further

Resolved, That the people of this State and the legislature thereof favor the appropriation of moneys by the Congress of the United States for acquiring title to and reforesting deforested areas, whenever and wherever this policy may be necessary in any of the States of the Union, and the governor is hereby requested to transmit copies of this resolution to members of the Oregon delegation in Congress.

Adopted by the house February 19, 1909.

C. N. MCARTHUR,
Speaker of the House.

Concurred in by the senate February 20, 1909.

JAY BOWERMAN,
President of the Senate.

Indorsed: House joint memorial 11, W. F. Drager, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

The VICE-PRESIDENT presented a joint memorial of the legislature of Orgeon, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 5, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 3, 1909, and concurred in by the house February 12, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 19th day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

Senate joint memorial 5.

Whereas in this and many other States where prohibition or local option prevail liquor dealers residing in territory where prohibition or local option do not prevail continually ship intoxicating liquors of all kinds into the territory in which prohibition or local option has been voted; and

Whereas such shipments have been held to constitute interstate commerce when the same are shipped from one State into another, the regulation of which is entirely within the power of Congress: Therefore be it

Resolved by the senate of the State of Oregon (the house of representatives concurring), That we hereby respectfully memorialize Congress to enact a law prohibiting shipments of intoxicating liquors from a State or Territory in which neither local option nor prohibition prevails into a State or Territory in which the same does prevail.

Concurred in by the house February 12, 1909.

C. N. MCARTHUR, *Speaker.*

Adopted by the senate February 3, 1909.

JAY BOWERMAN, *President.*

Indorsed: Senate joint memorial No. 5, Wm. H. Barry, chief clerk; filed February 19, 1909, F. W. Benson, secretary of state.

The VICE-PRESIDENT presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 11, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 15, 1909, and concurred in by the house February 19, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimoy whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.] F. W. BENSON,
Secretary of State.

FEBRUARY 12, 1909.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the legislature of the State of Oregon, respectfully represent that in common with the people of this Commonwealth we appreciate and commend the efforts which the President of the United States has been and is making looking to the conservation of the nat-

ural resources of the country. The appointment of a National Conservation Commission and state commission to bring about cooperation on the part of the National Government and the several States, aside from having brought to the attention of the country the rapid depletion of its natural resources, is arousing a deep interest in the subject which is likely in the very near future to bring about active cooperation upon the part of the National and state governments for the preservation of those resources which have not been exhausted, and as well for the renewal of those which are capable of being renewed. As a part of this general scheme the Inland Waterways Commission, appointed by the President, has been a factor in the conservation movement, and in our opinion the Congress of the United States should make liberal appropriations to aid in the movement which the President has inaugurated and which promises much for the future well-being, development, and enrichment of our country, for the perpetuation of our institutions, and the protection of generations yet unborn.

Therefore we, the legislature of the State of Oregon, representing the people of the State, do respectfully memorialize Congress to make liberal appropriations to aid in the movement between the Nation and the States for the conservation of our natural resources, so that the work of the National Conservation Commission, assisted by the Inland Waterways Commission and the several state commissions, may not be delayed or hindered, but continue uninterrupted in accordance with the policies outlined by the President of the United States and indorsed and commended by the President-elect.

Concurred in by the house February 19, 1909.

C. N. MCARTHUR,
Speaker.

Adopted by the senate February 15, 1909.

JAY BOWERMAN,
President.

Indorsed: Senate joint memorial 11, William H. Barry, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

The VICE-PRESIDENT presented a joint memorial of the legislature of South Dakota, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota:*

I, Samuel C. Polley, secretary of state of South Dakota, and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 17, as passed by the legislature of 1909 of the State of South Dakota, with all the indorsements thereon and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota.

Done at the city of Pierre, this 25th day of February, 1909.

[SEAL.] SAMUEL C. POLLEY,
Secretary of State.

House joint resolution memorializing Congress to maintain and increase the tariff upon wool.

Be it resolved by the house of representatives of the State of South Dakota (the senate concurring):

Whereas foreign competition in the wool market is so strong that the price of wool in the United States is frequently reduced below the price of production and a great and profitable industry is crippled thereby; and

Whereas it is with proper protection perfectly possible for the farmers of the United States to not only supply the entire American demand for wool, but to as well produce large quantities for exportation: Therefore

Resolved, That the legislature of the State of South Dakota hereby petitions the Congress of the United States to maintain the tariff upon wool in the revision of the tariff schedules now in contemplation.

I hereby certify that the within act originated in the house and was known in the house files as house joint resolution No. 17.

JAMES W. CONE,
Chief Clerk.

STATE OF SOUTH DAKOTA, *Office of secretary of state, ss:*

Filed February 23, 1909, at 5.15 o'clock p. m.

SAMUEL C. POLLEY,
Secretary of State.

A joint resolution memorializing Congress to maintain and increase the tariff upon wool.

M. J. CHANEY,
Speaker of the House.

Attest:
JAMES W. CONE, *Chief Clerk.*

HOWARD C. SHOBER,
President of the Senate.

Attest:
L. M. SIMONS, *Secretary of the Senate.*

The VICE-PRESIDENT presented a concurrent resolution of the legislature of Kansas, which was ordered to lie on the table and be printed in the RECORD, as follows:

House concurrent resolution 21.

Whereas the National House of Representatives have declined to make any appropriation for the maintenance of the several pension agencies of the United States, and by this action on their part are making a strong effort to consolidate the 18 agencies into one, to be located in the city of Washington;

Whereas there are many pensioners on the rolls of the Topeka agency that are almost wholly dependent upon their pensions for their support and maintenance, and by such consolidation it would cause a delay of ten to fifteen days longer than it does now in receiving their pension checks from Washington, thereby in a measure working a hardship upon them; and

Whereas the Topeka (Kans.) Agency is more nearly the center of the veteran population of the United States, and in consequence thereof the largest agency, and that the records will show transacts the business of the office at a less ratio of expense than other agencies, with less employees; and

Whereas a number of the clerks at said agency are veterans of the civil war, a large percentage of whom own their homes, and a removal of said agency to Washington would work a pecuniary loss to them should they be assigned to accompany the agency; and if not, work an injustice upon men well qualified and fitted by reason of their experience to perform any of the clerical labor assigned them, by reason of throwing them in competition with younger applicants for clerical positions in business life; and

Whereas should such contemplated consolidation take place, and some or all of the veteran employees be thrown out of employment, it would work a hardship upon them, in this, that owing to their advancing in age it would be impossible for them to embark or engage in any business for themselves or to obtain employment in any other capacity: Therefore be it

Resolved by the house of representatives of the State of Kansas (the senate concurring therein), That we hereby earnestly protest against the consolidation of all the agencies into one, and that we urge and request our delegation in Congress to use all honorable means to defeat such a measure.

Resolved, That a copy of this resolution be transmitted to each of our Members of Congress and Senators, the President of the Senate, the Speaker of the House, and to the Senate and House Committee on Appropriations.

I hereby certify that the above concurrent resolution originated in the house, and passed that body February 4, 1909.

J. N. DOLLEY,
Speaker of the House.
W. T. BECK,
Chief Clerk of the House.

Passed the senate February 17, 1909.

W. J. FITZGERALD,
President of the Senate.
Z. E. WYANT,
Secretary of the Senate.

Approved February 23, 1909.

W. R. STUBBS, *Governor.*

STATE OF KANSAS,
OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 24th day of February, 1909.

[SEAL.] C. E. DENTON,
Secretary of State.

Mr. du PONT presented a petition of Industry Council, No. 25, Junior Order of United American Mechanics, of New Castle, Del., praying for the enactment of legislation to prohibit the immigration of Asiatics into the United States and the Territory of Hawaii, except merchants, students, and travelers, which was referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of Local Lodge No. 899, Benevolent and Protective Order of Elks, of Stamford, Conn., and a petition of Local Lodge No. 360, Benevolent and Protective Order of Elks, of New London, Conn., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SMOOT presented a petition of sundry citizens of Salt Lake City, Utah, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. BURKETT presented a petition of Local Lodge No. 1049, Benevolent and Protective Order of Elks, of Nebraska City, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Chadron, Comstock, Alma, Holbrook, Overton, Sutton, Wymore, Pawnee City, Verdon, Lincoln, O'Neill, and Plattsmouth, all in the State of Nebraska, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of Local Lodge No. 535, Benevolent and Protective Order of Elks, of White Plains, N. Y., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Greensburgh and Mt. Pleasant District Council, United Brotherhood of Carpenters and Joiners of America, of Irvington, N. Y., praying for the passage of the so-called "children's bureau bill," which was ordered to lie on the table.

Mr. HALE presented a petition of the Society of Friends of Vassalboro, Me., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the First Methodist Episcopal Church of Bangor, of the congregation of the Baptist Church of Ellsworth, and of the Maine Branch, In-

ternational Order of the King's Daughters and Sons, of Brunswick, all in the State of Maine, praying for the passage of the so-called "children's bureau bill," which were ordered to lie on the table.

Mr. FRYE presented a memorial of the legislature of Maine, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF MAINE.

Whereas it has been the policy of this country from the beginning to maintain a small Regular Army, and in times of war to rely upon the patriotism of the people to rally as volunteers in defense of the national flag; and

Whereas it is a recognized fact that the civil war, 1861 to 1865, forms the most sanguinary chapter in the history of the world, that the Regular Army during that struggle was maintained at about 25,000 men, while the volunteers numbered more than 2,500,000 of officers and enlisted men; and

Whereas it is a recognized fact that the Union of these States was preserved and the national authority maintained by the patriotism, fortitude, and valor of the volunteers, to whom this great united people, now enjoying the inestimable blessing of a preserved Union, owe a debt of gratitude that can never be paid: Therefore

Resolved, by the senate and house of representatives of the State of Maine, That we request the Senators and Representatives of the Sixtieth Congress from the State of Maine to aid in the prompt enactment of a law in effect creating a volunteer retired list, upon which may be placed with retired pay, upon application, the surviving volunteer officers of the army, navy, and marine of the United States and noncommissioned officers and privates who served with credit during the civil war, such survivors now constituting a small remnant of that body of gallant men who led the Union forces to final victory.

Resolved further, That in our opinion the precedents of congressional legislation fully justify the enactment of this law, namely, the acts of 1822 and 1832, granting full pay during life to the surviving officers and enlisted men of the army, navy, and marine of the Revolution; the act of 1901, retiring Charles A. Boutelle, a volunteer officer of the Union Navy, with the rank and retired pay of a captain of the navy; the acts of 1904, 1906, and 1907, granting increased rank and retired pay to the officers of the Regular Army and Navy, based solely on the ground that they had served with credit during the civil war, and the act of 1905, providing for the retirement of two officers of volunteers, namely, Generals Joseph R. Hawley and P. J. Osterhaus, with the rank and pay of brigadier-general: Therefore it is further

Resolved, That in our opinion the bill now pending in Congress and reported favorably by the Committee on Military Affairs, by the provisions of which retired pay is to be given to officers and enlisted men alike who served in the Volunteer Army of the late civil war.

Resolved, That the secretary of state be instructed to forward a copy of these resolutions to each of the United States Senators from Maine and to each Member of the United States House of Representatives of Maine.

In senate, February 23, 1909: Adopted; sent down for concurrence.
F. G. FARRIGTON, *Secretary.*

House of representatives, February 24, 1909: Adopted in concurrence.
E. M. THOMPSON, *Clerk.*

A true copy of record.
Attest:
[SEAL.]
A. I. BROWN,
Secretary of State.

Mr. FRYE presented a petition of sundry citizens of Maine, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Augusta, Me., remonstrating against any curtailment of the powers conferred upon the Bureau of Chemistry, Department of Agriculture, in administering the pure-food law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the State Press Association, of Augusta, Me., remonstrating against the enactment of legislation denying to publishers of daily and weekly newspapers the right to send at the pound rate their publications to subscribers who may be in arrears of payment for more than three months or one year, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Press Association, of Augusta, Me., praying for the enactment of legislation permitting the publishers of newspapers to accept transportation from railroads in payment for advertising, which was referred to the Committee on Interstate Commerce.

Mr. DICK presented petitions of Local Lodges Nos. 390, 75, 1130, 1139, 973, 156, and 305, of Newark, Findlay, Marysville, Fostoria, Greenville, Athens, Bucyrus, and Salem, all of the Benevolent and Protective Order of Elks, in the State of Ohio, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Ohio, praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Association of Credit Men of Toledo, Ohio, praying for the adoption of certain amendments to the present bankruptcy law, which was referred to the Committee on the Judiciary.

Mr. GAMBLE presented memorials of sundry citizens of South Dakota, remonstrating against the treatment accorded German-Russian immigrants by government officials upon their arrival at Ellis Island, N. Y., on account of their alleged suffering from trachoma, which were referred to the Committee on Immigration.

Mr. BRIGGS presented petitions of the Potteries Selling Company, of Trenton; of the American Oil and Supply Company, of the Newark Association of Credit Men, and of Albert C. Courter & Co., all of Newark, in the State of New Jersey; and of the L. E. Waterman Company, of New York City, N. Y., praying for the adoption of the so-called "Sherley amendment" to the present bankruptcy law, which were referred to the Committee on the Judiciary.

He also presented petitions of the Bureau of Associated Charities of Newark, of the Children's Aid and Protective Society of Orange, of the Child Labor Committee of East Orange, of the Woman's Club of Orange, and of the Thursday Morning Club, of Orange, all in the State of New Jersey, praying for the passage of the so-called "children's bureau" bill, which were ordered to lie on the table.

He also presented petitions of Local Lodges Nos. 1070, 434, 276, 848, 128, 733, 580, 996, 293, 885, 891, 60, and 784, of Lambertville, Bayonne, Atlantic City, Mount Holly, Asbury Park, Bridgeton, Millville, Burlington, Camden, Plainfield, Mount Clair, Paterson, and Perth Amboy, all of the Benevolent and Protective Order of Elks, in the State of New Jersey, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of sundry citizens of New Jersey, remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

Mr. FRAZIER presented a petition of the Retail Shoe Dealers' Association of Nashville, Tenn., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

He also presented a memorial of sundry business firms of Tennessee, remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Lodge No. 825, of Johnson City; of Local Lodge No. 712, of Dyersburg, all of the Benevolent and Protective Order of Elks; of the C. E. Baylor Company, of Morristown; and of the J. T. McTeer Clothing Company, of Knoxville, all in the State of Tennessee, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 11, twenty-fifth legislative assembly of the State of Oregon, adopted by the house February 19, 1909, and concurred in by the senate February 20, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.] F. W. BENSON, *Secretary of State.*

Joint memorial 11.

Whereas the bill in the United States Congress to acquire forest lands on the eastern Appalachian Mountains, in the States of New Hampshire and Maine at the north, and in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, and Kentucky at the south, had three times passed the United States Senate, was recommended in a special message once by President William McKinley, and twice by Theodore Roosevelt, has the unqualified approval of the President-elect, William H. Taft, and has now been recommended to the House of Representatives by a vote of 10 to 4 in the Committee on Agriculture; and

Whereas the governor of Massachusetts, Curtis Guild, jr., has asked the governor and people of Oregon to lend their support to the passage of this measure at this session of Congress before it adjourns on March 4: Therefore be it

Resolved by the senate and house of representatives of the State of Oregon, That the passage of this measure by the Federal Government is approved; and be it further

Resolved, That the people of this State and the legislature thereof favor the appropriation of moneys by the Congress of the United States for acquiring title to and reforesting deforested areas whenever and wherever this policy may be necessary in any of the States of the

Union, and the governor is hereby requested to transmit copies of this resolution to members of the Oregon delegation in Congress.

Adopted by the house February 19, 1909.

C. N. MCARTHUR,
Speaker of the House.

Concurred in by the senate February 20, 1909.

JAY BOWERMAN,
President of the Senate.

Indorsed: House joint memorial 11, W. F. Drager, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 2, twenty-fifth legislative assembly of the State of Oregon, adopted by the house January 22, 1909, and concurred in by the senate February 9, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON,
Secretary of State.

House joint memorial 2.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the legislative assembly of the State of Oregon, most respectfully represent that—

Whereas the grain growers of the Pacific coast are compelled to handle their grain in bags on account of the principal market for their product being in Europe, which necessitates the shipping of grain around by ocean, and the consequent use of bags for holding grain to prevent the shifting of the cargo; and

Whereas the grain producers of the Pacific coast are at a disadvantage on account of their great distance from market, as they are farthest away from the point of consumption of their product, and consequently pay a higher freight rate and receive a lower price for their product; and

Whereas the grain growers of the Pacific coast are further handicapped by the fact that they are forced, on account of high freight rates and their situation, to pay more for their machinery than is paid by grain producers in any other part of this country or by any of their competitors in any other part of the world; and

Whereas the duty on grain bags and on burlap cloth used in the manufacture of grain bags, wool bags, and for inclosing hop products affords substantially no protection to American labor and but small protection to American manufacture, and it will be impossible to ever build up a large industry in the manufacture of such articles, and we therefore believe as a protective measure it fails of its object, being more oppressive than protective, and a heavy tax on the industries on which the Pacific coast depend mainly for their prosperity, and as a means of producing revenue is unfair, as it falls as a burden on those already burdened by the high cost of producing grain and other products and the low price at which they must sell the same: Therefore

Your memorialists request your honorable body to remove the duty on burlap described by section 341 of the Dingley tariff, 1897, and admit the goods enumerated in that section into the United States free of duty, and to amend section 343 of the present Dingley tariff to read as follows: "Bags or sacks made from plain woven fabrics, of single jute yarn, not dyed, colored, stained, painted, printed, or bleached, and not exceeding 30 threads to the square inch, counting the warp and filling, one-half of 1 cent per pound:" Be it

Resolved by the legislative assembly, That the secretary of state is hereby instructed to transmit a copy of this resolution to Hon. C. W. FULTON and Hon. JONATHAN BOURNE, United States Senators, and to Hon. W. R. ELLIS and Hon. W. C. HAWLEY, Representatives from Oregon, and respectfully request them to use their utmost endeavor to have the above-mentioned duties removed.

Passed the house January 22, 1909.

C. N. MCARTHUR,
Speaker of the House.

Passed the senate February 9, 1909.

JAY BOWERMAN,
President of the Senate.

Indorsed: House joint memorial 2, W. F. Drager, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate joint memorial No. 5, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 3, 1909, and concurred in by the house February 12, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 19th day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON,
Secretary of State.

Senate joint memorial 5.

Whereas in this and many other States where prohibition or local option prevails liquor dealers residing in territory where prohibition or local option do not prevail continually ship intoxicating liquors of all kinds into the territory in which prohibition or local option has been voted; and

Whereas such shipments have been held to constitute interstate commerce when the same are shipped from one State into another, the regulation of which is entirely within the power of Congress: Therefore be it

Resolved by the senate of the State of Oregon (the house of representatives concurring), That we hereby respectfully memorialize Congress to enact a law prohibiting shipments of intoxicating liquors from a State or Territory in which neither local option nor prohibition prevails into a State or Territory in which the same does prevail.

Concurred in by the house February 12, 1909.

C. N. MCARTHUR, *Speaker.*

Adopted by the senate February 3, 1909.

JAY BOWERMAN, *President.*

Indorsed: Senate joint memorial 5, William H. Barry, chief clerk; filed February 19, 1909, F. W. Benson, secretary of state.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial 6, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 10, 1909, and concurred in by the house February 19, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the Stats of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON, *Secretary of State.*

Senate joint memorial 6.

Whereas there is pending in the Congress of the United States a bill providing for instruction in forestry in the colleges of agriculture and mechanic arts, and for experiments in forestry in the agriculture experiment stations located in the different States, providing for an appropriation of $2,500 per annum to each branch of these institutions located in the several States for such purpose; and

Whereas the protection and perpetuation of our forests is of vital importance, said industry being one of the most valuable to all our people and one which should be protected and encouraged in every possible way: Therefore be it

Resolved by the senate and the house of representatives of the State of Oregon, That it is the sense of the people of the State of Oregon that this bill should pass, and that our Representatives in Congress and in the Senate of the United States use all honorable means in assisting in its passage; and be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States in Congress assembled and to each of our Representatives and United States Senators by the secretary of state.

Concurred in by the house February 19, 1909.

C. N. MCARTHUR, *Speaker.*

Passed by the senate February 10, 1909.

JAY BOWERMAN, *President.*

Indorsed: Senate joint resolution 6, Wm. H. Barry, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

Mr. BOURNE presented a joint memorial of the legislature of Oregon, which was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 11, twenty-fifth legislative assembly of the State of Oregon, adopted by the senate February 15, 1909, and concurred in by the house February 19, 1909, together with the indorsements thereon, and that it is a full, true, and complete copy of the original as filed in the office of the secretary of state of the State of Oregon on the 23d day of February, 1909, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 23d day of February, A. D. 1909.

[SEAL.]

F. W. BENSON,
Secretary of State.

FEBRUARY 12, 1909.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the legislature of the State of Oregon, respectfully represent that, in common with the people of this Commonwealth, we appreciate and commend the efforts which the President of the United States has been and is making looking to the conservation of the natural resources of the country. The appointment of a National Conservation Commission and state commission to bring about cooperation on the part of the National Government and the several States, aside from having brought to the attention of the country the rapid depletion of its natural resources, is arousing a deep interest in the subject which is likely in the very near future to bring about active cooperation upon the part of the national and state governments for the preservation of those resources which have not been exhausted, and, as well, for the renewal of those which are capable of being renewed. As a part of this general scheme, the Inland Waterways Commission, appointed by the President, has been a factor in the conservation movement and, in our opinion, the Congress of the United States should make liberal appropriations to aid in the movement which the

President has inaugurated and which promises much for the future well-being, development, and enrichment of our country, for the perpetuation of our institutions, and the protection of generations yet unborn.

Therefore, we, the legislature of the State of Oregon, representing the people of the State, do respectfully memorialize Congress to make liberal appropriations to aid in the movement between the Nation and the States for the conservation of our natural resources, so that the work of the National Conservation Commission, assisted by the Inland Waterways Commission and the several state commissions, may not be delayed or hindered, but may continue uninterrupted in accordance with the policies outlined by the President of the United States and indorsed and commended by the President-elect.

Concurred in by the house February 19, 1909.

C. N. MCARTHUR, *Speaker.*

Adopted by the senate February 15, 1909.

JAY BOWERMAN, *President.*

Indorsed: Senate joint memorial 11, Wm. H. Marry, chief clerk; filed February 23, 1909, F. W. Benson, secretary of state.

Mr. HEYBURN presented a joint memorial of the legislature of Idaho, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 6 by waterways and drainage committee, which was filed in this office the 19th day of February, A. D. 1909, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise city, the capital of Idaho, this 19th day of February, A. D. 1909.

[SEAL.]

ROBERT LANSDON,
Secretary of State.

House joint memorial 6. By waterways and drainage committee.

To the honorable the Senate and the House of Representatives and the Rivers and Harbors Committee thereof in the United States of America in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas the navigation of the Pend d'Oreille River is obstructed by a rocky gorge at Albany Falls, and

Whereas the elimination of said obstruction and construction of certain locks therein would extend navigation a distance of 200 miles, making an outlet and transportation facilities for the entire metaline country to the Pend d'Oreille Lake, and

Whereas said improvements would farther reclaim by drainage an area of 45,000 acres of rich soil, and would materially benefit the sanitary condition of the entire country: Therefore

We, your memorialists, earnestly pray that the necessary appropriations for said improvements be made at this session of Congress, and that said improvements be executed as rapidly as may be, and your memorialists will ever pray.

This house joint memorial No. 6 passed the house of representatives on the 27th day of January, 1909.

PAUL CLAGSTONE,
Speaker of the House of Representatives.

This house joint memorial No. 6 passed the senate on the 5th day of February, 1909.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 6 originated in the house of representatives of the legislature of the State of Idaho during the tenth session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

Mr. BORAH presented a joint memorial of the legislature of Idaho, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 6, by waterways and drainage committee, which was filed in this office the 19th day of February, A. D. 1909, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 19th day of February, A. D. 1909.

[SEAL.]

ROBERT LANSDON,
Secretary of State.

House joint memorial 6. By waterways and drainage committee.

To the honorable the Senate and the House of Representatives and the Rivers and Harbors Committee thereof in the United States of America in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas the navigation of the Pend Oreille River is obstructed by a rocky gorge at Albany Falls; and

Whereas the elimination of said obstruction and construction of certain locks therein would extend navigation a distance of 200 miles, making an outlet and transportation facilities for the entire Metaline country to the Pend Oreille Lake; and

Whereas said improvements would further reclaim by drainage an area of 45,000 acres of rich soil and would materially benefit the sanitary condition of the entire country: Therefore

We, your memorialists, earnestly pray that the necessary appropriations for said improvements be made at this session of Congress, and that said improvements be executed as rapidly as may be, and your memorialists will ever pray.

This house joint memorial No. 6 passed the house of representatives on the 27th day of January, 1909.

PAUL CLAGSTONE,
Speaker of the House of Representatives.

This house joint memorial No. 6 passed the senate on the 5th day of February, 1909.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 6 originated in the house of representatives of the legislature of the State of Idaho during the tenth session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

Mr. BORAH presented a joint memorial of the legislature of Idaho, which was ordered to lie on the table and be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Robert Lansdon, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 3, by Macbeth, to the honorable Senate of the United States of America, in Congress assembled, which was filed in this office the 16th day of February, A. D., 1909, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 16th day of February, A. D. 1909.

[SEAL.]

ROBERT LANSDON,
Secretary of State.

Senate joint memorial 3. By Macbeth.

To the honorable Senate of the United States of America in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent that—

Whereas the mining industry we believe to be second in importance only to agriculture; and

Whereas one of the greatest things, in our judgment, to the credit of the United States Government is its cooperation through the Department of Agriculture with the American farmer; and

Whereas we believe a similar cooperation with the miner through a bureau of mines and mining would prove of great assistance to the mining industry; and

Whereas the frequent explosions and the terrible loss of life resulting therefrom, especially in the coal regions of this country, demand the assistance of this Government in discovering some method by which such shocking loss of life may be avoided; and

Whereas the terrible waste in our mining resources is taking place, which through proper assistance from the Federal Government could largely be avoided; and

Whereas we are reliably informed that a bill is now pending in the United States Senate for the creation of a bureau of mines and mining, and that such a bill has already passed the Lower House of Congress: Therefore be it

Resolved by the senate of the State of Idaho (the house of representatives concurring therein), That we most respectfully urge upon the United States Senate the importance of an early passage of such bill, and that a copy of this memorial be forwarded to the Secretary of the United States Senate and to our Senators by the secretary of state.

I hereby certify that the within senate joint memorial No. 3 originated in the Senate during the tenth session of the legislature of the State of Idaho.

F. A. SHAW,
Secretary of the Senate.

The within senate joint memorial No. 3 passed the senate on the 5th day of February, 1909.

L. H. SWEETSER,
President of the Senate.

The within Senate joint memorial No. 3 passed the house of represenatives on the 13th day of February, 1909.

PAUL CLAGSTONE,
Speaker of the House of Representatives.

Mr. BORAH presented a joint memorial of the legislature of Idaho, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

(Certificate of certified copy.)

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Robert Lansdon, secertary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of the house joint memorial No. 3, by Anderson, which was filed in this office the 22d day of January, A. D. 1909, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 22d day of January, A. D. 1909.

ROBERT LANSDON,
Secretary of State.

House and joint memorial 3. By Anderson.

To the Congress of the United States:

Your memorialists, the legislature of the State of Idaho, do urgently request that your honorable body do before adjourning pass a general appropriation bill, making appropriations for continuing the improvements now being made on the Columbia and Snake rivers.

The secretary of state is hereby directed to forward a copy of this memorial to each of our Senators and Representatives in Congress.

This house joint memorial No. 3 passed the house of representatives on the — day —, 1909.

PAUL CLAGSTONE,
Speaker of the House of Representatives.

This house joint memorial No. 3 passed the senate on the 13th day of January, 1909.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 3 originated in the house of representatives of the legislature of the State of Idaho during the tenth session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

Mr. BORAH presented a joint memorial of the legislature of Idaho, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

House joint memorial. By Parsons.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the legislature of the State of Idaho, respectfully represent:

That the county of Idaho, in the State of Idaho, contains in total 7,213,490 acres of land, of which 911,165 are surveyed lands, and that the remaining acreage of the county of Idaho is absorbed by the national forest reserves, and contains 5,036,480 acres. That the rentals of and from these reserves in the year 1906 (the last report obtainable) amounted to but $1,729.90.

That within the boundaries of these reserves there are not less than 25 mining camps, in more or less condition of real and bona fide stages of development, and that there is now in this county of Idaho not less than 20 stamp mills of from 2 to 30 stamps capacity.

That from the eastern terminus of the Clearwater branch of the Northern Pacific Railroad, at the town Stites, Idaho, in the county of Idaho, to the mining camps of Newsome, Elk City, Dixie, Oro Grande, Buffalo Hump, and Concord there is but one wagon road to the camps above mentioned, and that this wagon road passes over three heavily timbered mountain ranges of high elevation, and that said wagon road is at times almost and at other times wholly impassable for the mail, passenger, and freight traffic, to which use it was intended to serve, and that the conditions as above described prevail for long periods of time in the seasons of fall, winter, and spring, thereby causing great delay in the transporting of mail, passengers, and freight, and keeping up the cost of production, of living, and for freight rates, retarding the progress of that part of the county of Idaho to such an extent as to almost prohibit development along any lines of investment.

That during the first eleven months of the year 1908 Idaho County produced $119,389.91 in metal value, practically all gold, the above-mentioned camps having produced the greater portion of the total.

That a good wagon road to the within-mentioned camps from the city of Grangeville, the county seat of Idaho County, and now the terminus of the Lapwai branch of the Northern Pacific Railroad, would be of inestimable value to not alone the mining, but the agriculture, grazing, timber, and postal service as well.

That a wagon road could be constructed on practically a water grade and avoiding the high ranges and the heavy timbered and snow-covered route, as is now the only manner of reaching the camps herein mentioned, if the following-described route be considered, viz:

Commencing at Grangeville, thence in an easterly direction by way of Mount Idaho, the Dewey mine, and "The Cove," to the South Fork of Clearwater River; thence up the said South Fork of the Clearwater River to Fourmile Creek; thence diverging into two branches, one of which would extend on up the South Fork of the Clearwater River to the Elk Basin via the American River grade, and the other branch would extend on up the Fourmile Creek to the mining camps of Oro Grande, Buffalo Hump, and Dixie, thereby opening up a vast scope of country, not now available, to postal routes or for grazing or agriculture and mining purposes.

That the distance and the time essence of the interests involved would be greatly lessened by the above route, and the Nation, State, and county would be benefited to an extent beyond any practical doubt of the project.

That the distance covering the proposed route would be 75 miles, and that a reasonable estimate of the cost to construct said wagon road, as contemplated, would be not more than $75,000, and that this expenditure would be the means of opening up one of the most promising resources of wealth in the northwestern part of the United States of America.

And your memorialists further represent, that said county of Idaho is compelled to exercise police power and maintain criminal jurisdiction over the immense national forest reserves of 5,036,430 acres, being larger in extent than the combined States of Rhode Island, Delaware, and Connecticut; and the only revenue that the said Idaho County receives from the Forest Reserve Department is 10 per cent of the rentals of said reserve lands, which is not sufficient to cover the cost of a single criminal case originating in the above-mentioned reserves.

We therefore pray that the sum of $75,000 may be appropriated by the honorable House of Representatives and the Senate of the United States for the surveying, construction, and building of a wagon road, as herein set forth, and that there may be provided a suitable commission or board, by appointment, to superintend such construction and building of said wagon road.

That the secretary of state is hereby directed to forward to the Senate, the House of Representatives of the United States, and to our Representatives in Congress copies of this memorial.

Mr. McCREARY presented a paper to accompany the bill (S. 9322) for the relief of the estate of James O. Harrison, deceased, which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 9323) for the relief of William H. Nolcini, which was referred to the Committee on Claims.

Mr. BURKETT presented a memorial of the legislature of Nebraska, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

Hon. ELMER J. BURKETT,
Washington, D. C.

DEAR SIR: I have the honor to transmit to you herewith a copy of house roll No. 79, a joint and concurrent resolution passed by the legislature of the State of Nebraska, thirty-first session, as follows:

Respectfully submitted.

FREMNOR CONE, *Chief Clerk.*
C. W. POOL, *Speaker.*

Be it enacted by the legislature of the State of Nebraska:

SECTION 1. That the legislature of the State of Nebraska hereby memorializes and most respectfully requests the Congress of the United States to cause to be erected at its earliest convenience, on the top of the federal building in Lincoln, Nebr., a large clock with four dials, said clock to strike the hour and also the half hour.

SEC. 2. That the chief clerk of the house be instructed to send certified copies of this resolution to the Senators and Representatives of this State in the Congress of the United States at Washington.

Mr. GAMBLE presented a joint resolution of the legislature of South Dakota, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
DEPARTMENT OF STATE.

UNITED STATES OF AMERICA, *State of South Dakota:*

I, Samuel C. Polley, secretary of state of South Dakota and keeper of the great seal thereof, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 17, as passed by the legislature of 1909 of the State of South Dakota, with all the indorsements thereon and of the whole thereof, and has been compared with the original now on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of South Dakota. Done at the city of Pierre, this 25th day of February, 1909.

[SEAL.]

SAMUEL C. POLLEY,
Secretary of State.

House joint resolution memorializing Congress to maintain and increase the tariff upon wool.

Be it enacted by the house of representatives of the State of South Dakota (the senate concurring):

Whereas foreign competition in the wool market is so strong that the price of wool in the United States is frequently reduced below the price of production and a great and profitable industry is crippled thereby; and

Whereas it is with proper protection perfectly possible for the farmers of the United States to not only supply the entire American demand for wool, but to, as well, produce large quantities for exportation: Therefore

Resolved, That the legislature of the State of South Dakota hereby petitions the Congress of the United States to maintain the tariff upon wool in the revision of the tariff schedules now in contemplation.

I hereby certify that the within act originated in the house and was known in the house files as "house joint resolution No. 17."

JAMES W. CONE, *Chief Clerk.*

STATE OF SOUTH DAKOTA, *Office of Secretary of State, ss:*

Filed February 23, 1909, at 5.15 o'clock p. m.

SAMUEL C. POLLEY,
Secretary of State.

A joint resolution memorializing Congress to maintain and increase the tariff upon wool.

M. J. CHANEY,
Speaker of the House.

Attest:
JAMES W. CONE, *Chief Clerk.*

HOWARD C. SHOBER,
President of the Senate.

Attest:
L. M. SIMONS, *Secretary of the Senate.*

Mr. STONE presented sundry affidavits to accompany the bill (S. 8983) for the relief of the estate of Joseph Kulage, deceased, which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 12712) for the relief of the estate of Samuel J. Rogers, reported it without amendment.

Mr. SMOOT, from the Committee on Patents, to whom was referred the bill (S. 9440) to amend and consolidate the acts respecting copyright, reported it without amendment and submitted a report (S. Rept. No. 1108) thereon.

Mr. FULTON, from the Committee on Claims, to whom was referred the bill (H. R. 2950) for the relief of certain officers of the U. S. Signal Corps, reported it without amendment and submitted a report (S. Rept. No. 1107) thereon.

HEARING BEFORE COMMITTEE ON CLAIMS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 301, submitted by Mr. FULTON on the 26th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the stenographer employed to report the hearing before a subcommittee of the Committee on Claims, February 16, 1909, be paid from the contingent fund of the Senate, and that the hearing be printed.

HEARINGS BEFORE COMMITTEE ON TERRITORIES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 309, submitted by Mr. BEVERIDGE on the 27th ultimo, reported it without amendment, and it was read, as follows:

Resolved, That the Committee on Territories, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths, employ a stenographer, and to report such hearings as may be had in connection with any subject which may be pending before said committee, and have said hearings printed for the use of the committee; that the committee may sit during session of the Senate; and that the expenses thereof be paid out of the contingent fund of the Senate.

Mr. KEAN. I ask unanimous consent for the present consideration of the resolution.

Mr. OWEN. Mr. President, I wish to object to the resolution.

The VICE-PRESIDENT. The Senator from Oklahoma objects to the present consideration of the resolution. It will go to the calendar.

CROW RESERVATION, MONTANA.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 298, submitted by Mr. CLAPP on the 25th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Indian Affairs, by subcommittee or otherwise, be, and it is hereby, authorized to investigate the affairs of the Crow Reservation, in the State of Montana. Said committee is authorized to send for persons and papers, to administer oaths, and to sit during the session of Congress or during recess, at Washington or elsewhere, and to have the testimony taken printed, the expense of such investigation to be paid out of the contingent fund of the Senate.

PUBLIC BUILDINGS.

Mr. SCOTT. I ask unanimous consent to call up the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

Mr. SCOTT. I ask that the formal reading of the bill be dispensed with and that it be read for action on the committee amendments.

The VICE-PRESIDENT. The Senator from West Virginia asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment was, on page 2, line 6, after the word "otherwise," to strike out the proviso, in the following words:

Provided, That the limit of cost heretofore fixed shall not be exceeded in the acquisition of such site and the erection of a suitable building thereon.

The amendment was agreed to.

The next amendment was, on page 3, to strike out section 7, in the following words:

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to apply not to exceed $7,000, or so much thereof as may be necessary, of the amount heretofore authorized for the erection of a suitable building for the accommodation of the United States post-office at West Point, Miss., for the acquisition of a suitable site, in addition to the $5,000 heretofore authorized for the acquisition of a site.

The amendment was agreed to.

The next amendment was, on page 4, section 10, line 15, after the word "authorize," to strike out:

The Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a site for a new custom-house building at Boston, Mass., at not to exceed $500,000, or, in his discretion, to cause plans to be prepared for the enlargement, remodeling, or extension of the present custom-house building in said city; and for this purpose he is hereby authorized and empowered to select and employ a special architect for the purpose and to compensate him for his services on the basis of the schedule of the American Institute of Architects; and so much of the appropriation heretofore made for the acquisition of a new site as may be necessary is hereby made available for that purpose.

And in lieu thereof to insert:

And direct the Secretary of the Treasury to cause plans to be prepared for the enlargement, remodeling, or extension of the present custom-house building in said city, for which purpose he is hereby authorized and empowered to select and employ a special architect and to compensate him for his services on the basis of the schedule of the American Institute of Architects; and the said section 5 is hereby further amended so as to authorize and direct the Secretary of the Treasury to proceed with the enlargement, remodeling, or extension of the said custom-house building in accordance with such or other suitable plans; and the $500,000 heretofore appropriated for the purchase of a site is hereby made available for said enlargement, remodeling, or extension: *Provided*, That the total cost of said enlargement, remodeling, or extension of said custom-house building shall not exceed $1,800,000, including expenses incident to the temporary removal of the force employed in the custom-house during the enlargement, remodeling, or extension.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to insert as an additional section the following:

SEC. 15. That the item contained in section 5 of the act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved May 30, 1908, for "United States post-office at Washington, D. C., $500,000," be, and the same is hereby, amended so as to add to the same the following provision:

That if any balance remains within said limit after acquiring the site herein authorized, the Secretary of the Treasury be, and he is hereby, authorized to expend the same in the preparation of the necessary plans.

Mr. GORE. Is the bill being considered by unanimous consent?

The VICE-PRESIDENT. It is being considered by unanimous consent.

Mr. GORE. I desire to object to its further consideration.

Mr. LODGE and others. Too late!

The VICE-PRESIDENT. It is too late for an objection to stop the consideration of the bill.

Mr. GORE. I wish to have a little time for the consideration of an amendment I have heretofore offered. I desire to explain it to the Senate.

Mr. LODGE. The bill will be open to amendment after the committee amendments have been disposed of.

The VICE-PRESIDENT. The bill is before the Senate for consideration, and the question is on agreeing to the last amendment reported by the committee.

The amendment was agreed to.

The VICE-PRESIDENT. Are there further committee amendments?

Mr. SCOTT. There are no further committee amendments.

The VICE-PRESIDENT. The bill is as in Committee of the Whole and open to amendment.

Mr. LODGE. I offer the following amendment, to which I do not think the chairman of the committee will have any objection.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 2, after the word "Massachusetts," it is proposed to add:

And in his discretion may purchase a site at Plymouth, Mass., at a cost in excess of the limit heretofore fixed for such site: *Provided*, That the limit of cost for both site and building shall not exceed $87,000, heretofore fixed as the total limit of cost.

Mr. SCOTT. There were a number of amendments before the committee providing that a part of the appropriation that had been authorized for buildings should be transferred to the purchase of sites. The full committee turned all those amendments down. This amendment is worded a little differently, because it provides that the total cost shall not exceed the amount of the authorization, as I understand it.

Mr. LODGE. Absolutely. It is not intended to increase it at all. It is only intended to give a little more to the site and a little less to the building.

The amendment was agreed to.

Mr. GORE. I desire to offer the amendment which I submitted a few days ago and which was referred to the Committee on Public Buildings and Grounds.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment, which will be read by the Secretary.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a federal building in the city of Lawton, Okla., and he is authorized to expend for such purpose the proceeds arising from the sale of lots 31 and 32 of block 41 of the official plat of the city of Lawton, Okla., as provided for by section 33 of the so-called "public building act," approved May 30, 1908.

And the Secretary of the Treasury is further authorized and directed to use any additional amount that may be necessary arising from the sale of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in Oklahoma, which said proceeds were set apart for the construction of a federal building in Lawton by section 30 of an act entitled "An act to authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands, under any law now existing or hereafter enacted, and for other purposes," approved May 29, 1908: *Provided, however*, That the cost of the site shall not exceed $30,000.

Mr. KEAN. I should like to ask the Senator from West Virginia if the bill authorizes the construction of any new buildings anywhere.

Mr. SCOTT. None at all, and no appropriation of money.

Mr. GORE. Mr. President, I should like to submit a word in explanation of the amendment.

The half section referred to in the amendment adjoins my home town on the north. It was public land, and a measure was passed at the last session providing for its platting and sale as a part of the town site. Twenty per cent of the proceeds were set apart for the erection of a federal building in the city of Lawton. The sale has been had, and $56,000, the 20 per cent of the proceeds, is now available for the construction of this building.

By section 30 of the public-buildings act of the last session it was provided that the two lots referred to in the amendment and owned by the Government of the United States, but not

adapted for the location of a federal building, should be sold and the proceeds applied to the purchase of another site for a federal building. The public-buildings act passed at the last session by an amendment offered by myself provided that the proceeds arising from this sale of lots should be applied to the purchase or condemnation of another site "as herein provided by law." But somehow it happened that the wording was changed so as to read "as may hereafter be provided by law;" so that we now have the $56,000 in cash available for the building, we have the authority already to sell the lots referred to in this amendment, and authority to invest it in the purchase of another site "as may hereafter be provided by law," whereas it should have been "as herein provided by law." It was simply a clerical error of some sort.

The object of this amendment is to straighten out that mistake and authorize a reinvestment from the sale which has already been provided by law, which it was intended to provide for, so that the building can go on without the delay of a year or two in its construction. It is simply to correct an oversight that occurred between the word "herein" and the word "hereafter" in the legislation of the last session.

Mr. SCOTT. Mr. President, the object of this small bill from the House is apparent on its face; and the object the Committee on Public Buildings and Grounds had was to keep it as nearly as it came from the House as possible without appropriating a dollar or adding to the cost of sites. There was a disposition to take from money that had been appropriated for *public buildings* a portion of the money and add to the pay for sites. Your committee fully realized that if that was done, at the next Congress there would be a bill authorizing an additional sum for the erection of the buildings. Therefore we held the bill down without allowing a dollar of appropriation to go in, and cut off all such amendments.

I hope the Senator from Oklahoma will not press this amendment, because if he does there are dozens of Senators here, I know, who will want to get in similar amendments to the bill, and it will simply result in the defeat of the entire bill, as I have been assured from the House that if we amend it in any material way different from the design of the House committee they will not consider it.

Mr. GORE. Mr. President, I am anxious to respect the wish of the Senator from West Virginia as well as that of the committee, but I do not believe that any Senator here would object to this change, because it was purely an oversight in the drafting of the measure at the last session. It does not provide for the appropriation of a single dollar. On the contrary, the money is already on hand, and orders have been issued by the Secretary of the Treasury for the sale of the lots referred to in the amendment.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. GORE. Certainly.

Mr. McCUMBER. Just for a question. I wish to ask the Senator from Oklahoma if, under the provisions of his amendment, a certain portion of the sum which has heretofore been appropriated for the building is not allowed to be used for a site, and if therefore we would not hereafter have to appropriate enough more for the building to make up the difference?

Mr. GORE. I do not think that is true. The limit of the building was fixed at $100,000 last year. The cash now received from the sale of the half section is $56,000. The amendment does provide for the application of a portion of the sum to the purchase of a site, if necessary, but I will ask leave to strike out that portion of the amendment rather than have it defeated. It occurred to me that probably the proceeds from the sale of the lots already provided for would not be sufficient, but I would rather take that risk than have it fail, because it would go over for a year, while the money is on hand and orders have already been issued by the Secretary of the Treasury for the sale of these lots.

Mr. McCUMBER. Will not the Senator agree to so modify his amendment that the entire amount appropriated last year for the building and site shall not be in excess of the amount fixed by reason of this amendment, so that it shall be within the amount appropriated last year?

Mr. SCOTT. Not to exceed that sum.

Mr. McCUMBER. Not to exceed $100,000.

Mr. GORE. Of course, the proceeds of the lots are additional.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Oklahoma.

The amendment was rejected.

Mr. OWEN. I move to strike out the proviso on page 2, section 2, beginning with the word "provided," in line 6, and to insert:

And the sum of $75,000 is hereby appropriated for such purpose.

Mr. SCOTT. I hope that amendment will not be agreed to.

Mr. ALDRICH. We will vote it down.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to the fact that the bill last year made no provision for the purchase of a site at Muskogee, which is the most important city in eastern Oklahoma. It will cost at least $75,000 to get a decent site for the building, and the amount originally proposed for the construction of the building ought not to be diminished over what was fixed as the standard last year.

Of course I appreciate the fact that it is not desirable to increase the appropriation, but the Senate has already appropriated the money for the building.

Mr. BEVERIDGE. How much was appropriated?

Mr. OWEN. Two hundred thousand dollars.

Mr. BEVERIDGE. And there is no site?

Mr. OWEN. And there is no site. Now it is proposed to take away from that $200,000, $75,000 for the purchase of a site.

Mr. BEVERIDGE. I am in hearty sympathy with the Senator.

Mr. OWEN. It is my own town, and I think it is only reasonable, since Congress has made a proper appropriation for the building, that the appropriation should not be diminished for the purpose of covering the site, but, as a matter of good logic and good government, a permanent site ought to be provided and a sufficient sum of money should be appropriated to carry out the intention of Congress heretofore shown in the public-buildings act of last year.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Indiana?

Mr. BEVERIDGE. I will not ask the Senator to yield.

Mr. SCOTT. I am in charge of the bill, but if the Senator wants to take the floor——

Mr. BEVERIDGE. I understand. I merely wanted to support this amendment; that is all. If the Senator wishes first to reply to the Senator from Oklahoma, I will defer. I was going to say only two or three sentences, but I will wait until the Senator gets through.

Mr. SCOTT. I am sure the Senator from Oklahoma does not want to put this amendment on the bill, with the assurance that it will absolutely defeat the bill and we will have no bill at all. I can say that to him, I think, as positively as a man can state anything without its being absolute. Members of the House have told me, the chairman of the committee of the House has told me, that if we carry any appropriation in the bill at all they would not consider it. The Senator from Oklahoma has his remedy at the next session in getting a bill through covering an additional appropriation for the site, but I ask him not to put it on this bill and defeat it.

Mr. OWEN. In view of the statement of the chairman of the committee I will withdraw the amendment, and rely upon the committee to make proper provision for the site at the next session of Congress.

Mr. SCOTT. I am much obliged to the Senator.

The VICE-PRESIDENT. The Senator from Oklahoma withdraws his amendment.

Mr. WETMORE. On page 3, after line 2, I move to insert after the amendment already agreed to at that place a new section in the following words:

SEC. —. That the Secretary of the Treasury may, in his discretion, disregard the provision requiring sites to be bounded upon at least two sides by streets in so far as the same shall apply to the village of Penn Yan, N. Y.

Mr. SCOTT. The committee will accept that amendment.

The amendment was agreed to.

Mr. HEYBURN. After section 3, on page 2, I move to insert:

SEC. 4. That out of the money heretofore appropriated for public buildings at Boise, Idaho, so much thereof as may be necessary to purchase additional grounds may be used for that purpose: *Provided*, That such action shall not increase the appropriation for buildings and grounds.

Mr. SCOTT. The committee will accept that amendment.

The amendment was agreed to.

Mr. GORE. I desire to submit the amendment I offered a while ago in a shape to conform to the suggestion of the Senator from North Dakota, omitting all that occurs after the words "the official plat of the city of Lawton." Then that merely straightens out the difficulty that resulted from the mistake in the previous legislation.

Mr. SCOTT. That is to insert no additional cost.

Mr. LODGE. I suggest to frame it like the Plymouth amendment.

Mr. SCOTT. Frame it like the Plymouth amendment.

The VICE-PRESIDENT. The Secretary will read the amendment as modified.

The SECRETARY. It is proposed to add to the bill the following as an additional section:

SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a federal building in the city of Lawton, Okla., and he is authorized to expend for such purpose the proceeds arising from the sale of lots 31 and 32 of block 41 of the official plat of the city of Lawton, Okla., as provided for by section 33 of the so-called public building act approved May 30, 1908: *Provided*, That the limit of cost for both site and building shall not exceed $100,000, in addition to the proceeds arising from the sale of the lots herein designated.

Mr. SCOTT. I will accept that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PAYMENT OF PENSIONS.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 28285) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, to report it favorably without amendment, and I submit a report (S. Rept. No. 1105) thereon. Under the exigencies of the case I will ask unanimous consent for the immediate consideration of the bill.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendmeut, ordered to a third reading, read the third time, and passed.

Mr. McCUMBER. I ask unanimous consent, as a portion of the morning business, that we consider the unobjected pension bills upon the Calendar. I make this request because they are quite long and unless we get them out of the way it will be impossible to engross and enroll them in time for signature. It will not take more than ten or fifteen minutes to dispose of them.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of the unobjected pension bills on the Calendar. Is there objection?

Mr. GORE. I desire to submit some morning business.

The VICE-PRESIDENT. Does the Senator from Oklahoma object to the request of the Senator from North Dakota?

Mr. GORE. I should like to submit some formal morning business first.

The VICE-PRESIDENT. The Senator from Oklahoma objects.

DONATION OF CONDEMNED CANNON, ETC.

Mr. LODGE. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 28304) granting certain obsolete ordnance for ornamental purposes, to report it favorably with amendments.

I should like the attention of the Senate for a moment that I may explain what the bill is. There have been many bills passed by the Senate giving cannon for soldiers' monuments. The House has consolidated all those and some of their own in one bill, to which the Senate committee has added a few more, and I ask for the present consideration of the bill because it is the only way of disposing of all these bills, in which many States and many localities are interested.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amednment was, in section 4, page 2, line 11, after the word "to," where it first occurs, to strike out the word "furnish" and insert "donate;" and in line 12, after the words "South Carolina," to strike out "two" and insert "four," so as to make the section read:

SEC. 4. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of South Carolina four condemned brass or bronze "Napoleon" guns, with carriages and with a suitable outfit of cannon balls, which may not be needed in the service, to be placed on statehouse grounds: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The amendment was agreed to.

The next amendment was, in section 16, page 6, line 16, after the word "carriages," to insert "and with a suitable outfit of cannon balls," so as to make the section read:

SEC. 16. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county of Warrick, in the State of Indiana, four condemned bronze fieldpieces, with their carriages and with a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed in the park surrounding the county court-house in the city of Boonville, Ind: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The amendment was agreed to.

The next amendment was, in section 17, page 7, line 1, after the word "carriages," to insert "and with a suitable outfit of cannon balls," so as to make the section read:

SEC. 17. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Florida two condemned bronze fieldpieces, with their carriages and with a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed on the state capitol grounds in the city of Tallahassee: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The amendment was agreed to.

The next amendment was, in section 19, page 7, line 16, after the word "carriage," to insert "and with a suitable outfit of cannon balls," so as to make the section read:

SEC. 19. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Delaware a condemned bronze fieldpiece, with its carriage and with a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed in the park facing the state capitol at Dover, Del.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The amendment was agreed to.

The next amendment was, in section 25, page 9, line 13, after the word "to," where it occurs the first time, to strike out the word "deliver" and insert "donate;" in line 13, after the word "Massachusetts," to strike out "two" and insert "four;" and in the same line, after the word "cannon," to insert "with their carriages," so as to make the section read:

SEC. 25. That the Secretary of War is hereby authorized and directed to donate to the mayor of Somerville, Mass., four condemned bronze or brass cannon, with their carriages, to be placed at a soldiers' monument in that city: *Provided*, That the Government shall be at no expense in connection with this gift.

The amendment was agreed to.

The next amendment was, in section 26, page 9, line 21, after the word "carriages," to insert "and a suitable outfit of cannon balls," so as to make the section read:

SEC. 26. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county court of Mercer County, W. Va., two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be used in the park surrounding the court-house, in the town of Princeton, W. Va.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

The amendment was agreed to.

The next amendment was, in section 32, page 11, line 20, after the word "cannons," to insert "with their carriages and a suitable outfit of cannon balls," so as to make the section read:

SEC. 32. That the Secretary of War be, and is hereby, authorized to donate to the town of Jasper, Ind., two condemned brass or bronze cannons, with their carriages and a suitable outfit of cannon balls, for the soldiers' monument of Jasper, Ind.: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

The next amendments were to insert the following as additional sections:

SEC. 34. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Mannington, in the State of West Virginia, one condemned bronze fieldpiece, with its carriage, which may be available and may not be needed in the service: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 35. That the Secretary of War be, and he is hereby, authorized to donate to the Winfield Scott Monument Association, of Elizabeth, N. J., if the same can be done without detriment to the public service, two condemned bronze fieldpieces, with their carriages, in connection with an equestrian statue to be erected to the memory of the late Lieut. Gen. Winfield Scott, U. S. Army.

SEC. 36. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Nebraska two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed on the state capitol grounds in the city of Lincoln: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 37. That the Secretary of War is hereby authorized and directed to deliver to the governor of the State of Michigan four bronze or brass condemned cannon, with their carriages and a suitable outfit of cannon balls, in ornamentation of a life-sized statue to be erected to the memory of Gen. George A. Custer, late of the United States Army: *Provided*, That the Government shall be at no expense in connection with this gift.

SEC. 38. That the governor of the State of Michigan be granted, on behalf of the State of Michigan, permission to use all that part or residue of the bronze or brass condemned cannon granted the said State of

Michigan by joint resolution of Congress, approved June 23, 1906, to be used to make a life-size statue of Stevens T. Mason, late governor of that State, for the purpose of making statuette facsimiles of said statue, or for other purposes: *Provided*, That the Government shall be at no expense in connection therewith.

SEC. 39. That the Secretary of War be, and he is hereby, authorized and directed to donate to the Chaffee Light Artillery Veterans' Association, of Denver, Colo., the two light 12-pounder guns of obsolete pattern, together with the carriages, limbers, implements, and equipments accompanying the same, now in the possession of the said organization: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 40. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Louisiana two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed on the statehouse grounds in the city of Baton Rouge: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 41. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of New Orleans, in the State of Louisiana, two condemned bronze fieldpieces, with their carriages and a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed in Lafayette square fronting the city hall: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 42. That the Secretary of War be, and he is hereby, authorized and directed to donate to the town of Greenville, in the State of Maine, one condemned bronze fieldpiece, with its carriage and a suitable outfit of cannon balls, which may be available and may not be needed in the service, to be placed in the unorganized tract of land of Kineo, Me., on the east shore of Moosehead Lake, on the lawn in front of the yacht clubhouse: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 43. That the Secretary of War be, and he is hereby, authorized and directed to donate to the board of supervisors of the county of Campbell, in the State of Virginia, two condemned bronze or brass fieldpieces, with carriages, cannon balls having been already donated by the United States to be placed in the yard of the county courthouse: *Provided*, That no expense shall be incurred by the United States in the transportation or delivery thereof.

SEC. 44. That the Secretary of War be, and is hereby, authorized and directed to donate to the board of supervisors of the county of Fluvanna, State of Virginia, two condemned bronze fieldpieces, with carriages, and with a suitable outfit of cannon balls, the same to be placed on the monument lot at Palmyra, the seat of said county, beside the monument located on said lot: *Provided*, That no expense shall be incurred by the United States in delivering the same.

SEC. 45. That the Secretary of War be, and he is hereby, authorized and directed to donate to the board of supervisors of the county of Albemarle, State of Virginia, two condemned bronze or brass fieldpieces, with carriage, and with a suitable outfit of cannon balls which may not be needed in the service, the same to be placed on the courthouse lawn in Charlottesville, Albemarle County, Va., beside the monument to be erected there: *Provided*, That no expense shall be incurred by the United States in delivering the same.

The amendments were agreed to.

The next amendment was, in section 47, page 12, line 13, after the word "cannon," to insert "and their accessories," and in line 14, after the word "of," to insert "for such purposes," so as to make the section read:

SEC. 47. That the Chief of Ordnance is hereby authorized to sell, without advertisement, for public parks, public buildings, and soldiers' monuments purposes surplus obsolete brass or bronze cannon, carriages, and cannon balls at such prices as he may deem reasonable and just: *Provided*, That hereafter obsolete brass or bronze cannon and their accessories shall not be disposed of for such purposes except as provided for in this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NAVAL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 58 and 59.

EUGENE HALE,
GEORGE C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.
GEORGE E. FOSS,
HENRY C. LOUDENSLAGER,
LEMUEL P. PADGETT,
Managers on the part of the House.

The report was agreed to.

Mr. HALE. That disposes of the naval appropriation bill.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. Mr. President, I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, to report it with amendments (S. Rept. 1106).

I want to call the attention of the Senate to the fact that this is a very great bill with a great many subjects upon it and involving the expenditure of a great deal of money. The Senate did not receive it until Saturday. The subcommittee and the full committee have been at work upon it ever since, and they have done the best under the conditions that is believed possible. There are a great many new amendments suggested by the committee and a great many provisions have been stricken out. There is not time for Senators, nor has there been for the committee, to make any extensive examination or survey into many of the provisions of the bill, and the committee is, I may say, at the mercy or the discretion of the Senate.

I have already notified the Government Printing Office to hurry the bill as reported by the committee with the amendments, and later in the afternoon, if we get it in time, I may ask the Senate to begin its consideration; but I am clearly of the opinion that to complete it the Senate must submit to the inconvenience of a night session. We have had but one heretofore, and have been most fortunate. Owing to the general feeling of Senators and their forbearance, we have made great progress; but we can not get this bill and the remaining bills through without perhaps a night session each night. I was going to say, in order that Senators may be prepared, that later I shall ask the Senate to take a recess, say from half-past 5 o'clock to 8 o'clock, for the consideration of this appropriation bill.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. Yes; certainly.

Mr. LA FOLLETTE. I wanted to inquire of the Senator from Maine if the bill would be placed upon the desks of Senators, with the report, as soon as it is printed?

Mr. HALE. I have requested that as soon as the bill is sent up a copy of it be placed on the desk of each Senator, in order to facilitate whatever examination we can make, and I shall be glad if Senators will make such examination—I know the Senator from Wisconsin will.

I think the Senate appreciates the condition we are in. We are doing the best we can under the circumstances. I hope that hereafter we shall get bills sent over from the other House earlier; but we have now to adapt ourselves to the situation. The suggestion of the Senator from Wisconsin has practically already been complied with. As I have stated, I have requested that a copy of the bill be furnished each Senator.

HALL OF THE HOUSE OF REPRESENTATIVES.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 265) to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes, which was read twice by its title.

Mr. WETMORE. I ask unanimous consent for the present consideration of the joint resolution the title of which has just been stated.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. WETMORE. I desire to offer some amendments of a merely formal character to the joint resolution. I send them to the desk, and I should like to have them stated.

The VICE-PRESIDENT. The first amendment proposed by the Senator from Rhode Island will be stated.

The SECRETARY. On page 1, line 10, after the word "and," it is proposed to strike out "nineteen" and insert "twenty-nine."

The amendment was agreed to.

Mr. BAILEY. Do I understand that these are amendments to the joint resolution which the Secretary has just read?

The VICE-PRESIDENT. They are amendments proposed to the joint resolution.

Mr. WETMORE. They are simply clerical.

Mr. BAILEY. I was going to suggest that I thought it was hardly competent for us to say what the House should do with its Hall; but if these are mere clerical amendments, I have no objection to them.

Mr. WETMORE. They are proposed at the request of the House.

The VICE-PRESIDENT. The Secretary will state the next amendment.

The SECRETARY. After the word "Congress," page 1, line 11, it is proposed to insert "passed by the House on May 12, 1908, calendar day of May 27, 1908."

The amendment was agreed to.

Mr. WETMORE. Mr. President, in connection with the joint resolution I should like to have the Secretary read the letter which I send to the desk.

The VICE-PRESIDENT. Does the Senator desire the letter read or inserted in the RECORD?

Mr. WETMORE. I should prefer to have it read, as it is quite short.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the letter which he sends to the desk may be read. Without objection, the Secretary will read as requested.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
COMMITTEE ON THE LIBRARY,
Washington, D. C., March 1, 1909.

Hon. GEORGE PEABODY WETMORE,
Chairman Committee on the Library, United States Senate.

MY DEAR SENATOR WETMORE: Permit me to call to your attention House joint resolution 265, of which I inclose you a copy, which was passed by the House on Saturday.

It might be thought that the matter was under the jurisdiction of the House alone, but it seemed to me the structural changes were so important and the amount required so considerable that it should be by joint resolution, to be passed as a regular legislative enactment. I suppose, however, the comity of the situation would still make the wish of the House, upon the matter, if not decisive, at least of very great influence.

It is unnecessary for me to bring to your attention the enormous size of the Hall of the House, which is by far the largest legislative chamber in the world, making it very difficult for a Member even with a good voice to be heard. The reduction of the size of the Hall has been advocated for a good many years, and, conspicuously, by Speaker Reed. It was passed on Saturday by so decisive a vote that a division was not called for. The contemplated change, while much reducing the size of the Hall, will still leave it with a floor area in excess of 5,000 square feet, as compared with the floor area of the Senate Chamber of about 4,000 square feet. It allows for a considerable increase in the membership of the House. That is a matter for future Congresses, and reasonable provision should be made for the contingency that the number of Members may be increased. The Hall of the House would still be large enough to seat the two Houses in joint meeting.

I notice that in the resolution a mistake was made, referring to a resolution passed at the last session. I should appreciate it very much if you would bring the matter before the Senate to-day and ask for the passage of the resolution with the amendment, which I add below.

Sincerely, yours,

S. W. MCCALL.

The joint resolution was reported to the Senate as amended, and the amednments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

BILLS INTRODUCED.

Mr. McCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims;

A bill (S. 9502) for the relief of the estate of Moses Singleton, deceased;

A bill (S. 9503) for the relief of the estate of W. H. H. Thompson and Caroline Thompson, deceased;

A bill (S. 9504) for the relief of the estate of J. Howard Sheffer, deceased;

A bill (S. 9505) for the relief of Susan M. Stone, administrator of the estate of Mary H. S. Robertson, deceased; and

A bill (S. 9506) for the relief of the estate of Caleb Maratta, deceased (with the accompanying paper).

Mr. PAYNTER (by request) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 9507) for the relief of the estate of John M. Higgins, deceased (with the accompanying paper);

A bill (S. 9508) for the relief of George H. Galloway, administrator of the estate of Logan M. Dishman, deceased (with the accompanying paper);

A bill (S. 9509) for the relief of Ambrose D. Vallandingham (with the accompanying paper);

A bill (S. 9510) for the relief of the estate of W. C. Russell, deceased;

A bill (S. 9511) for the relief of the estate of Thomas Wallace, deceased; and

A bill (S. 9512) for the relief of the estate of John A. Erdman, deceased.

Mr. STONE introduced a bill (S. 9513) for the relief of the estate of George P. Dorriss, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BAILEY (by request) introduced a bill (S. 9514) for the relief of Oliver P. Boyd, which was read twice by its title and referred to the Committee on Claims.

Mr. BURKETT. I introduce a bill, and ask that it, with the accompanying papers, be referred to the Committee on Education and Labor.

The bill (S. 9515) to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to equip their locomotives with safe and suitable boilers and appurtenances thereto, was read twice by its title.

Mr. KEAN. That bill should go to the Committee on Interstate Commerce.

Mr. BURKETT. It is a bill with reference to boiler inspection, and should go to the Committee on Education and Labor. It relates to a communication received from the Interstate Commerce Commission in response to a resolution of inquiry that I had passed the other day, as the Senator will recall, asking as to the number of enginemen killed by boiler explosions. It is a bill to provide for boiler inspection, and should go to the Committee on Education and Labor.

Mr. KEAN. Then the title of the bill is misleading.

Mr. BURKETT. The title may be misleading; but that is the object of the bill.

Mr. KEAN. If the bill relates to commerce, it should go either to the Committee on Commerce or to the Committee on Interstate Commerce.

The VICE-PRESIDENT. The Senator from Nebraska asks that the bill be referred to the Committee on Education and Labor. Without objection it is so ordered.

Mr. TAYLOR introduced a bill (S. 9516) for the relief of the estates of Thomas A. Elliott and Adaline Elliott, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 9517) providing for the construction of a bridge at Walmsleys Crossing, Taos County, N. Mex., which was read twice by its title and referred to the Committee on Commerce.

He also introduced a bill (S. 9518) providing for the construction of bridges across Red River, Taos County, N. Mex., and for other purposes, which was read twice by its title and referred to the Committee on Commerce.

Mr. FRAZIER introduced a bill (S. 9519) for the relief of the heirs of Turner Smith, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 9520) granting to the State of South Dakota a certain amount of land in lieu of a like amount of land heretofore granted to the State and subsequently appropriated by the United States for forest-reservation purposes, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

Mr. TILLMAN introduced a bill (S. 9521) for the relief of the lawful heirs of George Henry Guerard, which was read twice by its title and referred to the Committee on Claims.

Mr. OWEN introduced a bill (S. 9522) for the relief of the Western Miami Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. McCUMBER introduced a bill (S. 9523) for the relief of certain government contractors, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 9524) for the relief of certain American citizens, which was read twice by its title and referred to the Committee on Claims.

Mr. CURTIS introduced a bill (S. 9525) for the relief of Daniel W. Boutwell, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. DICK introduced a bill (S. 9526) to grant two cannon to the Ohio Northern University at Ada, Ohio, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BANKHEAD introduced a bill (S. 9527) for the relief of the heirs of Calvin Lacey, which was read twice by its title and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 9528) for the relief of the heirs or the estates of James L. Miller, deceased, and others, which was read twice by its title and referred to the Committee on Claims.

Mr. CLARK of Wyoming introduced a bill (S. 9529) for the relief of Francis Beach and certain other army officers and their heirs or legal representatives, which was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment authorizing the Secretary of the Treasury to settle certain claims, intended to be proposed by him to the sundry civil appropriation bill, which, with the accompanying memoranda, was referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $80,083.50 to be paid by the Secretary of War to properly ac-

credited representatives of certain religious orders in the Philippine Islands, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations.

Mr. RAYNER submitted an amendment proposing to pay to the State of Maryland $72,000, being the principal sum advanced by that State to the United States under the provisions of a joint resolution passed by the general assembly, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations.

Mr. HEYBURN submitted an amendment proposing to appropriate $1,000 to pay William Grant Lieuallen and William E. Burns $500 each for extra services rendered in transferring, rearranging, remarking, cleaning, and refiling the bills, reports, documents, and laws in the Senate document room, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BURKETT submitted an amendment proposing to appropriate $210,000 for the purchase of certain parcels of ground in the District of Columbia to provide for a site for an addition to the Government Printing Office, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations.

Mr. TILLMAN submitted an amendment authorizing the Auditor for the Navy Department, in the settlement of the accounts of George M. Stackhouse, paymaster, United States Navy, to credit him with the sum of $1,606, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DEPEW submitted an amendment relative to the settlement of the judgment against Edmund B. Jordan, collector of internal revenue of the United States for the first district of New York, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $4,800.50 to pay the National Automatic Fire Alarm Company, of Washington, D. C., for the maintenance of the automatic fire-alarm system now in certain buildings of the Government Hospital for the Insane, intended to be proposed by him to the sundry civil appropriation bill, which, with the accompanying papers, was referred to the Committee on Appropriations.

Mr. DANIEL submitted an amendment proposing to appropriate $1,200 for payment to the treasurer of the Mount Vernon Avenue Association of Virginia, assignee of the State of Virginia under the act of the general assembly of Virginia, approved March 5, 1888, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WETMORE submitted an amendment proposing to appropriate $700 to reimburse Edmund M. Talcott, assistant surveyor of the District of Columbia, for damages incurred by an incorrect survey made during the year 1905, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TAYLOR submitted an amendment authorizing the President of the Senate to issue certificates of salaries to the Senators from Oklahoma, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 23717) to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 16743. An act for the removal of the restrictions on alienations of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes; and

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910.

WITHDRAWAL OF PAPERS—WILSON ZURMEHLY.

On motion of Mr. FORAKER, it was—

Ordered, That there may be withdrawn from the files of the Senate all papers relating to the bill (S. 4951, 60th Cong., 1st sess.) granting a pension to Wilson Zurmehly, there having been no adverse report on said bill.

ENROLLMENT OF OSAGE INDIANS.

On motion of Mr. CURTIS, it was—

Ordered, That the hearings had before the Committee on Indian Affairs on matters relating to the enrollment of certain persons as members of the Osage tribe of Indians, etc., be printed as a document.

CALUMET RIVER BRIDGE.

Mr. HEMENWAY. I ask unanimous consent for the present consideration of the bill (S. 9405) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 1, page 2, line 2, after the word "March," to strike out "third" and insert "twenty-third," so as to make the section read:

That the Chicago, Lake Shore and Eastern Railway Company, a corporation organized under the laws of the States of Indiana and Illinois, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Calumet River in the northwest quarter of section 4, township 36 north, range 8 west of the second principal meridian, in Lake County, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT BUILDING ASSOCIATIONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia, which were, on page 2, line 11, after "shall," to insert: "not exceed the sum of $25 for the first $500,000 or fractional part thereof of assets and the sum of $10 for each additional $100,000 or fractional part thereof of assets, and;" on page 3, line 5, to strike out all after "act" down to and including "act," in line 7; on page 4, after line 2, to insert:

SEC. 2. That there be added to the Code of Law for the District of Columbia a new section, to stand as section 691a, and to read as follows:

SEC. 691a. That any building association incorporated or unincorporated, organized and existing under the laws of the District of Columbia, or any State or Territory, to do or now doing, in the District of Columbia, a building-association business or otherwise operating as a building association, shall be subject to all the provisions of the foregoing section of this act in respect of the powers of the Comptroller of the Currency hereunder, and any such association or corporation shall at all times keep on deposit with the Comptroller of the Currency in money or stocks, bonds or mortgages or other securities to be approved by said officer not less than 20 per cent per annum of its capital and surplus as security for its depositors and creditors, and as a guarantee for the faithful performance of its contracts, and may also make such further deposit of its assets as above described with the comptroller for such purpose as it may from time to time desire so to do.

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

Mr. KEAN. What is that, Mr. President?

Mr. GALLINGER. It is a bill dealing with loan associations in the District of Columbia.

The VICE-PRESIDENT. The Senator from New Hampshire moves that the Senate concur in the amendments made by the House of Representatives to the bill.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. I yield to the Senator.

Mr. NELSON. Mr. President, that motion ought not to prevail, and I object to it at this time. I think the bill ought to go to the Committee on the District of Columbia.

Mr. BURKETT. Let the last section as proposed to be amended be read.

The VICE-PRESIDENT. The Secretary will read the last section as proposed to be amended.

The Secretary read as follows:

SEC. 2. That there be added to the Code of Law for the District of Columbia a new section, to stand as section 691*a*, and to read as follows:

SEC. 691*a*. That any building association incorporated or unincorporated, organized and existing under the laws of the District of Columbia or any State or Territory to do or now doing in the Dis-

trict of Columbia a building-association business or otherwise operating as a building association, shall be subject to all the provisions of the foregoing section of this act in respect of the powers of the Comptroller of the Currency hereunder, and any such association or corporation——

Mr. BURKETT. Mr. President, that covers as much as I desire read. I should like to ask the Senator in charge of the bill if that does not introduce a new element which, I think, the committee has not considered. That, I understand, is the ground of the objection, and the Senator may be able to explain it. The amendment begins by inserting the words "District of Columbia." Those words are not in the copy of the bill as it passed the House and as it appears in the RECORD of Saturday, and there has been some objection from Senators in reference to that part of it. Perhaps the Senator from New Hampshire can explain it.

Mr. GALLINGER. I will say that the bill relates only to the District of Columbia, and that such a bill could only relate to the District of Columbia.

Mr. BURKETT. I understand that, but the bill which recently passed the Senate was to control the banking institutions that were branches of outside corporations that came into the District of Columbia to do business. This seems to include, also, the institutions located and organized in the District of Columbia and puts them on the same basis as the others coming in from the States. That is the objection that has been made to the bill. The words "District of Columbia" seem, according to the RECORD, to have gotten into the bill since it was passed by the House.

Mr. GALLINGER. This is the House bill precisely as it passed. The RECORD must be incorrect in that regard.

Mr. CULLOM. It is incorrect, I know.

Mr. BURKETT. The RECORD is here.

Mr. GALLINGER. As read by the Secretary, it is the bill as it comes from the House and is accurate, of course.

What I desire to say—and it is only a word in this connection—is that we have had banks and loan associations in this District with very little supervision and there has been very serious trouble. At the last session we made progress and put certain banking institutions under the jurisdiction of the Comptroller of the Currency and got rid of some of the scandal.

In reference to the loan associations, I understand that there are very serious matters connected with them. One of them recently failed and brought disaster to some good people. The Comptroller of the Currency is very anxious that this bill, following the line of legislation relating to banks, shall be enacted. My only purpose is to give security to the people who are investing in the loan associations in this District.

I hope there will be no objection to agreeing to the amendments which the House of Representatives have made, for I believe they are very good amendments.

Mr. NELSON. Mr. President, as the bill was reported from the Committee on the District of Columbia and passed by the Senate, I have no objection to it, nor have I any objection in respect to two of the amendments made by the House of Representatives, but one of the House amendments will be utterly destructive of the work and usefulness of these loan and building associations. That amendment requires them to deposit 20 per cent of their funds in the Treasury Department. There is no objection to putting the building and loan associations under the jurisdiction of the Comptroller of the Currency. I think it is proper enough that they should be required to report to him, but the amendment of the House to which I refer goes a step further. It requires, as I have said, the loan and building associations to deposit 20 per cent of their funds with the Secretary of the Treasury. This would seriously cripple them by requiring them to keep a large amount of their funds idle. The money deposited in the Treasury Department would draw no interest and would be of no practicable use. Instead of allowing the building associations to use that money for the purposes for which they were created, namely, loaning it out to people who want to engage in building, the House amendment would cripple the associations.

I trust, therefore, that the bill will be sent to conference and that the objectionable amendment will be eliminated, for, in my view, that is the only objectionable feature of the bill.

Mr. GALLINGER. Mr. President, for the purpose of complying with the request of the Senator from Minnesota [Mr. NELSON], I move that the Senate disagree to the amendments made by the House of Representatives, ask for a conference with the House on the amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN as the conferees on the part of the Senate.

ELLIS W. JOY.

Mr. BORAH. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 14290) for the relief of Ellis W. Joy, to report it without amendment.

Mr. STONE. I ask unanimous consent for the present consideration of the bill just reported.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Ellis W. Joy, of Andrew County, Mo., $300, unlawfully collected from him by the board of enrollment in the State of Ohio, to furnish a substitute when drafted for service in the army, he not being a citizen of Ohio at the time and serving as a soldier with the Missouri troops.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN TEXAS.

Mr. CULBERSON. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 28305) to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court, to report it without amendment.

The bill is a local Texas court bill, and, notwithstanding what has been said by the Senator from West Virginia [Mr. SCOTT], I ask him to allow unanimous consent to be given for its present consideration. It is quite an important matter, though purely local.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent for the present consideration of the bill named by him.

Mr. SCOTT. I object.

The VICE-PRESIDENT. Objection is made.

Mr. SCOTT. I shall object to all requests for unanimous consent until I secure the consideration of the Military Academy appropriation bill.

CONSIDERATION OF PENSION BILLS.

Mr. McCUMBER. I now wish to renew my request for unanimous consent for the consideration of the unobjected pension bills upon the calendar.

RED RIVER BRIDGE AT SHREVEPORT, LA.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill (H. R. 28193) to authorize the city of Shreveport to construct a bridge across Red River.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Louisiana?

Mr. McCUMBER. I yield for morning business.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill named by me.

Mr. McCUMBER. I yield to the Senator.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. M. COX.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 8200) for the relief of C. M. Cox.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I am ready to yield for morning business; but that is all.

Mr. TALIAFERRO. It is only a short bill and will take but a moment.

Mr. SCOTT. Will the Senator from North Dakota yield to me for a moment?

Mr. BAILEY. Mr. President, I do not understand that unanimous consent has been granted to the Senator from North Dakota.

Mr. McCUMBER. Unanimous consent has not been granted, but I have the floor, waiting, and have been yielding until the request is granted.

Mr. TALIAFERRO. Will the Senator yield to me for a moment to ask for the present consideration of the bill I have named?

Mr. McCUMBER. I yield to the Senator.

The VICE-PRESIDENT. The Senator from Florida asks unanimous consent for the present consideration of the bill named by him.

Mr. SCOTT. I will have to object to unanimous consent. If we are going to take up bills, I have the Military Academy appropriation bill, for which I desire consideration.

The VICE-PRESIDENT. The Senator from North Dakota [Mr. MCCUMBER] has the floor, and he has yielded to the Senator from Florida.

Mr. MCCUMBER. I have yielded to the Senator.

The VICE-PRESIDENT. The Senator from Florida asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 8200) for the relief of C. M. Cox.

Mr. SCOTT. Mr. President, I shall not object to that bill, but I shall object to any more bills being considered at this time by unanimous consent, and I give notice to that effect.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, in line 6, before the word "dollars," to strike out "twenty-six" and insert "sixteen;" and in line 7, before the word "cents," to strike out "forty-five" and insert "twenty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys not otherwise appropriated, to C. M. Cox, of Bonifay, Holmes County, Fla., the sum of $316.25, for services rendered as United States commissioner in and for the northern district of Florida.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL DISTRICT JUDGE FOR WASHINGTON.

Mr. DEPEW submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27061) to provide for the appointment of an additional judge in and for the western district of Washington, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

That the House recede from its disagreement to the amendment of the title of the bill and agree to the same.

CHAUNCEY M. DEPEW,
J. B. FORAKER,
LEE S. OVERMAN,
Managers on the part of the Senate.

JOHN J. JENKINS,
D. S. ALEXANDER,
HENRY D. CLAYTON,
Managers on the part of the House.

The report was agreed to.

RELATIONS BETWEEN CONGRESS AND THE EXECUTIVE DEPARTMENTS.

Mr. BAILEY. Mr. President, I rise to a question affecting a high privilege of the Senate. I have before me several responses which the heads of various departments have made recently to resolutions of the Senate, and an examination of them discloses the fact that they deny the power of this body to demand papers or information in the possession of those departments, notwithstanding the fact that those papers or that information may relate to matters within our jurisdiction and control. It is true that the denial is not made in so many words. It is made by implication and might, therefore, escape, and I have no doubt it has escaped, the attention of many Senators.

It is in the merely formal part of these replies, and until within the last few days I did not myself know that the heads of departments have for more than a year been replying to our resolutions in this form. I have here "a letter from the Secretary of the Treasury, transmitting, in response to the Senate resolution of February 18, 1908, copies," and so forth. This response is dated on the 13th of April, 1908, and after quoting the resolution of the Senate, the Secretary proceeds:

I beg to inclose herewith, by the direction of the President.

There are other responses in substantially the same language, varying, but the variation is immaterial, some of them reading "according to the direction of the President;" but they generally follow this form, and say "by the direction of the President."

Mr. President, I might, and other Senators might, have overlooked this matter as unimportant or irrelevant, except for the message which the President of the United States sent to the Senate a short while ago; and in view of that message this language can not be mistaken either in the purpose of it or in the meaning of it. It is intended to deny the power of the Senate to demand these papers and this information. It is equivalent to declaring that unless the President directed the head of a department to send these papers or to give this information, the papers would not be sent or the information would not be given. This, sir, is such a distinct challenge of a right which the Senate has exercised, and which the departments have recognized, from the foundation of this Government that we can not allow it to pass in silence. We must take notice of it now or else by our silence we will be deemed to have acquiesced in the modern and startling doctrine of the President that the Senate has no power to command the departments to send information or papers to this body.

I shall not detain the Senate now to discuss the question, because it is too plain to require discussion. It is one of the few questions upon which there has never been a division of opinion in the Senate or elsewhere. But even if it needed discussion I could add nothing to what the Senator from Georgia and the Senator from Colorado have already said upon the subject within the last thirty days. I might, however, be tempted to debate it if it were not for the fact that Congress approaches its expiration, and that every hour between this and the adjournment will be required for matters that can not be neglected and which ought not to be postponed. In view of that, I shall occupy no further time of the Senate unless it is made necessary by something which shall be said in opposition to the resolutions which I now offer, and for which I ask immediate consideration.

The VICE-PRESIDENT. The Senator from Texas submits resolutions and asks unanimous consent for their present consideration. The resolutions will be read for the information of the Senate.

The Secretary read the resolution, as follows:

Senate resolution 317.

Resolved, That the response which the Secretary of the Treasury made under date of April 13, 1908, to a resolution of the Senate adopted February 18, 1908, shall be returned to him by the Secretary of the Senate, with the statement that the Senate of the United States declines to receive any communication from the head of any department which denies, either expressly or by implication, its right to demand all papers and information in the possession of any department and relating to matters within its jurisdiction or control.

Resolved further, That the Secretary of the Senate be instructed to examine the files of the Senate for the Sixtieth Congress, and whenever he finds a similar communication from the head of any department stating that such communication was made by the direction of the President, or an equivalent expression, he shall return the same to the head of the department making it, with the statement specified in the foregoing resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolutions?

Mr. ALDRICH. Mr. President, while we may agree mainly to the proposition suggested by the Senator from Texas [Mr. BAILEY], I think the matter of too much importance to be acted upon without the consideration of a committee. I therefore suggest to the Senator from Texas that he allow the resolutions to be referred to the Committee on the Judiciary, with the hope that they will report promptly upon them.

Mr. BAILEY. That means, Mr. President, the Senate will take no action on the matter. If I can have any reasonable assurance that the Senate will be permitted to vote upon the resolutions, I will very cheerfully agree to their going to the committee.

Mr. ALDRICH. I should hope——

Mr. BAILEY. My own opinion is that it is one of the few things that does not need the attention of a committee. I think the Senator from Rhode Island will not stand in his place and controvert the proposition announced in the resolutions. I think the Senator from Rhode Island will not tell the Senate that, in his opinion, any head of a department has the right to decline to make an answer to a resolution of this body demanding papers or information.

Mr. ALDRICH. I have no question myself that the Senate has the right to direct the Secretary of the Treasury to report to the Senate without reference to the President or to any other power, but I am not certain now of the remedy that should be proposed, and I am not certain about what the precise action of the Senate should be. I think the resolutions should be considered by the appropriate committee, and I therefore move that they be referred to the Committee on the Judiciary.

Mr. BAILEY. Mr. President, I shall demand the yeas and nays on the question; and if the Senate hereafter is to suffer under this executive insolence, I want the RECORD to show who it is that defends the encroachments of the executive department against the privileges of the Senate; and on the motion of the Senator from Rhode Island I ask for the yeas and nays.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the resolutions submitted by the Senator from Texas

be referred to the Committee on the Judiciary. On that motion the Senator from Texas demands the yeas and nays.

The yeas and nays were ordered.

Mr. NELSON. I ask to have the resolutions again read.

The VICE-PRESIDENT. The Secretary will again read the resolutions at the request of the Senator from Minnesota.

The Secretary again read the resolutions.

Mr. BORAH. I understand that the yeas and nays have been demanded on the question of referring the resolutions to the committee?

The VICE-PRESIDENT. That is the fact.

Mr. BORAH. I merely want to say, before I cast my vote, that I have no doubt of the correctness of the position of the Senator from Texas, but I shall vote the other way simply because I believe that the resolutions are of sufficient importance to be considered by a committee.

Mr. BAILEY. I can understand how the Senator from Idaho feels that way and other Senators may feel that way; but, lest anybody should misunderstand what this means, I will say to the Senator from Rhode Island now that if the majority will agree that the resolutions shall be reported back and voted on before we adjourn, I will withdraw my demand for the yeas and nays and will agree that the resolutions go to the committee. The reason I resist his motion to refer the resolutions to the committee is because I feel perfectly satisfied that it is equivalent to disposing of this matter without deciding it.

Mr. ALDRICH. That is certainly not my purpose, and, while I can not speak for the Judiciary Committee, I should hope that they would be able to report at this session their conclusions.

Mr. BAILEY. The Senator from Wyoming [Mr. CLARK], the chairman of the Judiciary Committee, is in his seat. If the Senator from Wyoming will say that his committee will report the resolutions back, so that the Senate may dispose of them, I will withdraw the demand for the yeas and nays.

Mr. CLARK of Wyoming. The chairman of the Judiciary Committee is not prepared to say that any resolution will be reported back from that committee. The committee has been wrestling in vain for a number of weeks, earnestly and faithfully, with a resolution referred to it, and has arrived at no satisfactory conclusion. The Committee on the Judiciary has this morning held what it supposed was its last meeting. I say that for the information both of the Senator from Texas and the Senator from Rhode Island. Of course the Judiciary Committee will use its utmost endeavor to comply with any order the Senate may make.

Mr. BAILEY. I did not feel at liberty to say what the Senator from Wyoming has just said to the Senate, though I understood that to be the condition of business before that committee. I think the Senator from Rhode Island must now understand that a reference of the resolution to the Committee on the Judiciary means a refusal of the Senate to decide the question. I shall demand the yeas and nays, and I am going to record it as my prediction that there will be no report on the resolutions, and that the Senate will adjourn with these messages on its files without taking notice of this denial of the powers which for a hundred years it has exercised without question.

Mr. ALDRICH. I deny the right of the Senator from Texas to assume that because the Members of the Senate shall vote to refer a resolution in an orderly and proper manner to one of the standing committees of this body for its consideration they are opposed to the resolutions upon which the Senator asks to have peremptory action at this moment. The Senate has not been in the habit of treating these serious questions in that way, and I assume that it will not establish a precedent of that kind. I have no doubt whatever that the Committee on the Judiciary, if this matter is referred to it, will take it into immediate consideration. I have no doubt it will follow the instructions of the Senate, the tacit instructions of the Senate, and consider it at once. It is the proper committee of this body to consider it. It is a question important in character, and while immediate action may be satisfactory to the Senator from Texas, every Member of this body has a right to consider it, and to consider it with a view of all the consequences of their action.

Our relations to the executive department constitute a matter of vital concern to us all, and I am sure the Senator from Texas can not expect the Senate at his suggestion to act in this precipitate manner upon the resolutions; and I again protest against the assumption that if we vote to refer them to the committee we are necessarily opposed to the proposition which he has laid down.

Mr. BAILEY. The Senator from Rhode Island may protest to his heart's content, but that will not deter me from repeating that the very purpose of sending the resolutions to the committee is to avoid a direct vote upon them. If the Senator from Rhode Island were not familiar with this matter, if other Senators here needed time to determine for themselves and according to their own best judgment whether or not the head of a department has the right to withhold papers and information from the Senate when demanded by the Senate, I would cheerfully agree that the matter was too important to be decided offhand. But the Senator from Rhode Island and every other Senator in this body are prepared now and here to answer that question. The Senator from Rhode Island is prepared to answer it for himself, and I take it every other member of this body is. It is not a new question. If it were, I would agree that it would require time for deliberation and time for debate. But one of the most remarkable debates that ever occurred in this Chamber arose on this very question, under Cleveland's administration, when the Senators on the other side of the Chamber were not only affirming the right of the Senate to have the papers and documents and information in the possession of the departments transmitted here under the call of the Senate, but they went further and demanded that President Cleveland should transmit papers which he claimed were private and not official papers.

The Judiciary Committee then had this question under consideration, and while that great committee divided in its opinion and in its report upon the case then at bar, there was absolutely no division among its members as to the right of the Senate to demand papers, documents, and information relating to matters within the jurisdiction and control of the Senate. I have not for some little time examined the report of the committee, but I am under the impression that the latter part of the first resolution is a quotation, almost word for word, from the report of the committee in which this right of the Senate was asserted.

If the majority chooses to say it is not within its power to demand this information, if the majority chooses to say that it is willing to sit here and have response after response made to its resolutions containing a denial, distinct, though by implication, of the power of the Senate to demand this information, they must take the responsibility. I intend, so far as I am concerned, to assert and to defend the right of the Senate; and I only now desire to say—and I put what I prophesy against the protest of the Senator from Rhode Island—that if the resolutions are referred to the Committee on the Judiciary they will not be reported back before the close of this session. If they are reported back and the Senate is given an opportunity to vote upon them then I shall cheerfully rise in my place and tender my apology to the Senator from Rhode Island and the Republican majority.

Mr. HEYBURN. Mr. President, I should be ready to vote upon this question were it not for the fact that I am in doubt as to whether the rule suggested by the Senator from Texas [Mr. BAILEY] is applicable to the Secretary of War and the Secretary of the Navy. I am only inclined to think it is not. The President is the Commander in Chief of the Army and Navy; and I desire the RECORD to show that when I vote upon the question of the reference of the resolutions I reserve that question in my mind, and my vote will not be indicative of my views upon the question.

Mr. LODGE. Mr. President, this seems to be a very large and important question, covering a great deal of historical as well as constitutional ground. I have heard the resolutions read but once at the desk. I do not pretend to grasp their full purport. But it is too large a question, even if it is reported here, to settle in the closing hours of the Congress, rushed with business as we are, and will be, every minute from now till the 4th of March. I do not think it ought to be decided in the closing hours of the session, and I sincerely hope the resolutions will be referred to the committee for preliminary consideration.

Mr. FORAKER. I ask that the resolutions may be again reported. I was absent from the Senate Chamber when they were offered.

The VICE-PRESIDENT. The Secretary will again read the resolutions, at the request of the Senator from Ohio.

The Secretary read as follows:

Resolved, That the response which the Secretary of the Treasury made, under date of April 13, 1908, to a resolution of the Senate, adopted February 18, 1908, shall be returned to him by the Secretary of the Senate, with the statement that the Senate of the United States declines to receive any communication from the head of any department which denies, either expressly or by implication, its right to demand all papers and information in the possession of any department and relating to matters within its jurisdiction or control.

Resolved further, That the Secretary of the Senate be instructed to examine the files of the Senate for the Sixtieth Congress, and whenever he finds a communication from the head of any department stating that such a communication was made by the direction of the President, or an equivalent expression, he shall return the same to the head of the department making it with the statement specified in the foregoing resolution.

Mr. FORAKER. Mr. President, the resolutions have reference to a practice that has been recently resorted to, of which I think the Senate should take some notice. I was not aware until within the last two or three weeks that resolutions positively directing the heads of departments to make reports to the Senate were answered by the heads of departments "by direction of the President," as though but for that direction they would not answer the demand of the Senate. It seems to me, in the light of the practice that has obtained here from the beginning of the Government and in the light of what we have common knowledge of, that is in direct conflict with the Senate's prerogative, and that the Senate owes it to its dignity and to its rights and privileges to take notice of and to break up that practice if it be within its power to do so. That should be done perhaps by resolutions of this character, but I am not sure, having heard the resolutions read only just now, that I thoroughly understand them or that they are in the form in which I would be willing to vote for them.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. With pleasure.

Mr. BAILEY. In order that every Senator may be sure as to what the resolutions mean, and in order that every Senator may have an opportunity to make such suggestions as he sees fit, if the Senator from Rhode Island will withdraw the motion to refer the resolutions to the Committee on the Judiciary I will cheerfully allow the resolutions to lie on the table until to-morrow, in order that all may have the fullest opportunity to consider them.

Mr. ALDRICH. I will not withdraw my motion, but I am willing to let the resolution go over until to-morrow.

Mr. BAILEY. Of course the Senator may withdraw it and renew it to-morrow, but I am willing——

Mr. ALDRICH. It is not necessary to do that.

Mr. BAILEY. I am willing that it shall go over until to-morrow with the motion pending.

Mr. FORAKER. Will the Senator from Texas allow me to ask him why he recites in the resolution a communication dated April 13, 1908, instead of a communication that has come in within the last two or three days? I saw within a week an answer from the head of some one of the departments that was sent here "by direction of the President," as though except for that direction he would not send it at all.

Mr. BAILEY. I will say to the Senator from Ohio that when I dictated the resolution I instructed my secretary to obtain the earliest one that had been sent in that form. When I came to look among my papers a moment ago I did not find the communication which he had specified in the resolution, and I hurriedly and in pencil here changed the one which he had had to one that I happened to have before me. I have four or five of them here. There is one from the Secretary of the Navy, there is one from the Secretary of War, there is one from the Secretary of Commerce and Labor. I think probably there is one from every department. I selected the Secretary of the Treasury because I thought that the strongest, in view of the fact that there is a statute requiring him in certain cases to communicate information to Congress.

Mr. FORAKER. I wish to make a suggestion to the Senator from Texas. If I understand the last paragraph of the second resolution, it is in the nature of a direction to the Secretary of the Senate to ascertain what other communications have come here "by direction of the President" instead of in answer to resolutions of the Senate, and to return all such, or something to that effect. Would it not be better so to amend the resolution as that the Secretary shall report to the Senate, and let the Senate direct that they be sent back, if that should be done? I hope it will not be necessary for us to resort to anything which is discourteous, but I do hope the Senate will stand for its own rights about this matter, for I regard it as of the highest importance. If you concede that the head of a department is not to answer a direction from the Senate except when the President shall give him permission or direction to do so, all authority over the heads of departments is at an end.

Mr. BAILEY. The Senator from Ohio——

Mr. FORAKER. I was about to say, having those apprehensions about the form of the resolution, I would not be opposed to having it go to the Committee on the Judiciary or to some other proper committee if it were not that the end of the session is in sight, as the Senator suggests, and it may be impossible to get a hearing before that committee prior to the 4th of March.

Mr. BAILEY. I will say to the Senator from Ohio, in response to what he has said about the second resolution, that I drew it in that form for the reason that I did not consider it wise or safe to return one or two or three and possibly overlook others and not return them. Therefore, in order to put all the departments on precisely the same plane, who had made precisely the same response, I proposed to instruct the Secretary of the Senate to examine the files.

Now, if the Senator from Rhode Island is willing that this matter shall go over until to-morrow with his motion to refer it to the Judiciary Committee pending, I am perfectly willing that the matter shall take that course.

Mr. ALDRICH. I have no objection whatever to that course being taken, but I desire to remind the Senator from Texas and the Senate that at this stage of the session, with the public business in the condition in which it now is, it will be utterly impossible for the Senate to enter upon a discussion of this grave question of the comity which is due from one great department of the Government to another without imperiling the public business. I shall feel bound to resist any lengthy discussion of this question if it is within my power to do so.

Mr. BAILEY. Let me say to the Senator from Rhode Island that if the departments had respected the comity that ought to exist between the two branches of the Government this question would never have been here. But let the resolution go over until to-morrow.

The VICE-PRESIDENT. The resolution will lie on the table, with the motion of the Senator from Rhode Island to refer pending.

Mr. BAILEY. Subject to call to-morrow.

Mr. BURROWS. I desire that the resolutions shall be printed.

The VICE-PRESIDENT. The resolutions will be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have been unable to agree.

F. E. WARREN,
J. A. HEMENWAY,
H. M. TELLER,
Managers on the part of the Senate.

HENRY H. BINGHAM,
F. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. WARREN. I move that the Senate further insist upon its amendments in disagreement, and ask a further conference with the House, and that the Vice-President shall appoint the conferees, the same as those before appointed.

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER conferees on the part of the Senate at the further conference.

ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 6, 7, 11, 12, 13, 15, 18, 19, 24, 30, 51, 52, 58, 59, and 60.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 8, 9, 14, 16, 17, 20, 21, 22, 23, 25, 26, 27, 28, 29, 31, 33, 34, 34½, 36, 37, 38, 39, 42, 43, 44, 45, 46, 47, 48, 59, 50, 53, 54, 55, 56, and 62, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Insert at the beginning of said amendment the words *"Provided further,"* so that the amendment will read: *"Provided further,* That the act approved May eleventh, nineteen hundred and eight, for the support of the army for the fiscal year ending June thirtieth, nineteen hundred and nine, in so far as it relates to the payment of six months' pay to the widow of an officer or enlisted man, and so forth, be amended as follows: Strike out the words 'contracted in the line of duty' and insert in lieu thereof the words 'not the result of his own misconduct;'" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "three million five hundred thousand;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the amount proposed in the amendment insert "one hundred thousand;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seventy-seven thousand one hundred;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In line 14 of said amendment strike out the colon and the words "And provided," and strike out all of lines 15, 16, 17, and to the period in line 18, so that the amendment will read: ": *Provided further*, That of the foregoing total amount eighteen thousand dollars, or so much thereof as may be necessary, shall be immediately available for the purchase of one thousand four hundred acres of land, more or less, adjoining the military reservation of Fort D. A. Russell, Wyoming, as an addition to the rifle range: *And provided further*, That three thousand six hundred dollars of the foregoing total amount, or so much thereof as may be necessary, shall be immediately available for the purchase of the southeast quarter of the northwest quarter and the east half of section two, in township one south, range one east of the Salt Lake meridian, as an addition to the target range of Fort Douglas Military Reservation, in the State of Utah;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 8 of said amendment strike out the words "upon consideration of all the circumstances" and the commas preceding and following same, so that the amendment will read: "The Secretary of War is hereby authorized to convey to the owners of premises which encroach upon the military reservation of Fort Marion, in the city of St. Augustine, Fla., all the right, title, and interest of the United States in and to the portions of the reservation which have been occupied by them, under license or claim of title, upon the payment by said owners of such sums of money as the Secretary of War shall determine proper to be paid for the said lands;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 12 of said amendment strike out the word "provided," and insert the words "appropriated, to be expended from the amount appropriated in this act for water and sewers at military posts," so that the amendment will read: "For the acquiring of water rights and necessary lands therewith connected for a permanent water supply for Fort William Henry Harrison, in Montana, the amount of twenty thousand dollars appropriated therefor by the act approved May eleventh, nineteen hundred and eight, entitled 'An act making appropriation for the support of the army for the fiscal year ending June thirtieth, nineteen hundred and nine,' is hereby reappropriated and made available, and forty thousand dollars additional, or so much thereof as may be necessary for said purposes, including the acquiring of water rights and lands for intakes and right of way for pipe lines from such intakes to said fort, is hereby appropriated, to be expended from the amount appropriated in this act for water and sewers at military posts; and the Secretary of War is hereby authorized to acquire such rights and lands by purchase or by condemnation proceedings;" and the Senate agree to the same.

F. E. WARREN,
J. B. FORAKER,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.
J. A. T. HULL,
JAMES HAY,
Managers on the part of the House.

STATEMENT.

The managers on the part of the Senate, at the conference on the disagreeing votes of the two Houses on the bill (H. R. 26015) making appropriation for the support of the army for the fiscal year ending June 30, 1910, submit the following written statement in explanation of the effect upon the total appropriation carried by the bill resulting from the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amount of bill as reported to Senate		$102,509,050.34
Added during consideration of bill by Senate:		
National road from St. Louis to Jefferson Barracks		127,000.00
Amount of bill as passed by Senate		102,636,050.34
Amounts dropped in conference:		
Contingent expenses at military posts	$2,500	
Pay of officers of the line	108,800	
Longevity pay of officers of the line	32,780	
Private secretary to Chief of Staff	2,400	
Pay of officers in Medical Department	151,100	
Pay of retired enlisted men	200,000	
Encampment and maneuvers, organized militia	175,000	
Barracks and quarters	500,000	
Roads, walks, wharves, and drainage	50,000	
Shooting galleries and ranges	5,000	
Road from Highway Bridge to Arlington	44,000	
National road from St. Louis to Jefferson Barracks	127,000	
Water rights for Fort William Henry Harrison (specific appropriation dropped, but expenditure authorized from total appropriation for water and sewers at military posts)	40,000	
		1,438,580.00
Amount of bill as reported by conferees		101,197,470.34

F. E. WARREN,
J. B. FORAKER,
J. P. TALIAFERRO,
Managers on the part of the Senate.

Mr. WARNER. I should like to ask the chairman of the Committee on Military Affairs a question. I was unable to determine by the numbers what amendments were agreed to or disagreed to. I ask him whether the amendment put on the bill by a vote of the Senate for building a road from the city limits of St. Louis through the Jefferson Barracks grounds to the national cemetery was concurred in by the other House?

Mr. WARREN. I am very sorry to say to the Senator from Missouri that all the amendments which proposed to build roads of that character went out in conference. We were compelled to surrender those in order to get an agreement. The rules of the House have been changed. The report must be voted on there as a whole. It seemed to be desirable to get a full report, and we were compelled to drop that and a few other similar matters.

Mr. WARNER. The sorrow of the Senator in charge of the bill does not exceed mine. I was in hopes that that amendment, which was put on by a vote of the Senate, would be insisted upon by the Senate conferees.

Mr. WARREN. I am sure if the Senator had been one of the managers of the conference he would have felt that every effort had been put forward to save that particular amendment, but it was impossible to save any of them and secure the report which has just been made.

The report was agreed to.

Mr. WARREN. I move that the report be printed as a Senate report.

The motion was agreed to.

INDIAN ALLOTMENTS.

Mr. GORE. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 316) was read, as follows:

Resolved, That the Attorney-General is directed to inform the Senate:

1. As to the number of suits to cancel conveyances of Indian allotments that have been brought in the eastern judicial district of Oklahoma since May 27, 1908.

2. The number of such suits involving allotments, if any, from which the restrictions had been removed either by the Secretary of the Interior or by act of Congress.

3. The number of such suits which have been tried upon their merits, and whether judgments were rendered in favor of the plaintiff or the defendant.

4. The number of such suits which have been settled otherwise than by trial, either by compromise, dismissal, or in any other way.

5. The number and names of the special attorneys or special agents who have assisted in the bringing of these suits, together with the date of their employment and the amount of compensation which they have been paid.

6. How many of the suits above referred to, both where the land was restricted and where it was unrestricted, were brought upon the request of the allottees, and how many were brought without such request.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. KEAN. I do not think I have any objection to the resolution, but I should like to look at it before it is passed, and I ask the Senator to let it go over until to-morrow.

Mr. GORE. Very well.

The VICE-PRESIDENT. The resolution will be printed and lie over until to-morrow.

REVISION OF THE PENAL CODE.

Mr. HEYBURN. I have been withholding a request for action on a conference report for a long time while the Senator from North Dakota [Mr. MCCUMBER] has yielded to various Senators. The time is running rapidly, and I shall soon be called upon to object to the transaction of other business.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors.

Mr. MCCUMBER. I move that the Senate nonconcur in the amendments of the House and ask a conference with the House on the disagreeing votes of the two Houses, the conferees to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TALIAFERRO conferees on the part of the Senate.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors.

Mr. MCCUMBER. I move that the Senate nonconcur in the amendments of the House and ask a conference with the House on the disagreeing votes of the two Houses thereon, the conferees to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TALIAFERRO conferees on the part of the Senate.

PAYMENT OF PENSIONS.

Mr. MCCUMBER. I ask unanimous consent that the Senate proceed to the consideration of the unobjected pension bills on the calendar.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The first unobjected pension bill on the calendar will be proceeded with.

The bill (H. R. 27049) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 16, after line 16, to strike out lines 17 to 20, inclusive, in the following words:

The name of Benjamin F. Green, late of U. S. S. Princeton, Minnesota, and Fort Jackson, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 8, to strike out lines 9 to 12, inclusive, in the following words:

The name of Henry G. Chritzman, late surgeon Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 3, before the word "dollars," to strike out "seventy-two" and insert "fifty," so as to make the clause read:

The name of Warren S. Dungan, late lieutenant-colonel Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 27469) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 5, line 19, before the word "dollars," to strike out "twenty" and insert "thirty," so as to make the clause read:

The name of Jacob W. Truxel, late of Company G, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 21, to strike out lines 22 to line 2, inclusive, on page 18, in the following words:

The name of John E. Robeson, late of Company D, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 15, to strike out lines 16 to 20, inclusive, in the following words:

The name of Emma C. Homer, widow of Horace Homer, late of Company E, Thirty-third Regiment Pennsylvania Volunteer Infantry, and acting medical cadet, United States Army, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 33, after line 15, to strike out lines 16 to 19, inclusive, in the following words:

The name of Charles P. Egbert, late of Company B, Mason's battalion, Pennsylvania Emergency Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. PENROSE. I ask that the Senate disagree to the committee amendment.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossd and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 27249) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, line 2, after the word "Navy," to insert "and pay him a pension at the rate of $30 per month," so as to make the clause read:

The name of Harry M. Haughawout, late apprentice seaman, U. S. S. Pensacola, United States Navy, and pay him a pension at the rate of $30 per month.

Mr. WARNER. I wish to make a parliamentary inquiry. If the Senate amendment is agreed to, will it be subject to amendment after all the committee amendments are agreed to?

The VICE-PRESIDENT. The bill is open to amendment now. It would not be open to amendment again while in Committee of the Whole. It would be open to amendment when the bill is reported to the Senate.

Mr. WARNER. I move, in line 3, page 2, before the word "dollars," that the word "thirty" be stricken out and the word "fifty" inserted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 2, after line 15, to strike out lines 16 to 19, inclusive, in the following words:

The name of Florence A. Scott, widow of Douglas M. Scott, late captain and commissary of subsistence, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

Mr. PENROSE. I ask that the committee amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 3, line 9, after the word "Corps," to insert "and pay him a pension at the rate of $36 per month," so as to make the clause read:

The name of Manuel P. Grundisch, late of United States Marine Corps, and pay him a pension at the rate of $36 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

POSTAL SAVINGS BANKS.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 6484) to establish postal savings banks for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business of the Senate be temporarily laid aside. Without objection, it is so ordered.

PAYMENT OF PENSIONS.

The bill (H. R. 28046) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 27974) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 3, line 8, before the word "dollars," to strike out "twenty" and insert "thirty," so as to make the clause read:

The name of Matilda B. M. Higgins, widow of Robert H. Higgins, late captain Company D, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 12, to strike out lines 13 to 17, inclusive, in the following words:

The name of Willis B. Blackwell, late of Company H, One hundred and thirty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 28047) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 4, after line 23, to strike out:

The name of Edward Kerns, late of Company M, Second Regiment Ohio Volunteer Infantry, war with Spain.

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

The name of John H. Gray, late of Company A, First Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to strike out:

The name of Martha Rebecca Young, helpless child of Benjamin H. Young, late of Captain Broadnax's company, Alabama Volunteers, Creek Indian war, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 3, to strike out:

The name of Elise Boettcher, widow of Edward Boettcher, late of U. S. S. Cushing and Vermont, United States Navy, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Edward Boettcher until he reaches the age of 16 years.

Mr. BURROWS. I ask the Senate to disagree to that amendment.

The amendment was rejected.

The next amendment was, on page 13, line 20, after the word "Spain," to insert "and pay him a pension at the rate of $50 per month," so as to make the clause read:

The name of William J. McGreevy, late of Company A, Sixteenth Regiment Pennsylvania Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The VICE-PRESIDENT. This completes the special order.

JAMES H. DE COSTER.

Mr. SCOTT. Mr. President——

Mr. FRYE. Will the Senator allow me to have a little bill passed, that will take but a minute?

Mr. SCOTT. Are you sure it will take only a minute?

Mr. FRYE. I am sure it will pass in a minute. I ask the Senate to proceed to the consideration of the bill (H. R. 5728) for the relief of James H. De Coster.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay $465.95 to James H. De Coster, postmaster at Mechanic Falls, Androscoggin County, Me., for postage stamps and post-office funds stolen from the post-office at Mechanic Falls aforesaid on May 30, 1900, and charged to James H. De Coster and paid for by him in his settlement with the Post-Office Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. FRYE. Thank you.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT. I ask unanimous consent to call up House bill 28059, the Military Academy appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. SCOTT. I ask that the formal reading of the bill be dispensed with, and that it be read for action on the committee amendments.

The VICE-PRESIDENT. The Senator from West Virginia asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment was, on page 2, line 9, after the word "Academy," to strike out the semicolon and insert a colon.

The amendment was agreed to.

The next amendment was, under the subhead "Permanent establishment," on page 3, line 16, after the word "quartermaster's," to strike out "depot" and insert "department," so as to make the clause read:

For pay of 1 line officer, on duty in quartermaster's department at academy, in addition to pay as first lieutenant, $400.

The amendment was agreed to.

The next amendment was, on page 6, after line 13, to insert:

One stable sergeant, $360.

The amendment was agreed to.

The next amendment was, on page 6, line 15, before the word "sergeants," to strike out "Six" and insert "Five;" and in line 16, before the word "dollars," to strike out "two thousand one hundred and sixty" and insert "one thousand eight hundred," so as to make the clause read:

Five sergeants, $1,800.

The amendment was agreed to.

The next amendment was, on page 12, after line 7, to insert the following proviso:

Provided, That the extra pay provided by the preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or army regulations.

The amendment was agreed to.

The next amendment was, on page 12, after line 16, to strike out the following proviso:

Provided, That the extra pay provided by the preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or army regulations.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of civilians," on page 16, line 5, before the word "dollars," to strike out "nine hundred" and insert "one thousand one hundred," so as to make the clause read:

For pay of one stenographer and typewriter in the adjutant's office, $1,100.

The amendment was agreed to.

The next amendment was, on page 17, line 13, before the word "hundred," to strike out "two" and insert "four," so as to make the clause read:

In all, to civilians employed at Military Academy, $77,458.

The amendment was agreed to.

The next amendment was, on page 17, line 17, before the word "dollars," to strike out "twenty-seven thousand three hundred and fifty-three" and insert "twenty-six thousand nine hundred and seventy-three," so as to make the clause read:

Total pay of Military Academy, $626,973.33.

The amendment was agreed to.

The next amendment was, on page 17, line 24, before the word "thousand," to strike out "one" and insert "two;" and in the same line, after the word "necessary," to insert the following proviso:

Provided, That hereafter the Board of Visitors to the Military Academy shall consist of five members of the Committee on Military Affairs of the Senate and seven members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof, who shall annually visit the Military Academy on such date or dates as may be fixed by the chairmen of the said committees; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees, acting jointly, at least fifteen days before the meeting. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board, and their actual expenses for travel by the shortest mail routes *Provided further*, That so much of sections 1327, 1328, and 1329, Revised Statutes of the United States, as is inconsistent with the provisions of this Act, is hereby repealed.

The amendment was agreed to.

The next amendment was, on page 19, line 10, before the word "furnaces," to strike out "and;" and in line 11, before the word "mica," to insert "and," so as to make the clause read:

For fuel and apparatus, namely: Coal, wood, charcoal, stoves grates, heaters, furnaces, ranges and fixtures, fire bricks, clay, sand, and for repairs of steam heating and coal conveying apparatus, grates, stoves, heaters, ranges, furnaces, and mica, $30,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 10, to insert:

For one typesetting machine, $3,700.

The amendment was agreed to.

The next amendment was, on page 20, after line 12, to insert:

For one 16-page cylinder press, $2,500.

The amendment was agreed to.

The next amendment was, on page 20, after line 14, to insert:

For one paper-cutting machine, $700.

The amendment was agreed to.

The next amendment was, on page 20, after line 15, to insert:

For six small electric motors, at $100 each, $600.

The amendment was agreed to.

The next amendment was, on page 20, after line 17, to insert:

For closets for stock, and office furniture, $600.

The amendment was agreed to.

The next amendment was, on page 23, line 22, after the word "one," to strike out "reflectorscope," and insert "reflectoscope," so as to make the clause read:

For purchase of 1 reflectoscope, $660.

The amendment was agreed to.

The next amendment was, on page 26, line 12, after the word "all," to insert "for expenses of the Board of Visitors and;" and in line 15, before the word "dollars," to strike out "twenty thousand five hundred and thirty-three" and insert "twenty-nine thousand six hundred and thirty-three," so as to make the clause read:

In all, for expenses of the Board of Visitors and for current and ordinary expenses, $129,633.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 26, line 22, before the word "wicking," to strike out "and;" and in the same line, after the word "wicking," to insert "and electric lamps and supplies," so as to make the clause read:

For gas coal, oil, candles, lanterns, matches, chimneys, wicking, and electric lamps and supplies for lighting the academy building, chapel, library, cadet barracks, mess hall, shops, hospital, offices, stables, and riding hall, sidewalks, camp, and wharfs, $10,000.

The amendment was agreed to.

The next amendment was, on page 29, line 5, before the word "dollars," to strike out "seven hundred and ninety-nine thousand seven hundred and eighty-six" and insert "eight hundred and eight thousand six hundred and eighty-six," so as to make the clause read:

Total Military Academy, $808,686.33.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 29, line 15, before the word "dollars," to strike out "one hundred and fifty" and insert "three thousand one hundred and fifty," so as to make the clause read:

For repairs to ordnance laboratory and other buildings pertaining to the department of ordnance and gunnery and materials for roads and walks, and for repairs to machinery and tools, $3,150.

The amendment was agreed to.

The next amendment was, on page 31, after line 13, to insert:

For beginning the development of the general plan for landscape improvements of the West Point Military Reservation, designed under contract by authority of the Secretary of War, $2,500.

The amendment was agreed to.

The next amendment was, on page 31, after line 20, to insert:

For preserving and marking Revolutionary forts, redoubts, and batteries, and other historic sites, situated within the limits of the West Point Military Reservation, $3,200.

The amendment was agreed to.

The next amendment was, on page 32, line 17, before the word "dollars," to strike out "twenty-four thousand and thirty-five" and insert "thirty-two thousand seven hundred and thirty-five," so as to make the clause read:

Total buildings and grounds, $1,732,735.

The amendment was agreed to.

The next amendment was, on page 32, after line 17, to insert:

Hereafter whenever any cadet shall have finished three years of his course at the Military Academy, the succeeding appointment may be made from his congressional district, or at large, in accordance with the existing law.

Mr. TILLMAN. I ask the Senator in charge of the bill to tell us what that means.

Mr. SCOTT. Will the Senator please restate his question? I did not catch it.

Mr. TILLMAN. I refer to the amendment on page 32 of the bill, beginning with line 18. I want to know why the amendment is there and what it means.

Mr. SCOTT. I will say to the Senator from South Carolina that the adoption of the amendment will mean the addition of a certain numbers of cadets—the appointment of one by each Representative and Senator in order to fill the vacancies which occur at the Military Academy and for the accommodations that we have now provided for additional cadets.

I am credibly informed by the superintendent of the academy that when a cadet has been there for three years, under this provision each Senator and Member of the other House would have the right to appoint a cadet before the graduation of the cadet who had served only three years in the academy. This would mean an increase of 88 cadets.

Mr. TILLMAN. The language is very obscure; at least it seems so to me, because I recall that some eight or ten years ago—twelve years ago, possibly—one of our Representatives, whose cadet failed, had a cadet appointed from some other State. The amendment says "at large." What does that mean, unless it means that the President shall appoint the cadet?

Mr. SCOTT. This does not provide for the President to make the appointment.

Mr. TILLMAN. It does not say that the Senator or Representative shall appoint.

Mr. SCOTT. The provision of the general law, as the Senator will see if he will refer to it, provides for Senators and Members of the House of Representatives making the appointments. I want to say to the Senator that these appointments would only increase the number of cadets by 88.

Mr. TILLMAN. It is not a question of how many it increases the number of cadets, but it is a question of whether they are to come from the same congressional district or from the same State, depending upon whether they had their appointment originally from the Representative or the Senator.

Mr. SCOTT. It provides only that the cadets shall be appointed in conformity with law; and the law is that they must come from the congressional districts, in the case of appointment by Representatives, but in the case of appointments by Senators, of course, the Senator would select the cadet from any part of his State he chose. It does not prevent him from taking a cadet from anywhere within, for instance, the State of South Carolina. All of that is provided for by the general law. This only gives the right to appoint a cadet one year in advance. Heretofore the law has been that a cadet must be graduated and thereby create a vacancy before an appointment could be made. This provision, as I have said, makes it possible for an appointment to be made a year in advance.

Mr. FRAZIER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Tennessee?

Mr. SCOTT. Certainly.

Mr. FRAZIER. Mr. President, in view of the inquiry of the Senator from South Carolina, I would suggest an amendment to the chairman of the committee in order that this provision

may be entirely clear. The purpose of it is very apparent to those who were instrumental in framing the amendment; but it may not be so clear to others. I would suggest an amendment after the word "or," in line 20, by inserting the words "from the State."

Mr. SCOTT. I will accept that amendment.

Mr. FRAZIER. The purpose of the amendment is simply to increase the number of cadets in the corps.

The VICE-PRESIDENT. Will the Senator from Tennessee kindly restate his amendment?

Mr. FRAZIER. After the word "or," in line 20 on page 32, I move to insert the words "from the State."

Mr. SCOTT. Then the provision will read "from the State at large."

Mr. FRAZIER. Yes, sir.

Mr. SCOTT. I accept that.

The VICE-PRESIDENT. The amendment proposed by the Senator from Tennessee will be stated.

The SECRETARY. In the committee amendment, on page 32, line 20, after the word "or," the last word in the line, it is proposed to insert the words "from the State," so as read:

Hereafter whenever any cadet shall have finished three years of his course at the Military Academy, the succeeding appointment may be made from his congressional district, or from the State at large, in accordance with existing law.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee [Mr. FRAZIER] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. KEAN. As I understand, this amendment of the committee increases the number of cadets at West Point by 88. It is general legislation, and I make the point of order against it.

Mr. SCOTT. Mr. President, I hope the Senator from New Jersey will withdraw that point of order. The increase of cadets by 88 under this proposed law at the expiration of 1914, we will say, will only increase the number of second lieutenants about 30. We have accommodations, and we have spent millions of dollars at West Point for accommodations to take care of these young men. We have the superintendent and the instructors, and we need the second lieutenants for the army, which, in the course of the weeding out during their academy course, I am sure will not exceed 30 in addition to the second lieutenants. I hope the Senator from New Jersey will withdraw his objection to this amendment.

Mr. KEAN. Mr. President, we are increasing every day the pension list and the retired list, as well as creating rank and new officers. I can not withdraw the point of order.

The VICE-PRESIDENT. The Senator from New Jersey insists upon his point of order.

Mr. KEAN. We do not want to increase the army now in time of peace.

The VICE-PRESIDENT. The Chair sustains the point of order.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 32, after line 21, to insert:

The Secretary of War is hereby authorized to permit Mr. Demetrio Castillo, jr., of Cuba, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Demetrio Castillo, jr., shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction: *And provided further*, That in the case of the said Demetrio Castillo, jr., the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The amendment was agreed to.

The next amendment was, on page 33, after line 8, to insert:

The President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint J. Randolph Peyton, late a cadet at the Military Academy at West Point, to the position of second lieutenant of infantry in the army, and to place him upon the retired list with the pay of a retired second lieutenant of infantry.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SCOTT. Before the passage of the bill, I want to appeal once more to the Senator from New Jersey [Mr. KEAN] to withdraw his point of order against the amendment on page 32, beginning with line 18, and I ask that the letter which I send to the desk may be read by the Secretary.

Mr. FORAKER. I want to offer an amendment, Mr. President.

Mr. SCOTT. I ask for the reading of the letter which I send to the desk, and I call the attention of the Senator from New Jersey to it.

Mr. KEAN. The Senator from New Jersey is listening.

The VICE-PRESIDENT. The Senator from West Virginia asks that the letter which he sends to the desk may be read by the Secretary. Without objection, the Secretary will read, as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, February 23, 1909.

Hon. F. E. WARREN,
Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

SIR: Under date of December 23, 1908, a memorandum was submitted to the chairman Committee on Military Affairs, United States Senate, bearing upon the question of increasing the corps of cadets at West Point. This matter was also taken up during the hearings on the Military Academy bill conducted at West Point.

I consider this the most important item of new legislation for the army which Congress is likely to take up at this session, and therefore I desire to lay before you the following additional facts bearing thereupon:

Since June 30, 1898, there have been 2,953 appointments to commissions in the army, exclusive of the medical department. One thousand five hundred and fifty-nine of these were to fill vacancies caused by increases in the army through legislative enactments and 1,394 were to fill vacancies caused by officers leaving the service through retirement, death, resignation, dismissal, etc. During this period 883 cadets were graduated at the Military Academy. Subtracting this number 883 from 1,394, it will be seen that the number of cadets graduated at the Military Academy during this period of ten years was 511 less than the number of vacancies in the army caused by casualties, so that without considering the increases in the army the cadets graduated from West Point have averaged 52 per year less than the vacancies caused by casualties. During the last five years the classes at West Point have been larger; they have averaged 105 per year, so that during the last five years the number of cadets graduated per year has averaged 35 less than the number of vacancies caused by casualties. I think that very few persons, either in the army or out of it, realize that during the past ten years the Military Academy has not only not furnished a single graduate to fill a vacancy made by increases in the army, but that the graduating classes have averaged 51 short of the number necessary to replace ordinary casualties, such as deaths, resignations, retirements, etc. The result of this has been that in the whole line of the army only 38.6 per cent of the officers are graduates of West Point, while 61.4 per cent are nongraduates.

It may be thought that the great number of casualties during the last ten years—1,394—has in a large degree been due to the fact that a number of old civil-war veterans have left the service during this time and that in the future the number of vacancies caused by casualties will be very much less, and therefore the necessity for additional cadets from West Point will in a short time be passed over. An investigation of the records, however, for the period covering the last thirty years shows that this assumption is entirely wrong. From 1878 to 1898 there was an average of 67.15 vacancies per year. This was practically .4 per cent of the authorized strength of the line of the army during that time. From 1898 to 1908 there was an average of 139.4 vacancies per year, which is about 4 per cent of the present authorized strength of the line of the army. During the years 1898, 1899, and 1900 the average number of vacancies per year was about the same as it is now—140 per year—but the strength of the army was less, so that during the last thirty years the average number of vacancies has been consistently the same proportionally, except during these three years, when it was somewhat greater, and there is no reason to believe that during the next twenty years it will not average about the same. The fact that there are relatively few old officers in the army who will create vacancies by retiring for age is offset by the fact that a large number of the officers who entered the Regular Army as a result of the Spanish-American war are not as well equipped mentally or physically for the army as those who have entered it under normal conditions. These officers are constantly dropping out because of physical retirement, inability to keep up in their studies, as result of courts-martial, resignation, etc. This is illustrated by the fact that of the 541 officers who left the active list of the army during the last four years, 61 only retired for age, and the remaining 480 created vacancies by reason of death, resignation, etc. Of the 480, 36 were general officers, 51 were colonels, 27 were lieutenant-colonels, 62 were majors, 91 were captains, 114 were first lieutenants, and 99 were second lieutenants.

The proposed increase in the corps of cadets would result in the graduation of about 130 cadets per year, beginning three years hence. Without considering any probability of a future enlargement of the army, this number will be barely sufficient to fill the vacancies caused in the army by ordinary casualties. Congress has made generous appropriations for increasing the facilities at West Point, and this enlargement of the institution has now progressed to the extent that about 125 more cadets can be accommodated. I therefore earnestly request that your committee use all possible efforts to have incorporated in the Military Academy bill the provision for increasing the corps, which was recommended and fully explained in the memorandum above referred to.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

Mr. SCOTT. I now ask that the telegram which I send to the desk may be read.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

WEST POINT, N. Y., *February 27.*

Hon. FRANCIS E. WARREN:

Have just made up results of candidates' entrance examination, which are as follows: One hundred and twenty-seven qualified and to be admitted, 108 failed to report, and 10 failed to complete examination. This leaves corps of cadets even 100 short. Can not recommend too strongly favorable consideration of proposition to increase the strength of the corps. Should increase be granted, of course the cadets will not enter until next year, so that it will make no change in appropriation for this year.

SCOTT, *Superintendent.*

Mr. SCOTT. I hope the Senator from New Jersey will withdraw his point of order.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Jersey?

Mr. SCOTT. Certainly.

Mr. KEAN. Mr. President, I do not believe in this proposed increase in the corps of cadets at the Military Academy. I therefore make the point of order against the amendment; but I am so strongly appealed to on all sides by Senators who, I suppose, are interested in the appointment of cadets, and so forth, that I shall have to yield. I withdraw the point of order.

Mr. TILLMAN. Then, Mr. President, I renew the point of order.

The VICE-PRESIDENT. The Senator from New Jersey [Mr. KEAN] withdraws his point of order against the amendment referred to, and the Senator from South Carolina [Mr. TILLMAN] renews the point of order——

Mr. TILLMAN. That it is general legislation.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and sustains the point of order.

Mr. FORAKER. I will help out to the extent of two, if the amendment which I now send to the desk can be adopted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of the bill the following:

That the President is hereby authorized to reinstate former cadets William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy at West Point in the class next below that from which they were dismissed as cadets.

Mr. DICK. Against that amendment I desire to lodge a point of order.

The VICE-PRESIDENT. What is the point of order?

Mr. DICK. That it is legislation upon an appropriation bill.

The VICE-PRESIDENT. The Chair is of the opinion——

Mr. du PONT. Mr. President, I should like the Senator from Ohio to withhold his point of order temporarily to allow me to say a few words on the amendment.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Delaware?

Mr. DICK. I gladly do that.

The VICE-PRESIDENT. The Senator from Ohio withholds the point of order.

Mr. du PONT. Mr. President, while the amendment before the Senate has my cordial support, I fully concur in the general proposition that discipline must be maintained at the Military Academy.

Mr. President, hazing is a practice not indigenous to the soil of America, much less to that of West Point. Like very many other habits and customs, it has come to us from Europe, and the "fagging" system, which has existed for centuries in the English public schools, may be fairly considered as its direct ancestor. Hazing has existed—I will not say it exists—at the Naval Academy at Annapolis, and it is a common practice in very many of our colleges and schools throughout the country, and, if the public prints are to be believed, it has even manifested itself in some institutions dedicated to the exclusive education of the gentler sex.

My personal observation and, I may add, my personal experience of hazing at the Military Academy is not of recent date, but at the period to which I refer the preponderance of public opinion in regard to hazing, both in and out of the army, may be fairly described as one of benevolent toleration, if not of tacit approval, and it was considered by many that hazing, as then practiced, did no harm and was formative of character in many cases, being a useful experience to the verdant and unsophisticated young man who had been leading the "simple life" in some remote rural community, as well as to the bumptious and conceited youth from one of our great cities, possibly a relative of some high official under the Government.

The state of affairs which confronted the newcomers who then joined the academy may be thus briefly described: They had to reckon with the first and third classes of cadets, the second class being absent on furlough. The first class, who had been three years at the academy, almost without exception, deemed it beneath their dignity to interfere with the newcomers. The third class, immensely impressed by the fancied importance derived from a twelve months' service at the Military Academy, and keenly reminiscent of their own experiences as new cadets the year before, indulged in all sorts of pleasantries and harmless practical jokes at the expense of those who had just joined, these annoyances occasionally reaching a point where the manhood or self-respect of the newcomer impelled him to resist. In such cases, public opinion compelled the tormentor to give personal satisfaction to the aggrieved new cadet, who could always rely upon a first class man's seeing that he had fair play.

The reflection, Mr. President, that it was a very unpleasant thing to be soundly thrashed by anybody, and particularly and especially disagreeable for a patrician third class man to be thrashed by a plebeian new cadet, probably did as much, in a quiet way, to keep hazing within reasonable bounds as the statutes and regulations of later days.

As time went on, however, Mr. President, the state of affairs just portrayed underwent a radical change. The first class men apparently abandoned the dignified and self-respecting attitude of former days and lost the commanding influence they once enjoyed in the corps of cadets. The third class was permitted to form itself into a sort of guild of tormentors, which selected as its champion and bully the strongest and most athletic member of the class, who alone would give personal satisfaction to any aggrieved new cadet. This abominable and cowardly custom, utterly subversive of the elementary principles of fair play, practically prevented the newcomers from obtaining any redress whatever at the hands of the old cadets, and encouraged the latter, immune from being called personally to account, to the perpetration of all sorts of contemptible indignities and brutal insults.

Outraged public opinion throughout the whole country quickly found its expression in the Halls of Congress in the shape of the exceedingly drastic statute which I will now read:

The Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy and shall not thereafter be reappointed to the Corps of Cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member. (Sec. 1496, Military Laws of the United States, act of March 3, 1901, 31 Stat., 911.)

This act provides for the summary dismissal of any cadet who, first, may be actually guilty of hazing; second, of any cadet who may encourage hazing; and, third, of any cadet who may countenance hazing, "countenance" being defined in the dictionary "to encourage, to favor, to approve, to aid, to abet."

It would seem that the military or moral turpitude involved is surely different in the three categories of offenses cited in the act, it being certainly more reprehensible to haze than to approve or to favor hazing, yet no distinction whatever is made in the punishment, summary dismissal being the penalty for any and all offenses.

The act also prescribes that the Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing.

It is submitted, Mr. President, that the rules thus made when approved by the Secretary of War have the force of law. Let us see what these rules are. They are embodied in paragraph 143 of the Regulations of the United States Military Academy, and this paragraph is divided into three sections, which I will not read, but ask that they may be incorporated in these remarks.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The matter referred to is as follows:

143. SECTION 1. Any cadet who shall strike, lay hands upon, treat with violence, disturb in his room or tent, or offer bodily harm to a new cadet or candidate, with intent to punish, injure, annoy, molest, or harass the same; or who shall, with the same intent, invite, order, compel, or permit a new cadet or candidate to sweep his room or tent, make his bed, bring water, clean his arms, equipments, or accouterments, or perform any other menial service for him, or to assume any constrained position, or to engage in any form of physical exercise; or who shall, with the same intent, invite, order, or compel any new cadet or candidate to eat or drink any article of food, or to take into his mouth any article whatever, or to do for him anything incompatible with the position of a cadet and gentleman; or any cadet whose duty it is to enforce camp, barrack, or mess regulations who shall permit any new cadet or candidate to eat or drink any article of food, or to take into his mouth any article whatever, in violation of said regulations, shall be summarily dismissed from the Military Academy.

SEC. 2. Any cadet found guilty of participating in, or encouraging or countenancing the practice of hazing shall be summarily expelled from the academy and shall not thereafter be reappointed to the Corps of Cadets, or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member. (Act of Congress, approved March 2, 1901.)

SEC. 3. Hazing under the provision of section 2 of this paragraph is defined to be any of the acts enumerated in section 1 of this paragraph, or any other treatment accorded a candidate or a cadet who has been connected with the Military Academy less than one year of a harassing, tyrannical, abusive, shameful, insulting, or humiliating nature, or that may endanger the physical well-being of such candidate or cadet.

Mr. du PONT. The first section prohibits all conceivable forms of physical annoyance or disturbance of new cadets, both violent and mild, which are enumerated with minute detail, as well as any description of menial service, compulsory or voluntary, and imposes the penalty of summary dismissal on all offenders.

The second section simply recites the act of Congress which I have read and which, as we have seen, requires the summary expulsion from the Military Academy of all offenders.

The third section, after referring to this provision for summary expulsion, officially defines hazing to be "any of the acts enumerated in section 1," which would seem to include every form of annoyance other than facial contortions, jocular remarks, and verbal insults. That these may be covered, the section ends by including in the definition of hazing "any other act of a harassing, tyrannical, abusive, shameful, insulting, or humiliating nature."

From the report accompanying the bill it will be seen, Mr. President, that the authorities of the Military Academy have, in direct contravention of the express terms of the statute, as well as of those of their own regulations, which have the force of law, deliberately recommended the suspension for one year of six cadets found guilty of hazing, and that such recommendation has been approved by the War Department.

This action, Mr. President, is a virtual confession by all concerned of the impossible character of the Draconian statute, with its ancillary rules of equally Draconian severity emanating from the Superintendent of the Military Academy. More than this, it is a complete demonstration of the absolute inefficacy of the measures taken to "prevent the practice of hazing."

Mr. President, General Grant, I believe, has declared that the rigid enforcement of a bad law was the quickest and best method of having it amended or repealed, and the Secretary of War has very wisely observed that it is the certainty and not the severity of punishment which deters offenders.

Let us then amend this Draconian statute, Mr. President, so as to require the immediate expulsion of all cadets who may be guilty of cruel outrage, of brutal violence, or of ungentlemanly conduct to the newcomers, and so as to leave it to the discretion of the military authorities to punish the less grave forms of hazing by suspension or such other penalties as may seem, in their judgment, adequate and appropriate.

Under sane and reasonable regulations rigidly enforced, I am persuaded, Mr. President, that the discipline of the Military Academy will be improved and that hazing at West Point will be better controlled and minimized, if not entirely eliminated.

Mr. DICK. Is any other Senator desirous of discussing the question? [A pause.]

Mr. President, this bill, S. 7486, now offered as an amendment, authorizes the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy.

Rossell and Weaver were dismissed from the Military Academy on the 24th of August last in pursuance of orders from the President and Secretary of War. Both were first class men, and Rossell was one of the honor men of his class. The specific charge against them is that of hazing, although the Secretary of War denies that they were expelled for that cause.

The Secretary of War, in his recommendation in the matter, which was approved by the President, said:

> Rossell seems to have been a ringleader in interfering with the plebes, and in at least one instance, and probably more, laid hands upon them, although not violently, and intimated when objection was made that the victim should either submit or fight. This probably brings him directly within the law, and I see no other course than that he should go. Weaver seems to have been not quite so pronounced in his behavior, although he was guilty of practically the same thing as Rossell.
>
> "The act of Congress that forbids hazing and directs regulations to be made by the authorities of the academy does not prescribe what hazing is. This is not a technical term, and we can only ascertain the meaning of the word by reference to standard dictionaries. Webster's International Dictionary defines hazing: 'To harass or annoy by playing abusive or shameful tricks upon; to humiliate by practical jokes—used especially of college students; as the sophomores hazed a freshman.' The Century and Standard dictionaries give practically the same definition.
>
> "Now, none of the acts shown to have been committed by these young men come within this definition of hazing. The evidence shows that while the offenders directed the plebes to 'brace'—that is, stand at attention with their shoulders thrown back, rub buckles, clean guns, bring water from the spring, fall in at the first assembly call, instead of five minutes later at the second call—still none of these acts can hardly be fairly brought within this definition. They all, undoubtedly, were improper interference with the plebes, constituting an assumption of authority over them in direct conflict with the regulations, for which severe punishment should be meted out.
>
> "But the act of Congress which forbids hazing is extremely drastic in character, in that it provides that any cadet found guilty of hazing shall be summarily dismissed from the academy, and, in addition, shall not be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army and Navy or Marine Corps until two years after the graduation of the class of which he was a member. This being so, I do not feel that it is just to extend the operations of this severe statute by implication, especially in view of the fact that, in my judgment, the offenses of which these young men were undoubtedly guilty can be adequately punished without resorting to the extreme penalty of expulsion. It is the certainty of punishment rather than the severity that deters the commission of offense. At the same time, it should be made very clear to all the young men at the academy that obedience to the regulations imposed and the observance of a proper deportment toward the younger members is exacted.
>
> "I therefore recommend that Cadets Rossell and Weaver be dismissed from the academy."

The act of Congress above referred to which prohibits hazing, was contained in the Military Academy appropriation bill, approved March 2, 1901, and reads as follows:

> *Provided further*, That the Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer of the Army or Navy or the Marine Corps until two years after the graduation of the class of which he was a member. (31 Stat. L., 911.)

The history of this enactment is as follows: A special House committee was appointed by a resolution passed December 11, 1900, to investigate hazing at West Point, and spent three weeks taking testimony. The committee submitted a unanimous report, which dealt at length with conditions then prevailing at the academy, and reported a bill which it asked to have enacted into law, believing its passage would greatly tend to the maintenance of discipline there and that its passage was necessary for that purpose. The proposed bill was not passed, but the above proviso was enacted.

Subsequent events only strengthened my firm belief that the bill proposed by that special House committee should have been passed. I have no feeling whatever against these two young men whose restoration to the Military Academy is provided for by this bill. If only their personal fortunes were involved, I would not withhold my support for an instant. Much larger interests, however, are at stake. The discipline of the entire corps of cadets at West Point is a much more important question, and the officers responsible for the instruction and discipline of the institution are unalterably opposed to the restoration. The law itself expressly prohibits the reappointment to the corps of any cadet found guilty of participating in or encouraging or countenancing the practice of hazing. The Secretary of War, however, quotes the common dictionary definition of hazing and concludes that none of the offenses charged against these young men came under that head. The worst practice charged against them, he says, is that the offenders directed the plebes to "brace." On the subject of "bracing" I ask to quote the following extract from the report of the special House committee above referred to which investigated hazing at West Point:

> The committee substantially confined its inquiries to the time since June, 1897, when the present senior or first class entered the academy. During all of this period new cadets have been placed in barracks in June and have remained there until July, when they have gone into camp and remained there until late in August, when they returned to barracks. While in barracks before going into camp they have been denominated by the upper class men as "beasts" and their quarters called "beast barracks." After the new cadets have moved from barracks to camp they have been styled "plebeians" or "plebes," and this has continued until received into full fellowship at the end of the first year. While the fourth class men have been in barracks before camp they have been instructed by the upper class men officially in charge of them that they must always obey all orders given them by upper class men. The upper class men at the academy are all substantially on a social equality, but a great gulf divides them from the fourth class.
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> The upper class men have gradually evolved an entire code of unwritten laws governing their relations with fourth class men, as well as the whole course of conduct which should be pursued by the latter. Under this code no friendships are formed between the upper class men and the lower class men; they have no social intercourse or relations. Except where the parties have been acquainted before entering the academy, the upper class man treats the fourth class man as unknown, a stranger, and an inferior. The fourth class man has no right to speak socially to the upper class man, and when he speaks to him on business he addresses him as "mister" or "sir." No fourth class man should gaze, stare, or even look squarely at an upper class man, but drop the eyes when in one's presence, and failure to do so is a punishable offense.
>
> It is the duty of a fourth class man when in the presence of an upper class man to stand at attention, as if in the presence of a superior officer. A fourth class man should be sober and dignified, as becomes one in training for the grave duties of an army officer, and he must at all times abstain from laughing or smiling, upon the one hand, or looking sullen, upon the other. The record shows that where a cadet has looked sullen upon being hazed he has been called out, and if he smiled he has been punished.
>
> The fourth class man must obey all orders of an upper class man and pay him the same respect due from an upper class man to the officers of the academy. After the fourth class men go into camp each is assigned, by lot or otherwise, to some upper class man as special-duty man, and as such must discharge the duties of a body and tent servant. He must sweep his superior's tent, put up and make down his bed, adjust the flaps of his tent, carry water; clean braces, brasses, breastplate, and other trimmings, guns, bayonets, and swords; clean and care for his clothes, taking out dirty collars and cuffs and putting in clean ones; take dirty clothes to the laundry and bring clean ones back, make out hop cards, copy reports, and discharge other similar duties.
>
> It is but justice to say that while under the cadet code a special-duty man is bound to do all these things, many of the upper class men fail to require that they all be performed; but, so far as your committee have discovered, all upper class men have required the performance of some of them. This special duty continues during camp. The upper class men, profiting no doubt by what they have learned from their predecessors and the aid of their own fertile ingenuity, have resorted to more than 100 distinct methods of annoying and harassing fourth class men. Your committee will not attempt to name or describe them all, but will name a number, describing them briefly when the name

itself does not sufficiently do so. They are divided into three general classes:

First. Things done professedly for the good of fourth class men or of the service.

Second. Things done to punish fourth class men for violations of the upper class code.

Third. Things done apparently without purpose, except to annoy, or for the mere amusement of upper class men.

Chief among the first of these classes is—

Bracing.—This consists in requiring the fourth class man to throw his shoulders back until the blades meet, draw his chin in, to a wholly unnatural degree, draw his abdomen up, and so walk that his toes touch the ground before his heels. It is claimed this is done to give a military carriage; but it has the contrary effect. It is such an exaggeration of the attitude of a soldier and is so irksome that when relieved from constraint the inevitable tendency is to more than normal relaxation and a slouchy carriage. The upper class man has required the fourth class man to brace at all times on the company streets, in camp, and frequently on other occasions, and this has on more than one occasion resulted in the victim fainting. Some doubt is cast upon the absolute belief upon the part of cadets that bracing is necessary to a good military bearing, and that it is their duty to practice it to attain that end, as they never brace an upper class man, no matter how slouchy he may be. Bracing is prohibited at the academy and has been frequently severely punished, but has been constantly and defiantly persisted in up to the time of the hearing by your committee.

"Bracing" was at that time clearly understood to be included in the category of hazing; and any act done to harass or annoy fourth class men, which sometimes results in the victim fainting, is clearly entitled to be classed under that head.

At the time the special House committee concluded the taking of testimony at West Point the following paper was presented, signed by the presidents of the four academic classes, promising on behalf of the cadets then at the academy to discontinue hazing. That communication is as follows:

WEST POINT, N. Y., *January 19, 1901.*

SIR: Having become cognizant of the manner in which the system of hazing as practiced at the Military Academy is regarded by the people of the United States, we, the cadets of the United States Military Academy, while maintaining that we have pursued our system from the best motives, yet realizing that the deliberate judgment of the people should, in a country like ours, be above all other considerations, do now reaffirm our former act abolishing the exercising of the fourth class men, and do further agree to discontinue hazing—the requiring of fourth class men to eat anything against their desire and the practice of "calling out" fourth class men by class action—and that we will not devise other similar practices to replace those abandoned.

Respectfully submitted.

For the first class:

W. REESE BETTISON,
President Class 1901.

For the second class:

B. O. MAHAFFEY,
President Class 1902.

For the third class:

QUINN GRAY,
President Class 1903.

For the fourth class:

JOSEPH A. ATKINS,
Representing Class 1904.

The SUPERINTENDENT UNITED STATES MILITARY ACADEMY.

The House committee expressed its belief that the cadets then in the academy would live up to these resolutions, observing at the same time, though, that there was no express promise to cease "bracing," although the communication expressly promised to abolish the exercising of fourth-class men, under which head "bracing" clearly comes. The four classes then in the academy have long since graduated and four more classes have come and gone.

As we stated in that House committee report, the ingenuity of cadets in inventing new forms of hazing is so great that it is impossible to name and describe them all in a statute. The present act on the statute books covering this point is, however, broad enough and was intended to cover and prevent all forms of hazing; and while these young men may not have been the worst offenders at the time of the occurrences which led to their dismissal, and it is possible the main ringleaders were never discovered, yet there is no question at all that they were engaged in these practices for which they were dismissed and that the good of the institution and the maintenance of discipline there demand carrying out the provisions and intent of the law.

If cadets who have been dismissed for these practices can come to Congress and be reinstated in the academy in defiance of the opposition of the superintendent, then discipline will be seriously impaired and the corps of cadets will be encouraged in a feeling, apt to become too prevalent, that the Military Academy is maintained for their special benefit, and that they, and not the army officers placed over them, control the conduct of the Military Academy; and it appears necessary that occasionally some drastic measure be taken to impress these young gentlemen with their real relation to the institution where the Government is educating and training them to be officers in the army of the United States.

Therefore the dismissal of these cadets was not only justified, but was demanded by the law and the circumstances, and it would be a serious mistake to reverse that action by making possible their reappointment. Experience shows that even the loss of a year's time at the Military Academy does not always make these young men mend their ways. A cadet was in August, 1898, convicted by general court-martial of harassing and annoying fourth class men and was sentenced to suspension, without pay, for one year. The day he returned he required a fourth class man to stand on his head and recite a humiliating verse, and upon the recommendation of the superintendent he was, with the approval of the Secretary of War, summarily dismissed.

Other conditions found to exist at the academy eight years ago, and which continue, were complained of by this special House committee. Quoting from that report:

There are 71 United States Army officers at the academy, including the superintendent—10 tactical officers and about 60 instructors—making about 1 officer to every 6 cadets. This would appear to be a sufficient number of officers to enforce discipline, but unfortunately in practice no one but the superintendent and tactical officers is charged with any duties in relation to discipline. Section 163 of the regulations, as established by the War Department, provides that each of the academic officers who knows of any violation of discipline shall report it. This regulation has become obsolete; but it was always so construed as to be of no value. Under the construction given it, if an academic officer saw a cadet in such condition as to clearly indicate he had been in a fight it was not his duty to report it. If he saw a fight he should so report, but if he saw the parties returning from the field of battle, bearing every evidence that they had been in a fight, he should not report it. This refined distinction applied to all the offenses, and was based on the thought that reports of offenses should not be made on suspicion, but on knowledge, ignoring the fact that evidences of breaches of discipline could be reported as distinct from charges. The result is that 11 persons are solely charged with maintaining discipline, in a reservation of more than 2,000 acres and more than 2 miles long, over about 450 cadets.

By the first and second sections of a bill introduced and reported herewith this fault is thought to be in a measure cured by requiring every officer at the academy to report every matter coming to his attention tending to indicate a breach of discipline, and requiring the superintendent to investigate all matters so reported.

This will not alone be sufficient to furnish adequate surveillance. The academy has two mess halls, and there is only one army officer present to watch the two, with between 400 and 500 cadets. In camp there is no adequate provision for surveillance by army officers, and it is almost wholly under the care of cadet officers and sentinels.

Complaint has been made before your committee that cadet officers are unfair in reporting fourth class men for demerits. It is not claimed that this unfairness consists in so reporting fourth class men when not guilty; but it has been claimed that cadet officers are inclined to more rigidly report odious fourth class men than others, and a few of the upper class men, when upon the witness stand, have avowed that they would do this. The majority, however, deny that they would be guilty of any such injustice. Your committee feel that if army officers were more directly in charge of the cadets and brought into more close contact with them that the danger of fourth class men being thus unjustly reported for demerits would be reduced. Aside from this, however, your committee are convinced that the presence of more army officers in the camp at all hours of the day and night is absolutely essential to the thorough maintenance of discipline.

Your committee also believe that if more army officers were in and about the camp it would lead to more intimate association and higher mutual respect and regard, and thus enable the officers more effectually to impress upon the cadets the degrading character of the offenses sought to be suppressed and the better purposes to which cadets should devote themselves.

Again, the close association of selected and experienced army officers with the cadets would greatly aid in the education of the latter and the improvement of their military character, instilling in their minds a high conception of the soldier's duty. At the close of academic studies in June the professors and instructors have leave of absence until the resumption of such studies in the following September, and so it is that throughout the camp and during the time when the most difficulty is experienced in maintaining discipline the reservation is almost entirely stripped of officers.

This should be remedied either by shortening the leave of the professors and instructors and requiring that only a part have leave at a time or by the assignment of such other army officers to the academy during that period as will effectually administer proper discipline.

It is to my mind clearly a mistake to leave the maintenance of discipline of these cadets when in their summer camp to the cadet officers. There should be army officers in attendance in sufficient numbers to see that the proper discipline is maintained; that the rules of the academy and of Congress are not violated; and that all improper practicing of the new men be stopped. Until some provision of this kind is made, it is more than likely that the country will continue to be treated at more or less frequent intervals with eruptions such as occurred there last summer and at previous times in the history of the academy.

As I said before, so far as these young men are concerned personally, I would be pleased to see them restored to the academy did I not believe that the best good of the institution and the maintenance of discipline there require that there be no relaxation of the penalty imposed for violation of the rules, regulations, and laws, with which they were thoroughly well acquainted.

Mr. President, in my judgment, those most to be consulted and whose judgment is most to be considered in disposing of the question of hazing at the United States Military Academy are the officers who are in charge and upon whom rests the responsibility of the discipline of that institution. All military men will agree that the basis for all discipline, whether in mili-

tary academies or in military organizations, is reverence for law and respect for authority; and if this sentiment is to pervade the army, the first place to teach it and the first place to enforce it is in the Military Academy of the United States, where we are educating men to be officers and gentlemen.

Some years ago, while I was a Member of the House of Representatives, a scandal occurred at the Military Academy, due to hazing. It was my fortune or misfortune to be placed upon the special committee previously mentioned, and together with my colleagues we made a searching and thorough investigation of the conditions which obtained at the academy at that time. I confess that when we went at the task my associates upon that committee shared with me the general impression that innocent hazing in an institution of learning, even at a military academy, was not a vicious or altogether bad practice. But at the end of a month's thorough search the committee were so thoroughly convinced—and I may say in passing that one of the members of that committee was a graduate of the institution—that our report and recommendations as to the legislation which now stands upon the statute books was without dissent, all agreeing that hazing destroyed discipline at the academy and that it worked harm in the army itself. The evil then does not cease in the classes at West Point. These vicious practices may go still further and work incalculable harm at a time of great emergency.

But, sir, in the inquiries made we ascertained, first, that a code had obtained there with reference to hazing, and so secretly was it carried on that even the officers in charge were not aware of its extent or its viciousness. More than a hundred methods of annoyance and harassment had been perpetrated upon the new cadets, and so thoroughly had it taken hold upon the older cadets of the institution that they came to think that neither the officers in charge nor the Congress had any right to interfere with their traditional rights with respect to this long-time practice.

There appeared before the committee a young man with a broken jaw, who insisted that in a hazing episode his jaw had been broken by his best friend. There were numerous cases where young men were hazed into convulsions. Of some others it was thought they would never recover their full strength and health; and in the particular case that we were called upon to inquire into, where the young man had died subsequent to his hazing and his leaving the academy, it was not possible for the committee to determine whether his death resulted from hazing or possibly from some other cause. But, sir, we found that it resulted in practices so humiliating, so distasteful, so harmful, that scores of cadets retired from the academy upon one excuse or another rather than to endure the persecution that had been put upon them by their elders.

The law was passed. Within a year or two some objections were made, as are now made, to the rigidity of its provisions. A consultation was had at that time with General Mills, then Superintendent of the Military Academy, inviting his attention to the proposed change, believing that if discipline was to be improved by a modification of the law, Congress ought to listen to his recommendations. But as superintendent of the academy, who had then served several years, and who had been present when this investigation or inquiry was made, he said the law worked so well that he would hesitate to recommend a single change in any of its provisions.

As to this particular case now under consideration, I have seen these cadets who were dismissed, and agree with the Secretary of War that they are young gentlemen of merit, capacity, and soldierly appearance, but can not agree with the Secretary as to some of his conclusions. In this matter it is not the men who offended with whom we are expected to deal, so much as the discipline at the academy, and for the complete elimination of hazing at that institution. These are the things for Senators to consider. In my judgment, supported by the officers of the academy in the correspondence now before the Senate, the restoration of the cadets dismissed for hazing will invite a return of these vicious practices and be destructive of discipline at the academy, which carried to its logical conclusion can bring no other result than destruction of discipline to the army itself.

These men had served three years, were within a few months of graduation, and the hearings show that all were perfectly familiar with the laws and regulations regarding hazing. Consequently their disobedience was not only a violation of the rules of the academy and of the regulations of the army, but an open defiance of the law of Congress.

One of the considerations for us to take into account in disposing of this matter is, Shall we permit cadets, being educated under the bounty of the Government for high positions in the public service, to defy with impunity the laws of Congress, and, defying law, to jeopardize authority in an institution where above all else the most important factor of their education is respect for law and duly constituted authority?

When this matter first came to the attention of the authorities it had been so quietly and secretly conducted that not an officer in the institution knew about it. The board was not created for the purpose of inquiring into any special case which had been called to its attention, but upon inquiry by the members of the board phases of hazing were discovered, and upon very careful inquiry it was found to have again crept into the institution to a very considerable degree, so much so that regretfully and reluctantly these men were dismissed. Under all the pressure that could be brought to bear by those higher in authority the superintendent and his subordinate officers of the academy, to their credit be it said, have protested against the restoration of these cadets until such time as the law itself had been fully satisfied, the course duly taken fully vindicated, and discipline at the academy safeguarded.

I regret that the Committee on Military Affairs reported favorably this bill to restore these cadets when it was introduced without having first called before it the officers of the institution or having had submitted to it the correspondence that passed between the War Department and the President and the academy officials.

In my judgment with such information the committee would have withheld a favorable report. In my judgment this correspondence would have estopped the Committee on Military Affairs from making the report now before the Senate, and because of the protest which those charged with the discipline of the institution have made—those upon whom we place the responsibility for the conduct of the academy in the training of these cadets, and upon whom so much of their future conduct depends—Mr. President, I object to favorable action, even though the proposed legislation in the form offered were in order.

The Secretary of War, seeking for some excuse for the restoration of these young men, who impressed him so favorably personally, searches for definitions of "hazing" in various dictionaries. I will not attempt to read them. They are in the report before the committee. The Secretary would have done better if he had sought for the definition as framed under the law of Congress by the Academy Board at West Point, and if under that law and those definitions he had arrived at his conclusion, I am satisfied he, too, would have said that under the law these men could not be restored.

I am not finding fault with his recommendations. That is entirely his official responsibility. But I can not share, as a Senator, in doing anything looking to the encouragement of hazing on the one side or the destruction of discipline at the military institutions of our country on the other.

It will not do to say that a military institution is upon the same basis as a civil educational institution. It is entirely different in character. Its chiefest instruction is discipline—respect for authority and enforcement of law—and where anything else is permitted, much less encouraged, it goes to final indifference and the possible destruction of law and order in the Government they are expected to serve.

These cadets are not boys. They are considered as men. By an opinion of the Attorney-General in 1824, they were considered officers of the army. It is no part of their business, certainly no part of their instruction, to carry on affairs of hazing, humiliating and insulting and punishing those whom they term their "inferiors" because of their shorter service in the academy. Nor am I putting the blame—I am not willing to put all the blame—on what we term the "older classmen" at the academy.

When the House committee made its recommendations, among the things suggested was that at the summer camp, where nearly all of this misconduct is perpetrated, in place of six or eight or ten tactical officers in charge of the camps, while the other sixty or seventy instructors are scattered over the country taking their summer vacations, a sufficient number of officers ought to be in charge so as to maintain discipline in every company and throughout the camp and compel complete obedience to the rules and regulations on the part of every cadet and an entire absence of the sort of persecution that has at times obtained. Plenty of officers at the camp would enforce proper respect and conduct.

Mr. President, just one word in conclusion, as I do not care to detain the Senate too long with a discussion which might cover hours of time, if the time were ours to dispose of, for if there were time I should like to read from the regulations which were made by the authorities at the Military Academy dealing with this subject. I should like to read extracts from an ad-

dress delivered by General Schofield, when he was superintendent of the Military Academy at West Point. I should like to read a few extracts from the report of the House committee when it made an investigation in 1901. But I will satisfy myself by reading a letter from Colonel Scott, the superintendent of the academy, as a last and final appeal in favor of sustaining the course of himself and associates in their efforts and endeavors to enforce the academy rules and regulations and the laws of Congress dealing with this unjust practice. This is an indorsement upon the bill that was referred to the superintendent for his comment. He says:

[Received back, A. G. O., December 20, 1908.]

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., December 19, 1908.

Respectfully returned to The Adjutant-General, United States Army, War Department, Washington, D. C.

The subject of hazing has always been a most difficult one and productive of much trouble in the past. Its consequences are not to be at all compared with similar acts committed in a civilian college or university. The records show that the superintendents for more than forty years have endeavored in vain to completely abolish it. A few years ago it brought about a congressional investigation and a special law against it. This caused a cessation for a time, but it is always liable to crop out suddenly and should be kept down with a strong hand, and the authorities here should be supported by the higher authorities, or it will work great damage to the discipline and good name of the Military Academy. It is against the sentiment of the American people, whose school this is, and who have forbidden it through their Congress by a special act.

The dismissal of these cadets was recommended regretfully after an investigation by a board of officers which gave the subject the most careful consideration. The cadets were well aware of the consequences of their acts; they had had the benefit of three years' instructions and were within a year of their graduation, when, if ever, they should have attained sufficient dignity and sense of responsibility to their Government to prevent them from such acts; and as much as the consequences to the cadets themselves are regretted, it is impossible to recommend any action that will permit the cadets of West Point to believe that the acts of Congress do not mean what they purport and can be violated with impunity.

H. L. SCOTT,
Colonel, U. S. Army, Superintendent.

[Third indorsement.]

To the Chief of Staff.

F. C. A.

The A. G. O., *December 21, 1908.*

Mr. President, I ask permission to insert in my remarks certain data important to the discussion.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

[House of Representatives. Report No. 2768. Fifty-sixth Congress, second session.]

INVESTIGATION OF HAZING AT THE UNITED STATES MILITARY ACADEMY.

Mr. DICK, from the special committee appointed under House resolution 307, passed December 11, 1900, providing, among other things, for an investigation of hazing at the United States Military Academy, at West Point, in the State of New York, submits the following unanimous report to accompany H. R. 14127.

The committee began the taking of testimony at Bristol, Pa., on January, 4, 1901, and the hearings continued at Bristol, Philadelphia, West Point, and Washington until January 24, 1901.

The committee substantially confined its inquiries to the time since June, 1897, when the present senior or first class entered the academy. During all of this period new cadets have been placed in barracks in June and have remained there until July, when they have gone into camp and remained there until late in August, when they returned to barracks. While in barracks before going into camp they have been denominated by the upper class men as "beasts" and their quarters called "beast barracks." After the new cadets have moved from barracks to camp they have been styled "plebeians," or "plebes," and this has continued until received into full fellowship at the end of the first year. While the fourth class men have been in barracks before camp they have been instructed by the upper class men officially in charge of them that they must always obey all orders given them by upper class men. The upper class men at the academy are all substantially on a social equality, but a great gulf divides them from the fourth class.

The upper class men have gradually evolved an entire code of unwritten laws governing their relations with fourth class men, as well as the whole course of conduct which should be pursued by the latter. Under this code no friendships are formed between the upper class men and the lower class men; they have no social intercourse or relations. Except where the parties have been acquainted before entering the academy, the upper class man treats the fourth class man as an unknown, a stranger, and an inferior. The fourth class man has no right to speak socially to the upper class man, and when he speaks to him on business he addresses him as "mister" or "sir." No fourth class man should gaze, stare, or even look squarely at an upper class man, but drop the eyes when in one's presence, and failure to do so is a punishable offense.

It is the duty of a fourth class man when in the presence of an upper class man to stand at attention, as if in the presence of a superior officer. A fourth class man should be sober and dignified, as becomes one in training for the grave duties of an army officer, and he must at all times abstain from laughing or smiling, upon the one hand, or looking sullen, upon the other. The record shows that where a cadet has looked sullen upon being hazed he has been called out, and if he smiled he has been punished.

The fourth class man must obey all orders of an upper class man and pay him the same respect due from an upper class man to the officers of the academy. After the fourth class men go into camp each is assigned, by lot or otherwise, to some upper class man as special duty man, and as such must discharge the duties of a body and tent servant. He must sweep his superior's tent, put up and take down his bed, adjust the flaps of his tent, carry water, clean braces, brasses, breastplate, and other trimmings, guns, bayonets, and swords, clean and care for his clothes, taking out dirty collars and cuffs and putting in clean ones, take dirty clothes to the laundry and bring clean ones back, make out hop cards, copy reports, and discharge other similar duties.

It is but justice to say that while under the cadet code a special-duty man is bound to do all these things, many of the upper class men fail to require that they all be performed; but so far as your committee have discovered, all upper class men have required the performance of some of them. This special duty continues during camp. The upper class men, profiting, no doubt, by what they have learned from their predecessors and the aid of their own fertile ingenuity, have resorted to more than one hundred distinct methods of annoying and harassing fourth class men. Your committee will not attempt to name or describe them all, but will name a number, describing them briefly when the name itself does not sufficiently do so. They are divided into three general classes:

First. Things done professedly for the good of fourth class men or of the service.

Second. Things done to punish fourth class men for violations of the upper class code.

Third. Things done apparently without purpose, except to annoy, or for the mere amusement of upper class men.

Chief among the first of these classes is—

Bracing.—This consists in requiring the fourth class man to throw his shoulders back until the blades meet, draw his chin in to a wholly unnatural degree, draw his abdomen up, and so walk that his toes touch the ground before his heels. It is claimed this is done to give a military carriage, but it has the contrary effect. It is such an exaggeration of the attitude of a soldier and is so irksome that when relieved from constraint the inevitable tendency is to more than normal relaxation and a slouchy carriage. The upper class men have required the fourth class man to brace at all times, on the company streets, in camp, and frequently on other occasions, and this has on more than one occasion resulted in the victim fainting. Some doubt is cast upon the absolute belief upon the part of cadets that bracing is necessary to a good military bearing and that it is their duty to practice it to attain that end, as they never brace an upper class man, no matter how slouchy he may be. Bracing is prohibited at the academy and has been frequently severely punished, but has been constantly and defiantly persisted in up to the time of the hearing by your committee.

Under the like claim as to their motives, the upper class men have deprived fourth class men of the privileges accorded to them by the authorities, such as having Saturday afternoon leave, and have ordered fourth class men to abstain from reading and letter writing except on Sunday.

The following are some of the second class of annoyances which have been imposed on fourth class men:

Eagling.—This consists in the fourth class man standing on his toes with his arms extended, dropping down to a sitting posture, rising part way, waving his arms like wings, again depressing his body to a sitting posture, rising in like manner, and continuing this during the period or for the number of times required. A fourth class man has frequently been required to eagle 100 and 200 times, and in some cases 300 to 400 times, and in at least one case above 600 times.

Wooden willying.—This consists in a fourth class man taking the regulation gun and drawing it up to the position of "fire;" then dropping it to the position of "ready," and continuing this for the period or number of times required. This has frequently been required 100 to 200 times.

Doing footballs.—This consists in lying on the back and without bending the knees drawing the legs up until they are at right angles with the body and then dropping them to the earth, continuing this for such period or number of times as may be required. A lower class man has frequently been required to do this from 75 to 100 times.

Choo-chooing.—This consists in lying on the back and working both legs and arms in imitation of the motion of the wheels of a locomotive.

Dipping.—This consists in placing one's body face down with his hands and toes on the ground or with the toes on the ground and the hands on a bucket, box, or the like, holding the body as straight as possible and raising and lowering it by the use of the arms alone.

Taking plebe's rest.—This consists in standing on the toe of one foot—say, the left—and raising the right leg up, resting the right elbow on the knee and the chin in the right hand.

Stretching.—This consists in hanging by the hands from a bar or rail on the canvas shelf in the tent known as the stretcher, with the legs bent at the knees, so as to be sure and have no support from below. A fourth class man is frequently required to hang this way until he drops from exhaustion.

Holding out gun.—This consists in holding out both arms in front and at right angles with the body and supporting upon the hands a regulation gun.

Swimming to Newburg.—This consists in lying face down and working the hands and feet as if swimming.

Sitting on bayonet.—This consists in assuming while on one's feet a sitting posture, with the bayonet standing point up under him, so that if through weariness he allows his body to sink down, he will be punctured with the bayonet.

Holding out Indian clubs.

Holding out dumb-bells.

Holding out the cleaning box.

Sweating.—This consists in putting a fourth class man in a tent with sides and back down and making him put on his rain coat, and frequently wrap himself in the bedclothing, and remain there any time required up to about half an hour. This is done in July and August and has more than once resulted in the fourth class man fainting.

Soirées.—It has been a common practice to call several fourth class men into a tent at one time between supper and tattoo and put them through numerous forms of exercising, usually making them eagle, wooden willie, do footballs, and hang on the stretcher. These meetings have been known as "soirées."

Requiring the taking of hot sauce.—For a long time there has been kept at the academy in connection with the mess what is known as "tropical sauce," which is similar to tabasco sauce. It is commonly known at the academy as "hell sauce." Sometimes it is spoken of as "pepper sauce" in the evidence, but it is much stronger than ordinary pepper sauce. It contains a large amount of oil of capsicum and is intended for use in soup and other foods, and by reason of its highly irritant character is not fit for use by itself when undiluted. It has with great frequency been administered as a punishment to fourth class men at mess, both while in camp and in barracks, and at some times at places other than the mess, in doses usually from 2 to 5 drops, but quite often in doses of 15 drops, and in some cases between 1 and 2 teaspoonfuls.

Eating quinine.—Cadets have been required to chew up as high as four quinine pills at a time, and after thoroughly masticating, swallow them.

The following are some of the third class of annoyances which have been imposed:

Qualifying.—This consists in requiring a fourth class man to eat at one sitting an extraordinary amount of some otherwise unobjectionable article, such as molasses, prunes, peach pie, or cabbage. In qualifying on molasses, a cadet must usually eat at one time a soup plate full. In qualifying on prunes, he has been made to eat as high as 130. A number of cadets have become nauseated by this process.

Feet inspection.—This consists in going to a fourth class man's bed with a candle and pulling the covers off his feet and inspecting them, and while doing so intentionally, but apparently by accident, dropping hot grease from the candle on the bare feet.

Dragging a man out of bed.—This is usually done by taking hold of the bed and dragging it and its occupant into the company street; but it has been done by taking the victim by the heels and dragging him out.

Throwing sentinel in the ditch while on duty.

Sliding on soaped floor.—This is done in the bathroom, and the fourth class man is made while naked to slide over the floor after it has been soaped.

Standing on head in bathtub filled with water.—In this the fourth class man is usually required, while standing as indicated, to recite something, and as a result the water runs into his nose and mouth and strangles him.

Standing on head in tent between tattoo and taps.—Whenever an upper class man puts his foot into a fourth class man's tent between tattoo and taps the lower class man must at once stand on his head; and some upper class men require fourth class men, while in this position, to recite something and make a left-hand salute with the right foot. Of late, to avoid being caught, it has been the practice of the upper class men from in or across the company street to say, "My foot is in your tent," and thereupon the fourth-class man must act as if the foot were in fact there.

Standing orders.—When these orders are given, a fourth class man is required to stand up the entire day except while at mess and sink.

Pillow fights.—These, harmless in themselves, are a serious wrong, because the upper class men order the fourth class men to engage in them at night, and then the latter are charged with demerits for making a disturbance in camp and thus lose standing in their class.

Cold baths in the company street.—A fourth class man is required to entirely strip himself and run down the company street while parties on the sides throw cold water on him. The indecency of this performance needs no comment.

Many of the things done by the upper class men are boyish pranks and are known as "funny formations," but even these are frequently conducted in such a way as to outrage the noblest feelings of the heart.

Philip H. Sheridan, jr., was compelled to ride a broomstick up and down the company street, saying, "Turn, boys, turn; we are going back," in mockery of his illustrious father's achievement at Winchester.

Your committee feel that a sufficient number of the methods used to harass and annoy have been named and explained to enable the House to understand their general nature. As this system grew and became more and more oppressive it became necessary to have some effective means to coerce obedience to these unlawful behests of upper class men, and to meet this demand a system of fighting has gradually grown up which is shocking in its character. Each of the upper classes has a regular fighting committee, and whenever it is reported, for example, to the president of the third class that some fourth class man has refused to obey any of the unlawful and illegal orders of an upper class man, or has in some other important respect violated the upper class code, all of which, it must be borne in mind, is in direct conflict with the regulations and rules of the academy, the president calls his fighting committee together, and, if it thinks the charge true, it orders the fourth class man called out and names the man who is to whip him.

There is usually an appearance of fairness about this in that an effort is made to have the combatants as nearly the same weight, height, and length of arm as possible, and the upper class man selected can not weigh above 10 pounds more than the lower-class man and must not greatly exceed him in height or length of arm. There is no fairness in it, in fact, however, as most of these fights take place while in camp and when the fourth class man has been in camp but a few days and during that time has been drilling four hours a day with a regulation and is usually so exhausted as to be weaker than when he came to the academy. The evidence shows that many of the lower class men leave their first camp thinner and lighter than they entered. On the other hand, the upper class man is hardened by more than a year's careful athletic training.

While upper class cadets insist that these fights are fair, they substantially all agree that the object of these fights is to punish the lower class man, and the upper class man who is to fight is selected with the intention and purpose of having him whip the fourth class man. A conclusive proof of the unfairness and inequality of these fights is found in the fact that so far as appears in more than forty conducted since June, 1897, the fourth class men have won four and two have been declared draws. It is perhaps fair to say that the fact that upper class men win an overwhelming majority of these fights may not be due wholly to superior strength or talent, but in part to the fact that the upper class men have greater familiarity with what is expected in such a contest, have more class and personal pride, and fight with more vigor and tenacity.

Some of the witnesses testified that if a fourth class man has conscientious convictions against fighting he is not bound to fight if he, in general, lives up to the like high ideal. This is largely theoretical, however, as the evidence shows no case of a fourth class man asking to be excused on this ground. There is also testimony that in one case after a fourth class man had fought more than once a chivalric upper class man announced that he had fought enough and if there were to be any more fights he would take the lower-class man's place. Unless excused because of his conscientious convictions, or because some upper class man has thus volunteered to fight his battles for him, a fourth class man is not at liberty to decline a challenge to fight sent by an upper class fighting committee, but must accept or be cut by the entire school, both the upper class men and his own. When the time for the fight arrives the parties retire to the appointed place, which, while in camp, is usually Fort Putnam, Fort Clinton, or Battery Knox, but at all other times at some room in the barracks or gymnasium. Each combatant is accompanied by two seconds from his own class, supplied with towels, sponges, and the like. At the fights, aside from the principals and their seconds, are the referee, timekeeper, and sentinels—usually four. All of these except the fourth class man and his two seconds are upper class men.

We do not find, however, that there has ever been any unfairness upon the part of the referee as against the fourth class man in his rulings. The sentinels are so posted as to preclude all possibility of anyone catching the parties in the act of fighting. When the fight takes place out of doors, a ring about 24 feet in diameter is marked off, but in barracks and in the gymnasium the ring is usually, of necessity, smaller. Each of the combatants strips off everything but a pair of trunks and a pair of rubber-soled shoes, and the fight commences with bare fists, and is conducted substantially according to Marquis of Queensberry rules, with two-minute rounds and one-minute rests. In one respect the fight is governed by West Point, as distinguished from Marquis of Queensberry rules. A fight to a finish has a more vicious meaning here than elsewhere. Theoretically when a man is clearly whipped his seconds may throw up the fight. The record shows, however, but one instance of this being attempted, and in that the principal was the upper class man in the fight and refused to abide by his seconds' advice. To show his grit and courage the defeated party, although helpless so far as fighting is concerned, must nominally go on so long as by any possibility he can come back to the ring, even though he is incapable of doing anything but take punishment. Many of the witnesses say that he must fight until knocked insensible; others say that of course he would be excused when physically incapable of coming up again.

The character of the fights thus indulged, not occasionally, but more than 40 times since June, 1897, is illustrated by the fact that there is evidence that in almost all instances the defeated party has had to go to the hospital, and in about half the cases the successful one has likewise gone.

The system is very well illustrated by the history of the Keller-Booz fight, hereafter fully described. This system of fighting has been the chief instrumentality for the maintenance of the authority of the upper class men over fourth class men. Presumably the fourth class men would refuse to be hazed beyond endurance but for the fact that their alternative is to submit to fight, with every prospect of defeat, or be cut by all the cadets at the academy.

In the opinion of this committee, when this system of fighting has been destroyed the worst forms of hazing must die with it. Such fights as these are felonies in many of the States. They have gone on for years at West Point, and no one has been punished during the period covered by the investigations by your committee, and the time has now arrived when Congress must decide whether the fights, substantially everywhere else treated as high crimes, shall continue to go on at the military reservation at West Point.

It is, of course, impossible to determine with mathematical accuracy just what has been the effect of this long course of cruel and annoying treatment upon fourth class men. We do know that several, notably Cadets MacArthur, Breth, and Burton, were hazed into convulsions; that many more, including Cadets Hascall, Kensel, McGinnis, and Pegram, were hazed until they fainted. Cadet van Natta, and perhaps others, have been hazed until sick. Cadets Booz and Breth were both treated with great severity, and were never well after they left the academy, and each died in his young manhood before the graduation of his class; but we can not affirmatively find that their death was caused by their treatment.

The foregoing description of the system of hazings and customary treatment of new cadets at the academy will aid in the understanding of the history of the late Oscar L. Booz, his conduct and treatment at the academy, the manner in which the grave newspaper charge came to be made that his death resulted from hazing whilst a cadet, and the extent to which there is foundation for such charge.

Oscar L. Booz, of Bristol, Pa., nominated as alternate, satisfactorily passed the preliminary physical and mental examinations for admission to the academy at Fort McHenry, Md., in March, 1898, and (the person nominated for cadet having failed in such examinations) was admitted to the Academy June 20, 1898, aged 18 years 11 months.

He had been graduated from the Bristol Public High School in 1896, was a student in Rittenhouse Academy, a private school in Philadelphia, during the succeeding academic year, and took the special course preparatory to admission to the United States Military Academy at St. Luke's Academy, Bustleton, Philadelphia, Pa., during the fall, winter, and part of spring of 1897-98, receiving the customary certificate or diploma for completing the course. In all this school experience his course was steadily progressive, and he showed uniform and marked proficiency in all branches studied, which included those he took up after returning to barracks at the Military Academy.

His physical condition before entering the academy was supposedly good, although he was not looked upon as particularly robust or much given to athletics. A preliminary to his nomination as alternate cadet was an examination in the summer of 1897 by Doctor Martin, who reported:

"He is organically sound, but * * * his chest muscles are not as well developed as could be desired, owing largely to little or no physical training. His expansion is fair, but can be improved by exercise. I have told him this and recommended a systematic course to be pursued, and no doubt by spring he will be in good condition and in a way to pass a physical examination."

Just what course in athletics was taken at St. Luke's the principal could not state, nor did he know that Booz needed special training.

From April 23 to May 14, 1898, he was under treatment of Doctor Martin for acute pharyngitis, and, although supposedly cured at the last date, he did not return to St. Luke's for a final two weeks' review of studies, writing that he felt that rest would be more beneficial to him.

His moral character was excellent; of gentle manner, he was unfailing in fidelity to truth and duty; of sincere piety, he was free from cant and was joyous in making those about him happy, and a secret inquiry to discover his real character, among those unbiased in affection, fully corroborated the testimony of the witnesses summoned by the burgess of Bristol.

His first experience at the academy was entirely agreeable, the words and tone of the letters he wrote friends voicing content and his demeanor attracting the notice of his fellow-classman A. R. Burnam, jr., who testified of him:

"He struck me as being a very pleasant sort of fellow, and I asked him to be my tent mate in camp. (We thought there would be two in a tent, but Albert was assigned to the same tent.) He was considered witty. They had a good deal of fun out of him on account of his name."

His treatment, save, perhaps, in the demands upon him to swallow tabasco sauce, which will be later noticed, was about the same as that of most cadets until several days or a couple of weeks after getting in camp on returning from supper, when a third-class man told him to leave the ranks and he made no attempt to do so. His conduct was strictly correct under the regulations lawfuly established, but under the lawless class despotism in vogue it was offensive, evidencing imper-

tinence, and the word was passed of his need of discipline and watch kept that a reasonable excuse might be furnished to administer chastisement. Many orders doubtless were given and not obeyed, but his conduct, being strictly correct, did not furnish the desired plausible pretext for a challenge to fight until the opportunity came late in July, when he was a night sentinel on post No. 5.

The orders for guard in camp are that sentinels will divide their posts into four equal parts. During the day they will walk the two middle parts, and between retreat and reveille their entire posts, except as otherwise prescribed in special orders for particular posts, and the special order for No. 5 was to walk that portion of the post in rear of the near-by company tents from tattoo until taps.

The corporal of this guard was not familiar with these orders, and on stationing Booz gave him the instruction appropriate before taps, and he proceeded to walk accordingly. This being observed by a third class man, the latter (without authority) proceeded to tell him to walk the entire post; others also demanded this course, and one says he kindly advised him, but he insisted in following the corporal's instructions. It was variously reported that he "mumbled something;" that he made various rejoinders, but there is no positive evidence of any response. He evidently believed the advice and command of the cadets were like the lawless ones he had oft before received, and paced the post his directing officer had indicated.

The corporal of the guard being called and not knowing what the post really was, got the copy of orders, learned that the demand to walk the entire post was proper, instructed Booz accordingly, and the latter proceeded to comply with the new and correct instructions.

The following day the "contumacy," "impertinence," or whatever the act of disregarding the directions of third class men was appropriately termed, was reported to the fighting committee of that class, with the alleged rejoinders and their insolence in words and manner, as no one could testify yet, as "it was said," etc., and (possibly after the mockery of a pretended hearing) he was called out and ordered to weigh and select his seconds. The third class men who had kindly *sought to make* him understand his post had in the meantime sought him, explained the serious offense of a guard not walking post, read the appropriate article of war, with its penalty of death or such other penalty as the court-martial might impose, and expressed the conviction that Booz would be reported, court-martialed, and shot, making "his eyes bulge pretty much; it sort of takes the wind of fourth class men to tell them the war regulations." This cadet also testifies he knew that Booz was not a sound man physically, but did not know that he was called out, and if he had known it would not have allowed the fight to occur at that time, although in the interview, for effect, he told him that if he (Booz) was of his size he would call him out and thrash him.

Owing to Booz being on guard July 30, the fight did not come off until August 6, Saturday being the only day when he could leave camp. His opponent was 2 pounds lighter, with the like trifling shorter height and reach, but was superior in every other respect, having had a year's training in the academy gymnasium and being in fine health, with seconds used to such encounters, and the referee, timekeeper, and sentinels all being upper class men, who, with every disposition to be just, felt the "plebe" was a sinner in need of punishment. He knew from the start he had no chance of winning, yet went to the scene of combat with apparent confidence and forced the fighting in the first round, landing once or oftener, but ineffectively, until a blow in one of his eyes brought blood and demoralized him, and in his mortification he wept.

In the second round he soon received a blow which his opponent at first described to a fellow-cadet as on the solar plexus, which sent him to the ground, and after some inconclusive efforts he declared he could fight no more, and was counted out. He was treated with entire deference by all parties to the contest during its continuance and at its conclusion, and returned to camp crestfallen and with bleeding nose, one black eye, the other eye with a cut under it, a couple of loosened teeth, and a bruise on his body near the heart. His opponent sought him and advised him that if he was seriously hurt he go to the hospital, giving in this action the best testimony of respect.

But the *same* veracious though invisible and undiscoverable witnesses who had heard him reply insolently to the commands to walk post properly saw him return to camp smiling and heard him boast of the easy trick whereby he had avoided severe punishment in the fight, and the anger of upper class men was aroused and his action in the fight was branded as lacking in spirit and disgraceful in an embryo soldier. That he had ever before been in a fight or had any knowledge of the duty under the cadet code of fighting to complete exhaustion has not been shown and is not believed, wor while upper class participants in the fight say he must have known the code, his seconds did not know it at the time and supposed he did all that honor demanded until they learned differently from upper class men on return to camp, one of them then becoming so incensed that he visited his principal, whom he had left with friendly respect a couple of hours before, and told him he was a disgrace to his class.

Some time after returning from the fight Booz was summoned to the near-by tent of Cadet Caples, who had reported him for not taking proper position as sentinel at command "posts" on being relieved at 6.50 a. m., August 3, and to which report an explanation had been sent the commandant of cadets that the report was a mistake, that he had faced properly and that the new sentinel faced the wrong way. Caples testified that he explained to Booz, whose nose was still bleeding, the serious offense in the estimation of the corps of making a false explanation, which he claims Booz acknowledged his to be. He denied threatening to scar Booz for life, as the latter wrote home had been done by the cadet reporting him, but it is evident his talk was severe and intended to terrify, and that no vigorous rejoinder was made. The corps ethics regarded as unjustifiable an explanation possibly true inherently, or believed so to be, but which could not be substantiated, and Booz may have confessed his inability to prove his contention, but no fair admission of falsehood was made by him, and he was evidently sincere in his contention. The commandant of cadets apparently took this view, for, while declining to accept the explanation, he made no charge of bad faith against Booz. This incident was later supposed by some to have been the cause, or one of the causes, of the fight, but it is clearly of later date than the calling out.

A considerable number of cadets took up the charge of failure to make an honorable fight and showered him with insulting comments, one of them declaring he would have kicked him (Booz) in the face if present when he failed to continue fighting, and several declaring he would always be in disfavor in the corps and in the army, if he got there; and the following day he wrote home announcing the fight and its results, saying, "the fellows here are brutes, and they have evil in their minds," and asking his father to grant him permission to resign. During the remainder of his stay at the academy an insulting remark would be dropped from time to time in his hearing to annoy him or provoke a fight, although most of the cadets knew or cared nothing of his affair, and the more dignified of those who knew and disapproved his part quietly ignored him, while his tent and room mate and other near friends remained steadfast in kind regard.

Before leaving Bristol the Sunday school of which he was a member gave him a reception and a handsome copy of the Holy Bible, and on entering the academy he united with the Y. M. C. A. and was a regular attendant at its meetings and a church communicant. He read his Bible regularly without hindrance, although occasionally the remark was made outside the tent that that was a pretty slick way to deadbeat, the innuendo being that the reading was for protection from annoyance by third class men, who refrained from their operations upon fourth class men while the latter were at devotions, reading the Scriptures, or performing any act of religion. He told his sister that a cadet had asked him to produce the Bible, and she inferred it was to deprive him of it, but the inference was without warrant.

The president of the Y. M. C. A., in a letter to Rev. Alexander Allison, D. D., who preached Booz's funeral sermon, said a cadet had seen Booz reading a novel held within the Bible, to deceive; but the cadet who made the statement testified he was not justified in making the charge, and it was unwarranted by the facts.

It has not been possible to definitely learn exactly when the taking of tabasco sauce was first required of Booz, but it was probably near the middle of July, in small doses, the quantity being later enlarged, especially after he got into disfavor. His tent mate, Burnam, was amazed at the quantity he said he was taking, and at the order to finish a bottle before breaking camp (a period of about two weeks), but he did not know if the order was seriously given, insisted upon, or fully complied with. Booz complained that it was ruining his stomach, and in answer to an inquiry from his father and brother, replied that "he was forced to take it—had to swallow it or strangle."

It has been inferred and charged that the force referred to was physical, but the evidence and fair inferences are all to the contrary, and the statement that it had to be swallowed or the victim be strangled is explained by the testimony of his tent mate, Albert; that he (Albert) and two others were told to stand up with mouths open, and that then a few drops of the sauce was squirted in, and nothing would be more natural than to swallow as the only relief from strangling in the sensation of pain following. Had physical force been used at any time in administering the irritant it would not only have been in conflict with the cadet code, but would surely have been mentioned by Booz to Burnam, if not to his father or brother. The force used was of a kind which could only be realized by him who underwent the torment.

The effect upon the throat tissues and digestive organs of the frequent swallowing of tabasco sauce, raw and in immoderate quantities, has never been observed and is therefore unknown, and the medical and surgical experts whose testimony was taken could only theorize that it was probably injurious. There is no testimony that Booz or any other unwilling taker of the sauce complained at, or at any period within weeks of, the taking of inability to swallow food.

The return to barracks and of the second class from furlough at the end of August marked a change of table companions in the mess hall, and Booz never after mentioned tabasco sauce to any cadet friend, and was probably thenceforth exempt from this form of torment, and sufficiently so from all other forms that, if health had permitted, he would have been able to pursue his studies, which then began, with ardor and success; yet the reverse was the case.

His roommate says of him after return to barracks:

"He studied very litle; complained every night, almost. He would say he got dizzy, and complained of his eyes."

First Lieutenant Jervey, instructor of modern languages, testified:

"Booz's face was colorless—ghostly. He was in my section four weeks. His marks were quite high the first week, but steadily declined thereafter."

First Lieutenant Coe, instructor of mathematics, testified:

"Booz looked to me that he might have something the matter with him constitutionally. He had a very pasty complexion. * * * His physical appearance led me to suppose that he probably was physically unwell, and that probably had a great deal to do with his mental condition. * * * His marks for the first three weeks brought him next to the lowest in the class. * * * He could not have passed the January examination."

His father having consented, Booz resigned the cadetship because of trouble with his eyes and was granted leave of absence October 5, 1898, when the resignation was accepted, to take effect October 31, 1898.

October 19, 1898, he consulted Doctor Wallace, a Philadelphia physician, who makes a specialty of the eye, complaining of trouble with the eyes and headache, and receiving treatment for a couple of weeks. December 23, 1898, he returned to Doctor Wallace and took a week or ten days' further treatment. The trouble with his eyes the doctor regarded as insufficient, in a young man of his age, to produce all the symptoms he complained of. The eyes were weak, due to a very exhausted condition—some profound depression of the system, the doctor supposed, without being able to decide whether it was the "inducing premonitions of tuberculosis" or caused by cruel treatment, but with a belief that severe treatment was much more likely the cause, and that physical injury, severe training, athletic exercises, drills, or studies would account for the trouble. Glasses and tonics were prescribed, and the patient was regarded as having been restored to health at the termination of the treatment.

Except as the foregoing may have extended into 1899, Booz does not appear to have had any medical treatment in that year. March 21 he wrote, describing the trouble with his eyes, especially since he had been home from West Point; that he had to wear glasses, and saying:

"I complained a little about my eyes when I was at St. Luke's, but thought it a trivial matter."

January 5, 7, 8, 9, 12, 15, and 21, 1900, he was treated by Doctor Martin for a catarrhal condition of the throat, and May 17, 21, 30, and June 2 and 11 for possible tubercular pharyngitis. He then got treatment from Doctor Weaver and later consulted Doctor Groom, who sent him to Dr. J. Solin-Cohen, the eminent throat specialist, on August 2. The latter diagnosed the case as tubercular laryngitis, and told the patient's sister the fatal nature of the disease, but treated the case until in November, when the patient failed in strength, and after treatment by Doctors Abbott and Weaver, respectively, he died at his home, in Bristol, December 3. Enunciation during the last few days was well-nigh impossible, but on the day before dying, being at times delirious, he exclaimed: "Have the tent ready; the inspector is coming;" and again, "They ought to have my throat."

The members of Booz's family entertained the conviction that the administration of tabasco directly occasioned the fatal disease of the throat, and based it largely upon the erroneous supposition that that disease developed very soon after returning from the academy, and that some of the physicians named were consulted soon after the treatment

by Doctor Wallace, instead of after the lapse of a full year, as shown by the evidence. They stated their belief to friends, and the story, with great embellishment, got into print and received highly sensational treatment.

December 1, 1900, the football team of the Military and Naval academies played their annual match at Philadelphia, and the newspapers of about that day, in the account of Booz's alleged maltreatment at the Military Academy, stated that, after being beaten, a fiery liquid had been pourred down his throat and that a red-hot iron had been thrust down his throat. The superintendent and other officers and the cadets were naturally indignant, and it was incorrectly assumed by most of them that the statements in their worst form were from Booz and the publications procured by him or his family, and in this belief, and with the feeling it engendered, the investigation into his career at the academy was conducted by those who had been his fellow-cadets. The statements of the superintendent were garbled and distorted in publication, so that needless passion was thrown about what should have had the calmest survey. The bereaved family never assailed the academy, its superintendent, or the body of the corps of cadets, or sought or intentionally originated or contributed to the sensational controversy.

It is purely speculative as to when the tubercular bacilli infected Booz, Doctor Solis-Cohen saying it is possible, but highly improbable, that he had his fatal disease on entering the academy. The consensus of medical opinion is that a weakened and depressed system makes infection possible, where otherwise the disease would be successfully resisted, and this weakness and depression existed for weeks after return from the academy. Whether injuries in the fight, disturbance of the stomach, irritation of the throat, mortification of feelings, and other superadded ordeals to the severe but proper duties of a cadet created the depression in Booz, and without these unlawful exactions he could have studied and gained in strength and vigor, are also problems beyond human knowledge to determine.

And the like commentary must be made respecting the case of John Edward Breth, who entered the academy June, 1897, was found deficient in mathematics January 25, 1898, and died in October, 1899, of typhoid pneumonia. It is clear that no academy incident could have caused this fatal disease, but it is supposed by the family and their physician that a nervous twitching was brought on by the severe hazings to which Breth was subjected and that his strength was sapped and he could not so well resist the disease or be controlled by the remedies administered. The photograph of this young man shows an exceptionally fine, pleasing, and intelligent countenance, and the impression on the beholder and the tenor of his former life are not in harmony with the testimony of his alleged awkwardness and dullness, and suggest the thought that severe and lawless exactions denied him his rightful opportunity and can not leave agreeable reflections to his cruel tormentors, the chiefs of whom were long since dismissed for dishonesty.

But while we can not fix upon hazing the responsibility for these two deaths, the possibility that it hastened them and the blot it throws on the otherwise fair and glorious fame of the academy, its conflict with proper training and discipline, and unfitness in this new century, urge the adoption of the reasonable, yet we believe effective, measures for its eradication and the promotion of discipline at the academy hereafter proposed by this committee.

It has been charged that Booz was persecuted because of his religion, and it was also charged by Mr. Albert that he was driven out of the academy because he was a Hebrew. Fully realizing that there should be no room in the academy for racial or religious ostracism, your committee made some special inquiry on the subject, and finds that on the whole a man's religious opinions are highly respected there. Cadet Meyer once called Cadet Albert "a damned Jew," but this was an isolated case, and Mr. Meyer claims to have done so because he thought Mr. Albert was attempting to conceal his race. Ex-Cadet Albert testified that Cadet Jordan also called him "a damned Jew" while he was at the academy. The conduct of these cadets was reprehensible, but in view of the fact that there was no evidence of like conduct by others and nothing to indicate that Meyer or Jordan were ever guilty of similar behavior at any other times, your committee feels convinced that Hebrews are usually treated with respect, and this conviction is strengthened from the fact that there are two Hebrews now at the academy, both of whom testify that they have never been subjected to any maltreatment whatever on account of their race or religion.

The evidence shows that it has been the rule not to haze cadets while reading the Bible or at the Y. M. C. A. The president of the Y. M. C. A. for the academic year 1899–1900 was Harry Mitchel, and it appears that he was sometimes called "Saintly Harry," "Saintly Mitchel," and "Prayer-Meeting Mitchel." While this could not be approved, it appeared that he was highly respected, and that those appellations were not used as terms of reproach.

Your committee is pleased to report that the cadets, as a class, have not been guilty of assailing men because of their race or religion.

Your committee having thus briefly told the nature of the treatment of fourth class men as gathered from about 5,000 pages of typewritten record, next call attention to the means employed by the authorities to suppress the evil, the difficulties met with, and the need for legislation from Congress.

At the outbreak of the Spanish war Lieutenant-Colonel Hein was commandant of cadets, and he was during the war also acting superintendent. In September, 1898, Colonel Mills was appointed superintendent and Lieutenant-Colonel Hein was retained as commandant of cadets. Both these officers have diligently sought to suppress the more serious forms of hazing, and have had a considerable measure of success, but many causes have contributed to defeat their efforts. The fourth class men refuse to tell the authorities anything about the abuse imposed upon them, first, because it is considered dishonorable to do so, and, second, because they believe they would be called out or otherwise seriously punished if they did. Hazing sometimes takes place in barracks and in daytime, but it usually takes place in an unlighted tent at night, between supper and tattoo, and this, of course, increases the difficulty of discovering and punishing the offenders. In this connection it is well to call attention to another cruelty of the system as it has been practiced. As the worst hazing is usually conducted in the dark, the tormentor, by his choice of time and place, has deprived himself of all ability to tell when his victim is exhausted.

Notwithstanding these and other difficulties, which will be referred to later, the superintendent diligently continued his efforts against hazing and to convince the cadet corps of its cowardly and degrading character. Cadet Phillip S. Smith was, in August, 1898, convicted by general court-martial of harassing and annoying fourth class men, and was sentenced to suspension without pay for one year. The day he returned, August 29, 1899, he required Cadet U. S. Grant, jr., to stand on his head and recite a humiliating verse, and upon the recommendation of the superintendent he was, with the approval of the Secretary of War, dismissed from the academy. In August, 1900, Cadet William F. Harrell was detected compelling Cadet Hunter to stand on his head in a bath tub full of water, as heretofore explained, and was, under recommendation of the superintendent, with the approval of the Secretary of War, dismissed from the academy.

A great number of severe punishments less than expulsion have from time to time been meted out to offenders, and finally, in September, 1898, the upper classes adopted resolutions pledging themselves to cease exercising fourth class men. The cadets are not all in accord as to just what this meant, but it is generally agreed that it included eagling, wooden-willying, doing footballs, choo-chooing, dipping, stretching, and the like; and it is equally agreed that it did not include bracing, dosing with hell sauce, qualifying, requiring service of special-duty men, or fighting.

Your committee ought, in fairness, to say that these resolutions have been kept by the upper class men in good faith, according to their several constructions of them, and as a result the camp of 1900 was the best in years and the most free from odius forms of hazing; but, as about twenty challenge fights have taken place since the adoption of these resolutions, it can not be claimed that an ideal condition was attained thereby.

There are 71 United States army officers at the academy, including the superintendent—10 tactical officers and about 60 instructors—making about 1 officer to every 6 cadets. This would appear to be a sufficient number of officers to enforce discipline, but unfortunately in practice no one but the superintendent and tactical officers is charged with any duties in relation to discipline. Section 163 of the regulations, as established by the War Department, provides that each of the academic officers who knows of any violation of discipline shall report it. This regulation has become obsolete; but it was always so construed as to be of no value. Under the construction given it, if an academic officer saw a cadet in such condition as to clearly indicate he had been in a fight it was not his duty to report it. If he saw a fight he should so report, but if he saw the parties returning from the field of battle, bearing every evidence that they had been in a fight, he should not report it. This refined distinction applied to all the offenses and was based on the thought that reports of offenses should not be made on suspicion, but on knowledge, ignoring the fact that evidences of breaches of discipline could be reported as distinct from charges. The result is that 11 persons are solely charged with maintaining discipline, in a reservation of more than 2,000 acres and more than 2 miles long, over about 450 cadets.

By the first and second sections of a bill introduced and reported herewith this fault is thought to be in a measure cured by requiring every officer at the academy to report every matter coming to his attention tending to indicate a breach of discipline, and requiring the superintendent to investigate all matters so reported.

This will not alone be sufficient to furnish adequate surveillance. The academy has two mess halls, and there is only one army officer present to watch the two, with between 400 and 500 cadets. In camp there is no adequate provision for surveillance by army officers, and it is almost wholly under the care of cadet officers and sentinels.

Complaint has been made before your committee that cadet officers are unfair in reporting fourth class men for demerits. It is not claimed that this unfairness consists in so reporting fourth class men when not guilty; but it has been claimed that cadet officers are inclined to more rigidly report odious fourth class men than others, and a few of the upper class men, when upon the witness stand, have avowed that they would do this. The majority, however, deny that they would be guilty of any such injustice. Your committee feel that if army officers were more directly in charge of the cadets and brought into more close contact with them that the danger of fourth class men being thus unjustly reported for demerits would be reduced. Aside from this, however, your committee are convinced that the presence of more army officers in the camp at all hours of the day and night is absolutely essential to the thorough maintenance of discipline.

Your committee also believe that if more army officers were in and about the camp it would lead to more intimate association and higher mutual respect and regard, and thus enable the officers more effectually to impress upon the cadets the degrading character of the offenses sought to be suppressed and the better purposes to which cadets should devote themselves.

Again, the close association of selected and experienced army officers with the cadets would greatly aid in the education of the latter and the improvement of their military character, instilling in their minds a high conception of the soldier's duty. At the close of academic studies in June the professors and instructors have leave of absence until the resumption of such studies in the following September, and so it is that throughout the camp and during the time when the most difficulty is experienced in maintaining discipline the reservation is almost entirely stripped of officers.

This should be remedied either by shortening the leave of the professors and instructors and requiring that only a part have leave at a time or by the assignment of such other army officers to the academy during that period as will effectually administer proper discipline.

In the tenth section of the bill reported herewith the Secretary of War is directed to meet this need. Under the present regulations one guilty of fighting or hazing may be dismissed or otherwise less severely punished. Your committee believe, and have so provided in the third and fourth sections of the proposed bill, that challenge fighting and the more serious forms of hazing should be punished by dismissal, and that the superintendent, charged by the first section with suppressing these evils, should have the power to take final action upon the findings of courts-martial and courts of inquiry adjudging a cadet guilty thereof. Not long since a cadet was dismissed from the academy and was shortly thereafter appointed to the Marine Corps, and now outranks all his former classmates. To avoid the repetition of such things, and to further punish the more serious offenses just referred to, the fifth section of the proposed bill prohibits all such appointments.

The ingenuity of cadets in inventing new forms of hazing is so great that it is impossible to name and describe them all in a statute, and for this reason the sixth section of the proposed bill directs all forms not specifically described to be suppressed under regulations lawfully made. Prior to June, 1879, regulations of the academy required cadets to answer all questions touching breaches of discipline, but at that time an amendment to paragraph 125 exempted a cadet from answering questions if the answer would criminate him. Your committee thinks this amendment was intended to be literally construed; that it was intended only to exempt the cadet where his answers would subject him to the criminal law in the ordinary course of its administration, and not when his answers would simply subject him to discipline while at the academy. Doubtless in the administration of such discipline one should be protected against the use of his answers in a criminal proceeding against

him, and we think this was the intention of the amendment in question. Its construction by the cadets has been wholly different from this. They have always construed it to mean that no cadet need answer any question if the answer would tend to subject him to discipline.

To illustrate the working of this regulation: About 18 cadets know of each fight—the members of the fighting committee which orders it, numbering about 6, the 2 principal combatants, 4 seconds, the referee, the timekeeper, and usually 4 sentinels. With this system of sentinels it is impossible to ever catch the parties in the act of fighting, and under the construction of the regulation in question every one of the 18 persons who knows anything about it is exempt from testifying. In this situation it is not to be wondered at that fighting has not been suppressed. The present superintendent made application to the War Department to amend the regulation so as to require all questions to be answered, but the department refused to do so, and we think rightly, because it had no power to protect the cadet from the subsequent use of his own evidence against him in a criminal proceeding. Later the regulation on this subject was so amended as to make the superintendent the judge of whether answering a question would tend to criminate the cadet, but while this made the superintendent the judge, he was in duty bound to decide correctly and excuse every cadet from answering criminating questions. Congress has the power the War Department lacks to at once compel every cadet to answer all questions as to breaches of discipline, and at the same time protect him against his evidence being used against him in a subsequent criminal proceeding, and thus defend all his constitutional and other rights, and the seventh section of the proposed bill, in the judgment of your committee, will accomplish this.

The present superintendent at one time, being unable with the means at hand to discover the perpetrators of certain offenses, attempted to convene a court of inquiry to aid him in doing so, but the War Department held such proceeding was unauthorized.

The ninth section of the proposed bill provides such authority, with ample safeguards for the protection of the rights of all.

Regulations of the academy have in the past been made by the War Department, upon the proposal of the superintendent. The academic board has not been consulted. The superintendent and commandant of cadets and other tactical officers are usually only at the academy for a short time. On the other hand, the academic board is composed of persons permanently located there. The tactical department is constantly changing; the academic board is substantially continuous. While fully indorsing the changes made while the academy has been under Colonel Mills and Lieutenant-Colonel Hein, your committee thinks that the regulations have been so frequently tampered with and changed by newcomers as to make them voluminous and lacking in homogeneous character. Your committee feel that the academic board, continuous in character and always interested in and familiar with its needs, should be consulted and given part in this work, and the eleventh section of the proposed bill so provides.

The regulations of the academy have been adopted at so many different times and have been so frequently changed that they are now very numerous, complex, and lacking in harmony and simplicity. To the end that they may be more thoroughly learned, understood, and obeyed, they should be thoroughly revised and simplified.

The night the taking of the testimony closed at West Point a paper was presented to your committee by the superintendent, Colonel Mills, and the presidents of the four classes, as follows:

WEST POINT, N. Y., *January 19, 1901.*

SIR: Having become cognizant of the manner in which the system of hazing as practiced at the Military Academy is regarded by the people of the United States, we, the cadets of the United States Military Academy, while maintaining that we have pursued our system from the best motives, yet realizing that the deliberate judgment of the people should, in a country like ours, be above all other considerations, do now reaffirm our former action abolishing the exercising of the fourth class men, and do further agree to discontinue hazing—the requiring of fourth class men to eat anything against their desire and the practice of "calling out" fourth class men by class action—and that we will not devise other similar practices to replace those abandoned.

Respectfully submitted.

For the first class:

W. REESE BETTISON,
President Class 1901.

For the second class:

B. O. MAHAFFEY,
President Class 1902.

For the third class:

QUINN GRAY,
President Class 1903.

For the fourth class:

JOSEPH A. ATKINS,
Representing Class 1904.

THE SUPERINTENDENT UNITED STATES MILITARY ACADEMY.

It is the belief of the committee that the present cadets will live up to those resolutions, as, upon the whole, they are a truthful set of young men. It should be observed, though, that there is no express promise to cease bracing; and upon some other subjects the resolutions are ambiguous. Trusting and believing that these resolutions will be kept, your committee thinks the bill introduced herewith should be passed to cover matters not contained in the resolutions and to avoid the revival of practices abolished thereby.

Your committee were, upon the whole, favorably impressed with the general bearing of the cadets and their manner and conduct, and were particularly so impressed as to the fourth class men, finding in their demeanor and conduct evidence of the improvement wrought by the partial abolition of hazing during the present academic year.

Your committee, however, were astonished to find that something at the academy has benumbed the consciences of most of these otherwise creditable young men as to the treatment due from the strong and experienced to the weak, the embarrassed, and the inexperienced. Before concluding, your committee ought to say that while substantially all fourth class men have been hazed to some degree and substantially all upper class men have in some measure engaged in the practice of hazing, a few fourth class men have wholly escaped and a few upper class men have entirely abstained from hazing, and we find a very large number of the upper class men have always been opposed to the more serious and brutal forms.

The War Department furnished your committee a complete transcript of the evidence taken before the court of inquiry which lately investigated affairs at the Military Academy, and the officers of both the Department and of the academy have at all times courteously aided this committee in every way in its efforts to discover the truth. The committee saw fit to adopt the testimony taken before the court of inquiry, so far as it extended, as part of its own evidence, and has utilized it in all respects as if taken before the committee, and has been greatly aided thereby.

The committee returns herewith, as an appendix to this report, the record of all the evidence taken by it, including the evidence taken before the court of inquiry before referred to.

It is the sense of your committee that the passage of the following bill would greatly tend to the maintenance of discipline, and that its passage is necessary for that purpose; and it therefore respectfully recommends that it do pass:

"SECTION 1. That the superintendent of the United States Military Academy at West Point, in the State of New York, shall suppress all challenge fighting and every form of hazing at the academy, and shall, whenever advised of any facts tending to indicate any violation by a cadet or cadets of the laws of the United States, the regulations of the academy or its rules, at once investigate the same in person or cause to be convened a court of inquiry to do so, as hereinafter provided.

"SEC. 2. That it shall be the duty of every professor, assistant professor, academic officer or instructor, as well as every other officer stationed at the academy, to promptly report to the superintendent any fact which comes to his attention tending to indicate any violation by a cadet or cadets of the laws of the United States, the regulations of the academy or its rules.

"SEC. 3. That any cadet who shall act upon or be a member of any fighting or like committee, send, carry, or accept or order a challenge to fight, or be in any manner concerned or engaged in a fight preceded by a challenge, or order, or shall act as a referee, timekeeper, second, or sentinel thereat, or shall upbraid, abuse, or insult, or in any way maltreat any candidate or cadet because of his having refused to send or accept a challenge, or order to fight, shall be dismissed by the superintendent.

"SEC. 4. That any cadet who shall direct, invite, or request any candidate or cadet to eat or drink anything for the purpose of punishing, annoying, or harassing him, or who shall, without lawful authority, direct or require any candidate or cadet to brace, or engage in any form of physical exercise, shall be dismissed by the superintendent.

"SEC. 5. No cadet dismissed under either of the two preceding sections shall be in any way reinstated or reappointed to the academy; and no such cadet shall ever be appointed to any office in the Army, Navy, or Marine Corps.

"SEC. 6. All forms of hazing not herein expressly provided for shall be suppressed, under such regulations as shall now exist or may hereafter be lawfully established for the academy.

"SEC. 7. Every cadet shall at all times be required to answer all questions pertaining to infractions of the laws of the United States, the regulations of the academy or its rules put to him by any court-martial, court of inquiry, or any officer of the academy; and upon his refusal so to do he shall be dismissed by the superintendent. But his evidence shall not be considered as against him in passing upon his guilt or innocence of any such infractions, nor shall it be used against him in any criminal proceeding or civil action for damages.

"SEC. 8. When the superintendent knows or has reason to believe that any cadet is subject to the punishment prescribed in sections 3, 4, or 7 hereof, he is authorized to and shall at once convene a court-martial composed of not less than three commissioned officers to try such cadet. The finding of such court-martial, when approved by the superintendent, shall be final, and any cadet found guilty by it under any one of the said sections shall be dismissed, as in such section provided.

"SEC. 9. Whenever the superintendent shall report to the Secretary of War that he has reason to believe that there have been infractions by one or more cadets of the laws of the United States, the regulations of the academy or its rules, and that he has been unable to ascertain the perpetrator or perpetrators thereof, or to obtain sufficient evidence to warrant action, the Secretary of War shall at once convene a court of inquiry to inquire into such supposed infractions, with directions, without unnecessary delay, to report the evidence taken by them and their findings and recommendations, all of which shall when returned be transmitted to the superintendent, who shall thereupon enforce the laws, regulations, and rules as against all persons so reported to have violated them: *Provided*, That when evidence shall be adduced before such court of inquiry tending to show any infraction by a given cadet of the laws of the United States, the regulations of the academy or its rules, said cadet shall be at once notified and shall be entitled to be at all times present while the inquiry is going on as against him, and to have witnesses called in his behalf and to otherwise defend himself.

"SEC. 10. It shall be the duty of the Secretary of War to assign to the academy a sufficient number of officers of the army to at all times strictly enforce the laws of the United States, the regulations of the academy and its rules, and to furnish such instruction and surveillance as may be necessary to insure that end; and he shall make such regulations as are necessary to produce such direct contact between the officers and cadets as will result in a thorough enforcement of this act.

"SEC. 11. Regulations of the academy, not inconsistent with the laws of the United States, shall be made by the Secretary of War. The superintendent may from time to time propose any change in or amendment to such regulations; but before doing so shall convene the academic board, which shall vote upon the advisability of the proposed change or amendment, and its vote shall be forwarded to the Secretary of War by the superintendent with his proposal. The academic board may from time to time propose any change or amendment to the regulations; but such proposal shall be made through the superintendent and shall be accompanied with his recommendation.

"Nothing in this act shall deprive the superintendent of the authority to make internal rules for the government of the academy not inconsistent with the laws of the United States or the regulations of the academy."

CHAS. DICK.
IRVING P. WANGER.
WALTER I. SMITH.
EDMUND H. DRIGGS.
B. T. CLAYTON.

AN ADDRESS DELIVERED BY MAJ. GEN. J. M. SCHOFIELD TO THE CORPS OF CADETS, UNITED STATES MILITARY ACADEMY, WEST POINT, N. Y., MONDAY, AUGUST 11, 1879.

YOUNG GENTLEMEN: I have some words to say to you, and I will try to detain you no longer than may be necessary.

I have chosen this mode, rather than that of a printed order, of saying what I wish to strongly impress upon your minds, partly because I

am doing my duty toward you, as your instructor, quite as much as my duty toward the Government, as your commander.

I am about to speak to you upon the subject of the treatment of new cadets by their seniors in the corps; and I have first to say that I do not hold you as individuals primarily nor chiefly responsible for the offenses which many of you have committed against new cadets. The practice of hazing has prevailed in most, if not all, of the institutions of learning both in this country and in England for many generations. It has always been condemned by the more enlightened and generally denounced by the regulations, yet it has generally been tolerated as a supposed unavoidable evil which did no great amount of harm and some good. Like the institution of slavery, until recently tolerated in this country because it had been inherited from our ancestors, it has even been defended by many on the assumed ground that it was rather beneficial than otherwise to the poor victims.

Enlightened public opinion throughout the civilized world now condemns slavery, both because it is a violation of the natural rights of man and because it is injurious to all concerned.

The venerable vice of hazing is of the same general character. It is a violation of the equal rights given by nature and guaranteed by law. It is the forcible deprivation of your fellow cadet or student of the quiet enjoyment of the rights given him by his appointment and guaranteed him by the laws and regulations. It is, therefore, nothing more nor less than robbery. In some cases it is even more offensive and humiliating to the victim than would be the forcible deprivation of his money or his watch. Not only reason and good morals, but also the law, rank these two offenses as essentially the same in kind.

Probably few of you have ever thought of the subject in this light, and doubtless the most of you may be shocked at this first view of its true character, but none of you will need more than a moment's reflection to correctly perceive it.

The spirit of hazing is even more nearly allied to that of the wanton incendiary who plies the torch for the fiendish pleasure of dancing around the ruin and misery that he has wrought. The same spirit which causes the small boy to delight in torturing his smaller and humbler neighbor moves the third class man who "yanks" and throws water on a "plebe," and finally develops, in time of war, into the wanton destroyer of institutions of charity and of learning and works of art. The seed sown in youth, or possibly inherited, can not fail to bear its fruit in time unless the weed is eradicated.

The practice of hazing is both injurious and humiliating to its victims and degrading to those who engage in it. It unduly excites class feeling, which is always quite strong enough, and has often engendered animosities which many years have not sufficed to allay.

Class associations are but temporary, and are of very little effect after graduation. Your constant associates after you leave the academy must be the members of higher and lower classes. The memory of ill-treatment will remain with its victim as long as he lives. You can never be a "brother officer" to him whom you once degraded. The stern discipline of a commanding officer will soon be forgotten when it can be remembered that he always treated his subordinates with justice and due respect. But wanton injustice and contumely can never be forgotten, except by a spirit too mean to feel its sting.

The practice of hazing has not at West Point even the poor excuse that is urged for it at civil colleges, for the military discipline and instruction which all new cadets must necessarily undergo, are quite sufficient to cure them of any undue egotism with which they may be afflicted upon entering the academy. But no consideration of mere utility, even if that could be fairly urged, could justify the violation of individual rights. Hazing is essentially criminal and must therefore be suppressed.

Like all vicious and illegal indulgences, the practice of hazing tends toward revolting extremes. In former times at West Point it was confined, with rare exceptions, to comparatively harmless sport. Sometimes the treatment was quite rough and accompanied by more or less of vulgarity. But any approximation to degrading or insulting treatment was almost unknown. The use of such names and epithets in speaking to a new cadet as seem now to be comparatively common would then have been instantly followed by bloodshed. Thirty years ago, if a new cadet had been assailed with the words "you d——n slimy beast," he would have done his best to kill his assailant on the spot. Anyone who would have addressed another in such words would have been denounced and "cut" even by his own class.

But by degrees, here as elsewhere, the poison seems to have spread and become more and more virulent, until now insulting and opprobious names and epithets are applied to new cadets, and they are subjected to degrading treatment, such as no gentleman can possibly justify or defend. Yet such conduct seems to excite no particular emotion among cadets, and is tamely submitted to by the victims. Even many of the younger graduates, who have probably gone through the same experience when cadets, seem not to have recovered from the demoralizing effect. Better, far better, that West Point be destroyed and its greatness exist hereafter only in history than that such a standard of gentlemanly honor become the established standard of the corps of cadets.

Again, the general toleration of this vicious habit naturally leads to a combination among classmates to protect those who are guilty of it. Thus those who are justly proud of the title of gentlemen and who wish to guard it with jealous care find themselves indorsing and defending the most ungentlemanly acts, and are finally led into an unlawful combination to protect from just punishment those who are guilty of acts which all must condemn. Thus it is that habitual indulgence in practices which are essentially wrong inevitably leads to crime.

The very foundation of civil society is mutual respect for individual rights. And nowhere is such mutual respect more strictly enjoined and rigidly enforced than in military organizations. Without it tyranny on the one hand and disaffection and mutiny on the other must destroy the efficiency of an army. Those who wantonly inflict insult and abuse upon their inferiors and those who tamely submit to such treatment from those who may be placed over them are alike unworthy to be the soldiers of a free country.

Military law necessarily prohibits, under the severest penalty, any act of retaliation by the inferior for abusive treatment on the part of a superior on duty. But the law points out the proper mode of redress in such cases, and he who fails to avail himself of this mode and tamely submits to unlawful treatment stands dishonored as lacking the courage to defend himself. He who possesses true courage will defend himself from wrong by all lawful means, denounce his assailant, and bring him to justice. It is an extremely false notion of honor that compels a man to submit to any violation of his personal rights rather than to bring his oppressor to lawful punishment. His honor requires of him precisely this lawful mode of redress.

It is a great mistake to confound this lawful denunciation of those guilty of personal wrongs with the odious office of a public informer. It is the duty of the officers of the law to detect and bring to punishment those who violate any public right. Voluntary informers are justly regarded with disfavor. So in the corps of cadets it is the duty of the officers, sentinels, and others on duty to report all violations of the regulations, and not the duty of cadets in general to voluntarily inform on their companions. But as the citizen brings before the magistrate one who assaults him or robs his house, so the cadet should report anyone who violates his personal rights and defend himself, so far as he lawfully may, against such abuse. Self-defense is the first law of nature. He who declines it forfeits his manhood.

The most odious of all forms of tyranny is the tyranny of a mob—that is, of an unlawful combination of many persons to overawe an individual and compel him to submit to wrong or deter him from the exercise of his rights or the denunciation of those who have wronged him. Of this character are class combinations to force a cadet to submit to hazing or to punish him in any way if he complains of those who abuse him. A young man of real courage will defy such threats, let the consequences be what they may. It were better to suffer anything than to tamely submit to tyranny.

The spirit which dictates hazing and its official counterpart, a harsh instead of a mild mode of imparting military instruction and enforcing obedience, is radically wrong. The best and most successful commanders of all grades are those who win the respect, confidence, and affection of their subordinates by justice and firmness, tempered by kindness. The discipline which makes the soldiers of a free country reliable in battle is not to be gained by harsh or tyrannical treatment. On the contrary, such treatment is far more likely to destroy than to make an army. It is possible to impart instruction and give commands in such manner and in such tone of voice as to inspire in the soldier no feeling but an intense desire to obey. While the opposite manner and tone of voice can not fail to excite strong resentment and a desire to disobey. The one mode or the other of dealing with subordinates springs from a corresponding spirit in the breast of the commander. He who feels the respect which is due to others can not fail to inspire in them regard for himself. While he who feels, and hence manifests, disrespect toward others, especially his inferiors, can not fail to inspire hatred against himself.

The differences among men are far less than they generally seem. It is only when the difference is really trifling that it seems to those concerned so very great. Thus the cadet of one year's standing thinks he sees an enormous gap between himself and the newcomer, and looks down upon the latter as a mere animal whom he may justly torture as a small boy does a cat. While to the more distant and impartial observer the difference between them is barely perceptible and may be wholly obliterated by the scratch of a pen, as has been illustrated by some recent examples.

A veteran soldier sees but little difference between the different grades, from his own down to that of a junior cadet, and treats all with nearly equal respect. It would be well for young soldiers to profit by such examples. The road to military honor will be guarded all the way by the hearts of those who may be your subordinates. You can not travel that road unless you can command those hearts.

This practice of hazing is now unanimously condemned by all those in high authority in the Government, by all the eminent men of the country, and by the public press. Even the parents of those cadets who have suffered punishment denounce the practice. The most that any plead for is forgiveness for the follies of boys who are not old enough to know better. Are you, young gentlemen, willing to be regarded as boys? To be treated as boys who are not old enough to know how to behave yourselves? No! I have disdained, on your behalf, to consider the subject in this light. You are old enough and have sense enough to see this matter in its true light. Many of you have not so seen it heretofore, because you have been badly instructed. Partly from the practice at other institutions where you have been educated, partly from association with rough companions in all parts of the country, and much more from inheritance of a vicious practice which has so long been indulged here, you have imbibed false notions of the character of this practice. But now, since the view of it entertained by all those in authority has been clearly pointed out to you, I shall not give my assent to the proposition that you are not old enough to understand it, or that you are not men and gentlemen enough to accept and act upon it. If the time ever comes when the corps of cadets must be treated like boys instead of like men and gentlemen, then I shall retire and leave the application of the ferrule or the birch to some one else.

I have spoken to you, gentlemen, thus plainly because it is my duty as your instructor to make the matter as plain to you as possible, and my duty as your commander to leave you in no doubt of the requirements of the Government as to your future conduct. I have done so the more freely and without reserve because I acquit you of the primary and chief responsibility for the custom which I so strongly condemn. I trust we now clearly understand each other and know what our line of conduct in the future must be.

ANNUAL REPORT OF GEN. WESLEY MERRITT TO THE ADJUTANT-GENERAL WAR DEPARTMENT, OCTOBER 3, 1883.

[Extract.]

The practice of hazing, some instances of which have come to the knowledge of the authorities during the year, may deserve a passing notice in a report of this character. I observe that my predecessors for the last twenty-five years have reported at one time or another that the practice has been broken up. I am sorry to believe that they have without exception been mistaken. By repressive measures the evil has at times been restricted to its lowest limits, but it has never been eradicated. Just the moment repression has ceased the brutal custom has sprung up with new features of brutality. While I do not favor threats to repress disorders, or pledges from cadets as a means of eradicating violations of the regulations, I am certain that the best means of maintaining discipline in any organization is the certainty of a summary punishment, just but severe, in all cases of intentional offense. If cadets wantonly violate the regulations in anything which involves their dismissal, they do so under one or another of the convictions that they will not be detected or that some influence will prevent their punishment. In this matter of hazing, the authorities here will indulge in no half-hearted means to detect the offenders. In the matter of punishment the experience of the past should convince the guilty that they may not expect mercy from the War Department. Under these circumstances I see no reason why the pernicious practice may not permanently be put an end to.

REPORT OF GENERAL ERNST, DATED SEPTEMBER 7, 1895.

[Extract.]

The evil of hazing is one of long standing here. The situation is different from that at Harvard or other similar great institutions. At those places are congregated a very large number of young men, many of whom never become known to each other. The newcomers take their places quietly, not presenting any great difference in personal appearance, and not being suddenly and forcibly injected into the daily life of the older students. Here the number of young men is small; none can be looked upon by the others with indifference, and the new cadets are immediately brought into close personal contact with the older ones in camp, at drill, at meals, etc. A year's training at the academy makes a marked contrast in manners and bearing, and often in ideas of virtue and honor, between the older cadets and the new. A feeling of superiority exists here with the older cadets to a greater degree than at Harvard, the temptation to show it is greater, and when it takes the vicious form of hazing the opportunities for indulging it are greater. The failure of the authorities to put a stop to it should not be judged by the state of affairs at Harvard.

It has been my endeavor, as it has that of the commandant of cadets, to eradicate the evil or at least to reduce it and prevent its grosser forms. Every form of it has been forbidden and has been punished, but I have not been sanguine of complete eradication while the conditions continue the same and human nature remains what it is. * * *

The measures now employed to repress hazing will probably result in its further reduction and restriction. More severe punishments can, of course, be applied, but they will hardly be more effective than the present ones, unless made thoroughly drastic, such, for example, as summary dismissal by the superintendent. The remedy most available seems to lie in continued vigilance, increased if possible, in the detection of offenders.

Proceedings of a board of officers convened at West Point, N. Y., pursuant to the following order.

Special Orders, No. 137.

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., July 16, 1908.

[Extract.]

1. Under paragraph 128 of the regulations for the United States Military Academy, a board of officers to consist of Lieut. Col. Robert L. Howze, commandant of cadets; Capt. Morton F. Smith, Twentieth Infantry; Capt. Charles P. Summerall, Second Field Artillery, will assemble at West Point, N. Y., at 10 o'clock a. m. on Friday, the 17th instant, or as soon thereafter as practicable. Capt. George S. Simonds, Twenty-second Infantry, will act as recorder of the board.

The board will make a careful investigation to determine whether or not the regulations for the United States Military Academy referring to hazing are being strictly observed by cadets, and to this end will call before it all persons who may be necessary. The board will submit a written report of the result of its investigations.

* * * * * * * *

By order of Colonel Scott:

J. S. HERRON,
Captain, Second Cavalry, Adjutant.

WEST POINT, N. Y., *July 18, 1908.*

The board met, pursuant to the foregoing order, at 4 p. m.

Present: Lieut. Col. Robert L. Howze, commandant of cadets; Capt. Charles P. Summerall, Second Field Artillery; Capt. George S. Simonds, Twenty-second Infantry, recorder. Absent: Capt. Morton F. Smith, Twentieth Infantry, on duty on the target range.

The board then called before it the following cadets:

Of the first class: Cadet Capt. Gerble, Cadet Acting Sergeant Gee, Cadet Privates Anderson and Colley.

Of the third class: Cadet Corporal Hicks, F. H., Cadets Privates Sandeford, Hatch, Cowles, Jones, B. Q., and Flint.

Of the fourth class: Cadet Privates Edwards, E. C., Hocker, Harrison, and Smith, J. N.

The order convening the board and paragraphs 128 and 143, Regulations for the United States Military Academy, were read to them collectively, and they were called individually and the following oath administered to each one:

"You do swear that the evidence you shall give before this board of investigation shall be the truth, the whole truth, and nothing but the truth; so help you God."

After which the following or similar questions were asked them generally:

1. Do you understand the meaning of the term "hazing?"
2. Do you believe that there are at present any violations of the regulations concerning hazing?
3. In what do these violations consist?
4. Have you seen or heard of any cases in which upper class men have gone to fourth class men's tents and required them to assume constrained positions? If so, describe the occurrences and name the participants.
5. Have you seen or heard of any cases in which fourth class men have been required to go to upper class men's tents and assume constrained positions? If so, describe the occurrences and name the participants.
6. Have you seen or heard of any cases in which fourth class members of the detachment of the guard, taking its meals separate from the battalion, have been annoyed or interfered with in any way? If so, describe the occurrences and name the participants.
7. Have you seen or heard of any cases in which fourth class men reporting their departure at the guard tent have been annoyed or interfered with? If so, describe occurrences and name participants.
8. Are fourth class men required by upper class men to work most of their spare time on their own equipment, forbidden to go out of camp in the afternoon or to take a nap, or forbidden to make down their beds until a certain time in the evening?
9. Have you seen or heard of any cases in which fourth class men have made down beds for upper class men? If so, describe the occurrences and name the participants.
10. Have you seen or heard of any cases in which fourth class men have been required or permitted to perform menial service for upper class men?
11. Have you seen or heard of any cases in which fourth class men have cleaned rifles or equipments for upper class men? If so, describe the occurrences and name the participants.
12. Have you seen or heard of any cases in which fourth class men have carried water for upper class men? If so, describe occurrences and name participants.
13. Have you seen or heard of any other cases of menial service? If so, describe occurrences and name participants.
14. Have you seen or heard of any cases in which fourth class men have been given punishments of any kind? If so, describe occurrences and name participants.

Capt. Morton F. Smith, Twentieth Infantry, arrived before any material part of the evidence had been taken and took his seat as a member of the board.

The board continued taking evidence until 6.45 p. m., when it adjourned to meet at 8.30 p. m.

GEO. S. SIMONDS,
Captain, Twenty-second Infantry, Recorder.

WEST POINT, N. Y., *July 20, 1908.*

The board met pursuant to adjournment at 8.30 p. m., all the members and the recorder being present.

The board proceeded to an examination of all the evidence. From a careful consideration of all the evidence submitted the board finds the following facts:

1. That cadets generally understand the meaning of the term "hazing," as defined in the Regulations for the United States Military Academy.
2. That minor violations of these regulations are being committed, such as asking fourth class men foolish questions, interfering with them at the guard tent, keeping them in camp during the afternoons to work on their equipments, forbidding them to go to bed until after tattoo, most of which practices seem to be the result of understood customs rather than specific orders.
3. That the following serious violations of the regulations have been practiced during this encampment:

a. Menial service.
b. Punishments.

MENIAL SERVICE.

1. Requiring, permitting, or inviting fourth class men to make down beds for upper class men.
2. Requiring, permitting, or inviting fourth class men to clean rifles and equipments for upper class men.
3. Requiring, permitting, or inviting fourth class men to carry water for upper class men.
4. Requiring, permitting, or inviting fourth class men to sweep out tents for upper class men.

PUNISHMENTS.

1. Compelling them to assume constrained positions as a punishment. This refers to an exaggerated position of attention, commonly called "bracing."
2. Compelling them to double time, as a punishment for failing to be out of their tents at first call, a definite number of tours between their tents and the fourth class sink.
3. Compelling fourth class men to perform other duties as a punishment.
4. Compelling fourth class men to pick up ants in the company street and to wrestle with each other as a punishment and for the amusement of upper class men.
5. Challenging them to fight by offering to give them satisfaction, personal or otherwise, if said fourth class men are not satisfied with the treatment accorded them by upper class men.

With reference to more serious violations, the practices seem to differ somewhat in different companies, but it may be said that there have been several cases of menial services in some form, and punishments by bracing are general throughout the corps.

From a careful consideration of the above evidence obtained from all the classes now present in the corps, the board find, in addition to the general facts above stated, the following specific cases of hazing:

ROSSELL.

Requiring or permitting fourth class men to perform menial service by folding his cot and sweeping out his tent.

Laying hands upon and treating with violence fourth class men; pushing his hand into the stomachs and chins of said fourth class men while bracing them as punishment.

Tyrannizing over fourth class men; challenging them to fight by offering to give them satisfaction, personal or otherwise, if said fourth class men were not satisfied with the treatment accorded them by upper class men.

Tyrannizing over and humiliating fourth class men; requiring them to collect certain number of ants from a tree and on the ground in the vicinity of his tent; and requiring fourth class men to wrestle between the tents for his amusement and that of other upper class men.

Entering the tents of fourth class men for the purpose of annoying, harassing, and punishing said fourth class men by bracing them severely.

B. Q. JONES.

Requiring fourth class men of his company to double time back and forth from company street to sink as a punishment, between June 16 and July 11, 1908.

H. G. WEAVER.

Tyrannizing over fourth class men; challenging them to fight, by offering to give them satisfaction, personal or otherwise, if said fourth class men were not satisfied with the treatment accorded them by upper class men.

Tyrannizing over fourth class men; commandant of table, requiring or permitting him to sit for a period of time with feet raised to the bottom of dining table while at meal.

Entering the tent of fourth class men for the purpose of annoying, harassing, and punishing said fourth class man by bracing him severely.

Laying hands upon and treating with violence another cadet; pushing his hand into the stomach and chin of a fourth class man while bracing him as punishment.

G. W. CHASE.

Inviting and permitting fourth class men to perform menial service for him by making down his bed during the last week in June and on or about July 13, 1908.

PRUDE.

Requiring fourth class men to "brace" for definite periods of time as punishment.

Entering the tents of fourth class men for the purpose of annoying, harassing, and punishing said fourth class men by bracing them severely.

I. SPALDING.

Laying hands upon and treating with violence another cadet; pushing his hand into the stomach and chin of a fourth class man while bracing him as a punishment.

Tyrannizing over a fourth class man; challenging him to fight by offering him satisfaction, personal or otherwise, if said fourth class man was not satisfied with the treatment accorded him by upper class men.

Entering the tent of a fourth class man for the purpose of annoying, harassing, and punishing said fourth class man by bracing him severely.

NALLE.

Entering the tent of fourth class men for the purpose of annoying, harassing, and punishing said fourth class men by bracing them and requiring them to stand on their toes for periods of time.

J. A. GILLESPIE.

Laying hands upon and treating with violence another cadet; pushing his hand into the stomach and chin of a fourth class man while bracing him as punishment.

Tyrannizing over a fourth class man; challenging him to fight by offering him satisfaction, personal or otherwise, if said fourth class man was not satisfied with the treatment accorded him by upper class men.

Entering the tent of a fourth class man for the purpose of annoying, harassing, and punishing said fourth class man by bracing him severely.

The evidence in the above cases is conclusive. In the cases of Cadets Rossell and Jones, B. Q., it is supported by the testimony of practically every fourth class man in their respective companies, and by the testimony of practically every upper class man who was called before the board.

The practice of double-timing tours, inaugurated by Cadet Jones, B. Q., has been kept up from the beginning of camp until about a week ago. The evidence shows that he has caused every fourth class man in his company, except one, to undergo this punishment, and that as many as 18 tours have been run off consecutively.

The evidence further shows that these serious violations of the regulations have come into vogue during the present encampment, and that they have increased in frequency and severity down to the present time.

In view of the serious nature of these offenses, of the flagrant manner in which they were committed, and of the sudden occurrence and rapid growth of these former practices of hazing, which in the past few years had been entirely stamped out, the board is of the opinion that immediate action is imperative, and recommends that Cadets William T. Rossell, jr., and Harry G. Weaver, first class, United States Military Academy, and Cadets B. Q. Jones, G. W. Chase, William W. Prude, Isaac Spalding, W. Nalle, jr., J. A. Gillespie, third class, United States Military Academy, be summarily dismissed.

The board then, at 5.45 p. m., adjourned sine die.

ROBT. L. HOWZE,
Lieutenant-Colonel, U. S. Army, Commandant of Cadets.
MORTON F. SMITH,
Captain Twentieth Infantry.
C. P. SUMMERALL,
Captain, Second Field Artillery.
GEO. S. SIMONDS,
Captain, Twenty-second Infantry, Recorder.

Approved July 21, 1908, at West Point, N. Y.

H. L. SCOTT,
Colonel, U. S. Army, Superintendent.

Special Orders, No. 141.

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., July 21, 1908.

2. In accordance with the approved findings and recommendations of a board of officers convened under paragraph 128, Regulations United States Military Academy, by Special Orders, No. 137, current series, these headquarters, and consisting of Lieut. Col. Robert L. Howze, commandant of cadets; Capt. Morton F. Smith, Twentieth Infantry, senior instructor of infantry tactics; Capt. Charles P. Summerall, Second Field Artillery, senior instructor of artillery tactics, and Capt. George S. Simonds, Twenty-second Infantry, recorder, and in obedience to an act of Congress, approved March 3, 1901 (31 Stat. L., 911), to prevent the practice of hazing at the Military Academy, and under authority contained in paragraph 130, Regulations United States Military Academy, the following-named cadets will proceed forthwith to their homes, there to await the action of the Secretary of War:

Cadets William T. Rossell, jr., and Harry G. Weaver, first class, and Byron Q. Jones, George W. Chase, jr., William W. Prude, jr., Isaac Spalding, William Nalle, jr., and James A. Gillespie, third class.

By order of Colonel Scott:

J. S. HERRON,
Captain, Second Cavalry, Adjutant.

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., July 21, 1908.

SIR: I have the honor to forward herewith proceedings of a hazing board which I have approved, and thereafter issued the inclosed order. This action has been made necessary by the law and by the fact that the practice of hazing, always latent in every educational institution, and which has been kept down heretofore with effort, suddenly started up within a short while, and needs an energetic and radical action to prevent its further spread. It has been kept so secret that it was not until after this board had begun its work that it was known the practice had partially revived, and nothing but prompt and severe treatment will avail to keep it down.

Very respectfully,

H. L. SCOTT,
Colonel, U. S. Army, Superintendent.

THE ADJUTANT GENERAL, U. S. Army,
War Department, Washington, D. C.

WAR DEPARTMENT,
Washington, July 22, 1908.

MY DEAR MR. LOEB: Herewith I beg to hand you a letter from the Superintendent of the Military Academy, inclosing proceedings of a hazing board recommending the dismissal of a number of cadets. As shown by inclosed printed order, these cadets have been directed to proceed to their homes to await the action of the Secretary of War. I have the honor to submit this matter for the consideration of the President, attention being invited to the following provision of law governing the subject of hazing at the Military Academy:

"The Superintendent of the Military Academy shall make such rules, to be approved by the Secretary of War, as will effectually prevent the practice of hazing; and any cadet found guilty of participating in or encouraging or countenancing such practice shall be summarily expelled from the academy and shall not thereafter be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member." (Act of March 3, 1901, 31 Stat. L., 911.)

The return of the inclosed papers is requested, with such instructions of the President as he may care to issue.

Very truly, yours,

ROBERT SHAW OLIVER,
Acting Secretary of War.

Mr. WILLIAM LOEB, Jr.,
Secretary to the President, The White House.

OYSTER BAY, N. Y., *July 23, 1908.*

MY DEAR SECRETARY: Returning herewith the papers in the hazing cases at the Military Academy, which accompanied your letter of the 22d instant, I beg to state that the President approves of the action taken.

Very truly, yours,

WM. LOEB, Jr.,
Secretary to the President.

Hon. ROBERT SHAW OLIVER,
Acting Secretary of War.

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., August 15, 1908.

MY DEAR MR. SECRETARY: When we parted in New York I understood that you intended to send the papers in the case of the cadets, with your indorsement containing certain specific directions, back here for compliance and return the results to you for the necessary action and in this way preserve the sequence and record.

I find, however, upon my return from the test ride at Fort Ethan Allen that no papers have arrived, and a purported interview in the newspapers seems to convey the idea that you were waiting for some independent action on my part, which leaves me in doubt as to whether I am to wait for the papers and written instructions or not, but I would greatly prefer to get them.

Very sincerely, yours,

H. L. SCOTT,
Colonel, U. S. Army, Superintendent.

Hon. LUKE E. WRIGHT,
Secretary of War, Washington, D. C.

WAR DEPARTMENT,
Washington, August 17, 1908.

MY DEAR COLONEL SCOTT: I have your letter of the 15th instant with reference to the West Point hazing cases. You will recall that at our interview with the President he expressed a desire to have a reconsideration of the cases of all the cadets except the two first class men, and that a recommendation be made that the other six be turned back a year. I have been expecting to get a recommendation from you to this effect. I return herewith the principal papers in the case; that is, the record of the evidence obtained from the witnesses, the proceedings of the board, and the finding. I suggest that it might be well for you to send your recommendations to me based on our last conversation with the President at Oyster Bay. I recall that you stated that one man was a worthless sort of fellow, and probably it will be in the interests of the service to take advantage of this opportunity to get rid of him.

I trust you will take this matter up as soon as possible, as I am anxious that the matter should be ended.

Very sincerely, yours,

LUKE E. WRIGHT.

Col. HUGH L. SCOTT,
Superintendent U. S. Military Academy, West Point, N. Y.

AUGUST 19, 1908.

MY DEAR MR. PRESIDENT:

* * * * * * *

In talking this case over with Colonel Scott to-day it seems that his principal reason for recommending the expulsion of Cadet Jones is that he assumed to direct the plebes to fall into line at the first call, which was asserting the functions of an officer of the academy. At the same time he tells me that Jones is really one of the strongest characters and most promising cadet in his class. Indeed, on asking him the question, he said that in case he was called upon to raise a regiment for actual war he would rather have Rossell and B. Q. Jones for captains than any two youngsters in the academy. Undoubtedly Jones was guilty of serious misconduct in giving such an order to some or all of the plebes. At the same time, in my judgment, it can not be called hazing within the definition of that term as used in the Standard Dictionary. I have therefore concluded that there is no good reason why Jones should not be allowed to remain in the academy upon the terms and with the punishment hereafter suggested.

Rossell and Weaver are the suspended first class men. The former stands high in his class and is altogether a forceful and, I think, a manly chap. * * * Rossell seems to have been a ringleader in interfering with the plebes, and in at least one instance, and probably more, laid hands upon them, although not violently, and intimated, when objection was made, that the victim should either submit or fight. This probably brings him directly within the law, and I see no other course than that he should go. Weaver seems to have been not quite so pronounced in his behavior, although he was guilty of practically the same thing as Rossell. The remaining cadets are, I believe, third class men.

It seems to me that in dealing with these young men their difference in age and their length of service in the academy should be given consideration. Rossell and Weaver, as first class men, are much more matured, both in age and knowledge of the rules and consequence of their infraction, while the third class men had just ceased to be plebes; and, as they all say, and I have no doubt is the fact, were simply deviling the newcomers just as they themselves had been treated, and probably without any real reflection or perhaps knowledge of the gravity of their offenses as laid down in the rules. Under these circumstances I think a clear distinction should be drawn between the offenders belonging to the first and third classes.

The act of Congress that forbids hazing and directs regulations to be made by the authorities of the academy does not prescribe what hazing

is. This is not a technical term, and we can only ascertain the meaning of the word by reference to the standard dictionaries. Webster's International Dictionary defines hazing "To harass or annoy by playing abusive or shameful tricks upon; to humiliate by practical jokes; used especially on college students; as, the sophomores hazed a freshman." The Century and Standard dictionaries give practically the same definition. Now, none of the acts shown to have been committed by these young men come within this definition of hazing. The evidence shows that while the offenders directed the plebes to "brace"—that is, stand at attention with their shoulders thrown back—rub buckles, clean guns, bring water from the spring, fall in at the first assembly call instead of five minutes later at the second call, still none of these acts can hardly be fairly brought within this definition. They all undoubtedly were improper interference with the plebes, constituting an assumption of authority over them in direct conflict with the regulations, for which severe punishment should be meted out. But the act of Congress which forbids hazing is extremely drastic in character, in that it provides that any cadet found guilty of hazing shall be summarily dismissed from the academy, and in addition shall not be reappointed to the corps of cadets or be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member. This being so, I do not feel that it is just to extend the operations of this severe statute by implication, especially in view of the fact that, in my judgment, the offenses of which these young men were undoubtedly guilty can be adequately punished without resorting to the extreme penalty of expulsion. It is the certainty of punishment rather than the severity that deters the commission of offenses. At the same time it should be made very clear to all the young men at the academy that obedience to the regulations imposed and the observance of a proper deportment toward the younger members is exacted.

I therefore recommend that Cadets Rossell and Weaver be dismissed from the academy, and that the other six be suspended with loss of all pay and allowances until June 15, 1909, when they will join the then third class. This is the course recommended by Colonel Scott, and I am inclined to think with him that it will be better to have them remain in their homes during the year of suspension rather than to go over the same course which they have just finished, which would be the case were they turned back a year and allowed to remain at the academy. He tells me that this is the usual procedure in such cases.

Sincerely, yours,

LUKE E. WRIGHT,
Secretary of War.

The PRESIDENT,
Oyster Bay, N. Y.

DEFINITIONS OF HAZING.

STANDARD DICTIONARY.

HAZE, *verb.* 1. To subject to sportive maltreatment; make the victim of severe practical jokes; play pranks upon; put through a harsh mock discipline; said of a student at a school or college.

"Quickly following my admission I was broken in by a course of *hazing*."—Memoirs of Lieutenant General Sheridan, volume 1, chapter 1, page 9.

2. To punish or harass by the imposition of excessively heavy or disagreeable tasks; said chiefly of seamen.

CENTURY DICTIONARY.

1. To harass with labor; punish with unnecessary work, as a seaman.

"Every shifting of the studding sails was only to haze the crew." (R. H. Dana, Two Years Before the Mast, p. 50.)

2. To play mischievous or abusive tricks on; try the pluck or temper of, especially by physical persecution, as lower-class students in a college, or newcomers in an establishment of any kind.

"'Tis the sophomores rushing the freshmen to haze." (Poem before Iadma, quoted in College Words, p. 251.)

WEBSTER'S INTERNATIONAL DICTIONARY.

1. To harass by exacting unnecessary, disagreeable, or difficult work.

2. To harass or annoy by playing abusive or shameful tricks upon; to humiliate by practical jokes—used especially of college students; as, the sophomores hazed a freshman.

OYSTER BAY, N. Y., *August 20, 1908.*

MY DEAR GENERAL WRIGHT: I cordially approve of what you say in your letter, and direct accordingly that Cadets Rossell and Weaver be dismissed from the academy and that the other six be suspended with loss of all pay and allowances until June 15, 1909, when they will join the then third class; and suggest that, if necessary, all of your letter, excepting the first paragraph, be given to the public.

* * * * * * *

Sincerely, yours,

THEODORE ROOSEVELT.

Hon. LUKE E. WRIGHT,
Secretary of War.

These papers relating to discharge of cadets seen by Assistant to the Chief of Staff to-day. The Chief of Staff is not in his office.

H. P. McC., *A. G.*

AUGUST 22, 1908.

House Military Committee (60th Cong., 2d sess.) requests report on House bill No. 23448, authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver, as cadets in the United States Military Academy.

Received from War Department marked "A. G."

[First indorsement.]

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
Washington, December 1½, 1908.

Respectfully referred to the Superintendent United States Military Academy, West Point, N. Y., for remark.

By order of the Secretary of War:

F. C. AINSWORTH,
The Adjutant-General.

[Received back, A. G. O., December 20, 1908.]

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., December 19, 1908.

Respectfully returned to The Adjutant-General, United States Army, War Department, Washington, D. C.

The subject of hazing has always been a most difficult one and productive of much trouble in the past. Its consequences are not to be at all compared with similar acts committed in a civilian college or university. The records show that the superintendents for more than forty years have endeavored in vain to completely abolish it. A few years ago it brought about a congressional investigation and a special law against it. This caused a cessation for a time, but it is always liable to crop out suddenly, and should be kept down with a strong hand, and the authorities here should be supported by the higher authorities or it will work great damage to the discipline and good name of the Military Academy. It is against the sentiment of the American people, whose school this is and who have forbidden it through their Congress by a special act.

The dismissal of these cadets was recommended regretfully after an investigation by a board of officers, which gave the subject the most careful consideration. The cadets were well aware of the consequences of their acts; they had had the benefit of three years' instructions and were within a year of their graduation when, if ever, they should have attained sufficient dignity and sense of responsibility to their Government to prevent them from such acts; and as much as the consequences to the cadets themselves are regretted, it is impossible to recommend any action that will permit the cadets of West Point to believe that the acts of Congress do not mean what they purport and can be violated with impunity.

H. L. SCOTT,
Colonel, U. S. Army, Superintendent.

[Third indorsement.]

To the Chief of Staff.

F. C. A.

The A. G. O., *December 21, 1908.*

[First indorsement—On original.]

WAR DEPARTMENT,
Washington, December 21, 1908.

Respectfully returned to the chairman Committee on Military Affairs, House of Representatives, United States.

I have no objection to the passage of this bill, and think that the punishment already inflicted is ample for the offense.

LUKE E. WRIGHT,
Secretary of War.

(Papers left in office of Secretary of War (with Mr. Randolph) for record and mailing, December 23, 1908. F. C. A.)

TO WAR DEPARTMENT:

Senate Military Committee (60th Cong., 2d sess.), by L. M. Wells, assistant clerk, requests report on Senate bill No. 7486, authorizing the President to reinstate William T. Rossell, jr., and Harry G. Weaver as cadets in the United States Military Academy.

Received from War Department marked "The A. G."

(Placed on suspended file till December 18, to await report from Superintendent Military Academy, on A. G. 1462289. W. L. E.)

(Taken up for action December 21, 1908.—First indorsement.—To the Chief of Staff. The Adjutant-General's Office, December 21, 1908. F. C. A.)

[Second indorsement.]

WAR DEPARTMENT,
Washington, December 21, 1908.

Respectfully returned to the chairman Committee on Military Affairs, United States Senate.

I have no objection to the passage of this bill, and think that the punishment already inflicted is ample for the offense.

LUKE E. WRIGHT,
Secretary of War.

(Papers left in the office of the Secretary of War (with Mr. Randolph) for record and mailing, December 23, 1908. F. C. A.)

[Telegram.]

WASHINGTON, D. C., *December 30, 1908.*

I understand the academic board at West Point proposes to drop ———, first class man from Rhode Island. As his demerits are only a bare fraction over the limit prescribed by the board, I hope he may be given another chance.

GEO. PEABODY WETMORE, U. S. S.

Hon. LUKE E. WRIGHT,
Secretary of War, Washington, D. C.

[Telegram.]

CHATTANOOGA, TENN., *December 29, 1908.*

Please delay action in matter of dismissal of cadet from West Point until Tuesday next, when I will see you; am anxious for retention of ———, an appointee on personal grounds of the President.

JOHN A. MOON.

The SECRETARY OF WAR,
Washington, D. C.

[Telegram.]

CHATTANOOGA, TENN., *December 29, 1908.*

Please suspend action on Cadet ———, dismissed from West Point on account of failure in examination, till I can confer with you on Monday next.

J. B. FRAZIER.

Hon. LUKE E. WRIGHT,
Secretary of War, Washington, D. C.

WASHINGTON, D. C., *December 31, 1908.*

SIR: I have the honor to submit the following communication:

In the recent examination held at West Point I was declared deficient in conduct, as I received seven more than the number of demerits allowed for the six months ending November 30, 1908.

These demerits were not received for any offense which could in any way affect my standing as an officer and a gentleman, but for infractions of minor regulations which were in many cases unintentional.

Also, I was not aware that I was in danger of exceeding the allowed number until I had done so.

The offenses committed by me were not committed in a spirit of indifference or insubordination, but were due principally to thoughtlessness and to the fact that I did not realize the importance of the regulations which I broke.

For the aforementioned reasons, I request that clemency be shown me in this matter, and that if possible some other punishment be substituted for that of dismissal, which would prevent my following a career for which I have been preparing for the last four years and which has been the one aim of my life up to the present time.

Very respectfully,

———— ————,
Cadet Private, Company A, First Class, U. S. C. C.

The SECRETARY OF WAR
(Through military channels).

[First indorsement.]

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., December 2, 1908.

Respectfully referred, by direction of the superintendent, to the commandant of cadets for remark and recommendation.

J. S. HERRON,
Captain, Second Cavalry, Adjutant.

[Second indorsement.]

HEADQUARTERS UNITED STATES CORPS OF CADETS,
West Point, N. Y., January 4, 1909.

Respectfully returned to the adjutant, United States Military Academy, recommending that this application be disapproved.

Whenever at any time this cadet had more demerits than an average of 18 per month he was duly notified. He had free access to the books which exhibit the number of demerits cadets have, provided he was not serving special punishment. In that case it would have been a simple matter for him to have prevailed upon a classmate to get the information; further, he could have gotten the information by applying directly to this office.

The facts are that at the end of October he did not have a monthly average of 18 demerits, but during November, the last month of the six-month period, he committed offenses which resulted in his receiving some 41 demerits. It is evident that during this last month he deliberately and purposely disregarded the regulations in every way that he possibly could, going so far as to commit an intentional breach of confinement, for which he was awarded two months' special confinement and 10 demerits. This cadet has been not only indifferent to the observance of the regulations, but he has shown a thorough disregard of them, increasing in these respects as he has advanced in his cadetship.

The total number of demerits recorded against this cadet was 123. His case was carefully considered by a board of officers, which called upon him and weighed every claim and statement he had to make concerning the demerits recorded against him, and after giving him the benefit of all doubt recommended that 8 demerits be removed, which recommendation was approved. All but one member of the board voted upon the merits of this cadet's case without knowing the number of demerits involved. The board acted conscientiously, guarding well the cadet's interests, and at the same time the interests of the academy; if it erred at all it was distinctly on the side of leniency toward the cadet. The limit of demerits which a cadet may get during the six months is 108. This limit is sufficiently large for any cadet who desires and tries at all to keep within it—in fact, there was a distinct liberality shown in fixing this high limit.

The regulations concerning discipline have with but few modifications been enforced since the beginning of the academy; without the proper enforcements of these regulations the ends intended would not be accomplished; it would not be a fit place for the training of young men in the observance of discipline and the military regulations, and the good men of the country would not want their sons trained here. The aim of the institution would miss its mark. Fortunately, from the beginning and up to the present time when a cadet has without any doubt so violated the rules and regulations as to have received a number of demerits in excess of the authorized allowance he has invariably been discharged, and, I think, never reinstated or even turned back to another class.

The strict enforcement of these regulations is the main sustaining principle upon which the good name and reputation of the academy depend, and there should under no circumstances be any divergence therefrom. The fact that this is a military academy should not be lost sight of, and it is my fixed opinon that a young man, while in the atmosphere which surrounds him here, who so disregards the requirements of discipline and is declared deficient therein can rarely, if ever, make an efficient and capable officer, fitted for the serious responsibilities which will be imposed upon him. There are other and better young men ready to take his place, and certainly they should be given a chance to do so.

Should cadets who have been declared deficient in conduct be returned the effects on discipline would be seriously felt, and the respect which cadets should and at present do have for the authorities here would be very much lowered. Under no circumstances should cadets so discharged be reinstated.

ROBERT L. HOWZE,
Lieutenant-Colonel, U. S. Army, Commandant of Cadets.

[Third indorsement.]

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., January 9, 1909.

Respectfully referred to The Adjutant-General United States Army, War Department, Washington, D. C., inviting attention to the report of the academic board, which included consideration of the case of Cadet ————, first class, United States Military Academy, forwarded to The Adjutant-General United States Army, this date.

H. L. SCOTT,
Colonel, U. S. Army, Superintendent.

THE WHITE HOUSE,
Washington, January 4, 1909.

There are five young men who have been recommended for dismissal by the academic board at West Point for what seems to me insufficient reasons. They are Cadets ————, ————, ————, ————, and ————.

Can not the academic board be reconvened to consider again its action, so far as relates to these men? It seems to me that the needs of the service can be met by some arrangement less than discharge. I think it would be an entirely needless hardship to turn these boys out. If necessary, let them each go back one year.

THEODORE ROOSEVELT.

The WAR DEPARTMENT.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
January 5, 1909.

[Memorandum for The Adjutant-General.]

The Secretary of War directs that this letter of the President's be transmitted to the Superintendent of the Military Academy, with directions to reconvene the academic board for the purpose mentioned therein.

J. F. BELL,
Major-General, Chief of Staff.

[First indorsement.]

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
Washington, January 5, 1909.

Respectfully referred to the Superintendent United States Military Academy, West Point, N. Y., with directions to reconvene the academic board for the purpose of considering again its action in the cases of these cadets.

By order of the Secretary of War:

F. C. AINSWORTH,
The Adjutant-General.

[Second indorsement.]

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., January 9, 1909.

Respectfully returned to the Adjutant-General, U. S. Army, War Department, Washington, D. C., inviting attention to the inclosed report of the academic board herewith.

H. L. SCOTT,
Colonel, U. S. Army, Superintendent.

Received back Adjutant-General's Office January 10, 1909, with one inclosure to second indorsement.

Informally to the Chief of Staff, January 11, 1909.

Received back, Adjutant-General's Office, January 13, 1909, with one additional inclosure, memorandum from Chief of Staff, as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
January 11, 1909.

MEMORANDUM FOR THE ADJUTANT-GENERAL.

The Secretary of War directs that the recommendations of the academic board contained in the last paragraph of its report, dated January 9, 1909, herewith, be carried out, by order of the President.

J. F. BELL,
Major-General, Chief of Staff.

HEADQUARTERS UNITED STATES MILITARY ACADEMY,
West Point, N. Y., January 9, 1909.

The academic board of the United States Military Academy, having before it the letter of the President of the United States of January 4, 1909, concerning the cases of Cadets ———— and ————, of the first class, ———— and ————, of the third class, deficient in discipline, and Cadet ————, of the third class, deficient in mathematics and drawing, desires to submit for his consideration the following presentation of the principles which have guided it in these and similar cases, and of the particular circumstances attending each of the cases under advisement.

In a great military school of the importance and high standing of this institution, the board conceives that one of its chief functions is the disciplinary training it confers and its efficiency as a character-forming mechanism. These attributes, which above all others go to the development of an efficient officer whose duties concern the command, the guidance, the well-being, and even the lives of those under him, and upon whom the country relies in time of emergency for the exhibition of the highest qualities of mind and character, are essentially matters of discipline, of self-control, of a sense of responsibility, and of conformity to law and authority.

These qualities are acquired only by habit and under an impartial enforcement of the regulations and orders which govern their daily duties. This disciplinary influence is progressive and cumulative and should, before the student is intrusted with command, have been assimilated and should have been productive of results sufficient to justify the authorities in certifying that he has qualified for the responsibility of command as an officer of the United States Army. Failure to show this acquirement on the part of the individual becomes increasingly represensible and indicative of incapacity for responsibility in proportion to the length of the period of probation.

During the first year of cadet service every leniency is shown in the consideration of the disciplinary shortcomings of the novice, and he is given abundant opportunity to adjust himself to the conditions of military service and requirements. During the second year the responsibilities are increased, the novitiate has been passed, and the cadet is familiar with the obligations and regulations and the necessity of conforming thereto. From that time forward, ignorance of the requirements of his environment are no longer to be pleaded in extenuation. Whatever breaches of discipline are committed are done with a full knowledge of their character and the consequences involved. By the time the cadet has attained the dignity of a first class man (corresponding to that of senior in college) not only has he become experienced in the exactions of the military life, but he has attained maturity of mind and of body; he is about to assume command and its responsibility. Furthermore, in the administration of discipline by cadet officers, as a cadet advances in class rank he is reported with much less frequency for trifling violations of discipline.

When a first class man, therefore, receives so many reports as to endanger his status it indicates a very high degree of carelessness and indifference to regulations.

Prior to this year, since 1884, but one first class man has been deficient in conduct.

In this connection, the board observes the fact that these cadets are no longer boys, but have attained the age of manhood. The actual ages of the four individuals now deficient in discipline are as follows: Cadets ——— and ———, first class, are, respectively, 22 years 11 months and 23 years 5 months of age. Cadets ——— and ———, third class, are, respectively, 23 years 1 month and 22 years 5 months of age. Cadet ——— is not in the same category, but is deficient in two studies, and his case will be referred to subsequently.

It has been urged in reference to the deficiency of these cadets in conduct that they have exceeded the limit by only a few demerits. In the first place, the limit of demerits fixed by the regulations of the Secretary of War is exceedingly liberal, and no cadet at any time, with reasonable attention to his duties, need come anywhere near the danger limit. The limit is made thus liberal for the purpose of affording no excuse to those who exceed it. The same plea could be urged in extenuation of a slight excess of any limit whatever, no matter how liberal it might be. To show that this plea is not valid in these cases, the board wishes to state the fact that the average number of demerits of the other cadets in the first class was 32, Cadets ——— and ——— having received, respectively, 118 and 123. Their final showing of 109 and 115, respectively, was due to the fact that a special board of officers was appointed to consider their deficiencies; to examine the nature of each report given; to afford the individuals opportunity to protest or explain in any case as to the justice or validity of the report; and to remove whatever reports in its judgment could be overlooked by a lenient construction of the circumstances under which they were given. This board cited the cadets before it, listened to any special explanation they had to give, and finally removed a certain number of reports in each case without knowledge of the number of demerits attaching to each report. This resulted in leaving Cadet ——— still deficient, with 109 demerits, and Cadet ——— also deficient, with 115.

In the case of Cadets ——— and ———, of the third class, the same process was put into operation by the board, with the result of leaving *these men deficient*, with 111 and 109 demerits, respectively.

In the third class the average number of demerits for the other members of that class was 56. It will be observed, therefore, that in the case of first class men, Cadet ——— had over three times the average number of demerits of his classmates, and Cadet ——— nearly four times that number. Cadets ——— and ——— had about twice as many as the average of their classmates.

Offenses against discipline are divided into seven classes, for each of which a fixed number of demerits is given. Cadets are stimulated to observe the regulations by dividing them into three grades according to conduct, each grade being given certain privileges. In the first class the first grade requires that a cadet shall obtain less than 18 demerits in six months; the second grade less than 42; and the third grade includes those who exceed the latter limit; in the third class these limits are 24 and 54, respectively. As showing how readily excessive demerits may be avoided, it can be stated that about 75 per cent of each class is habitually in the two upper grades.

It has been the practice of the academic board, therefore, to regard a deficiency in conduct as final, and as one of the most satisfactory proofs that can be secured of the unfitness of an individual for the military career. Deficiency in conduct is a clear evidence, after a certain period of probation, of a want of a proper sense of responsibility and subordination, which in the cases of the two first class men under consideration led to flagrant and overt acts against discipline. They could not have been ignorant of the fact that they had received many reports and were in more or less danger of deficiency. As long ago as last August the superintendent took occasion to publish a special order to the corps of cadets warning all of the necessity of the exercise of extreme care in regard to their conduct. In spite of and in defiance of these facts, these cadets deliberately committed an offense carrying the maximum number of demerits.

As stated above, the case of Cadet ——— is one of deficiency in studies and not in conduct. He stood at the bottom of the cadets deficient in mathematics and drawing after final examination for proficiency.

The academic board, with a long and intimate experience of the disciplinary methods of this institution, and the effects upon the cadets of unusual leniency, respectfully asks an earnest consideration of the very serious effect upon the morale of a body of young men who are being educated to high standards of conduct and of honor in seeing the disciplinary standards of the institution set aside in spite of the warnings of experience and the admonitions of their superior officers. If the young gentlemen of the corps feel that upon every occasion when they have brought upon themselves the penalties of failure, and when after the administration of the institution has conscientiously sat in judgment upon their status, a reversal can be obtained by an appeal to higher authorities, the administrative authority of the institution is brought into contempt and the powerful influences which an impartial operation of the governing mechanism of military education should bring about is nullified.

The board finds a growing tendency on the part of all those who, from one cause or another, have failed to come up to the standards of this institution to endeavor to secure by a presentation of their case and an appeal to the sympathies of friends in authority a reversal of judgment in their favor. The board believes that it is of the highest importance, in order that the standards and traditions of this institution may be maintained, that the hands of the academic authorities should be upheld. The academic board, far from being austere or harsh in its action upon cases of deficiency, either in conduct or studies, endeavors, on the contrary, to be most lenient, and acts only after long deliberation and careful inquiry into all the conditions surrounding each individual case.

If, after a consideration of this statement, the President is still of the opinion that leniency should be exercised in these cases, the board, in deference to the judgment and wishes of the President of the United States, recommends with reluctance that Cadets ——— and ——— be suspended without pay and allowances until January 1, 1910, and at that time turned back to join the then first class; that Cadets ——— and ——— be suspended without pay and allowances until August 28, 1909, and at that time turned back to join the then third class; that Cadet ——— be turned back to join the present fourth class immediately.

H. L. SCOTT,
Colonel, U. S. Army, Superintendent, President Academic Board.
J. S. HERRON,
Captain, Second Cavalry, Adjutant, Secretary Academic Board.

Mr. SCOTT. What is the ruling of the Chair?

The VICE-PRESIDENT. Does the Senator from Ohio insist upon his point of order?

Mr. DICK. Unless other Senators desire to discuss the question, I insist upon the point of order.

The VICE-PRESIDENT. The Chair is of the opinion that the point of order is well taken, and sustains it.

The bill was reported to the Senate as amended, and the amendments were concurrd in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

INTERMARRIAGE OF WHITES AND NEGROES.

Mr. MILTON. Mr. President, I ask the Chair to lay before the Senate the resolution submitted by me Saturday.

The Secretary read the resolution submitted by Mr. MILTON February 27, 1909, as follows:

Senate resolution 306.

Resolved, That the Committee on the Judiciary be discharged from further consideration of the bill (S. 8462) prohibiting the intermarriage of any white person to a negro in the District of Columbia, or in any Territory of the United States, and making the issuance of such marriage, if any, incapable of inheritance, and describing the penalty for such intermarriage, and defining the word "negro," and further prescribing a penalty for any person performing such marriage ceremony.

Mr. MILTON. Mr. President, in offering this resolution I am not actuated by any desire to reflect on the Judiciary Committee, but there are so many bills for this committee to consider and pass on that I desire to relieve it of any responsibility in reference to this measure. It needs no great deliberation by any committee, as there is not a Member of this body who is not fully informed as to the object of such a bill, and, I think, is prepared to vote on the measure. It contains no new matter; a similar law is now in force in 28 States and Territories of the United States, and in many of them has been in operation for years. The object of the bill is the preservation of the Union for the sons and daughters of the patriots whose life blood is the foundation of our great Republic. The race question and its distinctions has occupied public attention for many years and has been the cause of much discussion. Many of the States, notably in the South, where the question is paramount, provide separate schools, separate railroad and street cars, and other public accommodations and necessities for the white and black races. This is not true of the North, but I think there is no section of the Union that has as a whole advocated or even welcomed miscegenation between the white and negro races. Even during the years of reconstruction, when sectional prejudice and feeling was at its height, when the whole power of the Federal Government and state government, urged on by the feelings engendered by four years of war, was doing everything and bending every energy to put the negro on an absolute equality with the white people of this land, even when the southern state governments were in entire control of the carpetbagger and the negro, not one single Southern State repealed its laws prohibiting intermarriage.

South Carolina, which suffered as much as or more than any other State from negro misrule in 1865, before the state government went into the hands of the reconstructionists, enacted laws which specifically defined the rights of negroes. A short time after the statutes were adopted the reconstruction legislature repealed them, but added in the repealing act that it should not apply to that part of the statutes of 1865 which said that marriages between whites and colored should be illegal and void. Texas and Arkansas enacted in 1867 and 1868 laws against such intermarriages, which were not repealed.

Georgia's constitution of 1868 expressed—

The social status of the citizen shall never be the subject of legislation.

The Supreme Court upheld this clause in so far as it related to marriages.

The constitution of Alabama provides for this in the following outspoken terms:

The legislature shall never pass any law to authorize or legalize any marriage between any white person and a negro, or descendant of a negro.

The present status of the laws of the different States on intermarriage is that it is prohibited by the statutes of Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Indian Territory, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, Nevada, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia. Six States have gone further, and, in addition to enacting laws in contravention of intermarriage, have also prohibited such in their respective constitutions.

These are: Alabama, Georgia, Florida, Mississippi, North Carolina, and Texas. These constitutions and statutes do not leave any doubt as to what parties are intended; the negro is clearly defined. Virginia and Louisiana say that there shall be no intermarriage between white persons and persons of color, and Virginia states further that a person of color is one that has as much as one-fourth negro blood. Arkansas, Colorado, Delaware, Idaho, Indian Territory, and Kentucky prohibit intermarriage between white persons and negroes or mulattoes. There is no specific definition of "mulatto." By such term we mean a person of mixed blood, one of whose ancestors was a negro and extends to the third generation, inclusive. Georgia says persons of African descent. Oklahoma and West Virginia say negroes. Florida also says negroes, but includes every person of one-eighth or more negro blood. So also do Indiana and Missouri. Alabama, Maryland, and North Carolina apply the restriction to negroes or persons of negro descent to the third generation, inclusive. Tennessee says negroes, mulattoes, or persons of mixed blood descended from a negro to the third generation, inclusive. The Nebraska law applies to persons of one-fourth or more negro blood. Arizona, California, Utah, and South Carolina use the word "negro." The Mississippi law applies to negroes or mulattoes, or persons who shall have one-eighth or more negro blood. All of the other States first named, not specifically mentioned, use one or more of these terms.

Senators will note that the laws prohibit marriages where there is one-eighth of negro blood. But you must not suppose that a negro of less degree of pure blood is any the less a negro. Most of the laws were passed before and shortly after the civil war, when the discussion of the negro question was warmer than it is now, and I think the men of that date adopted the view of a distinguished Southerner, whose name I do not now recall, who suggested there was no danger of further mixture after the third degree, as no child of less than one-eighth negro blood ever arrived at years of maturity. Whether this is true or not, I can not say, as I have never known any mixed persons except mulattoes, quadroons, and octoroons.

Should an attempt at intermarriage be made, the laws of these States are all sure and certain as to the effect. Indiana, Kentucky, Maryland, Nebraska, and North Carolina declare that such a marriage is void; Colorado and Missouri, that it is absolutely void; Arizona, Georgia, and Oregon, null and void; Delaware and Mississippi, unlawful and void; Arkansas, California, Idaho, and Indian Territory, that it is illegal and void. South Carolina says utterly null and void and of no effect. Louisiana says that such a marriage is prohibited. Florida says that such a marriage is unlawful—utterly null and void—and that the issue, bastards, are incapable of inheriting. In the States mentioned such a ceremony, although under license, has no force, and the parties are guilty of this offense and possibly others. The States not mentioned above prohibit intermarriage and prescribe punishment for violation of the law, but do not say what is the legal effect of such a marriage contract. These States have each enacted laws that inflict severe punishment on the parties of either race that attempt to intermarry, and punish the guilty parties by fines ranging from fifty to one thousand dollars, or by imprisonment ranging from three months to ten years, and in some States by both such fine and imprisonment.

One, and possibly more, of the States, while punishing both or either party, would seem to lay the principal guilt on the white person. A great many of the States provide similar punishment for the officer who issues a license for such intermarriage, and such punishment ranges from a fine of one hundred to one thousand dollars, or imprisonment not to exceed two years. Like punishment is imposed upon any minister, justice of the peace, or any person authorized to perform the marriage ceremony who does solemnize such ceremony between white and negro persons. This punishment consists of a fine or imprisonment, the fine not to exceed $1,000, imprisonment not to exceed three years. Cohabitation without marriage between whites and negroes is also punished by severe penalties, and in some of the States punishment for such offense between the two races is made much more severe than for similar offense between persons of the same race. The state courts have decided that the infliction of such a heavier penalty in such cases did not contravene the fourteenth amendment, and the Supreme Court of the United States has upheld this decision on the ground that the law does not discriminate against either race, inasmuch as it is impossible for the crime to be committed unless both races are represented and the punishment for each participant is the same. None of the States have ever made laws against intermarriage between other races than the Caucasian, with one exception. That is the State of North Carolina.

In this State it is unlawful for negroes to intermarry with Croatan Indians or go to the same school with them. At the date of the first English attempt to colonize the New World, there was an island off the coast of North Carolina called Croatan. A colony of 177 persons was landed on this island under Governor John White. Here was born Virginia Dare. Later, a part of the colonists under White had to go back to England to seek further aid. It was agreed that those left behind were to go over to the friendly Croatan Indians if they needed assistance. When Governor White returned, some months later, he found the settlement deserted and carved upon a tree near by the single word "Croatan." For some reason the party under White never went in search of the colonists. Tradition says that they went over to the Croatans and eventually became absorbed in that tribe, and this has received credence from the fact that many of the Croatan Indians have light complexions and blue eyes. These Croatan Indians claim descent from the lost colony, and they have received official recognition in North Carolina, and, I may say, to some extent in Florida as a separate race; and by the statutes of North Carolina the blood of these early settlers will not be further adulterated by intermarriage with the negro.

I have endeavored to lay before you the extent of the laws against intermarriage. A number of the States which prohibit intermarriage do not recognize the validity of such marriage when made in States that do recognize them. Mississippi prescribes punishment for those who attempt to intermarry in that State, and also an attempt to evade the law by marrying in another State and returning to Mississippi. Citizens of Georgia can not evade its law by going to another State. A mixed marriage was solemnized in Mississippi before such marriages were there prohibited and the parties moved to Tennessee, which State did prohibit such marriage. The court of Tennessee held that the marriage in Mississippi did not protect persons living in Tennessee:

> Each State is sovereign, a government within, of, and for itself, with the inherent and reserved right to declare and maintain its own political economy for the good of its citizens, and can not be subjected to the recognition of a fact or act contravening its public policy and against good morals as lawful because it was made or existed in a State having no prohibition against it or even promoting it.

A Virginia couple married in the District of Columbia and returned to Virginia, where they were promptly prosecuted. The court held that although the forms and ceremonies of marriage are governed by the laws of the place where the marriage is celebrated, the essentials of the contract depend upon and are governed by the laws of the place where the parties are domiciled at the time of the marriage and in which the matrimonial residence is contemplated. This decision was affirmed by the federal court. Such marriage of a Georgia man and a woman in the District of Columbia was had, and upon their return to Georgia they were promptly indicted and convicted of violation of the Georgia statute.

The District of Columbia, or the city of Washington, is the city of refuge for such couples, and almost without exception, when they have returned to their native States, they have been held amenable to the laws of that State. The only exception is the marriage of a white person and a negro in the State of Massachusetts, which then, in 1819, prohibited intermarriage. They were married in Rhode Island. The supreme court of Massachusetts held that the marriage was valid where it was celebrated, and was therefore valid everywhere, but, so far as I am informed, no other court has ever followed this decision. The state decisions and statutes which refuse to recognize such mixed marriages have been attacked on two grounds—Article I of section 10 of the Constitution of the United States, which says that no State shall pass any law impairing the obligation of contracts, and the fourteenth amendment to the Constitution, which says that no State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States. Almost without exception the courts have held that the States shall have absolute control as to who shall marry or be held in that relation within its territory. In 1871 the Indiana court says:

> In this State marriage is treated as a civil contract, but it is more than a civil contract. It is a public institution established by God himself, is recognized in all Christian and civilized nations, and is essential to the peace, happiness, and well-being of society; in fact, society could not exist without the institution of marriage, for upon it all the social and domestic relations are based. The right of all the States to regulate and control, to guard, protect, and preserve this God-given, civilizing institution is of inestimable importance and can not be surrendered, nor can the States suffer or permit any interference therewith. If the Federal Government can determine who may marry in a State, there is no limit to its power. * * *

Other States have followed the same line of decision to the effect that marriage is more than a civil contract; that it is a

domestic institution, and that the State has absolute control over the question. Since I introduced the bill I have received quite a number of letters on this subject of intermarriage, all favorable to this bill, and I am indebted for citation of authorities and quotations of law to Mr. Gilbert T. Sephenson, of Cambridge, Mass.

I have endeavored to show that this bill does not need any further consideration from a constitutional standpoint, and that this question of race mixture and amalgamation is thoroughly understood, and that Senators are as well informed now as they will be later to vote on this matter. It needs decision now. I do not think anyone can or will question the historical fact that the mixture of an inferior and a superior race has always resulted detrimentally, and no thinking man or citizen desires to have the Caucasian race lose its force and standing as the dominant race. In this instance it goes even further; the negro is more than an inferior race. They present a number of points of difference which indicate a distinct species:

1. Abnormal length of arm, averaging two inches more than the Caucasian.
2. Projection of the jaws at a facial angle of 70 degrees, as against 82 for Caucasian.
3. Average weight of brain, being for gorilla 20 ounces, negro 35 ounces, European 45 ounces.
4. Full black eye with black iris and yellowish sclerotic coat.
5. Short, flat snub nose, depressed at base, broad at the extremity, dilating nostrils, and concave ridge.
6. Thick protruding lips showing inner red surface.
7. Exceedingly thick cranium, enabling him to butt with the head and resist blows which would break an ordinary European skull.
8. Correspondingly weak lower limbs, broad flat foot, divergent and sometimes prehensile big toe and projecting heel.
9. Complexion brown or blackish, due to abundance of coloring matter.
10. Short black hair and distinctly woolly.
11. Thick epidermis, emitting a peculiar rancid odor.
12. Frame of medium height and somewhat out of perpendicular.
13. The early ossification of the skull.

In the thousands of preceding years the negro race has never, of their own inherent force, elevated themselves one iota from their normal condition. There has been with them no advance in civilization or any of the arts and sciences. When they have been subjected to the elevating influence of civilization, received improvement from education and association with the superior races and then left to themselves, the tendency has rapidly been to return to their barbaric state. The press has just recently contained an account of their failure in Liberia and calls for aid from America. In Haiti and Santo Domingo, where they had come in contact with a high degree of civilization and had developed under its influence after the Government had come into their control, they rapidly retrograded, and it is believed by many that some of them have returned to barbarism and are even cannibals. These examples more than show their inferiority as a race or as mongrels.

Reading and investigation of history of races and examination of present conditions demonstrate the undesirability of rearing a race of mongrels. The danger grows greater, and the earlier it is avoided the better for the future of our country. And the most immediate danger is growing out of the District of Columbia. A recent account of a marriage between a white soldier cook and a negress stated that five mixed marriages had been solemnized between whites and negroes in this District within less than that number of months. A short walk through the principal streets of this city will disclose by the many shades of complexion and other characteristics that there is now and here much more danger than I have mentioned. The mulatto element is greater in proportion than in any other part of the Union. I think this is true of all parts of the North where the negro has lived for several generations. Washington is destined to be a great residential city for the wealthy. The idle rich, having exhausted the pleasures of wealth, naturally seek animal pleasures, and the human animal of mixed race is often exceedingly handsome and highly seductive. Unless this and other restrictive measures are taken, such a saturnalia of vice will here reign as has preceded the downfall of other rich and powerful nations. And the danger grows. The occasional social intercourse between a high dignitary and an illustrious negro or mulatto tends rapidly to break down the barriers of general social intercourse, and thus increases the danger.

Here, owing to the political affiliation and supposed or assumed obligations of the dominant political party to push at any cost the uplift of the negro, is vastly increasing the danger to their own race. Mixture of the two races will never create a new race, but the Caucasian will be lost, for one drop of negro blood makes a negro. No matter how white the skin or straight the hair, if either party or both parties to an intermarriage have any negro blood, the resulting offspring of such union may revert and be born a child of the jungle. I do not believe that any Democratic Senator on this floor would vote against this bill, nor do I think that any Republican Senator should do so. You men of the North have listened and hearkened to the call of your brother in black long enough. It is now time to listen to and heed the call of your own race in this matter, and enact measures to protect its purity. It is true that the call comes from the South, but when you drop for a moment your efforts for political advantage you recognize that we are the same race and that our efforts, according to our ideas of government, are as truly for the promotion of the welfare and advancement of our common country as are yours. We are both actuated by the same patriotism and you would be as averse as are we to the downfall of the Caucasian people. From my observation since I have been a member of your body, I do not believe that your abstract love of the negro is so great as to prevent your doing justice and right to your own race, even though the plea comes from one of a different political party.

If your adverse action on this measure would be caused by any fear of political changes in your own party, an examination of statistics will show you that if the entire negro vote were to change it would not affect the political complexion of a single State of the Union, and certainly no white Republicans could object to your joining in a movement for the purity and preservation of their own race. You men of the West are facing a similar peril of a different hue. Men of the North are not so proximate to danger as are we; but in all communities of the North where the negro has settled in numbers the same and even greater race antagonism is engendered. Quite recently you have accounts of race troubles in Pittsburg that will equal any in the South. And I was pleased when I read of the policeman who said, in substance, that he considered it a crime for a negro man to raise his hand at a white woman and would proceed accordingly, for it demonstrated anew that this race antagonism is confined to no section nor by state lines, and that others were awakening to opposition to the bleaching process that was advocated at some disgraceful dinner in New York in the spring of last year.

Mr. President, I do not advocate any abridgment of the rights before the law of the negro race nor any effort to prevent them having every opportunity for advancement, educational or otherwise. I have for more than ten years been president of the board of managers of the Florida State Reform School, and as such we have provided for the negro children equally as good buildings, teachers, and advantages as are provided for white children, but the two races do not work together or associate together or mingle together in any manner.

They have the same teachers, guards, and officials, except matrons. The reports and observations of the two races of children, under same conditions, same teachers, guards, and work, at the same place, and with all equal advantages and opportunities, show that the white children are superior in learning and labor and excel in every different kind of work, mental and physical, even in common farm labor. And the advance from the moral standpoint was so markedly in favor of the white race that I feared that all had not been done that could be done for the negro and that these children might do better under a person who did not or should not have any prejudice against them as a race. Therefore we employed as matron in the negro school a lady from New England, who had had experience in reform-school work and was filled with pity, kindness, and love for the downtrodden negro race. Within less than six months she resigned; said that she had changed her idea of the negro; she could do nothing for them; that there was no foundation to build on. After more than ten years of this work, I am of the opinion that the best we can do for them is to make good laborers, and, at that, they will not excel the Caucasian race and can not be depended upon to be law-abiding as a class. I am, in my section, recognized as a friend of the negro, and believe that I have as many friends among them as any white man in my country or more. I have lived among them all my life and have a kindly feeling for them. Therefore I am prompted in this bill by no antagonism to the rights of the negro, but am seeking to preserve my own race in its purity, and, incidentally, to enable each race to live together in harmony and quietude as far as possible.

And even the thinking negro will recognize that my efforts, if successful, will aid them to this end. This race antagonism is accentuated by the fear of social equality of the white race with a race that is made separate and further divergent than

any other race of the human family. But we are here together and should try to live together as best we may. Their presence in our land has proven a curse to the white man. They destroyed the peace and harmony between the North and the South. They brought four long years of bitter war; caused the death of thousands of our best citizens and the loss of millions of dollars of property, and now for more than forty years after the war we have not been able to get rid of this race question. The greatest desire of the negro, next to a white skin, is the longing for social equality and the resulting marriage with white people. This is natural, and more than proven by the many sexual crimes between the races, by the easy lapse from virtue of the white man and the brutal outrages of the male negro. Total separation of the races or the extinction of one must and will result; but until that time comes we can help the present trouble by enacting this bill into law and letting each race know that there is no chance of social equality, no danger of destroying the Caucasian race by mongrelization, nor of leaving our country to a posterity of race retrogrades. By enacting this legislation we will go far toward healing the differences between the North and South and bringing them back to a realization of their common brotherhood, and strengthening their efforts for the upbuilding of our Nation.

There is a growing movement that only well persons should marry. The Oregon senate has passed a bill that makes it a condition precedent to the issuance of marriage licenses that the applicants should present a certificate of good health from a reputable physician. A bill was recently introduced in the Pennsylvania legislature prohibiting the marriage of persons afflicted with pulmonary tuberculosis. Both of these bills have received favorable comment, which goes to show that public opinion is being awakened along the line of providing for a cleaner, healthier posterity, and, if such legislation is desirable, how much more to be desired is legislation to avoid the baleful and dreadful effect on our race of the taint of negro blood.

Mr. President, I had not intended to speak on this question, as I had hoped that the Judiciary Committee would report the bill favorably, and in that event some of the able Senators of that body would make all the speeches necessary for its passage, therefore I have not had time to prepare a speech which would do justice to the subject. But when I found that in spite of my repeated requests to them for action on the measure they would bring no report, I felt it my duty to endeavor to bring the measure before the Senate in this form, for the reasons above stated, and for the further reason, in order that the people of the South should know by the action of the dominant party in the Senate just how much relief they could expect from the incoming administration on this fear of social equality or race mixture, which always threatens us from the Republican party or some of its members. We want to know if the recent tour and sojourn in the South of the Republican leader means any real good to the South, any bringing us nearer to participation of the benefits of the General Government, or whether it is a case of the Greeks bearing gifts.

Now, Mr. President, in order that I may have this motion squarely before the people, I desire that the resolution be disposed of by a yea-and-nay vote.

Mr. HEYBURN. Mr. President, I move that the Senate now proceed to the consideration of the conference report on Senate bill 2982.

The VICE-PRESIDENT. The Senator from Florida [Mr. MILTON] has asked for a yea-and-nay vote on his resolution.

Mr. ALDRICH. What is the question, Mr. President?

The VICE-PRESIDENT. The Secretary will read the resolution.

Mr. ALDRICH. Before the roll call is proceeded with I should like to know on what we are called upon to vote.

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution submitted by Mr. MILTON February 27, 1909, as follows:

Senate resolution 306.

Resolved, That the Committee on the Judiciary be discharged from further consideration of the bill (S. 8462) prohibiting the intermarriage of any white person to a negro in the District of Columbia, or in any Territory of the United States, and making the issuance of such marriage, if any, incapable of inheritance, and describing the penalty for such intermarriage, and defining the word "negro," and further prescribing a penalty for any person performing such marriage ceremony.

Mr. FORAKER. I move that the resolution be laid on the table.

The VICE-PRESIDENT. The Senator from Ohio moves that the resolution lie on the table.

Mr. MILTON. I desire a yea-and-nay vote on the motion to lay on the table.

The VICE-PRESIDENT. Upon that motion the Senator from Florida has asked for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FULTON (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], but I transfer that pair to the senior Senator from Washington [Mr. ANKENY] and vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the affirmative). I inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The VICE-PRESIDENT. The Senator from South Carolina has not voted.

Mr. DILLINGHAM. Then, having a general pair with that Senator, I will withdraw my vote.

The result was announced—yeas 43, nays 21, as follows:

YEAS—43.

Aldrich	Clark, Wyo.	Frye	Perkins
Beveridge	Cullom	Fulton	Piles
Borah	Cummins	Guggenheim	Richardson
Bourne	Curtis	Heyburn	Scott
Briggs	Depew	Kean	Smith, Mich.
Brown	Dick	Kittredge	Smoot
Bulkeley	Dixon	La Follette	Sutherland
Burkett	Dolliver	Lodge	Warner
Burnham	du Pont	Long	Warren
Burrows	Flint	McCumber	Wetmore
Clapp	Foraker	Page	

NAYS—21.

Bailey	Gary	Milton	Simmons
Bankhead	Gore	Money	Stone
Culberson	Johnston	Newlands	Taliaferro
Daniel	McCreary	Overman	
Foster	McEnery	Owen	
Frazier	McLaurin	Paynter	

NOT VOTING—28.

Ankeny	Davis	Hemenway	Platt
Bacon	Dillingham	Hopkins	Rayner
Brandegee	Elkins	Knox	Smith, Md.
Carter	Gallinger	Martin	Stevenson
Clarke, Ark.	Gamble	Nelson	Taylor
Clay	Hale	Nixon	Teller
Crane	Hansbrough	Penrose	Tillman

So the motion to lay Mr. MILTON's resolution on the table was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On February 27, 1909:

S. 9017. An act for the establishment of a subport of entry at Ranier, Minn.;

S. 7378. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company; and

S. R. 76. Joint resolution relative to homestead designations, made and to be made, of members of the Osage tribe of Indians.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

GEO. C. PERKINS,
F. E. WARREN,
B. R. TILLMAN,
Managers on the part of the Senate.

WALTER I. SMITH,
JOSEPH V. GRAFF,
SWAGAR SHERLEY,
Managers on the part of the House.

The report was agreed to.

BOILER INSPECTION.

Mr. FRYE. I ask unanimous consent for the present consideration of the bill (H. R. 28175) to amend section 4434 of the Revised Statutes of the United States, and for other purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. The first section proposes to amend section 4434 of the Revised Statutes as amended by the act approved February 28, 1895, so as to read:

SEC. 4434. No externally fired boiler having its shell constructed of iron or steel plates, exceeding an average thickness of thirty-eight one-hundredths of an inch, shall be employed on any steam vessel navigating the Red River of the North or rivers flowing into the Gulf of Mexico or their tributaries; and no externally fired boiler employed on any such steam vessel shall have less than 3 inches space between its shell and any of its internal flues, and not less than 3 inches space between such flues when any such flues are more than 5 inches in diameter, the measurements to be taken from the center of the length of the tapered section of said flues; and every such externally fired boiler employed on any such steam vessel shall be provided with a manhole in the lower part of the front head thereof, of such dimensions as may be prescribed by the Board of Supervising Inspectors, in all cases where the distance between its internal flues is less than 3 inches. Externally fired boilers having shells constructed of iron or steel plates not exceeding an average thickness of fifty one-hundredths of an inch may, in the discretion of the Supervising Inspector-General, be authorized and employed on steam vessels navigating the Atlantic and Pacific oceans, or salt-water bays, or sounds, or the Great Lakes, or any of them, and waters flowing to and from the same, or any of them: *Provided*, That on inspection, no plate that is by this act limited to a thickness of thirty-eight one-hundredths of an inch and no plate that is by this act limited to a thickness of fifty-one-hundredths of an inch shall be rejected for use if found to exceed those dimensions, respectively, if the approved average thickness thereof does not exceed the limits therein specified, and the amount of steam pressure that will be permitted to be carried in boilers constructed in accordance with the requirements of this act shall be determined from measurements showing the least thickness of the plates.

Section 2 provides that all externally fired boilers, constructed of iron or steel prior to the passage of this act and now in use on any such vessels, wherein the space between the shell and any of its internal flues or between such flues is less than 3 inches, shall be deemed lawfully constructed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVISION OF THE PENAL CODE.

Mr. HEYBURN. I ask unanimous consent for the consideration of the conference report on Senate bill 2982, to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the conference report?

Mr. OVERMAN. What report is that, Mr. President?

The VICE-PRESIDENT. The Secretary will state the report.

The SECRETARY. The report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. OVERMAN. I observe the Senator from Arkansas [Mr. CLARKE] is not in his seat. He wants to be heard on this subject.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. OVERMAN. The Senator from Arkansas desires to be heard on this subject, and I will object to its consideration until he comes in.

Mr. HEYBURN. I ask for the present consideration of the report. The Senator from Arkansas was here a few moments ago.

Mr. OVERMAN. The Senator from Georgia [Mr. BACON] and also the Senator from Arkansas desire to be heard, I think, when this question comes up, and neither of them is present at this moment. I therefore ask the Senator from Idaho to withhold his request.

Mr. HEYBURN. I move that the Senate proceed to the consideration of the conference report.

The VICE-PRESIDENT. The Senator from Idaho moves that the Senate proceed to the consideration of the conference report.

Mr. CULBERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BULKELEY. I should like to have the motion stated.

The VICE-PRESIDENT. The Senator from Idaho [Mr. HEYBURN] moves that the Senate proceed to the consideration of the conference report.

Mr. BULKELEY. On the penal-code bill?

The VICE-PRESIDENT. That is the pending motion, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FULTON (when his name was called). I again announce my general pair with the junior Senator from Arkansas [Mr. DAVIS], and transfer it to the senior Senator from Washington [Mr. ANKENY] and vote. I vote "yea."

The result was announced—yeas 49, nays 12, as follows:

YEAS—49.

Aldrich	Curtis	Gore	Perkins
Beveridge	Depew	Guggenheim	Piles
Borah	Dick	Hemenway	Richardson
Briggs	Dillingham	Heyburn	Scott
Brown	Dixon	Hopkins	Smith, Mich.
Bulkeley	Dolliver	Kean	Smoot
Burkett	du Pont	Kittredge	Sutherland
Burnham	Elkins	La Follette	Warner
Burrows	Flint	Lodge	Warren
Clark, Wyo.	Foraker	Long	Wetmore
Clarke, Ark.	Frye	McCumber	
Cullom	Fulton	McEnery	
Cummins	Gamble	Page	

NAYS—12.

Bailey	Daniel	McLaurin	Rayner
Bankhead	Johnston	Money	Stone
Culberson	McCreary	Overman	Taliaferro

NOT VOTING—31.

Ankenny	Davis	Martin	Platt
Bacon	Foster	Milton	Simmons
Bourne	Frazier	Nelson	Smith, Md.
Brandegee	Gallinger	Newlands	Stephenson
Carter	Gary	Nixon	Taylor
Clapp	Hale	Owen	Teller
Clay	Hansbrough	Paynter	Tillman
Crane	Knox	Penrose	

So Mr. HEYBURN's motion was agreed to.

Mr. BRIGGS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. For what purpose?

Mr. BRIGGS. That I may ask unanimous consent for the present consideration of Calendar No. 1031, being House bill 7048.

Mr. CLARKE of Arkansas. The matter that has just been taken up by a vote of the Senate may be disposed of for the present, with the consent of the Senator from Idaho [Mr. HEYBURN], so that it will not be necessary to yield to the Senator from New Jersey [Mr. BRIGGS]. I ask the Senator from Idaho to make the announcement regarding the conference report on the penal-code bill, according to the understanding we have arrived at.

Mr. HEYBURN. I would suggest that the Senator from Arkansas state the proposition which has been submitted.

Mr. CLARKE of Arkansas. The report of the conferees has recommended the adoption of all the amendments put upon the bill for the revision of the criminal code by the House in entire substitution for the amendments adopted by the Senate. These amendments are coincident in some particulars, but it is necessary to have some little time in which to reconcile or, at least, to understand the differences. That can be done by the time of the hour of the meeting of the Senate on to-morrow, and those of us who feel that we ought to have an opportunity to point out the matters of difference that are apparently irreconcilable should be permitted to do so. The Senator from Idaho in charge of the bill consents that it may be laid over until the meeting of the Senate to-morrow, at whatever hour that may be.

Mr. HEYBURN. Under conditions.

Mr. CLARKE of Arkansas. Under the condition that we will point out to him before that hour the particular defects or the particular objections that we have to the bill.

Mr. HEYBURN. And that it be the special order for 10 o'clock to-morrow morning.

Mr. CLARKE of Arkansas. That is entirely satisfactory.

Mr. HEYBURN. With that understanding only, the Senator from Idaho agrees that the matter may go over—with the understanding and consent of the Senate that the conference report be made the special order for 10 o'clock to-morrow morning. The additional time is asked by those who oppose the report.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Rhode Island?

Mr. HEYBURN. In a moment. The time for the examination of the report as printed is asked because of the necessity for some consultation with a view of reaching an agreement. It is only because of that proposition that I am led to consent to the matter going over until to-morrow. I could not consent to its going over until to-morrow unless we had an understanding that it should be then taken up.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. That I may understand the agreement, I will ask what effect would it have, if adopted, on the consideration of conference reports or, perhaps, the finishing of an appropriation bill already before the Senate?

Mr. HEYBURN. I can not agree that any other conference report shall have a higher status than this conference report.

Mr. WARREN. Certainly not.

Mr. HEYBURN. This is a conference report.

Mr. WARREN. But suppose the sundry civil appropriation bill is not finished to-night, and it should be desired to take it up in the morning and conclude it so that it may go to conference? Ought not the Senator to except the sundry civil appropriation bill?

Mr. HEYBURN. I would cheerfully do so, but I would not want that exception under the rule in any way to affect the parliamentary situation to-morrow.

Mr. WARREN. No.

Mr. HEYBURN. Of course, if the sundry civil bill is under consideration, I will at that time—not now—agree that this report be laid aside until the sundry civil bill is disposed of.

Mr. WARREN. What about the general deficiency bill?

Mr. HEYBURN. Has the general deficiency bill come over from the House?

Mr. WARREN. Yes; but it has not yet been reported.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. I desire to ask the Senator if the conference report and the suggested amendments have been printed, so that we can have them before us?

Mr. HEYBURN. The report has been printed and was on each Senator's desk this morning. With that understanding——

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Rhode Island?

Mr. HEYBURN. Certainly.

Mr. ALDRICH. I would suggest that the Senator from Idaho modify his request by asking that the conference report be taken up at 10 o'clock to-morrow, and stop there. It will not do at this stage of the session to make any agreements as to time beyond that. All business will have to be subject to the will of the majority of the Senate. I certainly should not be willing that any consent should be given that would displace all the other business of the Senate. The Senator has a right to have his report taken up. I would suggest that he ask for unanimous consent that the consideration of the conference report be proceeded with at 10 o'clock to-morrow morning.

Mr. HEYBURN. That it be resumed at 10 o'clock to-morrow morning. That would be satisfactory. It could then only be laid aside by a vote.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the further consideration of the conference report on what is known as the "penal-code bill" shall now cease, and that the consideration of it be resumed at 10 o'clock to-morrow morning. Is there objection? The Chair hears none, and it is so ordered.

HENRY A. TOLBERT.

Mr. BRIGGS. I ask unanimous consent for the present consideration of the bill (H. R. 7048) for the relief of Henry A. Tolbert.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Henry A. Tolbert, of Barnegat, N. J., $3,185, that being the penalty exacted from him as surety for his son, Harry W. Tolbert, in default of the execution of his contract for the construction of a guardhouse and quarters at Fort Mott, N. J., in October, 1902.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN TEXAS.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 28305) to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court. The bill was reported by me this morning from the Committee on the Judiciary.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL ACADEMY BAND.

Mr. DICK. I ask unanimous consent for the present consideration of the bill (H. R. 4521) to reorganize and enlist the members of the United States Naval Academy Band.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the Naval Academy Band shall consist of 1 leader, who shall have the pay and allowance of a second lieutenant in the Marine Corps; 1 second leader, with pay at the rate of $50 per month; 29 musicians, first class, and 11 musicians, second class; to be paid from the pay of the Navy; and that the members of the Naval Academy Band as now organized shall be enlisted in the Navy and credited with all prior service of whatever nature as members of the band, as shown by the records of the Naval Academy and the pay rolls of the ships and academy; and the leader and the enlisted musicians of the band shall be entitled to the same benefits in respect to pay, emoluments, and retirement arising from longevity, reenlistment, and length of service as are, or may hereafter become, applicable to other enlisted men of the Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

P. H. M'DONOUGH.

Mr. BORAH. I ask unanimous consent for the present consideration of the bill (H. R. 13928) for the relief of P. H. McDonough, of Bardstown, Ky.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Patrick Henry McDonough $250, in full payment for horses taken from him by the military forces of the United States and converted to their own use during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMAN ANDRAE ELECTRICAL COMPANY.

Mr. SMOOT. I desire to call up the bill (H. R. 8947) for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Herman Andrae Electrical Company, of Milwaukee, Wis., $480, deducted by the Secretary of the Interior as a penalty under contract No. 15042, dated December 4, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. J. B. NEWCOMBE.

Mr. BURROWS. I ask for the present consideration of the bill (H. R. 8558) for the relief of R. J. B. Newcombe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay R. J. B. Newcombe, his representatives or assigns, $960.04 for loss sustained in constructing wharf and boathouse at the life-saving station on South Manitou Island, Michigan.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROAD IMPROVEMENT IN ALASKA.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the concurrent resolution (S. C. Res. 96) submitted by the Senator from Washington [Mr. PILES] on the 16th ultimo, to report it with an amendment. I call the attention of the Senator from Washington to the matter.

Mr. PILES. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution which had been reported from the Committee on Military Affairs with an amendment to strike out, on page 2, lines 1 and 2 and the word "Territory" in line 3, so as to make the concurrent resolution read:

Whereas petitions have been received from the legislatures of the States of Oregon and Washington and from numerous commercial bodies on the Pacific coast and in Alaska for increased appropriations for the construction of wagon roads, bridges, and trails in the Territory of Alaska; and

Whereas several bills have been previously introduced in Congress providing for aid in railroad construction in the said Territory: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That, for a better understanding of the requirements of Alaska in these respects, and to the end that a more systematic plan may be adopted, if found necessary, for the development of its resources, the Secretary of War be, and he is hereby, authorized to cause an examination to be made of the need for further road improvement in Alaska, in connection with the military and post roads, bridges, and trails now being constructed under War Department supervision, and to report thereupon, with recommendations, at the earliest practicable date.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. KEAN. The preamble should be stricken out.

Mr. WARREN. Yes.

The preamble was stricken out.

J. C. HAGGARD.

Mr. FRAZIER. I ask unanimous consent for the consideration at this time of the bill (H. R. 15755) for the relief of J. C. Haggard, of White County, Tenn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to J. C. Haggard $73.59 for tax paid on 66.9 gallons of whisky, the warehouse having previously been unlawfully broken into and the whisky stolen, without fault or negligence on Haggard's part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. S. JETTE & SON.

Mr. GUGGENHEIM. I call up for present consideration the bill (H. R. 2911) for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by U. S. dredge *Cumberland*.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to F. S. Jette & Son $70 for money expended and labor performed in repairing damages done to their wharf at Savannah, Ga., by the U. S. dredge *Cumberland* on May 24, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF CERTAIN PUBLIC LANDS IN NEBRASKA.

Mr. BURKETT. I ask unanimous consent to call up the bill (H. R. 21492) to authorize the sale of certain public lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to sell, at his discretion, for cash, any or all of the vacant public lands in township 8 north, range 30 west of the sixth principal meridian, in the State of Nebraska, which are embraced within the fractional subdivisions which resulted from disconnected surveys.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOOKSELLERS IN THE DISTRICT.

Mr. LONG. I ask unanimous consent for the immediate consideration of the bill (S. 4094) to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the paragraph referred to by adding thereto the following:

Provided, That such classification shall not be applied to booksellers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSION OF CIVIL WAR ARMY NURSES.

Mr. SCOTT. I ask unanimous consent for the consideration of the bill (S. 185) increasing the pensions of nurses in certain cases.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment to strike out section 1 and insert in lieu thereof the following:

That all women who served six months or more as volunteer army nurses, whether under contract or otherwise, during the late civil war, and who rendered actual services as nurses in attendance upon the sick and wounded in any regimental, post, camp, or general hospital of the armies of the United States for a period of six months or more, and who are now or may hereafter be unable to earn a support, shall, upon making due proof of the performance of such services according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of pensioners of the United States and be entitled to receive a pension of $12 per month, such pension to commence from the date of the filing of the application in the Pension Office after the passage of this act.

The amendment was agreed to.

Mr. KEAN. I desire to ask the Senator from West Virginia whether the bill limits the pension to $12.

Mr. SCOTT. It does.

Mr. KEAN. There is no increase?

Mr. SCOTT. No increase.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting pensions to volunteer army nurses of the civil war."

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF NEW YORK.

Mr. DEPEW. I ask unanimous consent for the present consideration of the bill (H. R. 19655) providing for an additional judge for the southern district of New York, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. FREEMAN.

Mr. WETMORE. I desire to call up the bill (H. R. 21571) for the relief of John T. Freeman.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $447.81 to John T. Freeman, chief musician Seventh Artillery Band, U. S. Army, in full payment on account of articles destroyed by fire at Fort Slocum, N. Y.

Mr. WARREN. From what committee does the bill come?

The VICE-PRESIDENT. It was reported from the Committee on Claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAND GRANT TO LOS ANGELES, CAL.

Mr. FLINT. I ask unanimous consent for the consideration at the present time of the bill (S. 8929) withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, empowered and directed to cause to be issued to the city of Los Angeles, in Los Angeles County, State of California, a patent to all of the land designated "Dry Salt Lake," embraced within the meandered lines thereof and lying within the exterior lines surrounding sections 28, 29, and 33, in township 32 south, range 34 east, Mount Diablo base and meridian, containing 251.11 acres, as designated on the plat of survey of said township made in the year 1855 and approved by the surveyor-general of California on May 14, 1856, situate in Kern County in said State, upon payment by said city to the United States therefor of the sum of $2.50 per acre, which lands have heretofore been withdrawn from entry and sale for the benefit of said city, and which withdrawal shall remain intact pending the entry of the land by said city: *Provided*, That said city shall first procure from all claimants or persons who have filed or made valid claims, locations, or entries on or to said lands, or any part thereof, proper relinquishments of all their claims thereto, and cause the same to be filed in the proper land office: *And provided further*, That said patent shall also contain the provision that all right, title, and interest of the United States in and to any lands in said sections 28, 29, and 33 not heretofore disposed of or conveyed are hereby granted, released, and relinquished to said city.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUDICIAL DISTRICT OF NEBRASKA.

Mr. BURKETT. I ask unanimous consent to call up the bill (S. 9191) to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESURVEY OF PUBLIC LANDS.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24835) authorizing the necessary resurvey of public lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment in line 12, striking out the word "twenty" and inserting the word "five."

That the House recede from its disagreement to the amendments of the Senate in line 4, striking out the words "in the manner" and inserting "as he may deem wise under the rectangular system;" and agree to the same.

REED SMOOT,
FRANK T. FLINT,
J. H. BANKHEAD,
Managers on the part of the Senate.
F. W. MONDELL,
A. J. VOLSTEAD,
JOSEPH T. ROBINSON,
Managers on the part of the House.

The report was agreed to.

LOAN OF NAVAL EQUIPMENT TO MILITARY SCHOOLS.

Mr. DICK. I ask unanimous consent for the present consideration of the bill (S. 4434) to amend an act entitled "An act

to authorize the Secretary of the Navy to loan naval equipment to certain military schools," approved March 3, 1901.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES LENNIG & CO.

Mr. PAYNTER. I ask for the present consideration of the bill (H. R. 9755) for the relief of Charles Lennig & Co.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Charles Lennig & Co., Philadelphia, Pa., for damage to their works, due to the accidental explosion on August 6, 1902, of a quantity of cartridges at Frankford Arsenal, Philadelphia, Pa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARTER & BOOKER.

Mr. OWEN. I ask unanimous consent for the present consideration of the bill (S. 9351) to authorize the Postmaster-General to settle the accounts of Carter & Booker, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORRY, PA., A PORT OF DELIVERY.

Mr. PENROSE. I desire to call up the bill (H. R. 24327) to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privilege of section 7 of the act of June 10, 1880.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL HUNTLEY.

Mr. WARREN. I ask for the present consideration of the bill (H. R. 24995) for the relief of Nathaniel Huntley.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of the pension laws the record of the muster of Nathaniel Huntley into the military service of the United States as a member of Company E, Fifth Regiment Michigan Cavalry Volunteers, shall be held to be void and without effect, Huntley never in fact having been mustered into the service as a member of that organization and never having rendered any service with it, but served as a member of Company A, One hundred and fourth Regiment New York Volunteers, and was honorably discharged from that organization.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. C. MANSFIELD.

Mr. CRANE. I ask unanimous consent for the consideration of the bill (S. 8324) for the relief of E. C. Mansfield.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to credit the accounts of E. C. Mansfield, postmaster at Boston, Mass., with the sum of $215.67, on account of the loss of $215.67 of the postal funds stolen from the Back Bay station of that post-office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACKSON PRYOR.

Mr. FRAZIER. I ask unanimous consent for the consideration of the bill (H. R. 8545) for the relief of Jackson Pryor.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to correct the military record of Jackson Pryor, late of Company D, Twelfth Regiment Kentucky Volunteer Infantry, so as to grant him an honorable discharge as of the date when that company was mustered out of the service of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CODIFICATION OF THE POSTAL LAWS.

Mr. BORAH. I ask that the bill (S. 8803) to codify, revise, and amend the postal laws of the United States may go to the calendar under Rule IX.

The VICE-PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

LIST OF CLAIMS, JUDGMENTS, AND AWARDS.

Mr. HALE submitted the following resolution (S. Res. 318), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the following schedule and lists of claims, judgments, and awards requiring appropriations by Congress not heretofore reported to Congress at the present session, namely:

First. Schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874.

Second. List of judgments rendered by the Court of Claims against the United States.

Third. List of judgments rendered by the Court of Claims in favor of claimants and against the United States under the act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891.

Fourth. List of judgments rendered against the United States by the circuit and district courts of the United States under the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

Fifth. List of awards made by the Spanish Treaty Claims Commission under the act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898, approved March 2, 1901.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 5729. An act to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof;

S. 8554. An act authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes;

S. 8654. An act for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark.;

S. 9242. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors; and

H. R. 28193. An act to authorize the city of Shreveport to construct a bridge across Red River.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 28245, the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee's amendments be first considered.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the subhead "Public buildings," on page 13, after line 19, to insert:

Everett, Wash., post-office and custom-house: For continuation of work under present limit, $40,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to insert:

Jacksonville, Fla., post-office and court-house: For tower clock and all work incident to its installation, $4,000.

The amendment was agreed to.

The next amendment was, on page 27, line 1, before the word "For," to insert "New York, appraiser's stores and custom-house," so as to make the clause read:

New York, appraiser's stores and custom-house: For the purchase of necessary materials and equipment and for all necessary services for the installation, at a cost not exceeding $175,000, of a pneumatic-tube service between the new custom-house and the appraiser's stores in New York, N. Y., $175,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 30, line 4, after the word "city," to insert "and the sum of $40,000, in addition to the amount heretofore authorized for purchase of site, may be used

for that purpose, but the limit of cost for site and building shall not be exceeded," so as to make the clause read:

Portland, Me., court-house: So much of section 1 of the public buildings act approved May 13, 1908, as applies to the post-office at Portland, Me., and the acquisition of additional ground therefor is hereby made applicable to the court-house in that city, and the sum of $40,000, in addition to the amount heretofore authorized for purchase of site, may be used for that purpose, but the limit of cost for site and building shall not be exceeded.

The amendment was agreed to.

The next amendment was, on page 30, after line 11, to insert:

Providence, R. I., post-office, court-house, and custom-house: For finishing quarters in attic for Civil Service Commission, $5,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 8, to insert:

Riverside, Cal., post-office: For site and continuation of building under present limit, $50,000.

The amendment was agreed to.

The next amendment was, on page 38, line 4, after the word "dollars," to insert "and the Secretary of the Treasury is hereby authorized and directed to purchase such additional land as may be necessary for the enlargement of the post-office and court-house at Wilmington, Del., provided for in the public buildings act approved May 30, 1908, the cost of such land not to exceed the sum of $25,000, to be paid out of the total appropriation of $120,000 authorized in said act for such enlargement," so as to make the clause read:

Wilmington, Del., post-office and court-house: For completion of the enlargement, extension, remodeling, or improvement of building under present limit, $80,000, and the Secretary of the Treasury is hereby authorized and directed to purchase such additional land as may be necessary for the enlargement of the post-office and court-house at Wilmington, Del., provided for in the public buildings act approved May 30, 1908, the cost of such land not to exceed the sum of $25,000, to be paid out of the total appropriation of $120,000 authorized in said act for such enlargement.

The amendment was agreed to.

The next amendment was, on page 39, after line 13, to insert:

For Treasury building at Washington, D. C.: For repairs to Treasury, Butler, and Winder buildings and the grounds adjacent thereto, including personal services of skilled mechanics, $21,000.

The amendment was agreed to.

The next amendment was, on page 40, line 22, before the word "thousand," to strike out "fifty" and insert "thirty-eight;" and in line 25, after the word "same," to strike out "and not exceeding $12,000 for the Treasury, Butler, and Winder buildings at Washington, D. C., so as to make the clause read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, and post-offices, quarantine stations and marine hospitals, buildings and wharf at Sitka, Ala., buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings, and other public buildings and the ground thereof, including necessary wire screens, under the control of the Treasury Department, exclusive of personal services, except for work done by contract, $538,000: *Provided*, That of this amount not exceeding $100,000 may be used for marine hospitals and quarantine stations, including wire screens for same.

The amendment was agreed to.

The next amendment was, on page 41, line 23, before the word "thousand," to strike out "and not exceeding $9,000 for the Treasury, Butler, and Winder buildings at Washington, D. C., four hundred," and insert "three hundred and ninety-one," so as to make the clause read:

Mechanical equipment for public buildings: For heating, hoisting, plumbing, gas piping (except for furniture lighting), ventilating, and refrigerating apparatus, vacuum-cleaning systems, interior pneumatic-tube and call-bell systems for all purposes, and repairs to the same, for all public buildings, including buildings not reserved by the vendors on sites acquired for buildings or the enlargement of buildings under the control of the Treasury Department, exclusive of personal services, except for work done by contract, and including not exceeding $40,000 for marine hospitals and quarantine stations, $391,000.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue-Cutter Service," on page 51, after line 12, to insert:

For the construction of a steam launch for the United States Revenue-Cutter Service for duty in the waters of Puget Sound, $25,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 15, to insert:

For constructing a suitable vessel or launch for the customs service, of such motive power as may be determined by the Secretary of the Treasury, for use at and in the vicinity of Portland, Me., $25,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 19, to insert:

For the construction of a launch, of such motive power as may be determined by the Secretary of the Treasury, for the use of the customs service at and in the vicinity of Los Angeles, Cal., $10,000.

The amendment was agreed to.

The next amendment was, on page 51, line 23, to insert:

For the construction and equipping of a steam revenue cutter, for service in Narragansett Bay and adjacent waters, with headquarters at Newport, R. I., to take the place of the revenue cutter *Dexter*, $225,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 3, to insert:

For the construction of a steam vessel for the Revenue-Cutter Service for anchorage duty at the port of New York, $80,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 6, to insert:

For the construction and equipping of a steam revenue cutter of the first class for service in the waters of Key West, Fla., $250,000.

The amendment was agreed to.

The next amendment was, under the head of "Under Smithsonian Institution," on page 55, line 21, before the word "thousand," to strike out "three hundred" and insert "one hundred and ninety," so as to make the clause read:

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, and all other necessary expenses, $190,000, of which sum $5,500 may be used for necessary drawings and illustrations for publications of the National Museum.

The amendment was agreed to.

The next amendment was, on page 56, after line 3, to insert:

For the following at the Wholesale Market square at Tenth, Eleventh, B, and Little B streets NW., in connection with the now approaching completion of the new National Museum building, for cement sidewalks, $850, and for the necessary grading, $150; in all, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "Interstate Commerce Commission," on page 61, after line 15, to insert:

Special witness of destruction of United States securities: For pay of the representative of the public on the committee to witness the destruction by maceration of government securities, at $5 per day while actually employed, $1,565.

The amendment was agreed to.

The next amendment was, in the item for Public Health and Marine-Hospital Service, on page 70, line 5, after the word "dollars," to insert "to be immediately available," so as to make the clause read:

To enable the Secretary of the Treasury to accept the proposal of the proper authorities of the Territory of Hawaii, in amount not to exceed $4,500, to make sufficient extension of the present water-supply system of the leper settlement on Molokai to provide an adequate water supply also to the leprosy investigation station of the United States, provided that the right is granted to said adequate water supply in perpetuity by the Territory of Hawaii, $4,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 70, line 8, after the word "dollars," to insert "to be immediately available," so as to make the clause read:

For constructing boat landing at the leprosy investigation station, Hawaii, $1,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Commerce and Labor," on page 72, after line 6, to insert:

Light keepers' dwellings: For light keepers' dwellings and appurtenant structures, including sites therefor: *Provided*, That no dwelling erected hereunder at any one station shall exceed $6,500 in cost, $75,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 13, to insert:

Point Judith breakwater lights, Rhode Island: For establishing lights and fog signals on the breakwaters of the National Harbor of Refuge, Point Judith, Rhode Island, and for erecting a keepers' dwelling, $18,500.

The amendment was agreed to.

The next amendment was, at the top of page 73, to insert:

Ambrose Channel, New York: For the purchase of buoys and equipment, $40,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 2, to insert:

The sum of $15,000 appropriated by the sundry civil appropriation act, approved June 30, 1906, for a tank light-vessel for Ambrose Channel, New York Bay, may be used, together with the foregoing sum, for the purchase of buoys.

The amendment was agreed to.

The next amendment was, on page 73, after line 7, to insert:

Winter Quarter Shoal light-vessel, Virginia: For constructing, equipping, and outfitting complete for service a steel self-propelling light-vessel with a fog signal; and the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare plans for the light-vessel; such draftsmen to be paid from the appropriation for building this vessel; such employment to cease and determine on or before the date when, the plans for this vessel being finished, proposals for building this vessel are invited by advertisement, $135,000.

The amendment was agreed to.

The next amendment was, at the top of page 74, to insert:

Buffalo breakwater, North End light station, New York: For dredging the Buffalo breakwater, North End light station, New York, $43,200.

The amendment was agreed to.

The next amendment was, on page 74, after line 3, to insert:

Duluth Harbor entrance, north pier light station, Minnesota: For establishing a light on the north pier, entrance to Duluth Harbor, Lake Superior, Minnesota, $4,000.

The amendment was agreed to.

The next amendment was, on page 74, after line 7, to insert:

Alcatraz light station, California: For remodeling and reconstructing the Alcatraz light station, California, $35,000.

The amendment was agreed to.

The next amendment was, on page 74, after line 10, to insert:

Puget Sound, Washington: For establishing, under the direction and supervision of the Light-House Board, such aids to navigation in Puget Sound waters as may, in the opinion of the Secretary of Commerce and Labor, be considered advisable and necessary, $41,600.

The amendment was agreed to.

The next amendment was, on page 74, after line 16, to insert:

The unexpended balance amounting to $22,105.26 of the appropriation made by the act approved May 27, 1908, for the construction of a wharf and storehouse at Waaddah Island, Neah Bay, Washington, is hereby made available for purchase of a site and construction of a wharf and storehouses thereon, at some point on the northern coast of the State of Washington between Cape Flattery and Port Townsend, to be designated by the Secretary of the Treasury, for the use of the United States Revenue-Cutter Service.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 95, after line 12, to strike out:

Biological Station, Fairport, Iowa: For the necessary personal services for conducting and continuing the biological station at Fairport, Iowa, authorized and established under a provision in the sundry civil appropriation act for the fiscal year 1909, $7,800, or so much thereof as may be necessary.

And insert:

Biological Station, Fairport, Iowa: Director, at the rate of $1,800 per annum; superintendent of fish culture, at the rate of $1,500 per annum; scientific assistant, at the rate of $1,400 per annum; scientific assistant, at the rate of $1,200 per annum; foreman, at the rate of $1,200 per annum; shell expert, at the rate of $1,200 per annum; engineer, at the rate of $1,000 per annum; 2 firemen, at the rate of $600 per annum each; 2 laborers, at the rate of $600 per annum each; in all, $7,800, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 98, line 4, before the word "dollars," to insert "and forty;" and in line 7, after the word "dollars," to insert "*Provided*, That the engineer who has heretofore been employed in this position is hereby transferred to the classified service," so as to make the clause read:

Schooner Grampus: Master, $1,500; first mate, $1,080; second mate, $840; engineer, $840; cook, $600; 3 seamen, at $540 each; 1 cabin boy, $420; in all, $6,900: *Provided*, That the engineer who has heretofore been employed in this position is hereby transferred to the classified service.

The amendment was agreed to.

The next amendment was, on page 101, after line 18, to insert:

Fish hatchery, Green Lake, Maine: For completion of roadway from said station to county road, $2,700.

The amendment was agreed to.

Mr. McCREARY. I wish to offer an amendment, to come immediately after the amendment just adopted.

The VICE-PRESIDENT. The Senator from Kentucky proposes an amendment, which will be stated.

The SECRETARY. After line 21, on page 101, it is proposed to insert:

For the establishment of a fish-cultural station in the State of Kentucky——

Mr. HALE. Mr. President——

Mr. McCREARY. Let the amendment be read. It has not yet been fully read.

Mr. HALE. We are proceeding with the committee amendments, and the Senator's amendment can be offered after the committee amendments shall have been disposed of.

Mr. McCREARY. It will save time to offer it now, and the Senator——

Mr. HALE. The Senator's amendment will come in after we get through with the committee amendments.

The VICE-PRESIDENT. Only committee amendments are now being considered.

Mr. McCREARY. If the Senator objects to its consideration now, I will wait until we are through with the committee amendments.

The reading of the bill was resumed and continued to the end of line 14 on page 103.

Mr. GARY. I should like to have this provision explained by the Senator in charge of the bill. The information I desire is whether this is the appropriation for the Immigration Commission, created under the act of 1907? Is this for the expenses of the Immigration Commission?

Mr. HALE. I am not certain. This is for the expenditures for the general subject of immigration. How much of it goes to the commission and how much to the general service I do not know. I should not say, from reading the provision, that it applies to the commission. I think perhaps the Senator from Vermont [Mr. DILLINGHAM], who is chairman of the commission, can tell the Senator.

Mr. DILLINGHAM. Mr. President, from a hasty reading of the section it would appear that the receipts arising from the head tax on those admitted to this country have heretofore been held as a separate fund, and out of it there has been paid not only the expenses of the administration of the Bureau of Immigration, but the expenses of the commission. Under the provision of the bill that fund is covered into the Treasury, and there appears to be an appropriation of a lump sum, to be expended under the direction of the Secretary of Commerce and Labor, which seems to cover all the provisions of the immigration act of 1907.

Mr. GARY. That is the act creating the commission.

Mr. DILLINGHAM. The commission was created by that act, but I do not understand that there is in this bill any specific provision for the commission, which I think is an oversight.

Mr. GARY. That is the information I wanted.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Department of Commerce and Labor," on page 104, after line 15, to strike out:

Special examiners, division of naturalization: For compensation, to be fixed by the Secretary of Commerce and Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the division of naturalization, Bureau of Immigration and Naturalization, provided for by the act of Congress approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," and for their actual necessary traveling expenses while absent from their official stations, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe; and for the actual necessary traveling expenses of the officers and employees of the division of naturalization in Washington while absent on official duty outside of the District of Columbia, $150,000. A detailed report of the expenditures under the appropriations for this service shall be annually submitted to Congress at the beginning of each regular session thereof.

The amendment was agreed to.

The next amendment was, on page 105, after line 10, to strike out:

For the purpose of carrying into effect that part of section 13 of the act of June 29, 1906 (34 Stat., 596), which provides: "And in case the clerk of any court collects fees in excess of the sum of $6,000 in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such clerk warrants such allowance," $25,000: *Provided*, That the total compensation for the additional clerical assistants authorized by that portion of the said section quoted above to be employed by the clerks of courts shall in no case exceed one-half the gross amount of fees collected by such clerks in naturalization cases during the fiscal year, and that the expenditures from this appropriation shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe.

The amendment was agreed to.

The next amendment was, on page 107, after line 10, to strike out:

Bureau of Standards: Toward procuring a testing machine to cost not exceeding $150,000, and for services in connection therewith, for the determination by the Bureau of Standards of physical constants and the properties of materials as authorized by law, $50,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of the Interior," subhead "Public buildings," on page 107, after line 24, to insert:

For repairing the operating machinery of the electric elevator, in the west wing of the Patent Office building, $4,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 2, to insert:

For additional steel stacks for the scientific library of the Patent Office, $2,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 15, to insert:

Toward the construction of the fireproof building for committee rooms and offices for the United States Senate, provided for in the sundry civil act approved April 28, 1904, including not exceeding $50 for the purchase of necessary technical books, $123,000.

The amendment was agreed to.

The next amendment was, on page 108, after line 21, to insert:

The unexpended balance of the appropriation of $30,000 made for maintenance, including heating, lighting, and ventilation, miscellaneous items, and for all necessary services for the fiscal year 1909, is reappropriated and made available for the fiscal year 1910.

The amendment was agreed to.

The next amendment was, on page 109, line 4, after the word "Capitol," to insert "Senate Office Building," so as to make the clause read:

Improving the Capitol grounds: For the care and improvement of the grounds surrounding the Capitol, Senate Office Building, and House Office Building, pay of one clerk, mechanics, gardeners, for fertilizers, repairs to pavements, walks, and roadways, $27,500.

The amendment was agreed to.

The next amendment was, on page 109, in line 11, before the word "House," to insert "Senate Office Building," so as to read:

Lighting the Capitol and grounds: For lighting the Capitol and grounds about the same, including the Senate Office Building, House Office Building, Botanic Garden, Senate and House stables, and engine house, Maltby Building, and folding and storage rooms of the Senate and House of Representatives; for gas and electric lighting.

The amendment was agreed to.

The next amendment was, on page 110, after line 3, to insert:

Court of Claims building, District of Columbia: For plumbing, painting, and revolving door for the Court of Claims building, $7,986.

The amendment was agreed to.

The next amendment was, under the subhead "Public lands service," on page 114, line 2, after the word "dollars," to insert:

Provided, That persons employed under this appropriation shall be selected by the Secretary of the Interior, at a compensation of $60 per month each, and shall be entitled to the same leave of absence or leave for sickness with pay as is allowed by law to other employees of the executive departments.

Mr. CURTIS. In line 4, page 114, I move to strike out the word "sixty" and to insert in lieu thereof the words "seventy-five," so as to make the pay $75 per month.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Surveying public lands," on page 120, line 6, before the word "thousand," to insert "and fifty," so as to make the clause read:

For topographical surveys in various portions of the United States, $350,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 120, line 9, before the word "thousand," to insert "and sixty," so as to make the clause read:

For geological surveys in the various portions of the United States, $260,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 120, after line 10, to strike out:

For paleontologic researches relating to the geology of the United States, $10,000.

The amendment was agreed to.

The next amendment was, on page 121, line 2, after the word "hundred," to strike out "one" and insert "two," so as to make the clause read:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $200,000.

The amendment was agreed to.

The reading of the bill was continued to line 13, page 121.

Mr. HALE. I offer the following amendment to correct a misprint in the bill.

The SECRETARY. On page 121, strike out lines 8 to 13, inclusive, and insert:

For the continuation of the investigation of the structural materials belonging to or for the use of the United States, such as stone, clays, cement, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, $150,000.

The amendment was agreed to.

The next amendment was, on page 121, line 19, before the word "thousand," to insert "and fifty," so as to make the clause read:

For the continuation of the analyzing and testing of the coals, lignites, and other mineral fuel substances belonging to or for the use of the United States, in order to determine their fuel value, etc., under the supervision of the Director of the United States Geological Survey, $150,000.

Mr. HALE. This amendment should be disagreed to, because of the amendment just adopted. It goes to the previous clause.

The amendment was rejected.

The next amendment was, on page 122, line 8, to strike out the period and insert a semicolon.

The amendment was agreed to.

The next amendment was, on page 122, after line 11, to insert:

The Director of the Geological Survey shall hereafter furnish to any person, concern, or institution, in the interest of education and the dissemination of knowledge, that shall pay in advance the whole cost of material and services thereof, copies of any photographs or lantern slides in the possession of the United States Geological Survey, and the moneys received by the director for the same shall be deposited in the United States Treasury to the credit of the appropriation "Geological maps of the United States" of the said Geological Survey, and this provision shall become effective immediately.

The amendment was agreed to.

The next amendment was, on page 122, line 24, before the word "hundred," to strike out "three" and insert "five," and in the same line, before the word "thousand," to strike out "forty-two" and insert "ninety-two," so as to make the clause read:

In all, for the United States Geological Survey, $1,592,390.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of the Interior," on page 123, after line 1, to insert:

Expenses of testimony in disbarment proceedings: For actual and necessary expenses to enable the Secretary of the Interior to take testimony, and prepare the same, in connection with disbarment proceedings instituted against persons charged with improper practices before the Department of the Interior, its bureaus and offices, $3,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 128, after line 10, to insert:

To enable the Secretary of the Interior to pay the National Automatic Fire Alarm Company, of Washington, D. C., for the maintenance of the automatic fire-alarm system now in certain buildings of the Government Hospital for the Insane, placed there by said company under act of Congress, March 3, 1903, and a contract between said company and the said Secretary of the Interior, acting for the United States, dated September 17, 1903, there is hereby appropriated out of said sum of $100,000 the sum of $4,634.50, the bills for the same to be rendered by said company and paid monthly: *Provided*, That such changes are made in the installation of said system as have been recommended to the Secretary of the Interior in the report of date of August 18, 1908, of the committee on inspection heretofore appointed by him under said contract, the same to be made before July 13, 1909, to the satisfaction of said committee: *And provided*, That said system is maintained by said company as provided in said contract.

The amendment was agreed to.

The next amendment was in the items for Howard University, on page 129, after line 24, to insert:

For scientific building and equipment, in addition to donations therefor, $90,000.

The amendment was agreed to.

The next amendment was, on page 130, line 2, before the word "thousand," to strike out "ninety-three" and insert "three," so as to make the clause read:

For improvement of grounds and repairs of buildings, $3,000.

The amendment was agreed to.

The next amendment was, on page 130, line 12, after the word "Hospital," to strike out:

For salaries and compensation of the surgeon in chief, not to exceed $3,000, and for all other professional and other services that may be required and expressly approved by the Secretary of the Interior; in all, $28,500.

And insert:

For salaries and compensation of the superintendent, not to exceed $3,000; for assistant superintendent, resident physician, resident surgeon, resident gynecologist, resident obstetrician, resident pathologist, clerk, assistant clerks, pharmacist, assistant pharmacist, steward, cooks, engineer, assistant engineer, firemen, pathologist, seamstresses, superintendent of nurses, assistant superintendent of nurses, night supervisor of nurses, head nurses, pupil nurses, maids, waiters, drivers, laundresses, laborers, watchmen, anæsthetist, orderlies, elevator men, and dietitian, $34,380.

So as to make the clause read:

Freedman's Hospital: For salaries and compensation of the superintendent, not to exceed $3,000, etc.

The amendment was agreed to.

The next amendment was, on page 131, line 6, before the word "dollars," to strike out "forty-three thousand five hundred" and insert "forty-nine thousand three hundred and eight," so as to make the clause read:

In all, $49,308.

The amendment was agreed to.

The next amendment was, on page 131, after line 6, to insert:

For an additional wing to Freedmen's Hospital building, $55,700.

The amendment was agreed to.

The next amendment was, on page 131, after line 13, to insert:

Memorial to John Wesley Powell: For the purpose of procuring and erecting on the brink of the Grand Canyon, in the Grand Canyon Forest Reserve in Arizona, a memorial to the late John Wesley Powell, with a suitable pedestal, if necessary, in recognition of his distinguished public services as a soldier, explorer, and administrator of government scientific work, $5,000: *Provided*, That the design for said memorial and the site for the same shall be approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, under the head of "Under the War Department," subhead "Armories and arsenals," on page 131, after line 26, to insert:

For additional equipment for shop building for the manufacture of artillery ammunition, $23,500.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds in and around Washington," on page 138, after line 9, to insert:

For continuing the improvement of Potomac Park: To commence the construction of a riverside drive in section 3 of Potomac Park, being that section east of the causeway of the Pennsylvania Railroad bridge, $50,000.

The amendment was agreed to.

The next amendment was, on page 139, after line 21, to insert:

For additional accommodations to the building erected for the offices of the President, and for each and every purpose connected therewith, including heating apparatus and light fixtures, and furniture, all to be done according to plans, the details of which shall be approved by the President, and completed in every respect within the sum hereby appropriated, $40,000, to be expended by contract or otherwise, in the discretion and under the direction of the President, to be immediately available.

Mr. CLAY. I should like to ask the Senator from Maine if any estimate has been made for this item. I remember that a few years ago we spent $60,000 on additions to the White House. I am unable to see why at this time the sum of $40,000 more is needed.

Mr. HALE. It is not for the convenience of the President; it is for the convenience of everybody who goes to the executive office and does business. When we provided for the little office building everybody realized that it was not large enough. It was a part of the provision by which we built it that the walls should be made so strong that at any time we could impose an additional story on the building.

This is for the purpose of giving what I think every Senator realizes should be given, additional space to the executive office. It is all on one floor. It is not half as large as the Senate Chamber. There is no privacy. The whole space is taken up by clerks and reporters, and there ought to be another story there for the President, for Cabinet meetings, and for reception rooms, which are entirely cut out. That is why this provision was put on here.

Mr. CLAY. Will the Senator tell us what department has estimated for this expenditure?

Mr. HALE. It does not come under any department; it comes under Congress.

Mr. CLAY. I have certainly seen it stated in the public press that the present Chief Magistrate of the Nation was unalterably opposed to any change in the present plan and to any enlargement whatever.

Mr. HALE. That is covered by the provision in this amendment, that if the new President does not approve of it, it will not be done. It is to be done under his control. The amendment is very carefully drawn. If the President does not want it, it will not be done.

Mr. CLAY. If the statement now made by the Senator from Maine is true, it is a great pity when we were enlarging the White House that the plans and specifications were not drawn so as to accommodate the public.

Mr. HALE. I suppose there is no instance anywhere in the world of a great officer like the President who has not three times the accommodation this little building furnishes to the President. I never go there that I do not feel it is not half or a quarter what ought to be given to the President. This amendment does not have to be estimated for by any department. It is a matter purely in the discretion of Congress. If the Senate does not want the amendment, I have no interest in it.

The amendment was agreed to.

The next amendment was, on page 140, after line 15, to insert:

For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000.

Mr. CLAY. Mr. President, just one word in regard to this item.

My understanding is that the question of the salary of the President of the United States is now in conference. The Senate passed a bill fixing the salary of the President of the United States at $100,000, which included traveling expenses. That bill has gone to the House, and I presume I do not violate any rule when I say that I understand the House cut the amount from $100,000 to $75,000, the $75,000 to include traveling expenses. The House did that on a vote. I understand that the conferees have not come to any terms in regard to it. I presume that the conferees will either fix the salary at $100,000, which shall include traveling expenses, or $75,000, which shall exclude traveling expenses.

Mr. WARREN. It is a little worse than that. The House may yet vote for even less than $75,000. The matter is still open in conference, and this item of course will not be closed in conference until the other is settled.

Mr. CLAY. I thought the House had already agreed to $75,000. The House voted $75,000.

Mr. WARREN. But it is still unsettled and it is liable to change, because to-day or to-morrow the House is to vote again on the same question.

Mr. CLAY. Certainly if we fix the salary in the legislative appropriation bill, including traveling expenses, it ought not to be included in this bill.

Mr. HALE. Then within ten minutes this amendment would go out so quickly you would not know what had become of it.

Mr. CLAY. I did not catch what the Senator from Maine said.

Mr. HALE. If there is any agreement reached, either for a salary of $100,000 or $75,000, this amendment will go out at once. It is inserted here only to put in traveling expenses if it should happen that the House insists on a salary of $50,000.

Mr. CLAY. I think the Senator is correct. If the House insists on a salary of $50,000, this item ought to go in.

Mr. HALE. That is why it is put in.

Mr. BORAH. Do I understand the Senator from Maine to say that in case the House conferees agree upon $75,000, this item will go out?

Mr. HALE. Undoubtedly.

The amendment was agreed to.

The next amendment was, on page 141, line 2, before the word "dollars," to strike out "fifteen" and insert "eighteen," so as to read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas fitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and repairs of all kinds; stoves, fuel, and lights for office and office stable, watchmen's lodges, and for the greenhouses at the nursery, $19,500: *Provided*, That for each 5-foot burner not connected with a meter in the lamps on the public grounds not more than $18 shall be paid per lamp for gas, including lighting, cleaning, and keeping the lamps in repair, under any expenditure provided for in this act.

The amendment was agreed to.

The next amendment was, in the item for lighting the Executive Mansion and public grounds, on page 141, line 18, after the word "exceed," to strike out "$18" and insert "$20.85," so as to make the proviso read:

And provided further, That not more than $6,000 of said appropriation may be expended for lighting, extinguishing, cleaning, repairing, and painting park lamps of a higher candlepower than those provided for above and not less than 60 candlepower, which lamps shall cost not to exceed $20.85 per lamp per annum and shall otherwise be subject to the restrictions of this paragraph.

The amendment was agreed to.

The next amendment was, on page 141, line 23, before the word "dollars," to strike out "eighty" and insert "eighty-five;" and in line 26, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and ten," so as to make the clause read:

For lighting six arc electric lights in Executive Mansion grounds within the iron fence, at not exceeding $85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said lights, $510.

The amendment was agreed to.

The next amendment was, on page 142, line 2, before the word "dollars," to strike out "eighty" and insert "eighty-five," and in line 5, before the word "dollars," to strike out "four hundred and eighty" and insert "five hundred and ten," so as to make the clause read:

For lighting six arc electric lights at the propagating gardens, at not exceeding $85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said lights, $510.

The amendment was agreed to.

The next amendment was, on page 142, line 12, before the word "dollars," to strike out "eighty" and insert "eighty-five;" and in line 14, before the word "hundred," to strike out "four" and insert "eight," so as to make the clause read:

For lighting arc electric lights in public grounds, as follows: For 7 in grounds south of the Executive Mansion, 32 in Lafayette, Franklin, Judiciary, and Lincoln parks, 14 in grounds south of Executive Mansion and in Monument Park, and 27 in Potomac Park driveway, at not exceeding $85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said lights; in all, $6,800, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 142, line 20, before the word "dollars," to strike out "eighty" and insert "eighty-five," and in line 23, before the word "hundred," to strike out "two" and insert "four," so as to make the clause read:

For laying conduit, erecting 40 poles and lamps, and lighting same on macadam roadways in sections 1 and 2 of Potomac Park, at not exceeding $85 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said lights, $3,400, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

The amendment was agreed to.

The next amendment was, on page 144, line 8, after the word "dollars," to insert: "*Provided*, That hereafter no advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, except upon the written authority of the Secretary of War," so as to make the clause read:

For fuel, lights, oil, waste, packing, tools, matches, paints, brushes, brooms, lanterns, rope, nails, screws, lead, electric lights, heating apparatus, oil stoves for elevator car and upper and lower floors; repairs to engines, boilers, dynamos, elevator, and repairs of all kinds connected with the Monument and machinery; and purchase of all necessary articles for keeping the Monument, machinery, elevator, and electric plant in good order, $3,000: *Provided*, That hereafter no advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, except upon the written authority of the Secretary of War.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 146, line 8, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Hay Lake and Neebish channels St. Marys River, Michigan: For continuing improvement, $395,000.

The amendment was agreed to.

The next amendment was, on page 146, line 12, after the word "the," to strike out "completion" and insert "construction," so as to make the clause read:

For continuing improvement of Mississippi River between St. Paul and Minneapolis by the construction of Locks and Dams Nos. 1 and 2, $180,000.

The amendment was agreed to.

The next amendment was, on page 147, line 2, after the word "falls," to strike out "in completion of contract authorization," so as to make the clause read:

Improving St. Marys River, Michigan: For continuing improvement at the falls, $225,000.

The amendment was agreed to.

The next amendment was, on page 147, line 10, before the word "Aransas," to strike out "Improving" and insert "For improving," so as to make the clause read:

For improving Aransas Pass and Bay, Texas: For continuing improvement in completion of contract authorization, $90,000.

The amendment was agreed to.

The next amendment was, on page 148, line 21, after the word "extension," to strike out "in completion of contract authorization," so as to make the clause read:

Improving harbor at Cleveland, Ohio: For continuing improvement in accordance with plan for new harbor entrance and breakwater extension, $175,000.

The amendment was agreed to.

The next amendment was, on page 154, line 4, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving harbor at San Juan, Porto Rico: For continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, on page 155, line 5, before the word "improvement," to strike out "completing" and insert "continuing," so as to make the clause read:

Waterway from Pamlico Sound to Beaufort Inlet, North Carolina: For continuing improvement, $135,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, War Department," on page 160, after line 22, to insert:

Water supply, Presidio of San Francisco: For the purchase of land and acquirement of water rights on Lobos Creek, California, to protect the water supply of the Presidio of San Francisco and to provide an independent water supply for military purposes in San Francisco Harbor, California, $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 176, after line 4, to insert:

For flagstaff, $1,000.

The amendment was agreed to.

The next amendment was, on page 176, line 9, before the word "thousand," to strike out "one" and insert "two," so as to make the clause read:

In all, $402,700.

The amendment was agreed to.

The next amendment was, on page 179, after line 9, to insert:

For iron fence and gatehouse, $12,200.

The amendment was agreed to.

The next amendment was, on page 179, line 17, before the word "hundred," to strike out "thirty-six thousand six" and insert "forty-two thousand eight," so as to make the clause read:

In all, $442,800.

The amendment was agreed to.

The next amendment was, in the items for the Marion Branch Home, on page 180, line 11, to strike out "For improvement of coal shed and coal-handling appliances, $14,500" and insert "For insulation of hot water and steam pipes, $15,000."

The amendment was agreed to.

The next amendment was, on page 180, line 18, before the word "dollars," to insert "five hundred," so as to make the clause at the end of the items for the Marion Branch read:

In all, $297,500.

The amendment was agreed to.

The next amendment was, on page 183, line 23, after the word "surgeon," to insert "$3,500;" and on page 184, line 11, before the word "thousand," to strike out "sixty-six" and insert "sixty-five," so as to make the clause read:

For president of the board of managers, $4,000; secretary of the board of managers, $500; general treasurer, who shall not be a member of the board of managers, $4,000; inspector-general and chief surgeon, $3,500; assistant general treasurer and assistant inspector-general, $3,000; assistant inspector-general, $3,000; assistant inspector-general, $2,500; clerical services for the offices of the president, general treasurer, and inspector-general and chief surgeon, $15,500; clerical services for managers, $4,500; agent, $600; for traveling expenses of the board of managers, their officers and employees, $16,000; for outdoor relief, $1,000; for rent, legal services, medical examinations, stationery, telegrams, and other incidental expenses, $7,000; in all, $65,100.

The amendment was agreed to.

The next amendment was, on page 184, line 14, before the word "and," to strike out "eleven thousand" and insert "twenty-three thousand seven hundred," so as to make the clause read:

In all, for National Home for Disabled Volunteer Soldiers, $4,323,750.

The amendment was agreed to.

The next amendment was, on page 184, after line 20, to insert:

In addition to those classes of discharged soldiers and sailors now admissible to the National Home for Disabled Volunteer Soldiers, all honorably discharged soldiers and sailors who have served in the Philippines, in China, or in Alaska, who are now or who hereafter may become disabled by disease or otherwise, and by reason of such disability are incapable of earning a living, shall hereafter be admitted thereto.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Justice," on page 187, after line 19, to insert:

Rent of buildings: For rent of buildings and parts of buildings in the District of Columbia, used by the Department of Justice, for the fiscal year 1910, $300.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," subhead "The United States courts," on page 194, line 2, after the word "dollars," to strike out the following proviso:

Provided, That when persons subpœnaed to attend as witnesses for the United States make affidavit to the effect that they are without sufficient funds to pay their expenses to the place where attendance is required, there may be advanced, when so directed by the Attorney-General, to such intended witnesses sufficient funds to enable them to attend, the amounts so advanced to be deducted at the time of settlement from the fees to which they may be entitled.

The amendment was agreed to.

The next amendment was, on page 194, after line 10, to insert:

Jurors and witnesses in United States courts in the Territory of Hawaii shall receive the same compensation for mileage and attendance as is now provided by law for such jurors and witnesses in the Territories of New Mexico and Arizona.

The amendment was agreed to.

The next amendment was, under the head of "Civil Service Commission," on page 204, line 12, before the word "thousand," to strike out "two" and insert "ten," so as to make the clause read:

For rent of additional buildings or rooms, $10,000.

The amendment was agreed to.

The next amendment was, on page 205, after line 12, to insert:

Capitol police: The Board of Capitol Police is hereby authorized and directed to retain on the roll of the Capitol police, James F. Sellers, who was injured for life while in the discharge of his duties, the said James F. Sellers to be assigned to duty now performed by him in the Senate reception room.

The amendment was agreed to.

The next amendment was, on page 205, after line 18, to insert:

Bust of President Zachary Taylor: To enable the Joint Committee on the Library to purchase of Mrs. Lola Wood, widow and sole executrix of John Taylor Wood, esq. (who was a grandson of President Zachary Taylor), a bust of President Zachary Taylor in her possession, to be placed in the Capitol building, $2,000, or so much as may be necessary.

The amendment was agreed to.

The next amendment was, under the head of "Government Printing Office," at the top of page 210, to insert:

Except the appropriations for salaries in the office of the superintendent of documents, and for stores and general expense for the office of the superintendent of documents, all appropriations made herein

under "Government Printing Office" shall be considered in apportioning the allotments for printing and binding to the several executive departments, bureaus, and independent offices of the Government.

The amendment was agreed to.

The next amendment was, on page 210, line 8, to strike out "*And provided further*" and insert "*Provided.*"

The amendment was agreed to.

The next amendment was, on page 213, line 5, before the word "thousand," to strike out "fifteen" and insert "twenty-five," so as to make the clause read:

For the Navy Department, $153,000, including not exceeding $25,000 for the Hydrographic Office.

The amendment was agreed to.

The next amendment was, under the subhead "Public printing and binding," on page 214, after line 20, to insert:

For printing and binding the annual report of the director, monographs, professional papers, bulletins, water-supply papers, and the report on mineral resources, $140,000; and said amount shall cover all printing and binding on account of said publications of the Geological Survey.

The amendment was agreed to.

The next amendment was, on page 217, after line 6, to strike out:

The Public Printer may hereafter, in his discretion, pay printer linotype operators and printer monotype keyboard operators at a rate not exceeding 60 cents per hour: *Provided*, That when the exigencies of the service require that work be performed on Sunday the Public Printer may, in his discretion, pay to employees, not receiving annual salaries, not exceeding 50 per cent in addition to the regular rate paid for such work.

The amendment was agreed to.

The next amendment was, under the head of "The Isthmian Canal," on page 222, line 13, after the word "two," to insert "and the amount of bonds authorized by said section is hereby increased to $160,000,000," so as to make the proviso read:

Provided, That all expenditures from the appropriation herein and hereinafter made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and the amount of bonds authorized by said section is hereby increased to $160,000,000.

The amendment was agreed to.

The next amendment was, on page 225, after line 5, to strike out section 6, as follows:

SEC. 6. Hereafter all supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other government establishments in Washington, when the public exigencies do not require the immediate delivery of the article, shall be advertised and contracted for by the Secretary of Commerce and Labor, instead of by the several departments and establishments, upon such days as he may designate. There shall be a general supply committee in lieu of the board provided for in section 3709 of the Revised Statutes as amended, composed of officers, one from each such department and other government establishment in Washington, designated by the head thereof, the duties of which committee shall be to make, under the direction of the said Secretary, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all departments comply with, rules providing for such examination and tests of the articles received as may be necessary for such purpose; in making additions to the said schedule; in opening and considering the bids; and shall perform such other similar duties as he may assign to them: *Provided*, That articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such departments or establishments; but the said Secretary shall have discretion to amend the annual common supply schedule from time to time as to any articles that in his judgment can as well be thus purchased. In all cases only one bond for the proper performance of each contract shall be required, notwithstanding that supplies for more than one department or government establishment are included in such contract. Every purchase or drawing of such supplies from the contractor shall be immediately reported to said committee. No disbursing officer shall be a member of such committee. No department or establishment shall purchase or draw supplies from the common schedule through more than one office or bureau, except in case of detached bureaus or offices having field or outlying service, which may purchase directly from the contractor with the permission of the head of their department or establishment: *And provided further*, That telephone service, electric light and power service purchased or contracted for from companies or individuals shall be so obtained by him.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I notice that in the reading the Secretary has passed over page 219, where I find a provision which reads:

6. To continue the equipment and construction of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, $700,000; no part of said sum shall be expended until the obligation of the Panama Railroad Company for the full amount thereof, and drawing 4 per cent interest, payable to the United States, shall have been delivered to the Secretary of the Treasury of the United States, and by him accepted.

I wish to ask the acting chairman of the committee what is the present status of the Panama Railroad Company? I understand that the United States Government owns the entire stock of that railroad. Is that correct?

Mr. HALE. I suppose so.

Mr. OVERMAN. Is there any such company now in existence as the Panama Railroad Company?

Mr. HALE. Yes; in a way it exists. It has been merged with the Government, but it is maintained as a nominal organization.

Mr. OVERMAN. Then, as I understand, it is proposed that this company shall issue bonds for the amount of money that is appropriated.

Mr. HALE. There are already bonds out, but it is all a governmental matter. It is only kept up nominally, but it has no jurisdiction and has no power outside of the Government.

Mr. OVERMAN. Who issues these bonds?

Mr. HALE. They are issued by the command of the Government, and the Government controls the railroad.

Mr. OVERMAN. Is there a board of directors and a president of that railroad company there now?

Mr. HALE. There is a board of directors.

Mr. OVERMAN. And they issue these bonds?

Mr. HALE. By direction of the Government.

Mr. OVERMAN. Why not appropriate the money directly?

Mr. HALE. I do not think it would make much difference. It is one hand washing the other.

Mr. OVERMAN. Taking money out of one pocket and putting it into another?

Mr. HALE. That is all. The whole thing is in the hands of the Government.

Mr. OVERMAN. Can the Senator tell me why that organization is kept up?

Mr. HALE. It was thought better, as a matter of business, to maintain that nominal organization, because they had the bonds already out. We thrashed that out in discussions in the Senate some years ago.

Mr. OVERMAN. A Senator suggests—I think the Senator from Missouri [Mr. STONE]—that Cromwell is on the board of directors of that organization. Is that true?

Mr. HALE. They have no power, and there is no profit at all in it for them.

Mr. OVERMAN. Is Mr. Cromwell any longer a director of that railroad company?

Mr. HALE. I do not know.

Mr. OVERMAN. Who are the directors?

Mr. HALE. I do not know, and I do not want to know.

Mr. OVERMAN. Does the Senator not think that the country would like to know who are the directors of that railroad company?

Mr. HALE. Yes; perhaps so; but the Senator understands that we have undertaken this whole gigantic enterprise and that we are embarked in it. Where it will end nobody can tell.

Mr. OVERMAN. I understand that, and I agree to the necessary appropriation; but I can not understand why the Government should make an appropriation for the construction of a railroad at one place of $700,000, and then have the company give bonds to the Government for this money when the Government owns the railroad.

Mr. HALE. It is not much more than a matter of bookkeeping.

Mr. OVERMAN. Then there is another item I see here, where we provide a million dollars for building another railroad. What is the difference between completion and construction of a railroad? I thought the railroad was already constructed.

Mr. HALE. The Senator understands that that railroad had to be changed on account of the plans.

Mr. OVERMAN. I understand that; but this item is for completion and construction of a railroad as it now exists—one item. The other is for relocating.

Mr. HALE. Quite likely part of it is for the railroad as it is now.

Mr. OVERMAN. The road has never been completed, then?

Mr. HALE. That I do not know.

Mr. OVERMAN. This item says for construction and completion. The other is for relocating, for equipment, and construction of the Panama Railroad.

Mr. HALE. It all relates to the same road. There is no doubt about that. I never, however, have been able to follow all of the intricacies, the changes, and the adaptation of the plans down there. I have read the report as carefully as I can, and I see plainly that the whole thing is in charge of the Government and that about all we shall have to do will be to appropriate the money.

Mr. OVERMAN. Who is now the president of this Panama Railroad Company?

Mr. HALE. I do not know.

Mr. OVERMAN. I am sorry the Senator can not give me the information.

Mr. HALE. I have not looked into that matter at all. I suppose, perhaps, the Senator from South Dakota [Mr. KITTREDGE] can tell.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Dakota?

Mr. HALE. Certainly.

Mr. KITTREDGE. Mr. President, I want to call the attention of the acting chairman of the committee to line 2, on page 220. According to that provision, the bonds there referred to are to pay 4 per cent interest. Virtually, then, the United States Government is to pay 4 per cent interest upon an obligation authorized by this section. Am I correct?

Mr. HALE. I do not know what was the rate of the old bonds, but, undoubtedly, under this arrangement these bonds will be 4 per cent bonds. I do not suppose the Government will ever pay any money out. It will all be in the Treasury.

Mr. KITTREDGE. Mr. President, if the Senator will yield to me——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Dakota?

Mr. HALE. Yes.

Mr. KITTREDGE. My point is, that if there is a necessity to borrow money, why not borrow it upon the credit of the United States and pay 2 per cent interest, instead of on the credit of this railroad company and pay 4 per cent interest?

Mr. WARREN. May I ask the Senator from South Dakota what percentage of interest is paid for the Panama Railroad bonds now out?

Mr. KITTREDGE. There were items on the appropriation bill two years ago, as I now recollect, providing for the payment of the outstanding bonds of the Panama Railroad.

Mr. WARREN. Is the Senator from South Dakota able to say that all those bonds have been redeemed?

Mr. KITTREDGE. The bonds ought to have been redeemed under the provisions of the law to which attention is called.

Mr. WARREN. Was that permissive or was it mandatory?

Mr. KITTREDGE. I have not in mind the language, but the intention on my part, at least, was that those bonds were to be taken up and paid, because they drew 4 per cent interest or a higher rate.

Mr. WARREN. The Senator will notice the following words:

drawing 4 per cent interest, payable to the United States, shall have been delivered to the Secretary of the Treasury of the United States, and by him accepted.

So the bonds are in the Treasury of the United States. It is simply paying for what bonds, if any, are in the Treasury, and not bonds held by outsiders. In other words, the Panama Railroad is paying 4 per cent interest on bonds and the United States is collecting the 4 per cent on the same.

Mr. OVERMAN. Why pay any more interest than 2 per cent upon them?

Mr. WARREN. I was hoping to get more information from the Senator from South Dakota [Mr. KITTREDGE]. My opinion is that these bonds become a part of and are on the same basis with the old bonds. You will probably find, upon looking it up, that a lot of those old bonds are in the Treasury of the United States, the property of the United States, and this issue, of course, is made to fit under the same law upon which those bonds were issued, to bear the same rate of interest.

Mr. OVERMAN. Is this railroad company paying interest on these bonds to the Government at 4 per cent?

Mr. WARREN. It pays interest on the bonds wherever the bonds are owned. I have no doubt about that.

Mr. OVERMAN. The old bonds have not been taken up by the 2 per cent bonds, as we understood was to have been done.

Mr. WARREN. My opinion is that they were not entirely taken up. I am speaking, however, without the information that I hoped to get from the Senator from South Dakota. What I have stated is, however, my impression.

Mr. ALDRICH. Mr. President, the transaction is very simple. The Government of the United States expended $700,000 for this property, for which it received $700,000 of 4 per cent bonds, and put them in the Treasury. It gets 4 per cent rather than pays 4 per cent.

Mr. CLAY. Mr. President, was the amendment on page 222, in lines 13, 14, and 15, agreed to?

The VICE-PRESIDENT. The amendment at that point was agreed to.

Mr. CLAY. I was not aware of it. I have a motion to make in regard to that amendment. I shall wait, however, until the bill gets into the Senate.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 227, after line 9, to strike out section 8, as follows:

SEC. 8. Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

The amendment was agreed to.

The next amendment was, on page 229, after line 9, to insert as a new section the following:

SEC. 9. The Secretary of the Treasury shall cause all unexpended balances of appropriations which remained on the books of the Treasury on the 1st day of July, 1904, except permanent specific appropriations, judgments and findings of courts, trust funds, and appropriations for fulfilling treaty obligations with the Indians, to be carried to the surplus fund and covered into the Treasury: *Provided*, That such sums of said balances as may be needed to pay contracts existing and not fully discharged at the date of this act shall remain available for said purposes. For the purposes herein declared no appropriation made prior to July 1, 1904, shall be construed to be a permanent specific appropriation unless by its language it is made available for use until expended.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. DEPEW. I offer an amendment, to insert on page 104, after line 11, what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 104, after line 11, it is proposed to insert:

The act of May 27, 1908 (35 Stat., p. 330), is hereby amended by striking out the following: "Immigration station, Ellis Island, N. Y.: For dredging new channel to afford landing facilities for arriving aliens and their baggage, $65,000," and inserting "Immigration station, Ellis Island, N. Y.: For dredging new channel and constructing new wharf for affording landing facilities for arriving aliens and their baggage, $65,000."

Mr. HALE. Mr. President, so far as I can judge from the reading, this is not an additional appropriation, but only a substitution in more practical form for an old appropriation. So I do not object to it.

Mr. KEAN. I move to amend the amendment by inserting the word "harbor" after "New York." It reads "Ellis Island, New York." Ellis Island is not in New York.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment by inserting the word "harbor" after the word "New York."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. FORAKER. I offer the amendment which I send to the desk, to come under the subhead "Department of State," on page 203.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 203, it is proposed to insert the following:

Payment to the Catholic Church in Porto Rico: To give effect on the part of the United States to the basis of settlement of all matters in dispute between the Roman Catholic Church in Porto Rico on the one part and the United States and the people of Porto Rico on the other part, signed at San Juan, P. R., on August 12, 1908, by commissioners for the United States, the Roman Catholic Church of Porto Rico, and the people of Porto Rico, respectively, the Secretary of the Treasury is hereby authorized to pay to the bishop of Porto Rico as the representative and trustee of the Roman Catholic Church in that island, and for the exclusive benefit of the Roman Catholic Church in Porto Rico, the sum of $120,000, in full satisfaction of all claims of every nature whatsoever relative to the properties claimed by the Roman Catholic Church in Porto Rico which are now in the possession of the United States, to wit, the building known as the Santo Domingo Barracks and the land pertaining thereto, and the site of the building formerly known as the Ballaja Barracks, now known as the Infantry Barracks, both properties in the city of San Juan, P. R.: *Provided*, That the Roman Catholic Church shall guarantee the title to, and shall relinquish all rights and actions regarding said properties, and that the said properties shall belong exclusively to the United States: *And provided further*, That upon the acceptance of this sum the Roman Catholic Church shall relinquish all claims of any kind whatsoever against the United States arising in Porto Rico prior to the approval of this act.

Mr. OVERMAN. Mr. President, I make the point of order on that amendment. I do not think it has been estimated for. It is too important a matter, appropriating as it does $120,000, to be put on this bill unless we know something about it.

Mr. LODGE. A bill similar to the amendment has passed the Senate, and so the amendment is clearly in order.

Mr. OVERMAN. I understand that this matter was up in the House of Representatives, when it was stricken from the

bill, and that it was before the committee there and not reported favorably, as I am informed.

Mr. FORAKER. The amendment in the form of a bill was reported without objection from the Committee on Pacific Islands and Porto Rico, and then it was passed in the Senate without any opposition. It provides simply for payment of a sum of money, arrived at by commissioners representing the United States and commissioners representing the Roman Catholic Church.

Mr. OVERMAN. It may be all right——

Mr. FORAKER. It is an agreed sum, sent here by the Secretary of State.

Mr. OVERMAN. It may be all right, but it is general legislation, and I should like to look into it.

Mr. FORAKER. And it was also favorably reported in the other House. It went out in the House simply on a point of order.

Mr. WARREN. And it has been estimated for.

Mr. FORAKER. It has been estimated for; and there is a printed report, which was published not only in pamphlet form, but also in the RECORD when the Senate passed the bill. So it seems to me it ought to go on the bill.

Mr. LODGE. I wish merely to say a word in regard to the point of order. This item has been estimated for, it has passed the Senate, and has been reported from a committee. So it is clearly taken out of the operation of the rule, I should think.

Mr. FORAKER. The amendment is clearly in order.

Mr. CLAY. Let me say to the Senator from Ohio that in the discussion in the House I thought there was some question made about the title to this property.

Mr. FORAKER. No; not that I know of. I did not read what occurred in the House.

Mr. CLAY. I think the Senator will find such to be the case if he will examine the RECORD.

Mr. FORAKER. This amendment provides that the title shall be guaranteed by the Roman Catholic Church to the United States.

Mr. CLAY. I know that in the House that feature of it was discussed, for I read it in the RECORD.

Mr. FORAKER. It may have been. I did not read the discussion in the House. I saw that it went out on a point of order, not of the merits at all; but inasmuch as it had been estimated for, had been arranged for by the Department of State, had been recommended by that department, had been unanimously reported from the Committee on Pacific Islands and Porto Rico, with a printed report, and had passed the Senate unanimously, it was regarded by me as clearly in order.

Mr. OVERMAN. I understand that even under the Spanish Government there was some doubt as to whether the church owned the property in question. There was some trouble about the title. I should like to look into it. I think the amendment proposes general legislation, and therefore I make the point of order against it.

Mr. WARREN. I remind the Senator that it was put on the bill by the Committee on Appropriations of the House.

Mr. FORAKER. I have stated that it was reported favorably by the Committee on Appropriations of the House and put on by the committee of the House as a part of the bill. It is printed in the bill, in the copy I have.

Mr. CULLOM. If anything is in order, it seems to me this amendment is.

Mr. FORAKER. Then it was reported from the Committee on Appropriations of the House and printed, on page 194, in the exact language employed here now, which is the same language, with a very slight change in phraseology, which was employed in the bill the Senate passed. I ask for a ruling whether or not the amendment is in order.

Mr. OVERMAN. I think the subject ought to be fully considered and discussed before it is acted on.

Mr. CLAY. The amendment certainly has not been considered, I will say to the Senator, by the Committee on Appropriations. I do not desire to dispute anything the Senator has said about the matter, but the sundry civil bill only came to the Senate on last Saturday from the House, carrying $138,000,000, and has had but a few hours' consideration by the committee and by the Senate.

Mr. FORAKER. If the Senator will allow me, so long ago as last Thursday or Friday I offered this amendment and had it sent to the desk and printed as an amendment that I proposed to offer when the bill should be taken up for consideration. I had it referred to the Committee on Appropriations. The Committee on Appropriations have had the amendment. I do not know why they did not act favorably upon it.

Mr. CLAY. To say the least, an item of this kind and of this size, it does seem to me, ought to be considered by the Committee on Appropriations before we act on it in the Senate.

Mr. FORAKER. I supposed it was considered there.

Mr. CLAY. The Senator from Maine [Mr. HALE], I know, is very particular about bringing all amendments before the committee, and if anything was said about this amendment I am not aware of it.

Mr. FORAKER. I do not know what occurred in the committee; but I know I did my full part about it. I ask for a ruling as to whether the amendment is in order.

The VICE-PRESIDENT. The Chair will submit the question to the Senate, Is the amendment in order? [Putting the question.] The ayes have it, and the amendment is in order. The question recurs on agreeing to the amendment.

The amendment was agreed to.

Mr. BULKELEY. I wish to offer an amendment. It proposes to strike out, on page 126, from line 20 down to line 4 on page 127 and to insert in lieu the language which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 126, beginning with line 20, it is proposed to strike out the remainder of the page and down to and including line 4 on page 127 and insert:

Platt National Park, Oklahoma: For protection and improvement of Platt National Park, Oklahoma, to be expended under the supervision of the Secretary of the Interior, $20,000. Of this amount the sum of $15,000 shall be expended in the construction of a sanitary sewer through the park, with laterals to intersect with others connecting the sewer system of the city of Sulphur, Okla.: *Provided*, That the municipality of Sulphur expend in the construction of said sewer system through the park the sum of $15,000.

Mr. BULKELEY. I offer this amendment for the reason that the bill as reported provided that the appropriation should be made out of funds now in the hands of the Secretary of the Interior. I have a letter from the Secretary of the Interior, in which he states——

Mr. HALE. This is in place of a provision in the bill, is it not?

Mr. BULKELEY. It is.

Mr. HALE. I do not object. It only expresses the details in better form.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FRYE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 204, after line 3, it is proposed to insert:

To enable the United States fittingly to participate in the Universal and International Exhibition to be held at Brussels, Belgium, April to November, 1910, $200,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

Mr. FRYE. That amendment was very warmly recommended by the Secretary of State; it was unanimously approved by the Committee on Foreign Relations; and Brussels has always been friendly toward our expositions. I hope that my colleague will consent to inserting the amendment in the bill.

Mr. HALE. No; I certainly can not. I am very tired of these expositions. I am sorry, but I must make the point of order.

Mr. FRYE. It is clearly in order.

Mr. HALE. In what way?

Mr. FRYE. It was reported from the Committee on Foreign Relations and referred to the Committee on Appropriations.

Mr. HALE. But it is entirely new matter, and is not reported as an addition to any appropriation. It provides in terms for the participation of the United States in this exposition, and for such participation there is no law. We have to make the law; otherwise we could not participate in the exposition.

Mr. FRYE. I do not see, for the life of me, what point of order can be made against the amendment when, under the rule, it has been reported from the Committee on Foreign Relations, sent to the Committee on Appropriations, and recommended by the State Department.

Mr. HALE. If there was now authorization for our participation in the exposition, and we were appropriating money for that purpose in accordance with an estimate or a report of a committee, it would be in order; but we are providing for our participation in the exposition, and for that there is no law.

Mr. FRYE. The exposition is provided for at Brussels.

Mr. HALE. But not our participation in it.

Mr. FRYE. I know we have not agreed to participate; and this is for us to agree to it.

Mr. HALE. Besides, I do not think, in view of the condition of the Treasury, that we had better embark on any more of these expensive expositions.

Mr. FRYE. I have nothing further to say.

The VICE-PRESIDENT. What is the point of order the senior Senator from Maine makes?

Mr. HALE. That the amendment proposes general legislation for which there is no warrant of existing law.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CURTIS. I offer the amendment which I send to the desk, to come in on page 206.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 206, line 5, after the word "secretary," it is proposed to strike out "to the Public Printer, $2,500," and insert in lieu thereof the words "three thousand."

The amendment was agreed to.

Mr. CUMMINS. I offer the amendment which I send to the desk, to come in on page 206, line 13.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 206, line 13, before the word "dollars" where it occurs the first time, it is proposed to insert the words "two hundred and fifty," so that, if amended, it will read "chief timekeeper, $2,250."

Mr. HALE. That is all right, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. *DU PONT*. I offer the amendment I send to the desk.

The SECRETARY. On page 192, after line 19, it is proposed to insert:

The annual salary of the United States attorney for the district of Delaware shall be $3,000 per annum after the beginning of the fiscal year 1910.

The amendment was agreed to.

Mr. McCREARY. I offer the amendment I send to the desk.

The SECRETARY. On page 101, after line 21, insert:

For the establishment of a fish-cultural station in the State of Kentucky at some suitable point to be selected by the Secretary of Commerce and Labor, $25,000.

Mr. McCREARY. There is no fish-cultural station in Kentucky, and I hope the Senator from Maine will not raise the point of order on the amendment.

Mr. HALE. The committee adopted one rule. With the present condition of the Treasury the committee declined to report an appropriation for any fish station unless it had already been established by law, and there are eight or ten of them. I am sorry to say that in drawing the line it came right across the Senator's good and handsome face. But I do not see how I can avoid insisting upon the point of order.

Mr. McCREARY. Will the Senator permit it to be submitted to the Senate?

Mr. HALE. It is not for me to suggest about a matter being submitted to the Senate, nor is it for any Senator.

The VICE-PRESIDENT. What is the point of order?

Mr. HALE. The point of order is that there is no law.

The VICE-PRESIDENT. That it is general legislation?

Mr. HALE. Yes.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. GORE. Mr. President, I have an amendment which I desire to offer. I will first ask whether it meets with objection on the part of the Senator from Maine. The amendment I desire to offer would come in on page 191, line 10, after the words "western judicial district of Oklahoma." As the amendment is of considerable length, I will not ask to have it read until I know whether the Senator from Maine objects to it. It provides for subdividing the eastern district of Oklahoma. It meets with the approval of the Congressmen representing that half of the State; it was prepared, as I understand, by one of those Congressmen, in conjunction with a representative of the Department of Justice. It has the approval of the presiding judge of that district, and also the indorsement of the bar of that judicial district.

A bill for this purpose is now in the Committee on the Judiciary of the Senate, and the chairman of the committee to-day very kindly agreed to report it as an amendment to another bill relating to a judicial district in Texas—a House bill. The senior Senator as well as the junior Senator from Texas has very kindly agreed that it may be attached to the bill. But as that measure originated in the House and is purely local, the lateness of the session causes me to fear to amend it may imperil the passage of the House bill. I therefore called the matter to the attention of the chairman of the Judiciary Committee, and stated that I would submit it in this place and in this connection. It is purely a local measure, and the people in that part of the State now have to travel from 200 to 250 miles to attend court. I should like very much to submit the amendment, if there is no objection to it.

Mr. HALE. Whatever may be my view about the propriety and the expediency of the amendment, it is clearly a matter of general legislation.

The VICE-PRESIDENT. The Chair understood the Senator from Oklahoma to say that he would not submit his amendment unless it met with the approval of the Senator from Maine.

Mr. GORE. Yes. I will not have it read.

The VICE-PRESIDENT. The amendment will not be read.

Mr. HALE. I have examined it.

Mr. BORAH. I offer an amendment, to be inserted on page 112, line 24, after the word "dollars."

The SECRETARY. On page 112, line 24, after the word "dollars," it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized to require all payments for water rights under the reclamation act of June 17, 1902, to be made to the special fiscal agents or other bonded fiscal officers of the Reclamation Service established under the provisions of said act, who shall collect, receive, deposit, and account for the moneys so paid as the building, operation, and maintenance charges, in pursuance of public notices issued under said act, and any other moneys which may come into their possession in connection with the operations under said act, and the Secretary may make regulations to govern such officers in the collection and deposit of and accounting for such moneys. The gross amount of such collection shall be deposited in the Treasury as repayments to the reclamation fund.

Mr. HALE. The Senator who offers the amendment is a very good lawyer. I should be willing to leave it to him whether this is not, of course, a scheme of general legislation.

Mr. BORAH. Undoubtedly; but I supposed the merit of the proposition might permit the Senate to pass it without objection.

The VICE-PRESIDENT. Does the Senator from Maine make the point of order against the amendment?

Mr. HALE. I have to insist on all these points.

The VICE-PRESIDENT. The amendment proposes general legislation, and the Chair sustains the point of order.

Mr. TELLER. In line 22, page 111, I move to strike out "ten" and insert "twenty-five."

Mr. HALE. There is no objection to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer the amendment I send to the desk.

The SECRETARY. After line 5, on page 175, it is proposed to amend by inserting:

For chaplain's quarters, $4,500.

Mr. LA FOLLETTE. I will say that this is estimated for and is very much needed.

Mr. HALE. It is all right. The committee would have put it in if it had known the facts.

The amendment was agreed to.

Mr. DILLINGHAM. On page 104, after line 4, I offer the amendment I send to the desk.

The SECRETARY. On page 104, after line 4, it is proposed to insert:

For the expenses of the commission provided for in section 39 of said act of February 20, 1907, including the salaries of the commissioners and their clerks and other employees, $250,000.

Mr. CLAY. I ask the Senator from Vermont whether that is in addition to the amount that has already been spent for the Immigration Commission?

Mr. DILLINGHAM. The Senate is probably aware that what is known as the "immigration fund," which is created by the head tax on aliens admitted into the United States, has always been held as a separate fund. By the provisions of the pending bill that fund is turned into the Treasury, and direct appropriations are made for carrying on the work previously carried on and paid for out of that fund. Immediately preceding the proposed amendment is the provision for carrying on the work of the Bureau of Immigration. By the act of 1907, the "immigration act," so called, the Immigration Commission was created, and the expenses were to be paid out of that fund. That has been carrying on its work, and the work is very largely completed. More than half of it is done.

It covers the entire country. I suppose there is a force of 70 or 80 men in different parts of the country to-day gathering information which eventually will be presented in reports to Congress.

Mr. CLAY. Can the Senator from Vermont state how much has been expended up to this time?

Mr. DILLINGHAM. Something over $300,000; about $330,000. I have not the exact figures at hand.

Mr. CLAY. Are we to spend $250,000 in addition to that sum?

Mr. DILLINGHAM. I think the work next year will probably cost about $200,000, and that will complete it.

Mr. CLAY. The entire work, then, will cost over a half a million dollars?

Mr. DILLINGHAM. It will cost a half a million dollars, and that sum we appropriate every year for the exclusion of the

Chinese alone; and I apprehend the work of this commission will be of more value to the country than has come under that provision of the law in twenty years. We never have had in the history of this Government any authoritative examination of the whole question of immigration as it affects the whole country—all of the States, all the branches of society, and all the branches of business.

The commission is carrying on the work in a scientific way. It presented a report to Congress Saturday last, which is now in the hands of the printer; and I will be very glad, indeed, to have every Senator read it.

This provision was in the House bill and went out on a point of order. If the amendment is not adopted, I judge from the hasty reading that I have made of the bill that, while the Bureau of Immigration will go on with its work administering the law, the work expressly authorized by Congress and now being conducted by the commission will fall to the ground and never be completed.

Mr. HALE. I think the Senator from Vermont is right about it. Of course it is an expensive piece of business, but I hope the results will amply repay for the money invested and appropriated. I agree with the Senator that unless this item is put either in this bill or some other bill, the deficiency bill, the work of the commission will be arrested.

Mr. FLINT. I offer an amendment to the amendment.

The VICE-PRESIDENT. The Senator from California proposes an amendment to the amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the amendment:

Provided, That no money shall be paid to any commissioner unless said commissioner devotes his entire time to the work of the commission.

Mr. LODGE. Mr. President, as one of those commissioners, I may say that I receive no salary or pay of any kind, so my remarks are disinterested. But I object to being compelled to devote all of my time to the commission, and it is really practically impossible to do that, as the chairman knows.

Mr. FLINT. I am speaking of those not in either branch of Congress. We are paying to each of those commissioners, not Members of Congress, $7,500 a year, the same amount of pay that is received by a Senator of the United States, and yet these commissioners are devoting their time to the work at which they were engaged before they received this appointment. It seems to me that when we are considering the expenses of the Government, it is a proper time to look at the expense of this commission, whose work, as has been said by a commissioner here, will cost half a million dollars, when we also make provision for the Department of Commerce and Labor, which does the same work as the commission. Either this commission should be abolished or the Bureau of Immigration in the Department of Commerce and Labor. Duplicate work is being done at great expense to the Government, and there is a conflict between these two departments—this commission and the Department of Commerce and Labor.

In addition to this, I do not agree with the statement made by the Senator from Vermont that the commission has accomplished anything, as far as the work is concerned on the Pacific coast, in the matter of Chinese smuggling into the United States. As a matter of fact, if Chinese have been smuggled into this country, then there have been a great many incompetent officials in the immigration department of the Government, not only here, but on the Pacific coast.

Mr. DILLINGHAM. I wish to say for the benefit of the Senator from California that there are no differences existing to-day between this commission and the Bureau of Immigration. From the time the commission was organized and began its work it has been its purpose and it has been its action to aid the Bureau of Immigration in carrying on its work, and every investigation which it has made it has made for the benefit of the bureau, but by officers outside of the force that administers the law.

I desire to say for the benefit of the Senator from California that the work done by the commission in southern California was turned over to the department, and the Bureau of Immigration took it up and of its own motion made every discharge of officials that has been made in California. Before those discharges were made the number of Chinese coming over the border was very large, and since those discharges were made the number coming in has been very small indeed. The commission did not do that; the department did it.

Mr. FLINT. I am not complaining of the discharge of officials in southern California. I think that was proper, if they were not efficient. The point I make is, Why limit the removal to three or four officials in southern California if this great scandal existed there? They should have gone to the fountain head here in the city of Washington if smuggling was going on. The mere discharge of two or three subordinates is not sufficient if a large number of Chinese were smuggled into the United States in southern California. The investigation should not have been allowed to stop with the discharge of three subordinates. The smuggling could not have gone on there unless those who were higher up were either incompetent or aware of what was being done.

Mr. DILLINGHAM. I do not propose to carry on any lengthy discussion with the Senator from California on the question of the work of the commission. I will merely say that was one small branch of the work of the commission which he has referred to. It was taken up by the department and the bureau and was ended long ago, and I hope for the good of the Government.

I desire to say a word in relation to salaries of the commissioners. I stand as my friend the Senator from Massachusetts [Mr. LODGE] stands. Six out of the nine commissioners are members of the Senate or the House, and under the law they get no pay whatever from the commission. Those six of us have given earnest, patient work to the affairs of the commission, and we believe the commission is doing a magnificent work.

The other men were appointed by the President of the United States under the authority of the act creating the commission, and their salaries were fixed by the President of the United States, as the act authorized him to fix the salaries. Two of those men are now holding other government employment, one as Commissioner of Labor and the other as Assistant Secretary of the Department of Commerce and Labor, and the salaries coming to them by reason of those offices are deducted from the salaries which the President fixed for them as members of the Immigration Commission.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Michigan?

Mr. DILLINGHAM. I am very glad to yield.

Mr. SMITH of Michigan. I should like to ask the Senator what is the amount of the head tax?

Mr. DILLINGHAM. Four dollars upon each alien admitted.

Mr. SMITH of Michigan. Upon each alien?

Mr. DILLINGHAM. Upon each alien admitted; and the fund depends upon the number admitted each year.

Mr. SMITH of Michigan. Does the Senator know how much it aggregates?

Mr. DILLINGHAM. It differs with different years. One year we had a million and a quarter of immigrants come in.

Mr. SMITH of Michigan. Does the Senator know what it is for the current year?

Mr. DILLINGHAM. I do not remember the number.

Mr. LODGE. About $2,000,000 for this year.

Mr. DILLINGHAM. About $2,000,000 for this year.

Mr. LODGE. I think the immigration fell as low as a half million—between a half million and 600,000, as I remember.

Mr. SMITH of Michigan. Has it ever exceeded the $2,000,000 mark in any one year?

Mr. LODGE. The immigration began to fall off, and, as the Senator knows, it fell off very much within the last year or eighteen months.

Mr. SMITH of Michigan. Yes.

Mr. LODGE. The present head tax went on at the beginning of the fiscal year, July 1, 1907; so that the increased head tax of $4 has only been running about eighteen months, and it fell on reduced immigration. Before that it was $2.

Mr. SMITH of Michigan. I should like to ask whether the head tax applies to adults and children?

Mr. LODGE. Yes; it applies to all over 16 years of age.

Mr. SMITH of Michigan. All aliens?

Mr. LODGE. Yes.

Mr. SMITH of Michigan. Including adults and children?

Mr. LODGE. Children over 16 years of age.

Mr. GARY. I desire to ask the Senator from Vermont a question. He spoke of the salary of two of the gentlemen appointed by the President, but he did not mention the professor in Cornell University.

Mr. DILLINGHAM. Professor Jenks.

Mr. GARY. Is it not a fact that he is a regular lecturer at Cornell University, and has not abandoned his position as such? Is it not a fact that he is a lecturer also at Columbia College? The Senator stated a few days ago——

Mr. DILLINGHAM. Professor Jenks is a professor in Cornell University. During the present year I understand he has delivered three lectures a week. They are old lectures, made

from old material, to which he has given no care or preparation during the current year.

He has simply taken the time to deliver those lectures. He keeps a stenographer with him constantly, and gives his entire time to the work of the commission aside from that.

Mr. GARY. Is he not also engaged in lecturing at Columbia College in New York?

Mr. DILLINGHAM. I am not so informed.

Mr. GARY. I am.

Mr. DILLINGHAM. He was at one time, but not recently.

Mr. GARY. I simply state this for the reason that the Senator, when I was addressing the Senate, said that Professor Jenks gave practically his entire time to the work of the commission.

Mr. DILLINGHAM. I repeat the statement now.

Mr. GARY. I have made investigation, and I find that he is a regular professor at Cornell University. He is also a lecturer in Columbia College, and does other work besides. Now, how can he give all his time to the work of the commission?

Mr. DILLINGHAM. I do not know anything about it other than what I have mentioned. I do not think he is lecturing at Columbia at the present time. He formerly lectured there. He had one year's course of lectures, but he has not done anything of that kind recently that I am aware of.

Mr. BANKHEAD. I should like to inquire whether, if the amendment offered by the Senator from California is adopted, any member of the commission would be paid anything for his necessary expenses outside of his salary.

Mr. DILLINGHAM. I do not remember how the amendment reads.

Mr. BANKHEAD. I should like to understand that. I do not think the Senator from California intended it to go to that extent.

Mr. FLINT. I want them to have their traveling expenses. I have no objection to that.

Mr. LODGE. Let the amendment be stated again.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 104, after line 4, it is proposed to insert:

For the expenses of the commission provided for in section 39 of said act of February 20, 1907, including the salaries of the commissioners and their clerks and other employees, $250,000.

It is proposed to amend the amendment by adding the following proviso:

Provided, That no money shall be paid to any commissioner unless said commissioner devotes his entire time to the work of the commission.

Mr. DILLINGHAM. That answers it.

Mr. LODGE. That would cover the expenses.

Mr. BANKHEAD. The Senator thinks that would cover the expenses?

Mr. DILLINGHAM. I think it would. I hope the amendment to the amendment will not be adopted.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from California [Mr. FLINT] to the amendment of the Senator from Vermont [Mr. DILLINGHAM].

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Vermont.

The amendment was agreed to.

Mr. MILTON. On page 72, after line 3, I move to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys not otherwise appropriated, to C. M. Cox, of Bonifay, Holmes County, Fla., the sum of $316.25, for services rendered as United States commissioner in and for the northern district of Florida.

Mr. HALE. I shall make a point of order against the amendment. It is a pure claim. The committee has kept all such claims off the bill.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. MILTON. On page 118, after line 4, I move to insert:

That the interest of the United States in and to the land situated in Dade County, in the State of Florida, to wit: The northwest quarter of the northeast quarter of section 1, township 51, range 41 south and east, is hereby relinquished and released unto John M. Bryan, jr., of Dade County, Fla., and patent issue therefor: *Provided*, The said John M. Bryan, jr., pay $1.25 an acre for the land referred to prior to the issuance of the patent to him.

Mr. HALE. That is clearly subject to a point of order. It is pure legislation.

The VICE-PRESIDENT. The Chair sustains the point of order that the amendment is in the nature of general legislation.

Mr. PILES. At the end of page 74 I move to insert as a separate paragraph:

For establishing, under the direction and supervision of the Light-House Board, such aids to navigation in Alaskan waters as may, in the opinion of the Secretary of Commerce and Labor, be considered advisable and necessary, $140,000.

Mr. HALE. Is that estimated for or reported by a committee?

Mr. PILES. It is estimated for. A bill for this purpose has passed the Senate, and this amendment was referred to the Committee on Commerce and recommended for incorporation in the bill.

The amendment was agreed to.

Mr. DEPEW. On page 204, after line 3, I move to insert:

For the purpose of enabling the army and navy to participate in the Hudson-Fulton celebration, to be held on the Hudson River, New York, September 27 to October 2, 1909, $25,000, of which $15,000 shall be at the disposal of the Secretary of War and $10,000 at the disposal of the Secretary of the Navy.

Mr. HALE. Is this item estimated for by the Secretary of the Treasury or reported by any committee?

Mr. DEPEW. It has not been estimated for or reported by any committee. The State of New York, the city of New York, and private citizens are spending about $2,000,000 to celebrate the three hundredth anniversary of the discovery of the Hudson River. They are to reproduce the *Half Moon*, in which Henry Hudson went up the river. It seems as though the navy at least ought to participate in order to show the advance of the country since three hundred years ago, and the army ought also add to the dignity of the celebration. Without this amendment neither the navy nor the army can do anything in regard to it, because it takes place next September.

Mr. HALE. I am afraid I must insist on the point of order.

The VICE-PRESIDENT. Will the Senator from Maine kindly state his point of order?

Mr. HALE. It is an additional appropriation, neither estimated for nor reported by any committee.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. RICHARDSON. On page 155, after line 15, I move to insert:

For reconstruction of bridge known as the Middle Bridge across inland waterway between Chincoteague Bay, Virginia, and Delaware Bay, Delaware, in accordance with estimate printed in House Document No. 538, Fifty-ninth Congress, first session, $12,044.

Mr. HALE. I make the point of order that that item has not been submitted as an estimate at this session nor reported by a committee.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. HEYBURN. On page 112, after line 18, I desire to propose the amendment I send to the desk. I want to say to the Senate and to the Senator in charge of the bill that it simply proposes that the Government of the United States shall hand over property that it has in its possession as trustee for a county, in order that the county may build public buildings on it. It was deeded to the Government of the United States for the purpose of enabling the Government to pass title to the county, and it seems to require some action by Congress.

Mr. HALE. Let us hear what the amendment says.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 112, after line 18, insert:

That the United States relinquish unto the county of Kootenai, in the State of Idaho, all of its right, claim, or title to or the possession of that certain piece or parcel of land situated in Kootenai County, in the State of Idaho, being a part of lot 49, which is a portion of the Fort Sherman Military Reservation, described as follows: Beginning at a point 1,332 feet north of a stone monument at or about high-water mark on the east boundary of Fort Sherman Military Reserve (abandoned), said point being the northeast corner of the Coeur d'Alene and Spokane Railway terminal grounds, in section 14, township 50 north, range 4 Washington base meridian, said point being also the northeast corner of lot 49 of said military reserve (abandoned); thence running west along the north line of said terminal grounds 332 feet; thence southeasterly along a straight line 265 feet, more or less, to a point 252 feet south of and 252 feet west of the place of beginning; thence east 252 feet to the intersection with the east line of said terminal grounds; thence north along said east line 252 feet to the place of beginning; to have and to hold forever as a part of the public lands belonging to the said county of Kootenai.

Mr. HALE. Likely this is a good proposition, but if the Senator will allow me it has no place on the appropriation bill. It is clearly general legislation.

Mr. HEYBURN. It has passed this body.

Mr. HALE. That does not make it in order.

Mr. HEYBURN. I understand, but it is an appropriation of land instead of money, and land that the Government holds. We passed the bill here.

Mr. HALE. I know, but that does not make it in order.

The VICE-PRESIDENT. The Chair is of opinion that the amendment is in contravention of the rule, and sustains the point of order. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. CLAY. I wish to call the attention of the Senator in charge of the bill to page 222. The provision there, beginning in line 6, reads:

In all, $33,638,000, the same to be available until expended: *Provided*, That all expenditures from the appropriation herein and herein-

after made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and the amount of bonds authorized by said section is hereby increased to $160,000,000.

Mr. President, if I remember correctly when we provided for the construction of the Isthmian Canal, we provided by law for the issuance of $120,000,000 of bonds. I remember that during the present session of Congress the junior Senator from Illinois [Mr. HOPKINS] introduced a bill providing for the issue of $500,000,000 of additional bonds. That bill was referred to the Committee on Interoceanic Canals and the committee reported back to the Senate that it had no jurisdiction of the subject-matter, and the bill was referred to the Committee on Finance. If the Finance Committee has ever acted in regard to this matter, I am not aware of the fact.

The Committee on Appropriations is not the proper committee to consider the issuance of bonds for the purpose of building the canal. Certainly such legislation ought to come either from the Committee on Interoceanic Canals or the Committee on Finance, and if there has been any action on the part of the Committee on Finance in regard to this matter, as I said, I am not aware of it.

When we provide for the issuance of bonds, the Finance Committee should provide the terms on which the bonds shall be issued. Certainly the Appropriations Committee has not provided for the issuance of thirty millions of bonds additional, believing that the additional $30,000,000 will complete the canal.

Mr. President, we have been told by the chairman of the Committee on Interoceanic Canals that it would take at least $250,000,000 or more bonds to complete the canal. I am sure that the Committee on Appropriations has not considered this matter in any way whatever. We have not discussed how many bonds ought to be issued. We have not had any hearing as to how much additional money will be required to complete the canal.

It is true that when the skilled engineers of the War Department made a critical examination and surveys of the situation there they reported to Congress that $139,000,000 would complete the canal, and the original act provided for $139,000,000.

Now, it has been stated that it will take $500,000,000. Such a statement is a reflection, Mr. President, upon the War Department. We sent the skilled engineers of the War Department to spend two years on the Isthmus to make a careful and critical examination as to the cost of this work.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. CLAY. In one moment. They reported that $139,000,000 would be an ample sum for the purpose of completing the canal. Now, in two years, without any reason for this increased expenditure, we are told that it will take $500,000,000. There ought to be some reason, Mr. President, for this increase. I yield to the Senator from Maine.

Mr. HALE. I am entirely willing that the provision shall be struck out. There is money enough to go on for a while, and the amount provided here is not much more than a flea bite compared with what we shall have to appropriate hereafter. Soon enough for the Senator and for all of us, the Committee on Finance, in consultation with the Committee on Interoceanic Canals, the organs of the Senate, will report a measure that authorizes the new loan. It will not be for the amount given here, but it will be for a larger amount.

We shall find out (and nothing that we can do now will affect that) that in a few years to come we shall be called upon to continue to make appropriations in very large sums for this enormous work. The money will be forthcoming by borrowing, by loans. It is not of any importance in conducting the work whether this item goes into the bill. The subcommittee thought it was well enough to provide for this small increase. It is not very much. But if the Senator is troubled about it, I am entirely willing that it shall go out.

Mr. CLAY. I am not troubled about it. I have been troubled considerably in regard to the proposition that our engineers in the War Department went to the Isthmus and made a critical examination and an extensive report to Congress, and stated in the report that $139,000,000 would be ample for the purpose of completing a lock-dam canal.

Mr. HALE. I will say to the Senator——

Mr. CLAY. If any new conditions have arisen since that time whereby the expenses have been increased, conditions that were not known to the engineers sent by the War Department at that time, Congress has not been informed of the fact. Certainly, Mr. President, it is a very severe criticism upon the engineers of the War Department that they said three or four years ago this work could be completed for $139,000,000 and now we are told that it is to cost $400,000,000 or $500,000,000, without any additional reasons being alleged for the additional expense.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. CLAY. Certainly.

Mr. HALE. I have no doubt everybody who made that guess is ashamed of it.

Mr. WARREN. They were not engineers of the War Department.

Mr. HALE. I say whoever made it.

Mr. CLAY. Part of them were engineers of the War Department.

Mr. HALE. We went into this thing in a blind way and we have stumbled along in a blind way ever since. I think a majority of the Senate were in favor of a sea-level canal, but the influences were such that they were drawn off and committed themselves to the lock-type of canal. We have had a great many examinations by high authorities, and only one thing has been omnipresent, and that is more money. That we meet everywhere. We have met and will meet again the demand for more money. No man, no board, no officer can make a guess on this enormous enterprise that the Government has gone into, but that it will be far exceeded by what will be called for in the future.

Mr. CLAY. Does the Senator say that this provision for $30,000,000 of additional bonds is simply to meet immediate demands?

Mr. HALE. It will last for a little while; that is all.

Mr. WARREN. Will the Senator from Georgia allow me?

Mr. CLAY. Certainly.

Mr. HALE. I am entirely willing that the provision shall go out.

Mr. WARREN. I do not think it ought to go out.

Mr. HALE. I do not think it ought, but it is not essential.

Mr. WARREN. On the 1st day of January we had spent $170,974,468.58; in round numbers, $171,000,000. So we have spent a great deal more money than we are now permitted to bond for. It is true that a part of it was not to be paid from the proceeds of the bonds, but if we are going to bond for any more there is no reason why we should not raise the limit to $160,000,000 now, for we surely will issue several times that amount before we get through. This proposes the same terms, the same interest, the same kind of bonds as were authorized in the original.

Mr. CLAY. Has the Senator any accurate information——

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. Certainly.

Mr. ALDRICH. I agree with the Senator from Maine that this proposition, as it now stands in the bill, had better go out. I am quite sure it will not be effective in the sale of the bonds of the class which is enumerated here. We have already issued bonds, as I remember it, to the extent of $84,000,000.

Mr. CLAY. The act provides for the issue of $130,000,000. That is my recollection.

Mr. ALDRICH. That leaves $46,000,000 yet to be issued. I am quite sure that not more than $46,000,000 will be issued between now and the regular meeting of Congress next December; and then probably it will be the duty of Congress to provide for other classes of bonds. I am very certain that $30,000,000 here authorized, in addition, of the class of bonds that are described in section 8, Spooner Act, could not be sold at par at the present time without the banking privilege. Therefore, I think this provision had better go out.

Mr. CLAY. That shows the importance of the Finance Committee taking up the question of issuing bonds to complete the canal.

Mr. ALDRICH. They can not probably sell between now and next December more than $46,000,000 of 2 per cent bonds; so I think there is no particular reason why this provision should stay in the bill.

Mr. CLAY. I agree with the Senator that it ought to go out. I do not think it ought to stay in the bill.

Mr. WARREN. I should like to ask the Senator from Rhode Island what was the lowest figure at which we sold bonds under the act before.

Mr. ALDRICH. We never sold any bonds under the provision of the act as it stands in this bill.

Mr. WARREN. This is a change of the original act?

Mr. ALDRICH. No; the original act was not changed. This provides for the class of bonds which was provided for in section 8 of that act, which were 2 per cent bonds, without the currency privilege. No 2 per cent bonds have ever been sold

at par without the currency privilege, and none could be sold. So that this provision would be inoperative if it should stay in the bill.

Mr. WARREN. Do I understand the Senator to say that the Panama bonds which have already been sold were not sold under the provisions of that act?

Mr. ALDRICH. They were sold under an amended provision of a subsequent date.

Mr. WARREN. This should include the subsequent amendment.

Mr. ALDRICH. It should include the subsequent legislation.

Mr. WARREN. I agree with the Senator as to that.

Mr. TELLER. Mr. President, there is not a man living who knows how many bonds we shall have to sell, and I suppose it will be a proper method of procedure to issue bonds as we need them. That is the way it seems to me. No one, from the President down, can give you any conception of what this canal is going to cost. The estimates of its cost have varied from time to time, as we all know.

Mr. President, to-morrow, if I can get an opportunity to do so, I want to spend about fifteen or twenty minutes on this canal proposition. I want to say a few words about the canal and to make a few predictions regarding it.

Mr. HALE. Now, Mr. President, let us have the bill reported to the Senate.

The VICE-PRESIDENT. The amendment in lines 13, 14, and 15, on page 222, without objection, is disagreed to.

Mr. CARTER. I offer an amendment, to come in at the bottom of page 137.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. At the bottom of page 137 it is proposed to insert:

For the purchase by the Commissioners of the District of Columbia, for park purposes, of the land included between Euclid street, Columbia avenue or Fifteenth street, W street or Florida avenue, and Sixteenth street extended, containing about 437,000 square feet, $550,000; also as an addition to the Rock Creek Park of the several parcels of land designated and marked as "A," "B," "C," and "D" on a map dated February 27, 1906, and called "Addition to Rock Creek Park," and on file in the surveyor's office of the District of Columbia, and embracing about 100 acres, $423,000: *Provided*, That the several pieces of land indicated and marked on said map as land to be dedicated, abandoned, or exchanged by the persons or parties owning, or who shall acquire, the same shall be, and shall be held to be, severally and respectively dedicated, abandoned, or exchanged when and as soon as the purchase money herein specified shall have been paid: *And provided further*, That the aforesaid sums hereby appropriated, or so much thereof as may be expended, shall be payable one-half from the revenues of the District of Columbia and one-half out of any money in the United States Treasury not otherwise appropriated.

Mr. HALE. The committee considered this amendment and rejected it. It is a new project. It is general legislation for the purchase of land. I make the point of order against it.

The VICE-PRESIDENT. The amendment is in contravention of the rule, and the point of order is sustained.

Mr. BAILEY. After the word "necessary," in line 13, on page 161, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas will be stated.

The SECRETARY. On page 161, after the word "necessary," in line 13, it is proposed to insert:

For the purchase of 304.26 acres of land adjoining Fort Sam Houston for target range for small arms and drill ground, $70,000.

Mr. HALE. That amendment is of the same character as the previous one, and I make the same point of order against it.

The VICE-PRESIDENT. The amendment is general legislation, and is therefore obnoxious to the rule. The Chair sustains the point of order.

Mr. CARTER. I offer the amendment which I send to the desk, well knowing that the point of order was made against a like amendment presented by the junior Senator from Maine [Mr. FRYE].

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert on page 225, after line 5, the following:

For cooperation in the International Austro-Hungarian Exposition of the Chase, to be held in Vienna, Austria, beginning in May, 1910; for the collection, preparation, and transportation of specimens, objects, and materials necessary for said exposition; for salaries and traveling expenses, and for rental of temporary quarters, workshops, and storage rooms in the District of Columbia and elsewhere, the sum of $150,000, to be expended under the direction of the Secretary of State of the United States and to be immediately available.

Mr. CARTER. Mr. President, I understand the committee considered both this proposed amendment and the one presented by the junior Senator from Maine [Mr. FRYE] relating to Brussels. I can but express regret at the Government's failure to respond to the invitations extended by the respective governments of Belgium and Austria-Hungary. I do not intend to press this amendment, believing it is open to the point of order which has heretofore been sustained as to the Brussels amendment. I feel, however, that it is but proper to call the attention of the Senate to the peculiar situation in which the rejection of these two amendments leaves this Government.

On several occasions the Government of Belgium, and likewise the Government of Austria-Hungary, responded in most handsome fashion to invitations extended by authority of Congress to participate in expositions in this country—one at Chicago and the other at St. Louis.

Now that they call upon the Government of the United States to return the compliment, it seems rather unfortunate for us to decline to return that compliment or courtesy.

I will therefore ask unanimous consent that both the Brussels amendment and this amendment be added to the bill, and will say to the acting chairman of the committee that a very great reduction of the amount provided in each case would be acceptable rather than a complete defeat of the amendments. Unless some provision is made to recognize the invitations extended, they will have been entirely ignored. The Committee on Foreign Relations took this view, fully realizing that it was not desirable to make large appropriations at this time for any purpose; but common courtesy, it seems to me, requires that we shall give some reasonable recognition to the invitations of these two Governments so extended. I do not insist upon any particular amount, nor do I believe that either amendment is not subject to the point of order. I therefore ask unanimous consent of the Senate that these two amendments be accepted, and at the same time to announce to the acting chairman in charge of the bill that any amount appropriated which furnishes recognition of the invitation extended to this Government will be satisfactory.

Mr. HALE. Mr. President, we have a Committee on Expositions, which has been in session nearly two years—that is, since this Congress met—and all these subjects ought to be taken into consideration by that committee, which can give time to investigate participation in these outside foreign performances; but they ought not to be brought into the Senate within forty-eight hours of the close of the session for us to consider. So I am constrained to object to the request of the Senator from Montana and to make the point of order against the amendment.

The VICE-PRESIDENT. The point of order is sustained against the amendment, on the ground that it is general legislation.

Mr. CARTER. Mr. President, I seem to be very unfortunate; but I am not alone in having amendments rejected on points of order and otherwise, so I will ask a question.

Sometime ago I undertook to ascertain the cost of keeping government prisoners at the military prisons. I find on page 163 of this bill a provision appropriating a large sum of money for the extension of the military prison at Fort Leavenworth. I was astonished to find that there never had been a report made with reference to the disbursements or the management or the cost of maintenance of that prison, and I desire to ask the chairman of the Committee on Military Affairs [Mr. WARREN] what kind of government is provided by Congress for the military prison at Fort Leavenworth, and why it is that there is no report of the disbursements from that institution, which was established in 1873 or 1874?

Mr. WARREN. Mr. President, as to the earlier history of that prison I would not be able to give the Senator the information for which he asks. As I understand, it was a small concern originally, but it is now, or lately has been, receiving large additions, and is about to become a very large and important prison. The board of management, I think, is now comprised, or has been heretofore, of only three general officers. I would like to ask the Senator from Montana what his amendment proposes?

Mr. CARTER. In view of the fact that no one has ever reported anything with reference to the prison, I have an amendment which I shall offer which I think will secure reports hereafter.

Mr. WARREN. I should like to hear the amendment read.

Mr. CARTER. The amendment proposes to have the Board of Commissioners of the Soldiers' Home, which seem to make very elaborate and intelligent reports on matters committed to their care, take charge of this prison management. The amendment is self-explanatory.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 163, after the word "dollars," in line 21, it is proposed to insert the following:

Provided, That hereafter the government and control of the United States military prison shall, under the Secretary of War, be vested in the Board of Commissioners of the United States Soldiers' Home, which board shall consist, as at present, of the Surgeon-General, the Commissary-General, The Adjutant-General, the Quartermaster-General, the Chief of Engineers, the Judge-Advocate-General, and the governor of the home, and the president of said board, who shall be the senior in rank of the members thereof, shall submit annually to the Secretary of War,

for transmission to Congress, a full statement of the financial and other affairs of both the home and the prison for the preceding fiscal year.

Mr. WARREN. Mr. President, I observe that the amendment will not change the chairmanship of the board, but that it adds more general officers from the supply department. I see no objection to it myself.

Mr. CARTER. It adds to the board without increasing the expense. It will probably result in efficient management.

Mr. HALE. Mr. President, if the Senate is in favor of the amendment, I will accept it.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUR OF MEETING.

Mr. HALE. I move that when the Senate adjourns to-day it adjourn to meet at 10 o'clock to-morrow morning.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 27926. An act to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River, in the State of Indiana; and

H. J. Res. 263. Joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 5728. An act for the relief of James H. De Coster;

H. R. 23717. An act to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska;

H. R. 27061. An act to provide for the appointment of one additional district judge in and for the western district of Washington, and one additional district judge in and for the district of Oregon;

H. R. 28046. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 265. Joint resolution to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes.

TERMS OF COURT AT SPRINGFIELD, MASS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6074) to provide for holding terms of the United States circuit and district courts at Springfield, Mass., which were, in line 4, to strike out "terms" and insert "sessions;" line 7, to strike out "third" and insert "second;" in line 8, to strike out all after "of" down to and including "of" in line 9, and insert "December;" and after line 13 to insert:

SEC. 3. That suitable rooms and accommodations shall be furnished for holding said courts free of expense to the Government of the United States until such time as a federal building shall be prepared for that purpose in said Springfield.

Also, to amend the title so as to read: "An act to provide for holding sessions of the United States circuit and district courts at Springfield, Mass."

Mr. LODGE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

CHICAGO, LAKE SHORE AND EASTERN RAILROAD COMPANY.

The bill (H. R. 27926) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River, in the State of Indiana, was read twice by its title.

Mr. HEMENWAY. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRIBUTION OF GOVERNMENT PUBLICATIONS.

The joint resolution (H. J. Res. 263) to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, was read twice by its title, and referred to the Committee on Printing.

Mr. KEAN subsequently said: The Senator from West Virginia [Mr. ELKINS], who is a member of the Committee on Printing, was very anxious that House joint resolution No. 263 should be reported back from that committee, and he requested me to report it for him. I, therefore, on behalf of the Senator from West Virginia, report the joint resolution from the Committee on Printing.

Mr. STONE. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 263) to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications. It provides that all documents and books ordered to be published by the Sixtieth Congress which are actually printed prior to the first Monday in December next, to which Members of that Congress not Members of the Sixty-first Congress would have been entitled if published prior to the 4th day of March, shall be allotted such Members, and the term allowed to distribute the same shall be extended to the first Monday of December next.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUDGES FOR HAWAII, ALASKA, ETC.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was considered by unanimous consent and agreed to:

House concurrent resolution 75.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives H. R. 21896, Sixtieth Congress, "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes."

NATIONAL FORESTS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains, which was to strike out all after the enacting clause and to insert in lieu thereof a substitute.

Mr. BRANDEGEE. I move that the Senate disagree to the amendment of the House of Representatives, ask for a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

Mr. HEYBURN. Mr. President, I object to the appointment of conferees on the bill.

The VICE-PRESIDENT. The Chair will put the question. The Senator from Connecticut [Mr. BRANDEGEE] moves that the Senate disagree to the amendment of the House of Representatives, ask for a conference on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

Mr. HEYBURN. I object to the appointment of conferees.

Mr. TELLER. That is a bill that ought to come before the Senate in proper shape, and have some amendments made to it. I object to any conference on this bill in its present condition. Besides, Mr. President, there is not a quorum of the Senate present at this time. I therefore move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 2, 1909, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1909.

COLLECTOR OF INTERNAL REVENUE.

Claude I. Parker, of California, to be collector of internal revenue for the sixth district of California. A new office created by presidential order dated February 16, 1909.

UNITED STATES ATTORNEY FOR HAWAII.

A. L. C. Atkinson, of Hawaii, to be United States attorney for the Territory of Hawaii, vice Robert W. Breckons, resigned.

CONSUL-GENERAL.

William W. Handley, of New York, lately consul of class 7 at Trinidad, to be consul-general of the United States of class 5 at Boma, to which office he was promoted during the last recess of the Senate, vice James A. Smith, transferred and appointed to be consul-general of class 5 at Genoa.

COMMISSIONER OF IMMIGRATION.

Robert Watchorn, of New York, to be commissioner of immigration at the port of New York, N. Y., in the Department of Commerce and Labor, to take effect on February 11, 1909. (Reappointment.)

MEMBER OF THE PHILIPPINE COMMISSION.

Frank A. Branagan, of Ohio, to be a member of the Philippine Commission, to be effective March 1, 1909, vice W. Morgan Shuster, whose resignation has been accepted to take effect on that date.

ASSOCIATE JUSTICES SUPREME COURT OF NEW MEXICO.

Edward A. Mann, of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico. A reappointment, his term having expired on December 12, 1908.

Ira A. Abbott, of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico. A reappointment, his term having expired January 9, 1909.

PROMOTIONS IN THE NAVY.

TO BE CAPTAINS FROM DATES OPPOSITE THEIR NAMES.

Templin M. Potts, July 11, 1908;
Burns T. Walling, July 19, 1908;
Clifford J. Boush, July 20, 1908;
James H. Sears, August 1, 1908;
Abraham E. Culver, September 3, 1908;
Henry T. Mayo, September 7, 1908;
Charles C. Rogers, October 25, 1908;
John T. Newton, October 30, 1908;
Benjamin Tappan, October 30, 1908;
Charles F. Pond, November 12, 1908;
Walter McLean, December 15, 1908;
Washington I. Chambers, December 17, 1908;
James C. Gillmore, December 23, 1908; and
Charles A. Gove, January 7, 1909.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Engineer Guy Brandon Lawrason, Coast Artillery Corps, to be second lieutenant, with rank from February 26, 1909.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Louis Brechemin, Medical Corps, to be colonel from February 26, 1909, vice Adair, retired from active service.

Maj. Henry S. T. Harris, Medical Corps, to be lieutenant-colonel from February 26, 1909, vice Brechemin, promoted.

CAVALRY ARM.

Maj. Hoel S. Bishop, Fourteenth Cavalry, to be lieutenant-colonel from February 26, 1909, vice Hardie, Fifteenth Cavalry, retired from active service.

Capt. William S. Scott, Tenth Cavalry, to be major from February 26, 1909, vice Bishop, Fourteenth Cavalry, promoted.

First Lieut. Henry W. Parker, Second Cavalry, to be captain from February 26, 1909, vice Scott, Tenth Cavalry, promoted.

COAST ARTILLERY CORPS.

First Lieut. Henry H. Scott, Coast Artillery Corps, to be captain from February 25, 1909, vice Tobin, detailed as quartermaster.

Second Lieut. Louis L. Pendleton, Coast Artillery Corps, to be first lieutenant from February 25, 1909, vice Scott, promoted.

INFANTRY ARM.

Second Lieut. Donald D. Hay, Twenty-fifth Infantry, to be first lieutenant from October 31, 1908, vice Parker, Twenty-sixth Infantry, promoted.

Second Lieut. Philip G. Wrightson, Twentieth Infantry, to be first lieutenant from November 21, 1908, vice Herring, Sixteenth Infantry, retired from active service.

Second Lieut. George W. Ewell, Third Infantry, to be first lieutenant from November 21, 1908, vice Smith, Third Infantry, promoted.

Second Lieut. Claire R. Bennett, Eighth Infantry, to be first lieutenant from November 25, 1908, vice Spiller, Twenty-sixth Infantry, retired from active service.

Second Lieut. Bowers Davis, Sixth Infantry, to be first lieutenant from November 25, 1908, vice Sanford, Twenty-fourth Infantry, promoted.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

SIGNAL CORPS.

Capt. Arthur S. Cowan, Eighteenth Infantry, to the Signal Corps, with rank from March 7, 1907.

INFANTRY ARM.

Capt. Henry S. Hathaway, Signal Corps, to the Infantry Arm, with rank from March 7, 1907.

POSTMASTERS.

INDIANA.

John C. Jenkins to be postmaster at Fortville, Ind. Office became presidential January 1, 1908.

John H. Kimble to be postmaster at Brookville, Ind., in place of George E. Mullin. Incumbent's commission expired February 20, 1909.

MISSOURI.

A. H. Doermann to be postmaster at Eldorado Springs, Mo., in place of Edgar W. Prentiss. Incumbent's commission expired December 16, 1908.

B. P. Sigler to be postmaster at Bethany, Mo., in place of William R. Lewis. Incumbent's commission expired December 13, 1908.

NEW YORK.

Perrin C. Bailey to be postmaster at Wilson, N. Y., in place of Elmer A. Johnson. Incumbent's commission expired December 13, 1908.

NORTH DAKOTA.

Frank E. Heath to be postmaster at Beach, N. Dak. Office became presidential July 1, 1908.

CONFIRMATIONS.

Nominations confirmed by the Senate March 1, 1909.

CONSUL.

Edward L. Adams, of New York, to be consul of class 5 at Dublin, Ireland.

SECOND SECRETARY OF EMBASSY.

Thomas Ewing Dabney, of Louisiana, to be second secretary of the embassy at Mexico, Mexico.

THIRD SECRETARY OF EMBASSY.

Gustave Scholle, of Minnesota, to be third secretary of the embassy of the United States at Berlin, Germany.

SECRETARY OF LEGATION.

W. Bayard Cutting, jr., of New York, to be secretary of the legation of the United States at Tangier, Morocco.

COMMISSIONERS-GENERAL TO TOKYO EXPOSITION.

Francis B. Loomis to be a commissioner-general of the United States to the national exposition to be held at Tokyo.

Francis D. Millet to be a commissioner-general of the United States to the national exposition to be held at Tokyo.

Frederick J. V. Skiff to be a commissioner-general of the United States to the national exposition to be held at Tokyo.

UNITED STATES DISTRICT JUDGE.

John E. Sater to be district judge for the southern district of Ohio.

PHILIPPINE COMMISSIONER.

Frank A. Branagan member of the Philippine Commission.

ASSISTANT TREASURER OF THE UNITED STATES.

George S. Terry to be assistant treasurer of the United States.

POSTMASTERS.

CONNECTICUT.

William A. Smith, at Hazardville, Conn.

GEORGIA.

William C. Cole, at Lawrenceville, Ga.

IOWA.

William M. Boylan, at Hubbard, Iowa.

KANSAS.

Edwin J. Bookwalter, at Halstead, Kans.

KENTUCKY.

George W. Hutcheson, at Lawrenceburg, Ky.

LOUISIANA.

Bettie E. Glover, at Arcadia, La.

MAINE.

Clarence L. Ridlon, at West Paris, Me.

MICHIGAN.

William C. Metz, at St. Charles, Mich.

MINNESOTA.

Stephen E. Fay, at Raymond, Minn.
Jesse A. Maxwell, at Fulda, Minn.
Charles M. Nelson, at Elbow Lake, Minn.

MISSISSIPPI.

William J. Brigham, at Tunica, Miss.
Felicie L. Delmas, at Scranton, Miss.
Jennie D. Ligon, at Gloster, Miss.
L. Hilton Tubb, at Amory, Miss.

NEBRASKA.

Frank C. Evans, at Wisner, Nebr.
Albert C. McFarland, at Lynch, Nebr.

NEW YORK.

Thomas B. Lowerre, at Flushing, N. Y.

NORTH CAROLINA.

Charles M. Hoover, at Thomasville, N. C.
Jasper Z. Waller, at Burlington, N. C.

NORTH DAKOTA.

Thomas B. Hurley, at Bowbells, N. Dak.
Albert E. Hurst, at Rolette, N. Dak.
Elstow McKoane, at Ambrose, N. Dak.
John K. Soule, at Cogswell, N. Dak.

OHIO.

James H. Muir, at Pemberville, Ohio.
John K. Niesz, at Maumee, Ohio.

OKLAHOMA.

George W. Mellish, at Comanche, Okla.

PENNSYLVANIA.

Clarence L. Dindinger, at Zelienople, Pa.
John W. Zerbe, at Shamokin, Pa.

SOUTH DAKOTA.

Arthur B. Chubbuck, at Ipswich, S. Dak.
Orator H. La Craft, at Clark, S. Dak.

TEXAS.

Emily H. Ellis, at Toyah, Tex.
Hugh E. Exum, at Shamrock, Tex.
William B. Kirby, at Wellington, Tex.
John C. McBride, at Woodville, Tex.
H. W. Mullis, at McLean, Tex.
Lafayette Sharp, at San Augustine, Tex.
Jasper C. Williamson, at Kirbyville, Tex.

UTAH.

Clifford I. Goff, at West Jordan, Utah.

VERMONT.

Alma H. Ayer, at Richford, Vt.

WISCONSIN.

William W. Clarke, at Milton, Wis.
Thomas Gander, at Soldiers Grove, Wis.
Martin J. Gosa, at Palmyra, Wis.
Fred P. Harmon, at Belleville, Wis.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 1, 1909.*

[*Continuation of legislative day of Tuesday, February 23, 1909.*]

The recess having expired, the House was called to order at 11 o'clock a. m. by the Speaker.

SPEECH OF HON. GEORGE W. COOK.

Mr. MANN. Mr. Speaker, I rise to present a privileged report.

The SPEAKER. The gentleman from Illinois, from the select committee appointed under House resolution 604, presents a privileged report (H. Rept. No. 2289), which the Clerk will read:

The Clerk read as follows:

The select committee appointed to consider the remarks of Hon. GEORGE W. COOK, delivered in the House on February 25 last and printed in the CONGRESSIONAL RECORD, on pages 3203 and 3204, and alleged to be in violation of the privileges of debate, beg leave to report that we have carefully and critically examined the speech of Mr. COOK referred to, and are of the opinion, and so report, that said speech does not, when treated as a whole, contain language in violation of the privileges of debate, and does not call for further action by the House; and your committee, therefore, respectfully requests to be discharged.

JAMES R. MANN.
JAMES B. PERKINS.
DAVID J. FOSTER.
HENRY D. CLAYTON.
WILLIAM M. HOWARD.

Mr. MANN. I move that the committee be discharged.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SENATE BILLS ON THE PRIVATE CALENDAR.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the order which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That during the remainder of this calendar day it shall be in order in the House as in Committee of the Whole House to consider Senate bills on the Private Calendar to the consideration of which objection is not made by two Members.

Mr. FITZGERALD. Why two? It used to be three.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS CALUMET RIVER, INDIANA.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27926) to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River, in the State of Indiana.

The Clerk read as follows:

Be it enacted, etc., That the Chicago, Lake Shore and Eastern Railway Company, a corporation organized under the laws of the States of Indiana and Illinois, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge, and approaches thereto, across the Calumet River in the northwest quarter of section 4, township 36 north, range 8 west of the second principal meridian, in Lake County, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 3, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On line 2, page 2, strike out "third" and insert "twenty-third."

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time and passed.

UNITED STATES COURTS, SPRINGFIELD, MASS.

Mr. STERLING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6074) to provide for holding terms of the United States circuit and district courts at Springfield, Mass.

The bill was read, as follows:

Be it enacted, etc., That hereafter, and until otherwise provided by law, two terms of the district and circuit courts of the United States for the district of Massachusetts shall be held in each and every year in the city of Springfield, Mass., beginning, respectively, on the third Tuesday of May and the second Tuesday of November, to continue until the business is disposed of.

SEC. 2. That the marshal and clerk of said district shall each, respectively, appoint at least one deputy, to reside in said city of Springfield, and he shall also maintain an office at that place.

With the following amendments:

In line 4 strike out the word "terms" and insert the word "sessions."

Line 7, strike out the word "third" and insert the word "second."

Line 8, strike out the words "November, to continue until the business is disposed of" and insert the word "December."

Amend the title by striking out the word "terms" and inserting the word "sessions."

Add section 3:

"SEC. 3. That suitable rooms and accommodations shall be furnished for holding said courts, free of expense to the Government of the United States, until such time as a federal building shall be prepared for that purpose in said Springfield."

The SPEAKER. Is there objection?

There was no objection.

Mr. TIRRELL. Mr. Speaker——

Mr. STERLING. The gentleman from Massachusetts [Mr. TIRRELL] desires to say a word in reference to this bill.

The SPEAKER. Does the gentleman yield to the gentleman from Massachusetts?

Mr. STERLING. I do.

Mr. TIRRELL. Mr. Speaker, it seems somewhat ungracious to oppose this bill establishing terms of the circuit and district courts in Springfield, Mass. I do not wish to raise any captious opposition. I deem it my duty, however, to present some of the facts as they have been gleaned and presented to us by the judges of the circuit and districts courts of Massachusetts.

These courts were established in Massachusetts, to be held in the city of Boston in 1789, and have always held their sessions there.

For more than forty years after the establishment of those courts there were no railroads in Massachusetts. It took three days by stage coach to go from Boston to Springfield, where it is now proposed to establish terms of these courts.

The distance between Boston and Springfield is 98 miles. There are now express trains running hourly between those cities, so that you can pass from one to the other in less than three hours.

I have been an active practitioner of the bar for many years in eastern Massachusetts, and so far as I know there has never been any call for the establishment of terms of these courts in the western part of Massachusetts.

Massachusetts is a small State territorially. Many districts represented by Members here are larger geographically than the whole State of Massachusetts. It is only about 150 miles long, and over the greater portion of its length only about 50 miles wide.

There are three main lines of railroad that run through Massachusetts—the Fitchburg line through the northern part of the State, another line through the center, and the Boston and Albany system, which runs through the southern section of the State and Springfield. The three lines of communication have rendered it unnecessary heretofore, in the opinion of the people resident in that section and the lawyers in practice, to have any terms of this court in the western part of our Commonwealth.

The whole section covered by these two courts, if they are established by this bill, would be about one-seventh of this small State, and the amount of business possible to be considered much less than one-seventh. The judges of the courts in Massachusetts are high-minded, conscientious men, ready to perform their duty wherever and whenever called upon; they have not interfered in this matter, but simply have answered questions propounded to them to elicit the facts. They have furnished the facts, and I desire to call attention to them.

Take the circuit court. About a year ago an examination of the docket was made. The following condition was disclosed: There were 450 cases pending in equity, but only 37 of them were where one or the other of the parties resided in the territory covered by this bill. Two-thirds of these cases were conducted by lawyers who did not come from that section of the State. Therefore in the equity cases, gentlemen, there were only 2 per cent of all the cases pending that came from the territory that would be subserved if this bill was passed.

Now take up the cases on the law side of the court. There were pending 432 cases a year ago. Only 9 of these had one or both of the parties resident in the territory covered by this bill. Out of these 9 cases there is only 1 case where the attorneys were from Hampden County, where Springfield is located. In 5 cases the attorneys on both sides were from the city of Boston, leaving 1 case out of the 432 upon the law side of the circuit court of the district of Massachusetts where the parties were interested from that section of the State.

In the district court the docket showed in January of this year that there were 83 civil cases; 61 of these were in admiralty. There is not a single admiralty case that comes from the western section of the State. That leaves only 22 civil cases. In 20 of these the parties and counsel reside east of the city of Springfield, leaving only 2 cases remaining which come from the western part of Massachusetts.

Therefore you have this condition of things, that although there is apparently a large population in the western part of Massachusetts, there is very little business there for the United States courts. The business of the United States courts is east of the city of Springfield. There is no admiralty business in the western part of the State, and on the law side of the court only 1 case out of 422 pending where the parties interested reside in Hampden County, in which the city of Springfield is located.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. TIRRELL. Certainly.

Mr. STEPHENS of Texas. Why are not the suits brought where the parties reside and the cause of action arises?

Mr. TIRRELL. The causes of action did arise there——

Mr. STEPHENS of Texas. How did they get jurisdiction in a part of the State where the cause of action did not arise or where the parties were not residents?

Mr. TIRRELL. The district now covers the entire State; the terms of court are held in Boston and all cases are tried there, but this bill proposes to establish two terms of the circuit and district court in the western section. I am trying to show that there is not sufficient business in the western part to justify the establishment of these terms of court in Springfield.

Mr. STEPHENS of Texas. Has the gentleman any statement by the judges of the amount of business?

Mr. TIRRELL. These are statements by the judges, who are opposed to the establishment of terms at Springfield, at present, not because they are unwilling to go that short distance to transact business, but because there is no call for it, in their judgment, commensurate with the expense and inconvenience which would be incurred.

Mr. STEPHENS of Texas. The gentleman thinks that the attorneys and litigants would not be convenienced, but is the gentleman aware that the Government has to pay the witnesses for traveling these distances?

Mr. TIRRELL. That does not apply in this case, which is based on the condition that there is insufficient business for those terms which would increase and not decrease expenses.

Mr. GRONNA. Mr. Speaker, this is not establishing a new district?

Mr. TIRRELL. No; but two terms of court for both the circuit and district courts.

Mr. GRONNA. I think there should be no objection to that.

Mr. TIRRELL. I am endeavoring to show that the amount of business is inadequate to justify this action.

Mr. GRONNA. As I understand it, this simply establishes the court in that particular city, in order to make it more convenient.

Mr. TIRRELL. Yes; that is it; that is the idea. Now, I want to show further what the state of things is in the district court. An examination was made on January 20, and at that time there were 1,870 bankruptcy cases pending. Since 1905 down to the present time there have been only 9 cases from the western section of Massachusetts covered by this bill, where there has been a hearing before the courts. That is, there is an average of less than four cases a year which have come up for hearing before the court from that part of the State. Therefore it seems to be entirely disproportionate to the expense that will be incurred and to the inconvenience to which the judges will be subjected to have a session of the court held there, when in bankruptcy cases, about the only character of case that could come up in that section of Massachusetts, there is an average of less than four a year.

Mr. STEPHENS of Texas. Is it not true that the judges could get paid for traveling expenses?

Mr. TIRRELL. Oh, that has nothing to do with it. They do not care anything about that.

Mr. STEPHENS of Texas. I think they ought to submit to some inconvenience in order to carry the courts to the people.

Mr. TIRRELL. It is not in the inconvenience of the judges alone. It is the expense of maintaining offices, clerks, and marshals, and so forth, and the loss of time to which the court would be subjected in going and coming, in opening courts, perhaps for a day or two, and then adjourning them without sufficient business to occupy the time of the court, which would be an inconvenience, take it as a whole, to the public business. Therefore, Mr. Speaker, solely for the reason that it has not been shown that there is any necessity for the establishment of these terms of court, that there is not sufficient business to justify it, that it would be an inconvenience and expense and a loss of time—in other words, because a proper case has not been made out, and because there has been no approval of this legislation, so far as I can learn, by the law department of the Government—I claim that this bill ought not to pass.

It is not a sufficient answer to the facts which I have presented to say that there is a large population in the western part of Massachusetts, unless with that you can couple and can prove that there is a sufficient business connected with that population to justify it also. While there is a population of three or four hundred thousand in the western part of Massachusetts, there is only a portion, in my judgment, of this population that would ever utilize these courts if they were established in the city of Springfield, because with these other lines of railroad paralleling the Boston and Albany, which runs through the city of Springfield, the people from other sections of this proposed district could go direct to Boston, because it would be more convenient for them to go there, although a little farther. So that in reality the statistics which I have given should really be cut down even more because very much of the business of this territory, as I have stated, would go to Boston, as it goes to-day. Boston being more convenient of access, they would go there. The question is right here: Are we justified with these facts in establishing terms of court in Springfield when there has not been during all the years of the establishment of this court sufficient business to justify any man who will look upon the matter with any economy in his system in advocating it? When western Massachusetts can show that there is a business which will justify the establishment of these terms of court even approximately, with the probability of an increase of business, then as a citizen of Massachusetts, representing its interest in part, I would gladly join in advocating such a measure, but I can not conscientiously on the proposition which is here submitted, where so little business is shown and where the judges of the court are unanimous in their opposition, lend my influence to pass this legislation. The only argument that can be advanced, it seems to me, in favor of this proposition is that if you have these terms of court established this business will increase.

That is no argument whatever, because the Congress of the United States is not establishing courts for the purpose of increasing litigation, of getting people to fight among themselves; but it is endeavoring to pacify and prevent litigation as far as possible. Yet the argument for the establishment of these terms of court is that while there is no business there now which would justify it, if they are established then business will start up and it will bring business into these courts. I can not agree to that proposition.

With these facts, Mr. Speaker, I submit this matter to the consideration of other Members of this body.

Mr. GILLETT. Mr. Speaker, I want to acknowledge the courtesy of my colleague [Mr. TIRRELL], a member of the committee, in connection with this bill. I appreciate that it is quite natural and proper that he, practicing in Boston, where the courts are now held, and practicing before the judges who object to this bill, should bring before the House the views of the judges on the question.

Springfield, where this bill purposes to have sessions of the court, is 100 miles from Boston and is a city of about 80,000 people. Still farther west, running to the New York border, is an entire congressional district, with a population of over 200,000; and north and east of Springfield, connected by trolley and largely tributary to it, is a further population of over 100,000, so there are about 400,000 people to whom Springfield is much more accessible than Boston and who would be convenienced by having sessions of the court there, and the Government would make a large saving in the expenses of witnesses and jurors.

The question just when a region is populous enough and has business enough to justify the establishment of a court can not be determined by any recognized standards, and is largely a matter of judgment. The Judiciary Committee has decided that Springfield presents such a case. The business being done in the United States court from the western part of the State is not a fair criterion of what would be done if there was a court there, because many cases which would be tried are doubtless abandoned because of the expense of the Boston trip, and most of the cases which can be brought in either the state or the United States court are now brought exclusively in the state court, because the counsel in the cases, by taking them to the United States court, would have to go to Boston, and that means generally—unless the case is a very lucrative one—that they would transfer the case to a Boston lawyer rather than leave their office and take the time to go there themselves; and therefore it is to the selfish interest of western Massachusetts lawyers to bring all their cases in the state court.

A comparison with the places where courts are held in other States will show, I think, conclusively that it would be very unfair to defeat this bill. Massachusetts has about the same population as all the other New England States combined, and excepting Maine it does not average much less in size.

Maine, with a population a third as large as Massachusetts, has terms of the United States court in three different places. New Hampshire, with a population an eighth of that of Massachusetts, has terms of court in two places. Rhode Island, with a population an eighth, has court in two places. Connecticut, with a population a third of Massachusetts, has court in two places. Vermont, with a population an eighth of Massachusetts, has court in four different places, and only the Congress before last a bill was passed giving to Vermont, which then had court in three places, the privilege of having terms in an additional city.

The population of western Massachusetts is larger than the population of any of these States except Maine and Connecticut, and all these New England States, despite their inferiority in population, have been granted more ample court privileges that Massachusetts. So, according to those precedents, western Massachusetts alone ought to have court in two places.

I think we have been very modest in our request, and if this bill passes we shall be able to determine by experience what the natural business of our section of the State is, and if it proves to be as large as members of the bar expect, we shall in the future feel justified in asking for still further accommodations.

This bill was prepared so as to meet as far as possible the objections of the judges, and to put to the test the question whether it would not be for the advantage of the United States Government and to the 400,000 people in western Massachusetts to have sessions of the United States courts in Springfield.

The SPEAKER. The question is on the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended.

COMMITTEE ON WAYS AND MEANS.

Mr. PAYNE. Mr. Speaker, I offer the following resolution and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 605.

Resolved, That those members of the Committee on Ways and Means who are Members-elect of the Sixty-first Congress, or a majority of them, are authorized, until the meeting of the first session of the Sixty-first Congress, to gather, through government agents or otherwise, such information as to them may seem fit for the completion of the bill for the revision of the tariff. And they are authorized to have such printing and binding done as they shall require, to employ an additional stenographer, and to incur such other expenses as may be deemed necessary by them; and all the expenses thereof shall be paid out of the contingent fund of the House on the usual vouchers approved by the present chairman of said committee.

The SPEAKER. Is there objection?

Mr. BARTLETT of Georgia. Mr. Speaker, I want to ask the gentleman in reference to this resolution. I do not desire to object to it. Does the gentleman propose to have additional clerical assistance to what was provided for by the emergency bill?

Mr. PAYNE. It is only to continue the present force until the special session is called on the 15th of March.

Mr. BARTLETT of Georgia. I understand it; but what I desire to inquire about is, here is a provision in the resolution to pay out of the contingent fund of the House for certain expenses. I have no objection to that, but——

Mr. PAYNE. I want to say to the gentleman that is all provided for up to this date and up to the 4th of March. Now we wish to continue the force until the 15th, and that is all there is in the resolution. It is only to continue the present order of things which the House ordered at the last session.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

ALASKA SHORT LINE RAILROAD IN ALASKA.

The SPEAKER. The Chair lays before the House from the Speaker's table the following bill with a Senate amendment, which the Clerk will report.

The Clerk read as follows:

H. R. 23717. An act to extend the time for construction and beginning the construction of the Alaska Short Line Railroad in Alaska.

The Senate amendment was read.

Mr. HUMPHREY of Washington. Mr. Speaker, I move that the House agree to the Senate amendment.

The Senate amendment was agreed to.

TREATY BETWEEN UNITED STATES AND RUSSIA.

Mr. CAPRON. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 235, reported from the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent for the present consideration of the joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia.

The SPEAKER. The Chair understands the gentleman desires the resolution to be read as amended and reported from the Committee on Foreign Affairs. Without objection, it will be read as amended.

There was no objection.

The Clerk read as follows:

Whereas it is alleged that the Government of Russia has continued up to the present time to refuse to visé, recognize, or honor passports presented to its authorities issued by the American Government to American citizens on the ground that the holders thereof were of the Jewish faith: Therefore be it

Resolved, etc., That the President of the United States be, and is hereby, requested to renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in such country without regard to race, creed, or religious faith, including a provision that the honoring or viséing of passports when duly issued and held by citizens of the United States shall not be withheld because or on account of the race, creed, or religious faith of their holders.

Mr. CAPRON. Mr. Speaker, I do not desire to delay the House on this matter, but I yield two minutes to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Speaker, this resolution deeply concerns the honor and dignity of American citizenship and the respect due the American passport. The subject involved has been several times, in various forms, brought to the attention of Congress. It has been pressed on the attention of the State Department. It has been presented to the President of the

United States. Yet the evil complained of has not been remedied. Russia still violates her treaty obligations, and has persistently refused to honor the American passport held by our citizens of Jewish faith.

It is a deplorable fact that when a citizen of that faith presents for visé our passport to the Russian authorities it is discredited and dishonored. In the eyes of the Russian monarch it is a valueless document. It is to the Russian official a mere worthless paper. Though this condition has existed ever since our first treaty with Russia, our protests have gone unheeded, and America has suffered the humiliation which Russia has seen fit to place upon us when she refuses recognition to the passport of our citizen who bears it.

Let it be understood clearly that this bigoted restriction placed upon the entry into Russia of Israelites applies equally to native and naturalized citizens of this country. The refusal to recognize our passport when borne by a Jewish-American citizen is based on the fact that he is a Jew. That fact alone, however reputable he may be, makes him odious in the eyes of the Russian, and forthwith the passport bearing our seal of state counts for nothing. Such a situation, sir, is, I submit, intolerable. It calls not for mere finespun, polite diplomatic phrases, but for plain, outspoken diplomacy, which shall leave no doubt on Russia's mind that we shall permit her no longer insolently to disregard our passports. She must be given to understand that America will not suffer her citizens to be discriminated against by any foreign government merely on the ground of creed or religious faith.

While, in common with many of my colleagues here, I would have welcomed a more drastic form of resolution, yet I feel that this expression of the Congress of the country, speaking for over 85,000,000 people, will be productive of decided action by the incoming administration and convince Russia that the American people, true to the principles of our liberal and enlightened institutions, will not much longer suffer Russia to arrogantly dishonor the highest certificate that issues to our citizens to accredit them abroad and bestow on them when traveling in foreign lands the fullest protection of the American flag. [Applause.]

In 1902 I introduced a resolution of inquiry which brought this subject clearly before the American Congress. I took occasion to point out numerous instances of Russia's refusal to honor our passports, and pointed out her evasion of the obligation she owed our citizens under the treaty of 1832. I called attention to her outrageous treatment of the Jews within her borders, her barbaric treatment of them, her proscriptive policy, and her intolerant conduct toward these people within her dominion. With that phase of the matter we were, and we are, unable to deal.

We can not, of course, interfere with Russia in her own domestic affairs. But in dealing with the question this resolution directly affects we simply assert the integrity of our citizenship and the principle that Russia can not discriminate between our citizens, on religious grounds, when our passports are presented at her gate.

To assert less, Mr. Speaker, is to deny to our citizens, whether native or naturalized, that equality which is the boast and one of the very bulwarks of our American institutions.

Well, Mr. Speaker, the resolution of 1902 passed the House, and yet the State Department remained inactive and did absolutely nothing in the matter up to 1904.

In 1904 I secured the passage of the resolution which led to the correspondence between our Government and Russia, to which I shall presently allude. That resolution provided:

That the President be requested to renew negotiations with the governments of countries where discrimination is made between American citizens on the ground of religious faith or belief to secure by treaty or otherwise uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in those countries without regard to race, creed, or religious faith.

Agreeably to that resolution, Secretary Hay, in July, 1904, communicated with Ambassador McCormick at St. Petersburg and took occasion in his letter to say:

I have therefore to instruct you to inform Count Lamsdorff that the text of the foregoing resolution has been sent to you for your information and for your guidance in interpreting this expression of the feeling of the people of this country, through their direct representatives, as to the treatment of the citizens in question.

You will make known to his excellency the views of this Government as to the expediency of putting an end to such discriminations between different classes of American citizens on account of their religious faith when seeking to avail themselves of the common privilege of civilized peoples to visit other friendly countries for business or travel.

In carrying out his instructions, our American ambassador in August, 1904, laid before Count Lamsdorff, the imperial minister of foreign affairs in Russia, the text of the resolution. Before that time a copy of that resolution had been conveyed to Count Cassini, the Russian ambassador here at that time. I want to call especial attention to some of the sentences found in that excellent and well-prepared letter of our ambassador to the Russian Government. He says:

This resolution voices not only the feelings of the people, but also a principle which lies at the foundation of our Government. *It is for this reason that the question has been, is, and always will be a live question with us and liable to become acute and be brought forward at some time in such a way as to seriously disturb the friendly relations which have always existed between Russia and the United States.*

Aside from the belief that the treatment accorded by Russia to many of our most reputable and honored citizens is needlessly repressive, public opinion, as your excellency knows, plays a large part in the foreign relations as well as domestic affairs with us; and when underneath this public opinion there lies an important principle, as is the case in the United States, it can not be left out of account by those who have maintained the close relations which it is desired by my Government to see maintained with this great Empire and her august ruler.

For these strong and manly—nay, more—for these courageous words of our ambassador, those affected by the resolution owe much. It would have been well if these noble sentiments had been followed by an earnest and active negotiation and an insistence that Russia shall cease her proscription of our citizens and her "repressive" treatment of those who came to her with our passports.

But, sir, our administration, just as before, relaxed its efforts. Our State Department once more gave evidence of its indifference by failing to follow up the subject. It once again, so far as we know, lapsed into silence. Russia, cunning, crafty, quick in diplomacy to perceive, took advantage of the situation. She continued her policy. She discarded our passports; she let go unheeded the veiled threats of Ambassador McCormick.

That it may be seen that our American Department of State left itself open to the criticism that its acts of recent date gave Russia encouragement to continue her course of insolently dishonoring our passports, let me call attention to the circular letter issued by our American Secretary of State on May 28, 1907. It was an un-American document. It was unwarranted by the Constitution and the laws and opposed to the very spirit of our Republic. It first contained the usual caution to former Russian subjects contemplating returning to their native land, through citizens of our country; then tells them they can not, if they return to their country, expect immunity from the operation of the Russian law; and then contained this unusual, extraordinary, remarkable clause:

This department will not issue passports to former Russian subjects, or to Jews who intend going to Russian territory, unless it has assurance that the Russian Government will consent to their admission.

This circular was signed by Elihu Root and kept alive by its issuance to hundreds of American citizens for eight long months. Its offensive words were finally withdrawn by the Secretary of State and a new circular issued eliminating the offensive and objectionable words to which I have called special attention. Neither the circular nor the letter that accompanied it were withdrawn until I introduced a resolution on the subject in the early part of this Congress, and vigorously protested against the issuance of the circular.

With such a document emanating from the American Department of State, will anyone wonder that Russia felt we lacked sincerity in what Ambassador McCormick wrote, and that after all we were not so insistent in having the restrictions removed as one might suppose we were from the diplomatic correspondence to which I have called your attention.

It is time that this Government spoke out on this subject to Russia emphatically and distinctly. The insult tendered in her refusal to honor American passports is not an insult to the citizen that bears that passport alone; it is an affront to the American Government.

Happily and fortunately in this land all our citizens are equal before the law. Under our enlightened policy we accord equality to all who owe allegiance to the American flag. This country is too great to permit any longer any government to refuse to pay due respect to our passports, for our passport should be the safeguard of every American traveling, in times of peace, in every country and in every clime. [Applause.]

Upon this subject I desire to quote from a leading editorial in the Philadelphia Inquirer of January 21, 1909, these words:

The question which is so clamorously calling for settlement is by no means confined to those whom it most immediately affects. It is not whether persons of the Hebrew race shall be allowed, when provided with an American passport, freely to traverse Russian territory; it is not whether such persons shall enjoy the equal protection of the Russian law. It goes far beyond that. The question is whether the passport issued by the Department of State shall be recognized and accepted, no matter in whose hands it may be found, as an authoritative certificate of American citizenship, or whether any foreign official who chooses may refuse to accord such passport the credit which is due to it and may take upon himself to repudiate and ignore the rights and immunities to which as the appanages of American citizenship it certifies in its possessor, without eliciting from the Government of the United States any more effective action than a mildly academic remonstrance.

Now, Mr. Speaker, I trust that the resolution will pass without a dissenting vote. I indulge in the hope that the incoming administration will take up the subject in real earnest and push it vigorously and earnestly to secure results. But the subject will have the strongest indorsement when it comes backed by the action and approval of the American Congress. [Applause.]

The passage of this resolution by both the House and Senate will wield a strong moral effect, for it will not alone strengthen and encourage the Executive, but it will speak out loudly to Russia that public opinion on this question is aroused and that the American Government demands the cessation of her insulting treatment.

I ask the adoption of the report of the committee and the passage of the resolution.

APPENDIX.

Mr. Hay to Mr. McCormick.

No. 127.] DEPARTMENT OF STATE,
Washington, July 1, 1904.

SIR: On the 21st of April last the House of Representatives of the United States adopted a resolution in the following words:

"*Resolved*, That the President be requested to renew negotiations with the governments of countries where discrimination is made between American citizens on the ground of religious faith or belief to secure by treaty or otherwise uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in those countries, without regard to race, creed, or religious faith."

The subject to which this resolution relates has heretofore been the occasion of friendly but sincerely earnest representations to the Russian Government on the part of that of the United States. The instructions on file in your office and the correspondence had by your predecessors with the imperial foreign office leave no doubt as to the feeling of the Government of the United States in regard to what it has constantly believed to be a needlessly repressive treatment of many of the most reputable and honored citizens of the United States. Similar views have been expressed by my predecessors, as well as by myself, in conferences with the representatives of Russia at this capital. That these friendly representations have not hitherto produced the results so befitting the close intimacy of the relations of the two countries for more than a century and so much in harmony with their traditional amity and mutual regard is not, in the President's judgment, ground for relaxing endeavors to bring about a better understanding, if only on the score of expediency and reciprocal convenience.

I have therefore to instruct you to inform Count Lamsdorff that the text of the foregoing resolution has been sent to you for your information and for your guidance in interpreting this expression of the feeling of the people of this country, through their direct representatives, as to the treatment of the citizens in question. You will make known to his excellency the views of this Government as to the expediency of putting an end to such discriminations between different classes of American citizens on account of their religious faith when seeking to avail themselves of the common privilege of civilized peoples to visit other friendly countries for business or travel.

That such discriminatory treatment is naturally a matter of much concern to this Government is a proposition which his excellency will readily comprehend without dissent. In no other country in the world is a class discrimination applied to our visiting citizens. That the benefits accruing to Russia are sufficient to counterbalance the inconveniences involved is open to question from the practical standpoint. In the view of the President it is not easy to discern the compensating advantage to the Russian Government in the exclusion of a class of tourists and men of business whose character and position in life are such as to afford in most cases a guaranty against any abuse of the hospitality of Russia and whose intelligence and sterling moral qualities fit them to be typical representatives of our people and entitle them to win for themselves abroad no less degree of esteem than they enjoy in their own land.

I have, etc.,

JOHN HAY.

Mr. McCormick to Count Lamsdorff.

AMERICAN EMBASSY,
St. Petersburg, August 22, 1904.

YOUR EXCELLENCY: Under instructions from my Government, which I found awaiting me on my return from Carlsbad, I have the honor to bring before you for consideration at this time a subject which has been the occasion from time to time of friendly but sincerely earnest representations to the Russian Government on the part of that of the United States.

The feeling of the people of the United States, which is deep and widespread with reference to this subject, found expression in a resolution adopted on the 21st of April last by the House of Representatives. I assume that your excellency's attention was called to this resolution at the time of its adoption by his excellency Count Cassini, His Imperial Majesty's ambassador in Washington, and that a copy of the resolution was transmitted to you for your information.

As your excellency doubtless noted at the time, this resolution is conceived in a temperate spirit and expressed in moderate terms, such as to recommend its reception in a similar spirit, as well as the consideration of the subject which it brings forward.

The text of this resolution was sent to me for my information in interpreting this expression of the feeling of the American people as to the treatment of the citizens in question, and I here beg to insert the resolution as placing that expression on record, although, as above indicated, a copy of the resolution has already been transmitted to you by Count Cassini:

[Fifty-eighth Congress, second session.]

"CONGRESS OF THE UNITED STATES,
"*In the House of Representatives, April 21, 1904.*

"*Resolved*, That the President be requested to renew negotiations with the governments of countries where discrimination is made between American citizens on the ground of religious faith or belief to secure by treaty or otherwise uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in those countries, without regard to race, creed, or religious faith."

This resolution voices not only the feelings of the people, but also a principle which lies at the foundation of our Government. It is for this reason that the question has been, is, and always will be a live question with us and liable to become acute and be brought forward at some time in such a way as to seriously disturb the friendly relations which have always existed between Russia and the United States.

Aside from the belief that the treatment accorded by Russia to many of our most reputable and honored citizens is needlessly repressive, public opinion, as your excellency knows, plays a large part in the foreign relations, as well as domestic affairs, with us, and when underneath this public opinion there lies an important principle, as is the case in the United States, it can not be left out of account by those who have maintained the close relations which it is desired by my Government to see maintained with this great Empire and her august ruler.

"That friendly representations," as is set forth in my instructions, "have not hitherto produced results befitting the close intimacy of the relations of the two countries for more than a century, and so much in harmony with their traditional amity and mutual regard, is not, in the President's judgment, ground for relaxing endeavors to bring about a better understanding, if only on the score of its expediency and reciprocal convenience."

Moreover, in no other country in the world is class discrimination applied to our visiting citizens, nor can it be seen, from the practical standpoint, that the benefits accruing to Russia are sufficient to counterbalance the inconvenience involved. In the view of the President, "it is not easy to discern the compensating advantage to the Russian Government in the exclusion of a class of tourists and men of business whose character and position in life are such as to offer in most cases a guaranty against any abuse of the hospitality of Russia, and whose intelligence and sterling moral qualities fit them to be typical representatives of our people and to win for themselves abroad a no less degree of esteem than they enjoy in their own land."

It seems to me that there are higher grounds to which to appeal, and to which it is opportune to appeal at this time, than those of expedience and reciprocal convenience, evidences of the influence of which have manifested themselves in steps already taken toward the alleviation of the condition of the representatives of the race referred to within the Empire.

At this time, too, when the world is extending its congratulations to His Majesty on an event which has brought happiness to himself and gratification to his friends; when he is extending the imperial clemency to some justly under the ban of the law, it would seem fitting to take under consideration this larger question, a solution of which would not only tend to draw closer the relations between this great Empire and the United States, but also to arouse a responsive feeling of good will throughout the world.

The railway and the telegraph are breaking down the barriers of distance which have until now kept apart the peoples of the various nations of the earth; Russia has made a notable contribution to this object in the great system of railways constructed within the Empire, which are operated in close connection and harmony with those of the outside world. To throw this great railway system open more fully to those who would avail themselves of it for legitimate purposes is but to dedicate it to a use which would be of the greatest good to the Empire and the world at large.

Events have proven that no artificial barrier can keep out those who come with hostile intent or who, from without, seek to circulate ideas of hostile character. Is there any reason, therefore, why at least serious consideration should not now be given to the views of my Government as to the expediency of putting an end to such discriminations as now exist in Russia between different classes of American citizens on account of their religious faith when seeking to avail themselves of the common privilege of civilized peoples to visit other friendly countries for business or for travel?

In transmitting the views of my Government at this length, and personally adding some reasons for favorable action which seem to me to be cogent, I have been actuated by the desire, as your excellency will appreciate, to contribute something toward those friendly relations which have marked the past, and which I value. For this reason I lend myself most earnestly to the work of carrying out my Government's instructions, in the hope that the result will be such as to contribute to the removal of one question of disturbing character from the realm of discussion by a mutually satisfactory understanding concerning it.

I take this occasion to renew to your excellency the assurance of my high consideration.

ROBERT S. MCCORMICK.

Mr. McCormick to Mr. Hay.

No. 193.] AMERICAN EMBASSY,
St. Petersburg, October 7, 1904.

SIR: I have the honor to transmit to you herewith a copy and translation of a note received from Count Lamsdorff, imperial minister for foreign affairs, in reply to mine of August 22 last, relating to the resolution adopted by the House of Representatives of the United States on April 21 last, concerning "the freedom of travel and sojourn in Russia, without regard to race, creed, or religious faith," of all American citizens, which was transmitted to me in your dispatch No. 127, of July 1 last.

I have, etc.,

ROBERT S. MCCORMICK.

[Inclosure.—Translation.]

Count Lamsdorff to Mr. McCormick.

MINISTRY FOR FOREIGN AFFAIRS,
St. Petersburg, October 4, 1904.

Mr. AMBASSADOR: It is with special interest that I have become acquainted with the consideration expressed by your excellency in your note of the 9/22d of August, relative to certain facilities to be granted to American citizens of Hebrew faith with regard to their entry into Russia. In this connection I have the honor to inform you that a special commission has been instituted by supreme order on December 17, 1903, with the ministry of the interior, in view of generally revising the passport regulations actually in force.

The imperial ministry of foreign affairs having appointed a representative with this commission, I shall not fail to bring, through his intermediary, to the knowledge of that commission your views on the subject and the desire of the Federal Government, of which your excellency has been the interpreter.

I avail, etc.,

LAMSDORFF.

Mr. HARRISON. Mr. Speaker, this is a resolution of my colleague [Mr. GOLDFOGLE] to secure equality of treatment abroad for all American citizens. Upon two occasions I have presented to the House my view of this matter. It is therefore unnecessary for me to detain the House at great length this morning.

But I wish to call attention, however, to the fact that in the Committee on Foreign Affairs in the discussion of this matter it was unanimously agreed that our country should secure a revision of the treaty, if possible, looking to a correction of the abuse by Russia of the American passport. There were a number of members of the committee who thought it advisable to direct or to request the President of the United States to denounce the present treaty with Russia as outworn, and yet it was decided by a majority of that committee, in view of the fact that a new administration was incoming, that it would be indiscreet at the present time for us to request a denunciation of the treaty. It is evident to all of us, however, that some more vigorous step must be taken by America to secure the elimination of this abuse. It is now five years, so far as we are aware, since any positive stand has been taken by our country to secure a correction of this evil. It is therefore unquestionably the sentiment of this House that we should bring this matter to a head. But we do not wish to embarrass the incoming administration before they have had sufficient time to deal with the question.

In these days the foreign relations of the United States are attracting more attention than ever before in times of peace. Our institutions and our principles of government are daily gaining ground and winning admiration in the other countries of the world. No one of our principles is dearer to the heart of the American citizen than the American doctrine of complete freedom and equality of religion. For this noble principle we have raised an enduring standard. In but one respect have we failed of our ideal. We have, as yet, failed to secure from Russia a proper respect for this fundamental principle of our Government. They still assert the right to discriminate between different classes of American citizens, solely on the ground of religious belief. To the founders of this Republic such an idea would have been inconceivable. They would have cast aside as abhorrent the suggestion of what is now a dismal reality—that an American citizen, armed with the passport of the United States, should be halted at the boundary of a friendly power, questioned as to his religious belief, and rejected or refused admission because of such religion.

This is not a question of the naturalization or immigration laws. Only those ignorant of the facts or anxious to conceal the present distressing situation will so assert. The issue is presented more clearly by the case of the Hebrew born in America, of American ancestry. Such a man, whatever his achievements or services to his community and his country, however high his character and reputation, may be stopped, questioned, humiliated, and insulted at the boundaries of Russia, and finally refused admission because of a profession of his religious faith.

Mr. Speaker, this is intolerable. We have suffered this abuse too long. The time has come to call a halt, and to call so loudly that the Czar upon his throne may hear. If, with insidious cunning, the Russian diplomats can twist a clause of our treaty into fancied permission to their Government to so maltreat American citizens, let us denounce this treaty. Let us call upon our new administration for prompt and vigorous action. Let us assert once more and with patriotic vigor our equal rights before all men.

Mr. SABATH. Mr. Speaker, why the Committee on Foreign Relations has seen fit to refuse to report to this House this resolution as presented in its original form by my colleague from New York I do not know—nor do I understand. I have given the phraseology of the same thorough consideration, and to be sure there was nothing which could have been construed as being objectionable in the minutest detail. It requested the President and the Secretary of State, in very proper language, to demand that the treaty privileges with Russia in the treaty of 1832 be complied with and lived up to, both in letter and spirit.

As in all ratified treaties, there was a mutual understanding to enforce and regard all provisions, and since the day on which the treaty became effective and operative nothing has transpired which would cause a desire to alter or change the provisions of this treaty, unless it be the chicanery and total disregard of the fundamental principles of international law which Russia has persistently practiced—or is it perhaps that Russia is endowed with a special prerogative to violate and abuse and totally disregard the rights of citizens of the United States, under existing treaties?

It is to be regretted that the last three administrations have not only permitted but sanctioned these violations, notwithstanding the fact that the Government has repeatedly received notices and complaints from many citizens. Mr. Speaker, this resolution strikes deep at the national pride and polity of the United States, and when I rise to speak in favor of this meek, as amended, resolution, I rise to insist that our treaty obligations must be lived up to; that justice and equality should and must be granted to our citizens regardless of creed, and finally to point out the expediency for action in the matter. This question of the proper recognition of passports has dragged on for years, and justice demands that such deliberate, continuous discrimination and shameful insulting must cease. I believe that the time has come when this injustice, going on before our very eyes, must be absolutely eradicated; and knowing that there is no earthly possibility of having such initiative taken on the part of our Secretary of State, or the unjust, despotic, and barbaric administration of Russia, I believe that we, as the legislative body of the United States, must take action, even if the committee has seen fit to strike out the very basic essence of this resolution.

A few days before the last presidential election I read a copy of a letter written by Secretary Elihu Root, printed in one of the newspapers, and addressed to a certain gentleman in the city of New York, which caused me to believe that something would be really accomplished and some definite action would be taken to eradicate the abuses. Mind you, Mr. Speaker, this letter appeared shortly before the election, and was, of course, neatly published in all the papers, stating that progress was being made in the negotiations with Russia relative to securing from that country the proper recognition of our passports and passport privileges. And now what justification or real truth do we find for the article—what evidence of any progress or action in the matter have we? I sincerely hope that the department has not been making a political tool of so vital and important a question as this. It is exceedingly strange that no Member of this House, or this House as a body, has been able to obtain this information; and now, even six months after the publication of this letter, it is still impossible to obtain any information as to what the department has done.

Yes, Mr. Speaker, we must wait and read it in the papers. I assure you it will give me great pleasure some day to be able to read in the papers, knowing that we Members can not secure the information, that our Government has ceased making empty remonstrances without action to back them up, and that it will refuse in the future to aid a foreign government in violating its treaty at the expense of thousands of our own law-abiding citizens. It will give me still greater pleasure to know that our Government at all times properly considers and properly makes it a point to stand for the rights and privileges of each and every American citizen, regardless of creed or religion, whether it be on foreign shores or at home.

No, Mr. Speaker and gentlemen, it is not necessary for me to enumerate the sufferings of the Jew in Russia, or to point out the instances in which that Government has overstepped the bounds of humanity and committed deeds violating the most primitive demands of all enlightened civilization. The despotism, tyranny, prejudice, cold-blooded slaughter fests instigated by the Government, banishment, and smiliar atrocities practiced by that Government need no elucidation or proof.

True enough, this can only arouse our sympathies, for we are not to-day concerned and, to my great regret, can not change the internal administration of Russia; but when it comes to dealing with subjects of this Government, my own people, good Americans, faithful and liberty-loving citizens, it is time for us to interpose. As long as the Government of Russia refuses to visé the passports of Americans who profess the Hebrew religion, and as long as the Department of State of this country assists in the matter, we hypocritically place in jeopardy the time-honored standards of Americanism. And as long as the foundation stone of this Government is "equality of man," we can not sit idly by and willfully submit to trafficking with American ideals and institutions. As long as the treaty of 1832 with Russia provides that the citizens of the United States may travel and sojourn in Russia with absolute freedom, regardless of religion, we have little justification for complaint when our own institutions refuse to issue passports because of religion.

The toleration of such discriminations throws the odium and reflection arising therefrom not upon the citizens so discriminated against, but upon this Government. It places in mockery and ignores the basic principles of the Constitution, both in letter and in spirit; but the greatest insult and mockery of all comes from our Department of State in a circular issued May

28, 1907. It is so extreme and un-American that every true citizen must condemn it. It reads as follows:

RUSSIA—NOTICE TO AMERICAN CITIZENS, FORMERLY SUBJECTS OF RUSSIA, WHO CONTEMPLATE RETURNING TO THAT COUNTRY.

A Russian subject who becomes a citizen of another country without the consent of the Russian Government commits an offense against Russian law, for which he is liable to arrest and punishment if he returns without previously obtaining the permission of the Russian Government.

This Government dissents from this provision of Russian law, but an American citizen formerly a subject of Russia who returns to that country places himself within the jurisdiction of Russian law and can not expect immunity from its operations.

Jews whether they were formerly Russian subjects or not, are not admitted to Russia unless they obtain special permission in advance from the Russian Government, and this department will not issue passports to former Russian subjects or to Jews who intend going to Russian territory, unless it has assurance that the Russian Government will consent to their admission.

No one is admitted to Russia without a passport, which must be viséed or indorsed, by a Russian diplomatic or consular representative.

ELIHU ROOT.

DEPARTMENT OF STATE, *Washington, May 28, 1907.*

No fair-minded American, reading this circular, can find the slightest justification for it. No, Mr. Speaker, I absolutely deny the right of the department to have issued this circular, and I deny their pretension to make inquisition into the religious belief of an American citizen. I venture to say that there is no greater blot on the pages of American diplomatic history, and no greater insult than this was ever perpetrated on any people. On what grounds can anyone justify the Secretary of State in refusing, not only to naturalized American citizens who were formerly Russian subjects, but to all American Hebrews, the right and privilege of a passport unless Russia shall give consent before the passport is issued? Those born and reared in this country, and who may have figured in the most memorable chapters of our history, are not excluded.

If the Secretary of State can not obtain for American citizens rights secured to them under our treaty; if he can not make one of the sovereign rights unconditional upon the assent of a foreign ruler, he has no earthly right to take the matter in his own hands and assist Russia in carrying out her violations, thereby making us an accomplice to the whole injustice, fostering the internal narrow creedal policies of Russia and becoming mere puppets in the hands of a monster, salaaming at each beck and call. What justification had he for doing so, and why did he quietly retract it? For eight months these circulars were sent to all Americans applying for passports to Russia, and the moment there was a possibility of investigation the department attempted to smooth it over. If we are here as representatives of the American people, we are entitled to know.

If this same treatment would have been tendered to the Catholics or Presbyterians or any other creed a state of civil disruption would have been the result. My people are not only entitled to equal privileges, but to an apology from the then Secretary of State. And that is why I am using all my efforts of speech to insist—not urge, but insist—that our citizens of Hebrew faith, whether born in Russia, France, Germany, or the United States, shall have absolutely equal rights and privileges not only on paper, but in the actual practices of this Government. The Russian Government has constantly violated the letter and principle of this treaty, and we must make the humiliating confession that the most powerful government in the world has allowed the basic principle of its foundation to be violated and flaunted in its face, and, moreover, has assisted in the carrying out of the insulting and discrimination.

And not only in regard to the discrimination against the members of one creed, but even to the abuse of our extradition treaty of 1898, have we permitted the Russian Government to continue its course of treaty abuse and violation without protest or even the utterance of a refusal to longer tolerate the commission of her gross injustices.

There are innumerable instances where Russia has sought the extradition of political refugees on other extraditable offenses, which is absolutely against the treaty, and has thus caused the United States and many individuals considerable expense and time. In the case of Rudovitz, which was just recently decided by the Secretary of State, it had been clearly shown by the testimony of witnesses and documentary evidence that the deed committed by Rudovitz was committed at the time of a revolution in Russia, and that Rudovitz was a political refugee, a well-known fact to the Russian Government.

Notwithstanding this fact, a United States commissioner ordered his extradition, and had it not been for the unanimous protest of the American people the decision would never have been reversed and said Rudovitz would have been sent back to Russia and, no doubt, by this time executed, thereby establishing a precedent by which Russia could have demanded the extradition of hundreds of political offenders, and, at the same time, demonstrate to its thousands of liberty-seeking people that even the doors of the most enlightened country would be barred to them should they assist in any manner the struggle for their freedom and liberty. This clearly shows that Russia's abuse is not confined to this refusal to recognize American passports, but extends to our extradition treaty as well. Why this state of affairs has gone on so long, I can not understand. In 1904, Count Lamsdorff, the Russian minister of foreign affairs, stated that the matter of recognition of passports had been turned over to a special commission for investigation and that the matter would be adjusted at once.

Four years have elapsed, and up to the present time no step has been taken, and for all we know the commission may have died of old age trying to frame up an excuse which could satisfy the American people.

Gentlemen, this has gone too far, and the time for action is overdue. We have been relying on flimsy promises for too many years, and the injustices have piled into a pyramid of stain on the time-honored foundations of the American Government. And in the name of these principles I urgently insist that the United States carry forward unflinchingly the principles bequeathed us by our forefathers. Let us therefore insist that all nations, regardless of internal conditions, as long as they profess peace with us, must respect every American citizen whom his country vouches for, regardless of race, standing, or religion.

Notwithstanding the fact that this resolution is not what I had hoped for, nor what it really should be, I shall vote for it and sincerely hope that every Member of this House will do likewise, making it unanimous. Such action will, if nothing else, express the sentiment of the Representatives of the American people and will thereby serve notice on the incoming administration, particularly the Secretary of State, that the people of this country will no longer tolerate such unjust and un-American discrimination, and that not only Russia but our State Department, above all, should discontinue its policies and try to screen the injustices of the past. As to myself, Mr. Speaker, I shall in the future, as I have in the past, carefully follow the action of the department, whether it comply with the expression and will of the House, or if it will, as heretofore, with glorious convenience ignore our action, and I shall endeavor to the best of my ability to keep this House, as well as the American people, informed of the course of action taken, and shall unhesitatingly bring to light and place the responsibility and blame where it properly belongs.

Mr. CAPRON. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from New York [Mr. SULZER] is recognized for two minutes.

Mr. SULZER. Mr. Speaker, it is a matter of much gratification to me, and I know it will be to every liberal-minded and liberty-loving citizen in the land, that at last the Committee on Foreign Affairs of this House has reported a resolution to make Russia treat all American passports alike and without discrimination on account of race or religion. I concur in all that has been so well said this morning concerning this matter, and for one I want to stand up here in my place and say that if the Russian Government will not treat all passports of American citizens alike, regardless of race or religion, then the Government of the United States should immediately serve notice on the Russian Government that this country desires to abrogate the treaty existing between the two powers. We must notify Russia that we intend to do this. It is only fair, and it is only just, and it is only right to all our citizens. The Russian Government has no more right to discriminate against an American citizen on account of his race or his religion than we have to discriminate against a Russian subject sojourning in this country because the Russian citizen's religion, forsooth, is different from our own. I am opposed to any discrimination on account of race or religion. The Russian Government must be told in plain words that the United States will no longer tolerate her discrimination against our citizens simply because they are Jews. An American citizen's passport must be treated the same in every land and in every clime. That should be a fundamental principle of our foreign policy. For us to do less is, to say the least, humiliating and contrary to the letter and the spirit of our free institutions. I trust this resolution will pass, and I indulge the hope that the next Secretary of State will see to it that the Russian Government discontinues its discrimination against American citizens on account of their race and their religion. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAPRON. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. PARSONS] may extend his remarks on this subject in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HITCHCOCK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. CAPRON. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to, the joint resolution engrossed, the amendments to the preamble agreed to, and the joint resolution read a third time and passed.

MINORITY VIEWS—OCEAN-MAIL BILL.

Mr. SMALL. Mr. Speaker, I ask unanimous consent for a reprint of the views of the minority on the bill S. 28—the ocean-mail bill—so that an error may be corrected in the same.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for a reprint of the views of the minority of the Committee on Post-Offices and Post-Roads on the bill S. 28—the ocean-mail bill—so that an error may be corrected in the same. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to bills of the following titles:

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 27061. An act to provide for the appointment of an additional district judge in and for the western district of Washington; and

H. R. 26394. An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 28193. An act to authorize the city of Shreveport to construct a bridge across Red River; and

H. R. 14290. An act for the relief of Ellis W. Joy.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

FRANCIS J. PARKER.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to submit the following privileged report (H. Rept. No. 2285) from the Committee on Accounts.

The Clerk read as follows:

House resolution 574.

Resolved, That the Clerk of the House of Representatives is hereby authorized and directed to pay, out of the contingent fund of the House, to Francis J. Parker the sum of $108.30, being the amount due him as clerk-hire allowance for services rendered the late Hon. William H. Parker, a Representative from South Dakota, from June 1 to June 26, 1908, inclusive.

The question was taken, and the resolution was agreed to.

EDWARD J. CANTWELL.

Mr. HUGHES of West Virginia. Also the following (H. Rept. No. 2286):

The Clerk read as follows:

House resolution 578.

Resolved, That there shall be paid out of the contingent fund of the House to Edward J. Cantwell, administrator of the estate of William A. Watson, deceased, late a special messenger in the service of the House of Representatives, an amount equal to six months' salary of said Watson, and an additional amount, not exceeding $250, to defray the funeral expenses of said Watson; also the accrued salary due said Watson at the time of his death.

The question was taken, and the resolution was agreed to.

MICHAEL A. RATTIGAN.

Mr. HUGHES of West Virginia. Also the following:

The Clerk read as follows:

House resolution 579.

Resolved, That there shall be paid out of the contingent fund of the House to Michael A. Rattigan the sum of $62.44, being the amount due him as clerk to the late Representative Daniel L. D. Granger, of Rhode Island, from February 1 to February 14, 1909, both dates inclusive.

The question was taken, and the resolution was agreed to.

ADDITIONAL CLERK, COMMITTEE ON ENROLLED BILLS.

Mr. HUGHES of West Virginia. Also the following (H. Rept. No. 2287):

The Clerk read as follows:

House resolution 601.

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional clerks to said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day during the remainder of the present session.

The amendment recommended by the committee was read, as follows:

In line 2, strike out the word "two" and insert the word "one;" in line 3, strike out the word "clerks" and insert "clerk."

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Was not there a resolution or bill passed some years ago to have these enrolled bills printed instead of written?

The SPEAKER. There was.

Mr. CLARK of Missouri. Then what do we need with an additional clerk?

Mr. WILSON of Illinois. The bills have to be compared.

The amendment was agreed to.

The resolution as amended was agreed to.

DISTRIBUTION OF DOCUMENTS.

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the following joint resolution.

The Clerk read as follows:

House joint resolution 263 to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications.

Resolved, etc., That all documents and books ordered to be published by the Sixtieth Congress which are actually printed prior to the first Monday in December next, to which Members of that Congress not Members of the Sixty-first Congress would have been entitled if published prior to the 4th day of March, shall be allotted such Members, and the term allowed to distribute the same shall be extended to the first Monday of December next.

The SPEAKER. The gentleman from New York moves to suspend the rules and pass the joint resolution. Is a second demanded?

Mr. MANN. I demand a second.

The SPEAKER. Under the rules a second is ordered. The gentleman from New York [Mr. PERKINS] is entitled to twenty minutes and the gentleman from Illinois [Mr. MANN] is entitled to twenty minutes.

Mr. PERKINS. Mr. Speaker, this is a resolution which affects the distribution of documents by the outgoing Members, and therefore affects the rights of the incoming Members of the Sixty-first Congress.

Mr. KIMBALL. Mr. Speaker, we can not hear a word of what is being said.

The SPEAKER. The House will be in order. If the galleries will refrain from conversation, and if Members will refrain from conversation, in the opinion of the Chair there is no hall on earth that has as good acoustic properties as this Hall. [Applause.]

Mr. PERKINS. This resolution refers to the distribution of documents by Members of the Sixtieth Congress who are not Members of the Sixty-first Congress. It is reported by the Committee on Printing, for the judgment of the House, as to which is the fair course of procedure to be taken. The law as it now stands provides that an outgoing Member of Congress has the distribution of documents until the beginning of the first session of the following Congress. Under that rule the first session means, ordinarily, the first Monday of December, and the Members of the Sixtieth Congress not reelected to the Sixty-first would have all the documents printed down to the 1st of December next, and the incoming Member would have no documents for distribution until Congress met on the first Monday of December. That is the general law.

Now, as we all know, the Sixty-first Congress is to be called in special session on the 15th day of March instant. As a result, if no action is taken by Congress, the right of the outgoing Member to receive documents for distribution and to make distribution will cease on the 15th day of March, two weeks from

this date. On the other hand, it may be said in behalf of the incoming Members that ordinarily they are not required to attend sessions of Congress until the first Monday of December; but if the incoming Member is actually required to attend Washington in the middle of March to give his time during the session that begins then, it is, perhaps, fair that he receive the distribution of books from the time he comes here. Now, in answer to that, the outgoing Member says that when he first came to Congress he received no distribution until the December following the time of the beginning of his term. That is, if he served one term of two years, he had a distribution of documents for only fifteen months, whereas his successor, who also served a term of two years, would have a distribution of two years and nine months.

In view of that, the Committee on Printing has reported this resolution, which modifies the law, so as to provide that, notwithstanding the calling of the extra session in March, the time for the distribution of books to outgoing Members of Congress not Members of the Sixty-first Congress shall be extended to the first Monday of December; and the committee submits this to the judgment of the House as to whether, in view of all the circumstances, it is proper to extend the time for the distribution of books and the receipt of books to the outgoing Members to the first Monday of December. That is the law, if it were not for the extra session. But, in view of the fact that there is an extra session, the incoming Members would receive the distribution from the time they actually take their seats, unless this resolution is passed.

I reserve the balance of my time.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. PERKINS. Certainly.

Mr. MANN. The resolution provides "for the distribution of all the documents and books ordered to be published by the Sixtieth Congress which are actually printed prior to the first Monday in December next."

Mr. PERKINS. Yes.

Mr. MANN. Now, will that include publications made under permanent law, such as the Yearbook, such as the Farmers' Bulletins, or even such as the geological reports or any other documents except those specifically ordered to be printed at the desk or by resolution?

Mr. PERKINS. In my judgment, this resolution as it is drawn would include, for instance, the Yearbook, because the appropriation for the Yearbook to be published next summer has already been made by the Sixtieth Congress. So I think the Yearbook that is now in process of preparation, which will be distributed, I suppose, next July, the authorization for which is contained in the appropriation bill that passed the Sixtieth Congress, would go to the outgoing Members under the wording of this resolution.

Mr. MANN. Regardless of the wording, I am not so sure as to the intent of the resolution. Is it the intent of the gentleman to provide in the resolution that all documents distributed through the folding room shall remain to the credit of the outgoing Member until the 1st of next December, subject to his order?

Mr. PERKINS. Excepting such documents as are authorized by the Sixty-first Congress at its session soon to begin. Of course, though they were printed at once, if a document was ordered printed by the Sixty-first Congress on the 15th of March and was ready for distribution on the 20th of March, it would go to Members of the Sixty-first Congress and would not be covered by this resolution.

Mr. KEIFER. I should like to ask a question for information.

Mr. PERKINS. I yield to the gentleman from Ohio for a question.

Mr. KEIFER. I only wish to understand the operation of this resolution if it be adopted. The publications that would go to the outgoing Members of the Sixtieth Congress up to the 1st of December next might be very considerable. How would that outgoing Member distribute those publications after the 1st of December next?

Mr. PERKINS. After the 1st of December next he could have them all sent to his own home, if they were still undistributed, and then he would have to make his own distribution.

Mr. KEIFER. We would have to distribute them without the franking privilege.

Mr. PERKINS. After next December.

Mr. KEIFER. And yet you give him the franking privilege for the purpose of distributing that publication.

Mr. PERKINS. No; I think not.

Mr. KEIFER. Everybody else gets it.

Mr. PERKINS. I know, but everybody else is a Member of the Sixty-first Congress. He has the right to the franking privilege for nine months, until the 1st of next December.

Mr. MANN. Mr. Speaker, this resolution is a proposition to discriminate——

Mr. STANLEY. Mr. Speaker, I ask for order. I want to hear the gentleman. He usually has something to say when he gets up.

The SPEAKER. The House will be in order.

Mr. MANN. Mr. Speaker, the resolution is a proposition, it seems to me, to make an unjust discrimination against the Members elected for the first time, in favor of those who go out.

Under the law a man is entitled to the documents belonging to his district until the first session of the next Congress meets, which in this case will be, I suppose, the 15th of March.

Mr. Speaker, I came here for the first time at the special session of Congress which passed the Dingley tariff law. It so happened that my predecessor was one of my best friends. The old documents that he had he turned over to me. I had constant requests for documents during that special session of Congress, and I should have felt outraged if Congress had provided that some antagonist perhaps of mine was to have the distribution of documents after I was sitting on the floor of the House, and when my constitutents wrote to me for documents, I had been obliged to say: "I have no documents, although a Member of Congress. Apply to the man whom I beat for renomination or reelection."

Mr. MARSHALL. I was in exactly that same fix at the first session of Congress when I was elected here. I was for months without documents. I provided myself the best I could; but this propositon is to cut me off and put my successor in a better condition than I was.

Mr. MANN. Oh, the gentleman suffered once under the law as it stood. He ought to be willing to treat his successor fairly and not ask Congress in selfishness to give him the documents which he believed when he came here belonged to the man who was in Congress.

Mr. MARSHALL. You want me to suffer again.

Mr. HINSHAW. I had a similar experience. I had no documents to distribute, and I applied to Hon. JAMES R. MANN for some documents, which he very kindly gave me, in that way supplying a very considerable number in my district and making good that deficiency in my document list.

Mr. MANN. Mr. Speaker, the new Members come here about the 15th of March, are sworn in, and they will have constant applications from their constituents for documents. How can it be considered fair to say that they shall have no documents; that their predecessors shall have all the documents until the 1st of next December? If Congress was not in session the situation would be different. But when a man comes here, when he is in Washington attending the sessions of Congress, it seems to me all decent regard for the consideration of other men will lead us to treat the newly elected Members of Congress fairly. We should not forget that, though we would like to favor those who go out, the new Members will be our colleagues after the 15th of March, and we ought not to discriminate in favor of those who are now here because we are fond of them, but remember that when they are gone we shall also be fond of those who succeed them. I now yield three minutes to the gentleman from Iowa [Mr. DAWSON].

Mr. DAWSON. Mr. Speaker, it may be somewhat ungracious to outgoing Members to oppose the passage of this resolution, but it seems to me that there is a question of right and wrong, a question of justice and injustice involved in this resolution. We ought to remember as a fundamental fact that the documents ordered by Congress and allotted for distribution are not provided for the personal use of the Members, but are provided and allotted to the districts themselves. That being so, the question for the House to determine is, Who is the proper man to make the distribution of those documents among his constituents? Is it right for the ex-Member of Congress to distribute the documents in the district after his successor has been elected, after his successor is in Washington and has been sworn in and is performing all the functions of a Representative of the district, when there is coming to him all the requests for documents from his district? I say it is not fair to deprive the real Representative of the distribution of the documents which belong to his district and place it under the control of one who has already had an "ex" put before his name and who has retired to private life.

Mr. ADAIR. Will the gentleman yield for a question?

Mr. DAWSON. Certainly.

Mr. ADAIR. Does the gentleman think it is fair to the Member who was elected two years ago and who goes out this year,

who did not have the documents to distribute from the 4th of March until the next December, to deprive him of that right now?

Mr. DAWSON. Let me answer the question of the gentleman by asking another: Did not the gentleman feel between the 4th of March, when he became a Member of this House, and the 4th of the following December, when he began to get documents, that an injustice was being done him during that period?

Mr. ADAIR. That is true, but that has been the rule in the past.

Mr. DAWSON. Does the gentleman want to perpetuate that injustice to Members who come hereafter? I believe that the injustice has worked long enough, and I am willing to lose my share of the documents when I go out in order to see that the men who come in after the 4th of March shall have justice accorded to them.

Mr. ADAIR. I want to say that this matter does not affect me, for I do not go out, but I sympathize with the Members who are affected.

Mr. MANN. Mr. Speaker, I now yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I am opposed to this resolution. It looks like a resolution in favor of the Members who are reelected and in favor of the Member who is defeated and against his successor. I will not stand here and by my vote do my successor an injustice. I think this does do him an injustice, and I will not take the documents if they are put to my credit. [Applause.] I yield back the balance of my time.

Mr. PERKINS. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has ten minutes.

Mr. PERKINS. How much time has the gentleman from Illinois?

The SPEAKER. Eleven minutes.

Mr. PERKINS. I yield three minutes to the gentleman from Missouri [Mr. RUSSELL.]

Mr. RUSSELL of Missouri. Mr. Speaker, I wish that I may have order in the three minutes allotted to me.

The SPEAKER. The Chair sympathizes with that aspiration. [Laughter.]

Mr. RUSSELL of Missouri. Mr. Speaker, there are 77 Members of this House that will not be Members of the next House. I happen to be one of those unfortunate Members myself. These 77 Members are directly interested in this resolution. The balance of the Members of this House will not in any way be affected by it. It is not because I would be a beneficiary under this resolution that I now support it, but because I believe it is absolutely fair and just.

If this resolution is not passed, the 77 Members of this House, elected for the first time two years ago and who retire at the end of this session, will get the documents published by Congress for only fifteen months—that is, until the meeting of the extra session—while their successsors who may be here for two years will get the public documents for thirty-three months. I submit that that is not fair. I was elected two years ago last fall. I had hundreds of requests for publications from my constituents between the 4th of March and the 1st of December. I was compelled to write to all of them that all of the public documents in that interval were given to my predecessor, and that I would not be able to furnish them until December. I insist that my successor to-day can do what I did then, and say to the people who write him for public documents that under the law they will not be given to him until next December, and that he can not furnish them until then. The gentleman from Iowa, my friend Mr. DAWSON, says that this law is not fair, either to the Members heretofore or now, but it has been the law and submitted to by Members in the past, and it is not fair to change the rule now at the expense of those of us who go out, simply because there happens to be an extra session.

My friend from Tennessee [Mr. GAINES] says that he does not want these documents after his retirement. If he does not, he can turn them over to his successor, but I submit that because he does no want his documents is no reason why we who do want them should not have them. I want to say that I have received but one Yearbook, and if this resolution is not passed I will get no more, while my successor will in his two years' term get three. Last year we ordered the publication of the cattle book. It has not been printed yet; and if this resolution does not pass I will not get it, although ordered printed a year ago. Eulogies delivered in this House a year ago have not yet been printed, and unless this resolution passes I can not get them. I believe that if my successor were here and permitted to vote that he would be just enough and fair enough to vote for this resolution. [Applause.]

Mr. PERKINS. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, as I am not a retiring Member I am not affected in one way or the other by this proposition. It seems to me that it does not affect the Treasury in any way. It is just a question of distributing certain public documents. Shall they be sent out by the retiring or by the incoming Member from the same district? They will all go to the same districts; they will all get to the people in either event. The only question is whether they shall be distributed by the retiring Members or by the incoming Members. Each Member of Congress is elected for two years. Within that period certain public documents are ordered printed, but they are not all printed and ready for distribution by March 4. Ordinarily a retiring Member would have until the 1st of next December within which to distribute the documents which are not yet fully printed.

The only question is whether by reason of the extraordinary session he shall be deprived of that privilege and his successor gain that much. In no way does it affect the Treasury. It simply gives to each retiring Member the privilege of distributing two years of publications. If you give it to the new Member, he will have more than his fair share. It seems to me that justice to the retiring Member demands the passage of this resolution.

Mr. PERKINS. Mr. Speaker, I yield two minutes to the gentleman from North Dakota [Mr. MARSHALL].

Mr. MARSHALL. Mr. Speaker, this is simply a question of fair play. The question is whether the retiring Member shall have the privilege and the right of distributing his quota of documents for the full term for which he was elected, or whether there shall be taken away from him the right to distribute those documents for the greater part of a year. That is all there is to the question. In either event they go to the people. My successor is a nice gentleman, a personal friend of mine, and if this resolution passes there will be no reason why I can not share my documents with him if I desire, but it is up to me to say, and not the House, whether I want to do that or not. If you pass this resolution, you are taking away the right to distribute documents for the full term for which the retiring Members were elected.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman talks about "my documents." As I understand it, they are paid for by the Public Treasury.

Mr. MARSHALL. I have not said my documents, but my right to distribute these documents. I say that you are taking away from the retiring Member his right to distribute those documents for his full term. Now, if I want to transfer them to my successor, that is my business, or if I want to send them to my constituents, that is also my business. In all fairness I hope the Members of the House will vote for this resolution.

Mr. MANN. Mr. Speaker, I yield one minute to the gentleman from Missouri [Mr. CAULFIELD.]

Mr. CAULFIELD. Mr. Speaker, I, too, am about to retire from Congress. I listened with great interest to the remarks of my colleague from Missouri [Mr. RUSSELL], but I think that for the very reasons that he stated for favoring this resolution I would vote against it. It seems to me that if we suffered an injustice by reason of the law that is no reason why we should visit that injustice upon our successors. I am going to be succeeded by a Democrat, but I feel that he has the right from the beginning of his term, as nearly as possible, to be the whole Congressman, and not have to refer matters to me, his predecessor.

I believe also that the distribution of documents is apt to be better done by a Member upon whom the responsibility of office directly rests than by one who, having retired from office, is apt to have become engrossed with other duties.

Mr. MANN. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Speaker, I happen to be one who is going out of this House against his will. [Laughter.] I have had experience heretofore for a long time, and in every instance when I have come here as a new Member I have found no documents to my credit; and the people at home have been asking me to send them documents, and, of course, I could only say that I had none. They do not know but that after the 4th of March, when the new Members come in, they have absolute control of everything in the way of publications. I happen to be succeeded by a Republican. I don't want him to have the experience I have had. I want nothing but that which belongs to me of right, nothing more, and when my successor comes here I want him to have every document that is published for a Member of Congress to distribute among his friends and constituents in the district. That is my feeling about it, and it is my judgment that he should have them

under the law. They do not belong to Members. It has been decided by an investigating committee of this House that the books do not belong to the Member, but to the district; and he is the agent simply to distribute these books and publications among the people at home, and therefore I can see no reason why the law should be changed. Why change it simply to keep a Member, who is going out, in contact with his people at home, as a matter of politics? There can be nothing else. [Applause.]

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, as an outgoing Member of Congress, my personal attitude toward this proposal has been fully described by the gentleman from Tennessee [Mr. GAINES], and the other Members who have spoken in the same vein. But it seems to me there is an aspect of this question which goes beyond the personal comfort or desires or interest of either the outgoing or the incoming Member, and that is the interest of the people of the United States in this distribution of government publications. I would be loath to believe that these documents are given to us for our own benefit, for our own personal delectation or to advance our individual political prospects. I prefer to believe, and I do believe, that they are intrusted to us as agents of this Government to be distributed among the people for their own benefit and enlightenment. Now, under our political system the terms of the Congress and the terms of each Member expire together, on March 4, and the new Congress ordinarily does not meet until the following December. There is an interval of several months after the end of an outgoing Member's term during which his successor has not been sworn into office and during which, therefore, he has not actively assumed his functions. Under those conditions it is entirely consistent with a sound public policy for the late Member, as a sort of holdover, to continue the distribution of public documents, not for his own benefit, but for the public benefit. When, however, an extra session brings the new Member into office and he is sworn in here, it becomes at once not only his right but his duty to charge himself with the distribution of every document printed by the Government to which the Representative from his district is entitled. It is no longer a question of authorizing a man who has been a Member to do something which he had been doing under the responsibility of his oath during an interim while his successor, the Member-elect, has not yet assumed his office in the sense of having qualified for it. It would be to exclude the fully qualified Member—the Member actually discharging his duty on the floor—from exercising one function of his office and to empower the man whom he has replaced and succeeded to continue the discharge of that particular public function, and I am opposed to any such reversal and confusion of functions, responsibilities, or privileges. [Applause.]

Mr. MANN. Mr. Speaker, I have only a word or two to say——

Mr. HUBBARD of West Virginia. Will the gentleman from Illinois be kind enough to state the existing law. Perhaps that has been done; if so, some of use have not been able to hear it.

Mr. MANN. Mr. Speaker, under the existing law, as I understand it, the ex-Member of Congress receives the public documents until the meeting of the first session of the ensuing Congress, so that if the Sixty-first Congress did not meet until the first Monday in December, the ex-Member of this Congress would be entitled to the public documents distributed through the folding room until that time, but as the next Congress will meet in extra session on the 15th of March, the rights of the ex-Member expires on the first day of the special session.

Mr. HUBBARD of West Virginia. And that law was in force when we were elected to this Congress.

Mr. MANN. Yes; and none of us declined an election—as a gentleman calls to my attention—not one of us declined an election because it was the general opinion that the special session would be called on the 15th of March. Some of the gentlemen who have spoken seem to think that these public documents are their private property, that they are printed by the Government as a perquisite to the Members of Congress, to be used for politics or any purpose they desire.

I have always considered that these public documents were printed for the public good, and they were only distributed by Members of Congress as a most convenient method of reaching the constituents in the different districts.

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman permit a question?

Mr. MANN. I yield.

Mr. HAMILTON of Michigan. I simply want to ask the gentleman this question: How long has the retiring Member the franking privilege?

Mr. MANN. Until the 1st of December.

Mr. HAMILTON of Michigan. That is, for the purpose of distributing documents——

Mr. BARTLETT of Georgia. Mr. Speaker, will the gentleman permit——

Mr. MANN. Oh, it is a perquisite, maybe. I yield to the gentleman from Georgia.

I might say to the gentleman from Michigan [Mr. HAMILTON] that that is not for the purpose of distributing documents. The Member-elect has the franking privilege while the gentleman still occupies the seat.

Mr. HAMILTON of Michigan. The retiring Member's franking privilege applies to the distribution of all documents, as well as the sending of mail, does it not?

Mr. MANN. Yes; and the franking privilege applies to the Member-elect before his term of service commences.

Mr. HAMILTON of Michigan. I understand that.

Mr. BARTLETT of Georgia. I want to ask the gentleman if it is not possible to amend this resolution on account of the extraordinary session so as to apply to documents to be published, so that there will be sufficient for both the outgoing and the incoming Member? I do not think it would cost a great deal more.

Mr. MANN. Of course, Mr. Speaker, it is not practicable to do that under the terms of this resolution or the proposition to suspend the rules. The only way to do that would be to vote down this proposition, and then it might be reached. Now, Mr. Speaker, I yield whatever time I have remaining to the gentleman from New York [Mr. WALDO].

The SPEAKER. The gentleman has three minutes remaining.

Mr. WALDO. Mr. Speaker, I am one of the retiring Members, but I am opposed to this as I am to all legislation or resolutions for the benefit of particular persons. Because there happen to be 77 Members instead of 1 retiring from this Congress is no reason for changing the general law for the benefit of these particular persons. It is not the less special legislation in derogation of existing general law to give especial benefits to specified individuals.

The public documents published or ordered published during the Sixtieth Congress were not intended as personal emolument for the Members of that Congress, but for the information and instruction of the people of their districts. It is of no moment to the people as to whether the incoming or the outgoing Member answer their requests for public documents.

I am opposed to this proposed change in existing law and shall vote against it.

Mr. PERKINS. Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, it seems to me that the passage of this resolution is but an act of common justice. I would not do an injustice to the incoming Member; neither would I do an injustice to the outgoing Member. These gentlemen who have argued against the passage of the resolution have rather, I think, assumed that it was a proposition to change the permanent law. Now, if we had before us a proposition to change the law and let the documents be assigned by the men who went into the office at and from the time he actually went in—that is, from March 4—I would be in favor of it. But the defeat of this resolution will not change the general law, and we will come back after the coming Congress with men distributing documents up to the 1st of December, after they have gone out. Now, as a matter of fact——

Mr. DOUGLAS. Will the gentleman yield?

Mr. NORRIS. In a moment I will. As a matter of fact, I have in mind several instances of where men have been elected to this Congress for the first time. They got no documents to distribute until in December, more than one year following the time of their election. If this resolution does not pass, those men will lose that right on the 15th of March, giving them but a little more than one year of distribution of documents. Everybody will admit that is an injustice to them.

But that is not the end of it. Their successors, instead of having a distribution of documents for two years, the length of their terms, unless a special session of Congress should take it away, will have the right to distribute documents for nearly three years, although they may never be reelected to succeed themselves.

I submit, gentlemen, that it is nothing more than fair, both to the outgoing man and to the incoming man, that this resolution should pass, and that these Members who go out should be put on the same basis with Members who have gone out before, and that the Members who come in should be put on the same basis with all the balance of the Members who have come in.

I want to call your attention also to the fact that this resolution provides that such documents as are printed for the Sixty-first Congress and issued before the December following will be distributed by the incoming Member, giving him an advantage that his predecessor did not have and that none of the Members now have, and that Members who follow him, unless there is another special session, will have.

Mr. DOUGLAS. Will the gentleman yield?

Mr. NORRIS. I yield to the gentleman.

Mr. DOUGLAS. If this does not change existing law, what is the use of passing it?

Mr. NORRIS. It does not change permanent law, but it makes a change as to the distribution of documents from now until December.

Mr. DOUGLAS. It suspends?

Mr. NORRIS. It changes the law to that effect. I want to say to the gentleman that if it was a proposition to change permanent law and give the man who went in the right of distribution from March 4, I would vote for it. I would put everybody on an equal basis.

Mr. DOUGLAS. Did not the Members of Congress know what the law was when they were elected?

Mr. NORRIS. I suppose they did. They did not know that there was to be an extra session of Congress, though.

The SPEAKER. All time has expired.

The question is on suspending the rules and passing the joint resolution.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. PERKINS. Division, Mr. Speaker.

The House divided; and there were—ayes 240, noes 81.

Mr. MANN. I ask for the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-two gentlemen have arisen; not a sufficient number. The yeas and nays are refused; the ayes have it; the rules are suspended, and the joint resolution is passed.

APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVE.

Mr. WEEKS. Mr. Speaker, I move to suspend the rules and pass the Senate bill 4825, as amended; that there be one hour and twenty minutes provided for debate on this question, the time to be equally divided between the gentleman from Kansas [Mr. SCOTT] and myself.

Mr. MANN. I make the point of order that that motion is not in order.

The SPEAKER. The gentleman will state his point of order.

Mr. MANN. The rule provides for the length of time debate shall be had on a motion to suspend the rules; and the motion to suspend the rules is made under that rule which provides for the length of time. I make the point of order that it is not in order to make a motion to suspend the rules under the rule of the House, which motion eliminates the rule itself. I have no objection to the gentleman asking unanimous consent.

The SPEAKER. The Chair is inclined to the opinion that the point of order is well taken. Possibly the gentleman could obtain unanimous consent.

Mr. WEEKS. Mr. Speaker, I move to suspend the rules and pass the Senate bill 4825 as amended. Pending that motion, Mr. Speaker, I ask unanimous consent that an hour and twenty minutes be had for debate on this question, forty minutes on a side, to be controlled by the gentleman from Kansas [Mr. SCOTT] and myself.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, I would like to know what this bill is.

The SPEAKER. It is popularly known as the "Appalachian forestry bill." Is there objection to the request of the gentleman from Massachusetts as to the time for debate?

Mr. MADDEN. Reserving the right to object, I want to ask what this bill provides and whether there will be any opportunity for amendment to the bill while it is under consideration?

Mr. WEEKS. This bill is to be considered under a suspension of the rules, and there will be no opportunity for amendment.

The SPEAKER. The gentleman now asks unanimous consent that the time for debate be an hour and twenty minutes.

Mr. MADDEN. I propose to object unless we can have more time.

Mr. WEEKS. There will be an hour and twenty minutes instead of the forty minutes.

Mr. MADDEN. Mr. Speaker, I think an hour and twenty minutes is not sufficient time to be allowed for debate on an important question like this. Here is a question involving two millions every year.

Mr. WEEKS. One million dollars.

Mr. MADDEN. As a minimum, and I do not know what it will be in the years to come. It is too important a question to be decided in an hour and twenty minutes, and unless we can have more time I shall have to object. There ought to be sufficient time so that every Member of the House will understand the question.

The SPEAKER. Is there objection to the request touching debate of an hour and twenty minutes?

Mr. MADDEN. I ask unanimous consent, Mr. Speaker, that debate be continued for two hours and a half upon this question.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MADDEN. Then I ask that it be two hours.

The SPEAKER. Is there objection to two hours of debate? [After a pause.] The Chair hears none.

Mr. MADDEN. To be controlled by the gentleman from Kansas [Mr. SCOTT] and the gentleman from Massachusetts [Mr. WEEKS].

The SPEAKER. The Clerk will report the bill. Without objection, the Clerk will report the substitute for the Senate bill.

The Clerk read as follows:

A bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

Be it enacted, etc., That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States, for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

SEC. 2. That the sum of $100,000 is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams, and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

SEC. 3. That the Secretary of Agriculture, for the further protection of the watersheds of said navigable streams, may, in his discretion, and he is hereby authorized, on such conditions as he deems wise, to stipulate and agree to administer and protect for a definite term of years any private forest lands situated upon any such watershed whereon lands may be permanently reserved, held, and administered as national forest lands; but such stipulation or agreement shall provide that the owner of such private lands shall cut and remove the timber thereon only under such rules and regulations, to be expressed in the stipulation or agreement, as will provide for the protection of the forest in the aid of navigation: *Provided*, That in no case shall the United States be liable for any damage resulting from fire or any other cause.

SEC. 4. That from the receipts accruing from the sale or disposal of any products or the use of lands or resources from public lands, now or hereafter to be set aside as national forests, that have been or may hereafter be turned into the Treasury of the United States and which are not otherwise appropriated, there is hereby appropriated for the fiscal year ending June 30, 1909, the sum of $1,000,000, and for each fiscal year thereafter a sum not to exceed $2,000,000, for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1919.

SEC. 5. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and one Member of the Senate, to be selected by the President of the Senate, and one Member of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section 6 of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions; and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 6. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 7. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 8. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 9. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act; but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

SEC. 10. That such acquisition may in any case be conditioned upon the exception and reservation to the owner, from whom title passes to the United States, of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance; but in every case such exception and reservation, and the time within which such timber shall be removed, and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 11. That whereas small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him to actual settlers, in tracts not exceeding 80 acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

SEC. 12. That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 24 of the act approved March 3, 1891 (vol. 26, Stat. L., p. 1103), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this act into such specific national forests and so designate the same as he may deem best for administrative purposes.

SEC. 13. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

SEC. 14. That 25 per cent of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

SEC. 15. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $25,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

Amend the title so as to read "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers."

The SPEAKER. Is a second demanded?

Mr. SCOTT. Mr. Speaker, I demand a second.

The SPEAKER. A second under the rules is ordered. The gentleman from Massachusetts [Mr. WEEKS] has one hour, and the gentleman from Kansas [Mr. SCOTT] one hour.

Mr. WEEKS. Mr. Speaker, this bill, as reported from the Agricultural Committee by a vote of 11 to 7, is an amendment of Senate bill 4825, entitled "An act for acquiring national forests in the Southern Appalachian Mountains and White Mountains," the title of the act being changed to conform to the report made by the Judiciary Committee in May, 1908, so that it reads:

An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

All of the Senate bill after the enacting clause has been struck out and the House bill substituted as an amendment.

Section 1 of this bill will enable any number of the several States of the Union to enter into an agreement among themselves for the purpose of conserving forests and water supply in connection therewith.

Mr. OLMSTED. Will it interrupt the gentleman right there, before he passes to another subject, to ask him a question.

Mr. WEEKS. I shall be glad to yield to the gentleman, although I have very little time.

Mr. OLMSTED. I see there is a provision in this bill, that one State may join with another for the purpose of conservation of forestry and water flow. Does that mean that if the gentleman from Massachusetts holds a private forest in his State, and in Pennsylvania I own a private forest, those States may agree touching our private forests?

Mr. WEEKS. The intention of that section is that States located as are the New England States may form an association to protect the forests and the stream flow in those States. For instance, all of the lands that could, under any circumstances, be purchased under the provisions of this bill in the New England States are located in the State of New Hampshire. The rivers which are navigable in New England rise in the White Mountains, in the State of New Hampshire, but the water power on those rivers and their navigability are beneficial to the five New England States.

Mr. OLMSTED. Does the gentleman understand that this bill would authorize the States to agree touching the management of forests in private ownership, not purchased by the States or by the Government?

Mr. WEEKS. I think the gentleman will see in another section an application which will answer his question, if he has not already read the bill. Provision is made, as I will explain a little further, for that purpose.

Mr. BARTLETT of Georgia. Will the gentleman yield for a question?

Mr. WEEKS. I am perfectly willing to answer questions; but the time is so limited that I must ask that the questions be definite, so I need not devote much time to them.

Mr. BARTLETT of Georgia. I only wish to ask the gentleman a question with reference to this bill. Section 14 provides for the distribution of money arising from revenue from the national forest reserve that you have got here. That is distributed now for certain purposes—for schools and public roads.

Mr. WEEKS. No; it is not. That money now goes into the Treasury.

Mr. BARTLETT of Georgia. I say under this bill.

Mr. WEEKS. I say under this bill 75 per cent of the receipts will go for that purpose and 25 per cent will go to the States where the lands are located.

Mr. BARTLETT of Georgia. It does not go to the State; it only goes to the counties of the State wherein the mountains are situated, for public roads and for school purposes.

Mr. WEEKS. The purpose in making that reservation is that the immediate sections where these lands are located may receive this benefit in lieu of taxes, which otherwise they would receive from the lands which are set aside.

Mr. BARTLETT of Georgia. Are not the citizens of the counties where the lands are situated to be benefited by the purchase of those lands by the Government at a somewhat increased price?

Mr. WEEKS. I will say frankly that I think they are. That reservation was made to conform to the method followed in all national reserves as they now exist. That is the law which applies to the national reserves.

Mr. OLMSTED. I want to ask the gentleman one direct question in the line of the former one. Will this bill authorize any two States to enter into an agreement which will prevent the private owner of forest lands from removing his timber as he sees fit?

Mr. WEEKS. I do not understand so.

Section 2 provides an appropriation of $100,000 to assist in fire protection. It is the purpose in this section that none of this money shall be spent in any State which has not provided itself with an efficient fire-protection law, presumably a law to be approved by the Agricultural Department; and, in addition, that none of it shall be spent in a State which does not make an equivalent appropriation for the same purpose, the intention being to create an interest among the States themselves in protecting public and private forests, preventing the enormous destruction from forest fires which occurs every year. Many States have already taken the initiative in this matter and have not only provided fire-protection service, with an appropriation to carry it out, but, in addition, have provided by law that railroads, which are among the principal offenders in setting fires, shall be held responsible for the fires which can be traced to sparks from locomotives. Other States have limited the right of hunters and others to visit unprotected tracts of timber land during unusually dry times and in other ways are, as far as possible within their own resources, assisting in carrying out the purposes of this section.

Mr. VREELAND. Will the gentleman explain what is the nature of the compact that may be entered into between the States?

Mr. WEEKS. That is a matter to be determined by the Secretary of Agriculture.

Mr. VREELAND. Does that contemplate the expenditure of money by the States in acquiring land, or is the money to be furnished by the Government?

Mr. WEEKS. That would depend upon the arrangement made by the Secretary of Agriculture.

Section 3 provides the method by which the Secretary of Agriculture may take over and administer tracts of private lands, providing a scheme for their development, methods of cutting, and so forth, enabling thereby the owner to get the benefit of the experience of the Agricultural Department and at the same time insuring a systematic protection to these tracts of land which will be beneficial to the neighborhood where they lie. The United States, however, is not to be held liable for any damage resulting from fire, or from any other cause, in cases where such arrangements are undertaken.

Section 4 provides a fund, to be taken from forestry receipts, to purchase lands located on or near the headwaters of navigable streams for the protection of the navigation of those streams, this fund to be $1,000,000 for the first year and two millions each succeeding year for the following nine years, this particular section to expire by limitation in the year 1919. The receipts from the Forestry Service since the transfer of this service to the Department of Agriculture, February 1, 1905, have been as follows:

For the fiscal year ending June 30, 1905	$60,142.62
For the fiscal year ending June 30, 1906	767,219.96
For the fiscal year ending June 30, 1907	1,571,059.44
For the fiscal year ending June 30, 1908	1,788,921.85

It will be noted that 1905 was but for five months.

And it is estimated that the receipts for the current year will reach something over $2,000,000. These receipts are obtained principally from two sources; from the sales of timber and from grazing privileges. Of these, the sales of timber are something over one million annually, and the receipts from grazing will amount to about $800,000 this year. It is pretty definitely determined that the grazing privileges do not bring more than about one-third the amount obtained by private owners for similar grazing lands in the same neighborhood, so that the grazing receipts should easily amount to two millions annually, and probably more, if the rate were raised to correspond to the going rates in the particular neighborhood where the lands are located. The receipts from the sales of timber are somewhat less, probably 20 per cent less, than those obtained from private owners; but, without taking account of this condition, it is estimated that less than one-half of 1 per cent of the available timber on government reservations is removed each year and that at least five times that amount could be taken off annually if there were suitable roads and methods of so doing, without in any way injuring the value of the forests. Therefore it is safe to assume that when suitable roads are completed and the forests are developed to obtain the best obtainable results, the receipts from timber land would be about five millions, or a net return of at least seven millions annually. As the expenditures for this bureau have not yet reached four millions, it can be seen that this would insure a handsome net revenue at once; and even following the methods which are now in vogue and developing the service as the present appropriations will enable the bureau to do, it is probable that in five years' time the net receipts from the bureau will be sufficient to provide this fund.

It has been urged that using the receipts from the Forestry Service is practically equivalent to using a direct appropriation for the same purpose. This is true to this extent. The receipts are now turned into the Treasury for general purposes, but using these receipts prevents the criticism which might be urged against the purchase of land by using moneys raised by direct taxation. Furthermore, it seems to me businesslike that the Government should use the receipts from this service to develop the service and add to it wherever the development will insure aid to so many valuable governmental purposes.

Mr. VREELAND. Will the gentleman yield?

Mr. WEEKS. I will yield to the gentleman from New York.

Mr. VREELAND. Suppose the hopes of the gentleman do not materialize; is this appropriation limited to the receipts from the service, or would the deficit, if any, have to come out of the Public Treasury?

Mr. WEEKS. It is limited to the receipts from the service—the gross receipts, but not the net receipts.

Mr. HUMPHREY of Washington. Will the gentleman yield to me for a question?

Mr. WEEKS. Certainly.

Mr. HUMPHREY of Washington. The gentleman from Massachusetts speaks of the cost being limited to these receipts. He refers simply to the money that shall be used for the purchase of the land?

Mr. WEEKS. Yes.

Mr. HUMPHREY of Washington. In the administration of it, in the administration of the forest reserves generally with the State, and in the administration of private forests by the Government, you are not limited to the receipts that come from the forest reserves, but may take them out of the National Treasury.

Mr. WEEKS. Mr. Speaker, the gentleman from Washington is right to this extent: It is proposed that the money for the purchase of the land shall be taken from the gross receipts from the Forestry Service.

Section 5 provides a commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, a Member of the Senate, and a Member of the House, to act as a commission to determine the method of carrying out the purposes of this act; where land shall be purchased, if at all; the prices paid; and all other incidents to the exploitation of forests obtained as proposed in this act; and an appropriation of $25,000 is provided for the expenses of the commission.

Mr. OLLIE M. JAMES. Will the gentleman yield?

Mr. WEEKS. Certainly.

Mr. OLLIE M. JAMES. How are the Members which the gentleman speaks of as appointed by the President of the Senate and the Speaker of the House to be divided—politically, or are they not to be divided?

Mr. WEEKS. There is no provision in the bill, but I should hope that they would be divided between the two parties.

Mr. OLLIE M. JAMES. How can you divide them if there is only one to be appointed?

Mr. WEEKS. The one from the House might be of one party and the one from the Senate the other.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. WEEKS. Certainly.

Mr. MONDELL. How does the gentleman expect to secure anything from the proceeds of the Forestry Service at a time when the Forestry Service is spending several millions more than the receipts from the service?

Mr. WEEKS. Mr. Speaker, if the gentleman from Wyoming [Mr. MONDELL] had listened to what I said, he would have known that I am not anticipating any net receipts at once, but I do believe that in the course of three or four or five years there will be net receipts sufficient to provide for this fund.

Mr. GRAFF. How are these lands to be purchased by the commission, by private sale or condemnation, or both?

Mr. WEEKS. Either way.

Mr. GRAFF. They have the power to condemn?

Mr. WEEKS. Yes.

Section 7 of the bill provides that the Secretary of Agriculture shall examine, locate, and recommend for purchase lands which may regulate the flow of navigable streams, and report the result of these examinations to the National Forest Reservation Commission, provided that before lands are recommended for purchase they shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing in what way the control of these lands will promote or protect the navigation of streams.

This is an important proviso, because it limits purchases to the constitutional requirements, as enunciated by the Judiciary Committee of the House in its report of May, 1908. But the question has been raised whether the Geological Survey is the proper bureau to give advice relative to the effect of forests on stream flow, the suggestion having been made that the Engineer Corps of the Army might properly be intrusted with this duty. I am confident that the Geological Survey is the proper organization for this work. The hydrographic branch of this survey was organized twenty-one years ago, since which time definite appropriations have been made annually to carry out its work. It has recorded, during the last fifteen years, the maximum, minimum, and mean discharges of all the more important rivers, and for shorter periods the same facts concerning all the lesser tributaries of the many hundreds of streams in the United States. These results have been assembled and studied, and the flow of streams has been compared with the precipitation, as shown by the records of the Weather Bureau, and a vast amount of valuable data connected with forestation, etc., has been compiled. To make these reports does not involve any knowledge of inland water navigation or engineering questions relating thereto, as heretofore defined by law and interpreted by the Corps of Engineers.

The Government has invested forty-two millions in irrigation systems in the arid West, the whole integrity of which is based on the studies made by the Geological Survey, and the survey itself has on hand at the present time a large portion of the information which will be made necessary by the requirements of section 7. Its organization is complete, its men are specialists in this line, and it would therefore be a waste of material

and poor business policy to attempt to develop this work through some other channel or some other bureau of the Government.

Under the law the relative duties of the Geological Survey and the Engineer Corps, respectively, are very definitely defined. In the sundry civil appropriation bill of 1897–98 the following proviso was made for the Geological Survey:

For the survey of the public lands that have been, or may hereafter be, designated as forest reserves by executive proclamation * * * the surveys herein provided for shall be under the supervision of the Director of the Geological Survey.

While the provision for the Engineer Corps' connection with surveys and examinations of rivers was provided in the act approved July 27, 1868, as follows:

Be it resolved, etc., That the Secretary of War shall cause to be prepared and submit to Congress in connection with the reports of examinations and surveys of rivers and harbors hereafter made by order of Congress full statements of all existing facts tending to show to what extent the general commerce of the country will be promoted by the several works of improvement contemplated by such examinations and surveys, to the end that the public moneys shall not be applied except where such improvements shall tend to subserve to the general commercial and navigation interests of the United States.

It must be apparent to anyone that the surveys to be performed by the Engineer Corps under this statute are limited to those sections of rivers and harbors which are navigable, and that any other examinations made, for any purpose, of rivers and streams must be under the direction of the Geological Survey; and it should be noticed that the proviso in section 7 will prevent the purchase of any land by the commission unless the Geological Survey shows the connection between forestry and stream flow, so that the constitutional objection which was raised to the original Senate bill has been amply provided for.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. WEEKS. Yes.

Mr. COX of Indiana. Can the gentleman inform the House or give us some idea as to the approximate cost it will be on the part of the Government to maintain these reserves?

Mr. WEEKS. I can not give any estimate of that because I do not know how many parcels of land will be purchased.

Mr. COX of Indiana. If the purpose of this bill be carried out, and nineteen or twenty million dollars be invested?

Mr. WEEKS. It would be all guesswork.

Mr. COX of Indiana. Would not the gentleman say it would be enormous?

Mr. WEEKS. Oh, no.

Mr. VREELAND. I would like to ask the gentleman a little more about the appropriation part of this bill. The appropriation for the general Forestry Service is now carried in the appropriation bill.

Mr. WEEKS. Yes.

Mr. VREELAND. The expenditure is now a considerable amount more than the income.

Mr. WEEKS. It is about $4,000,000.

Mr. VREELAND. The balance comes out of the Treasury of the United States?

Mr. WEEKS. Yes.

Mr. VREELAND. I would ask the gentleman, then, this being a special bill, under the ruling of the comptroller, would not this take precedence as a claim upon this fund; and would not this have to be paid out first, thus necessitating a still larger appropriation for whatever the amount taken under this law is, which would have to be added to the appropriation bill for the next year?

Mr. WEEKS. Not a larger appropriation, Mr. Speaker. The appropriation for the Forestry Service this year is about four million. The receipts, after taking out 25 per cent, which goes to the localities, would be about a million and a half, so that the net appropriation this year is two and one-half millions. Of course, if a million of that is taken for this purpose, it would leave only a half million to offset the four millions appropriated for the Forestry Service.

Mr. VREELAND. Would not that mean a half million more appropriation from the Treasury?

Mr. WEEKS. It would not mean any larger appropriation than is now made.

Mr. REEDER. Would it decrease the amount available to take care of the forests as they are?

Mr. WEEKS. No.

Mr. REEDER. I do not understand, if there are two millions and a half appropriated now and a million is received and we make an arrangement to appropriate two million more, how we can make that sum less or the appropriation greater.

Mr. WEEKS. The appropriation would not be any greater, but the net appropriation would necessarily be greater. The gross would not.

Mr. REEDER. The amount to be used in the forests as they are would be left—the two million?

Mr. WEEKS. Not at all.

Mr. REEDER. Then I do not understand.

Mr. WEEKS. The appropriation is now four millions of dollars, in round figures. The receipts are one and a half millions. Those receipts go into the Treasury, and it thus leaves a net appropriation of two and a half millions, which comes out of the Treasury this year. If a million of that were taken, it would require three and a half million to come out of the Treasury, but the gross appropriation would not be any larger. It would simply mean that the amount which would come from the Treasury other than receipts from the Forestry Service would be a million dollars greater.

Mr. REEDER. The receipts from the Forestry Service would be a million dollars less, surely. You can not have the money and spend it, too.

Mr. WEEKS. Mr. Speaker, if I have not explained it, I can not.

Section 8 provides for the method of purchase, and stipulates that lands shall not be taken over and paid for until the legislature of the State in which they are located has provided legislation consenting to the acquisition of such lands by the United States for the purpose of preserving the navigability of navigable streams.

Section 9 provides that lands shall not be taken over until the title to the lands has been approved by the Attorney-General of the United States.

Section 10. In many cases there are large tracts of heavily timbered lands, the purchase of which would entail such a large expenditure of money that the appropriation would cover comparatively little territory. In order to obviate the necessity of the purchase of this timber, section 10 provides a method by which the United States can take over the title to the land, excepting the minerals and merchantable timber, which may be reserved by the owner and removed by him under restrictions and stipulations provided by the department. This will apparently answer the purpose of purchase and at the same time enable the spreading over a much larger area of the appropriations made.

As it is not the purpose of this act to purchase lands which may be valuable for agricultural purposes, but only those lands which are unfit for any other purpose than forestry, except in unusual cases, section 11 provides a method of disposing of agricultural lands which may be acquired either by inadvertence or through necessity in purchasing a large area.

As it is not intended to change the jurisdiction, either civil or criminal, over persons upon the lands acquired under this act, other than offenders against the United States, section 13 provides that this jurisdiction shall not be affected or changed, the purpose of this section being that the State in which the land is situated shall continue its jurisdiction, and that the inhabitants shall retain all their rights and privileges as citizens, and not be absolved from their duty as citizens of the State.

Section 14 carries out the present application of moneys obtained as receipts from the Forestry Service; that is, it divides the receipts into four parts, three-fourths of which shall go into the Treasury of the United States as a general fund and one-fourth shall be paid to the State in which the lands are situated, the purpose being that the revenues of the State and locality where these lands are situated shall not be decreased on account of their taking over by the General Government.

DEMAND FOR FORESTRY LEGISLATION.

The demand for the protection of forests, and the connection which they have with river flow, has been expressed in so many different ways, at so many different times, and by so many different interests that it is impossible to even give a list of them; but it is worth while to call attention to an important hearing before the Agricultural Committee of the House of Representatives in the winter of 1908, at which hearing there appeared representatives of the National Board of Trade; of the Massachusetts Institute of Technology; of the National Association of Cotton Manufacturers; of the American Institute of Electrical Engineers; of many power development companies; of the Arkwright Club, which represents a majority of the cotton manufacturers of New England; of the American Society of Electrical Engineers; the governor of Georgia; the governor of New Hampshire; and representatives of a large number of business associations of a somewhat less, but great local, importance. Representatives from 20 States appeared at this hearing. Among the resolutions which have been presented to Congress at different times, requesting the immediate establishment of reservations, especially in the White and Appalachian Mountains, are those from the National Board of Trade, the Convention for the Extension of Foreign commerce, the National Wholesale Lumber Dealers' Association, the American Paper and Pulp Association, the National Slack Cooperage Manufacturers' Association, the American Forest Congress, the American

Institute of Electrical Engineers, the American Society of Civil Engineers, the National Association of Carriage Builders and Furniture Manufacturers, the American Forestry Association, the National Federation of Women's Clubs, the American Civic Association, the Appalachian National Park Association, the American Association for the Advancement of Science, the National Association of Cotton Manufacturers, resolutions from many state legislatures, and an endless number from State and city boards of trade, fruit and produce exchanges, agricultural societies, power companies, universities, and municipal and local bodies.

RECOMMENDATIONS BY GOVERNMENT OFFICIALS AND COMMISSIONS.

January 3, 1901, in a report to the President, the Secretary of Agriculture recommended the purchase of lands in the Appalachian Range, this report being based on investigations made by the Geological Survey and the Forestry Bureau, and, in the language of the Secretary, the recommendation of purchase was made for the following reasons:

The rapid consumption of our timber supplies, the extensive destruction of our forests by fire, and the resulting increase in the irregularity of the flow of water in important streams have served to develop among the people of this country an interest in forest problems which is one of the marked features of the close of the century. In response to this growing interest, the Government has set aside in the western forest reserves an area of more than 70,000 square miles. There is not a single government forest reserve in the East.

In President Roosevelt's first message to Congress, in 1901, he referred to this question in the following language:

The wise administration of the forest reserves will be not less helpful to the interests which depend on water than to those which depend on wood and grass. The water supply itself depends upon the forest. In the arid region it is water, not land, which measures production. The western half of the United States would sustain a population greater than that of our whole country to-day if the waters that now run to waste were saved and used for irrigation. The forest and water problems are perhaps the most vital internal questions of the United States.

The forests are natural reservoirs. By restraining the streams in flood and replenishing them in drought they make possible the use of waters otherwise wasted. They prevent the soil from washing, and so protect the storage reservoirs from filling up with silt. Forest conservation is, therefore, an essential condition of water conservation.

The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control, under which levees are built on the lower reaches of the same streams.

The Government should construct and maintain these reservoirs as it does other public works. Where their purpose is to regulate the flow of streams, the water should be turned freely into the channel in the dry season, to take the same course under the same laws as the natural flow.

In his annual message to Congress December 2, 1902, the President once more refers to this subject, as follows:

Few subjects of more importance have been taken up by the Congress in recent years than the inauguration of the system of nationally aided irrigation for the arid regions of the Far West. A good beginning therein has been made. Now that this policy of national irrigation has been adopted, the need of thorough and scientific forest protection will grow more rapidly than ever throughout the public-land States.

In his annual message to Congress December 7, 1903, President Roosevelt uses this language:

The study of the opportunities of reclamation of the vast extent of arid land shows that whether this reclamation is done by individuals, corporations, or the State, the sources of water supply must be effectively protected and the reservoirs guarded by the preservation of the forests at the headwaters of the streams. The engineers making the preliminary examinations continually emphasize this need, and urge that the remaining public lands at the headwaters of the important streams of the West be reserved to insure permanency of water supply for irrigation. Much progress in forestry has been made during the past year. The necessity for perpetuating our forest resources, whether in public or private hands, is recognized now as never before. The demand for forest reserves has become insistent in the West, because the West must use the water, wood, and summer range which only such reserves can supply. Progressive lumbermen are striving, through forestry, to give their business permanence. Other great business interests are awakening to the need of forest preservation as a business matter. The Government's forest work should receive from the Congress hearty support, and especially support adequate for the protection of the forest reserves against fire. The forest-reserve policy of the Government has passed beyond the experimental stage and has reached a condition where scientific methods are essential to its successful prosecution.

In his annual message to Congress December 6, 1904, President Roosevelt refers to this subject in the following words:

They are of special importance because they preserve the water supply and the supply of timber for domestic purposes, and so promote settlement under the reclamation act. Indeed, they are essential to the welfare of every one of the great interests of the West.

Forest reserves are created for two principal purposes. The first is to preserve the water supply.

The second reason for which forest reserves are created is to preserve the timber supply for various classes of wood users.

In his annual message to Congress December 3, 1906, the President uses the following language:

Much is now being done for the States of the Rocky Mountains and Great Plains through the development of the national policy of irrigation and forest preservation; no government policy for the betterment of our internal conditions has been more fruitful of good than this. The forests of the White Mountains and Southern Appalachian regions should also be preserved; and they can not be unless the people of the States in which they lie, through their representatives in the Congress, secure vigorous action by the National Government.

December 3, 1907, the President again referred to this subject, using the following language:

The government dams should be used to produce hundreds of thousands of horsepower as an incident to improving navigation, for the annual value of the usused water power of the United States perhaps exceeds the annual value of the products of all our mines. As an incident to creating the deep waterway down the Mississippi, the Government should build along its whole lower length levees which, taken together with the control of the headwaters, will at once and forever put a complete stop to all threat of floods in the immensely fertile delta region.

But there are certain other forms of waste which could be entirely stopped—the waste of soil by washing, for instance, which is among the most dangerous of all wastes now in progress in the United States, is easily preventable, so that this present enormous loss of fertility is entirely unnecessary. The preservation or replacement of the forests is one of the most important means of preventing this loss. We have made a beginning in forest preservation, but it is only a beginning. At present lumbering is the fourth greatest industry in the United States; and yet, so rapid has been the rate of exhaustion of timber in the United States in the past, and so rapidly is the remainder being exhausted, that the country is unquestionably on the verge of a timber famine which will be felt in every household in the land.

The only trouble with the movement for the preservation of our forests is that it has not gone nearly far enough and was not begun soon enough. It is a most fortunate thing, however, that we began it when we did. We should acquire in the Appalachian and White Mountain regions all the forest lands that it is possible to acquire for the use of the Nation. These lands, because they form a national asset, are as emphatically national as the rivers which they feed, and which flow through so many States before they reach the ocean.

December 8, 1908, the President refers to the subject in the following language:

If there is any one duty which more than another we owe it to our children and our children's children to perform at once, it is to save the forests of this country, for they constitute the first and most important element in the conservation of the natural resources of the country.

There are small sections of our own country, in the East and in the West, in the Adirondacks, the White Mountains, and the Appalachians, and in the Rocky Mountains, where we can already see for ourselves the damage in the shape of permanent injury to the soil and the river systems which comes from reckless deforestation.

In May, 1908, a conference was called by the President of governors of States and Territories, to consider conservation of our natural resources, and, in addition to the governors, there were present at this conference members of the Cabinet, justices of the courts, and other officials, as well as many distinguished men in other walks of life. This conference, therefore, represented every State and Territory, and, as the governors were accompanied in almost every instance by specialists in natural productions, it may be said that it emphasized to an unusual degree the prevailing belief that practical methods of conservation should be adopted. In the declaration adopted at this conference, in referring to the natural resources this language was used:

We declare our firm conviction that this conservation of our natural resources is a subject of transcendent importance, which should engage unremittingly the attention of the Nation, the States, and the people in earnest cooperation. These natural resources include the land on which we live and which yields our food; the living waters which fertilize the soil, supply power, and form great avenues of commerce; the forests which yield the materials for our homes, prevent erosion of the soil, and conserve the navigation and other uses of the streams; and the minerals which form the basis of our industrial life, and supply us with heat, light, and power.

We agree that the land should be so used that erosion and soil wash shall cease; and that there should be reclamation of arid and semiarid regions by means of irrigation, and of swamp and overflowed regions by means of drainage; that the waters should be so conserved and used as to promote navigation, to enable the arid regions to be reclaimed by irrigation, and to develop power in the interests of the people; that the forests which regulate our rivers, support our industries, and promote the fertility and productiveness of the soil should be preserved and perpetuated; that the minerals found so abundantly beneath the surface should be so used as to prolong their utility; that the beauty, healthfulness, and habitability of our country should be preserved and increased; that sources of national wealth exist for the benefit of the people, and that monopoly thereof should not be tolerated.

We declare the conviction that in the use of the national resources our independent States are interdependent and bound together by ties of mutual benefits, responsibilities, and duties.

We urge the continuation and extension of forest policies adapted to secure the husbanding and renewal of our diminishing timber supply, the prevention of soil erosion, the protection of headwaters, and the maintenance of the purity and navigability of our streams. We recognize that the private ownership of forest lands entails responsibilities in the interests of all the people, and we favor the enactment of laws looking to the protection and replacement of privately owned forests.

We recognize in our waters a most valuable asset of the people of the United States, and we recommend the enactment of laws looking to the conservation of water resources for irrigation, water supply, power, and navigation, to the end that navigable and source streams may be brought under complete control and fully utilized for every purpose. We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy, providing for the prompt improvement of our streams and the conservation of their watersheds required for the uses of commerce and the protection of the interests of our people.

January 22, 1909, the President sent to Congress a message, transmitting a report of the National Conservation Commission, in which the following language was used:

We know now that our rivers can and should be made to serve our people effectively in transportation, but that the vast expenditures for our waterways have not resulted in maintaining, much less in promot-

ing, inland navigation. Therefore, let us take immediate steps to ascertain the reasons and to prepare and adopt a comprehensive plan for inland-waterway navigation that will result in giving the people the benefits for which they have paid but which they have not yet received. We know now that our forests are fast disappearing, that less than one-fifth of them are being conserved, and that no good purpose can be met by failing to provide the relatively small sums needed for the protection, use, and improvement of all forests still owned by the Government, and to enact laws to check the wasteful destruction of the forests in private hands. There are differences of opinion as to many public questions; but the American people stand nearly as a unit for waterway development and for forest protection.

I especially commend to the Congress the facts presented by the commission as to the relation between forests and stream flow in its bearing upon the importance of the forest lands in national ownership. Without an understanding of this intimate relation the conservation of both these natural resources must largely fail.

From the report of the National Conservation Commission itself, forwarded in this message, the following references to waters and forests are found:

The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable rivers. The second requisite is development of terminals and connections in such manner as to regulate commerce.

Forests in private ownership can not be conserved unless they are protected from fire. We need good fire laws, well enforced. Fire control is impossible without an adequate force of men whose sole duty is fire patrol during the dangerous season.

The conservation of our mountain forests, as in the Appalachian system, is a national necessity. These forests are required to aid in the regulation of streams used for navigation and other purposes. The conservation of these forests is impracticable through private enterprise alone, by any State alone, or by the Federal Government alone. Effective and immediate cooperation between these three agencies is essential. Federal ownership of limited protective areas upon important watersheds, effective state fire patrol, and the cooperation of private forest owners are all required.

There are in continental United States 282 streams navigated for an aggregate of 26,115 miles, and as much more navigable if improved. There are also 45 canals, aggregating 2,189 miles, besides numerous abandoned canals. Except through forestry in recent years, together with a few reservoirs and canal locks and movable dams, there has been little effort to control headwaters or catchment areas in the interests of navigation, and none of our rivers are navigated to more than a small fraction even of their effective low-water capacity.

The practical utility of streams for both navigation and power is measured by the effective low-water stage. The volume carried when the streams rise above this stage is largely wasted and often does serious damage. The direct yearly damage by floods since 1900 has increased steadily from $45,000,000 to over $238,000,000.

The freshets are attended by destructive soil erosion. The soil matter annually carried into lower rivers and harbors or into the sea is computed at 780,000,000 tons. Soil wash reduces by 10 or 20 per cent the productivity of upland farms and increases channel cutting and bar building in the rivers. The annual loss to the farms alone is fully $500,000,000, and large losses follow the fouling of the waters and the diminished navigability of the streams.

It is now recognized by statesmen and experts that navigation is interdependent with other uses of the streams; that each stream is essentially a unit from its source to the sea; and that the benefits of a comprehensive system of waterway improvement will extend to all the people in the several sections and States of the country.

The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable rivers. The second requisite is development of terminals and connections in such manner as to regulate commerce.

In forwarding to Congress, February 26, 1908, the Report of the Inland Waterways Commission, the President of the United States used the following language:

The report rests throughout on the fundamental conception that every waterway should be made to serve the people as largely and in as many different ways as possible. It is poor business to develop a river for navigation in such a way as to prevent its use for power, when by a little foresight it could be made to serve both purposes. We can not afford needlessly to sacrifice power to irrigation, or irrigation to domestic water supply, when by taking thought we may have all three. Every stream should be used to the utmost. No stream can be so used unless such use is planned for in advance. When such plans are made we shall find that, instead of interfering, one use can often be made to assist another. Each river system, from its headwaters in the forest to its mouth on the coast, is a single unit and should be treated as such. Navigation of the lower reaches of a stream can not be fully developed without the control of floods and low waters by storage and drainage. Navigable channels are directly concerned with the protection of source waters and with soil erosion, which takes the materials for bars and shoals from the richest portions of our farms. The uses of a stream for domestic and municipal water supply, for power, and in many cases for irrigation, must also be taken into full account.

Forest protection, without which river improvement can not be permanent, will at the same time help to postpone the threatened timber famine, and will secure us against a total dearth of timber by providing for the perpetuation of the remaining woodlands. Irrigation will create the means of livelihood for millions of people, and supplies of pure water will powerfully promote the public health. If the policy of waterway improvement here recommended is carried out, it will affect for good every citizen of the Republic. The National Government must play the leading part in securing the largest possible use of our waterways; other agencies can assist and should assist, but the work is essentially national in its scope.

In the report the following arguments in favor of forestry and conservation of water power are made:

Engineering works designed to improve navigation affect favorably the regimen of the streams, including floods and low waters. The annual floods of the United States occasion loss of property reaching many millions of dollars with considerable loss of life, while the low water of late summer involves large loss in diminished water supply, in reduced power, and in the fouling of streams, with consequent disease and death. It has been claimed that in specific cases the cost of works required both to control floods and meet the needs of commerce would be less than the amount of this loss. It is desirable that more detailed information be collected concerning the effects of floods and low waters and their prevention by engineering works and other devices.

The annual soil wash in mainland United States is estimated at about 1,000,000,000 tons, of which the greater part is the most valuable portion of the soil; it is carried into the rivers, where it pollutes the waters, necessitates frequent and costly dredging, and reduces the efficiency of works designed to facilitate navigation and afford protection from floods.

Both the regimen of streams and the purity and clarity of waters are affected by forests and other natural growth, and by farming, mining, and other industrial operations over the watersheds in which they gather. Millions of acres in mainland United States have been deforested unnecessarily, and the floods and low waters ascribed to this cause have in some localities occasioned losses commensurate with the value of the timber. Means should be devised and applied for coordinating forestry, farming, mining, and related industries with the uses of streams for commerce and for other purposes.

The effect of wide variations in the level of navigable streams is to render difficult the establishment of necessary terminals for the handling of traffic, and thus to interfere seriously with the utilization of our inland waterways. The prevention or mitigation of such variations would be most helpful to the revival of river traffic, and means to this end should be adopted in plans for waterway improvement, and in the acquisition of and the prevention of the needless destruction of forests, whose preservation is a public necessity for straem control, for timber supply, and for other purposes.

National platforms are, generally speaking, the crystallization of public sentiment as it exists at the time of the convention. Last summer both of the great national parties held conventions, and both referred to the question under consideration to-day. The Republican platform referred to this subject as follows:

We indorse the movement inaugurated by the administration for the conservation of natural resources, we approve all measures to prevent the waste of timber, we commend the work now going on for the reclamation of arid lands, and reaffirm the Republican policy of free distribution of the available areas of the public domain to the landless settler. No obligation of the future is more insistent, and none will result in greater blessings to posterity.

The Democratic platform, adopted July 10, 1908, referred to natural resources in the following phraseology:

We repeat the demand for internal development and for the conservation of our natural resources contained in previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party; and to that end we insist upon the preservation, protection, and replacement of needed forests, the preservation of the public domain for home seekers, the protection of the natural resources in timber, coal, iron, and oil against monopolistic control, the development of our waterways for navigation and other useful purposes * * *.

WHAT OTHER NATIONS ARE DOING.

We are not in an advanced position in forestry; in fact, we have neglected this resource and have done very little compared with what is being accomplished by other nations. Practically every first-class country has already a well-developed forest policy. Some of them date back many years; in a few cases several centuries. Not only have the great nations of the earth forest reserves which they are protecting and making profitable—at least twelve countries obtaining at this time a net revenue from their forest holdings—but several countries have commenced to purchase lands, not only for the purpose of conserving water flow, but to prevent erosion and to get the benefit of the natural increment which their experience justifies them in expecting.

Austria, between 1885 and 1898, purchased 350,000 acres of forest lands. Up to 1902 Switzerland had expended $500,000 in purchasing forests. France has expended five millions in purchasing 400,000 acres of forest lands, and the French have arranged for expenditures which in the end will aggregate forty millions to complete their present scheme of purchase and reforestation. In their reforestation work, up to this time, one-third of the cost has been for land.

In the last thirty years Sweden has purchased 600,000 acres, at an average cost of $5.30 per acre. Most of this purchase has been waste land, and has been made for the purpose of reforestation. And it should be noted that Sweden is one of the greatest exporters of forest products among the nations of the world.

Since 1860 Norway has systematically purchased forest lands. Recently it has appropriated from fifteen to twenty thousand annually for this purpose. Most of these lands are cut-over lands, which are protected by the Government or reforested, as necessities may develop.

Great Britain, which has the smallest percentage of its territory in forests, as compared with other countries of the world, has recently had a special commission examining the desirability of developing for forestry areas of land not useful for agricultural purposes, the result of this being a report by this commission recommending the purchase and forestation of 9,000,000 acres. The commission develops a complete scheme for carrying out this work, proposing that 150,000 acres a year for sixty years shall be afforested, at an annual cost which will begin at $450,000 and increase to fifteen millions at the end of the period. The commission estimates that after the fortieth year the forests will be self-supporting, and when the project is completed that they will have a value of more than $500,000,000 in excess

of the cost of producing them and will yield a net annual revenue of nearly $10 per acre from land which is now producing less than 50 cents per acre.[a] There are other reasons, however, which influenced the commission to recommend this project, among them the fact that it will furnish employment for a large number of people and that it will not bring the country into competition with any private industry.

In order to show, in figures, what other nations are doing, I append to this address a statement showing the acreage of forests, the character of the ownership, the cost and results of cultivation, and so forth.

[a] This report has been received with every evidence of approval by all classes and has the nearly unanimous indorsement of the press, so that there is every reason to expect its adoption.

Country.	Ownership of forests.												Cost and product.			Regulation of private forests.		
	Total forest area.	Percentage of total land area.	Per capita forest.	State.	Crown.	Communities.	Corporations.	Institutions.	Associations.	Private.	Exports (net).	Imports. (net).	Expense per acre.	Net yield per acre.	Wood yield per acre.	Protection.	Non-protection.	Per capita wood consumption.
	Acres.	*Per ct.*	*Acres.*	*Per ct.*	*Per ct.*	*Per ct.*	*Per ct.*	*P. ct.*	*P. ct.*	*P. ct.*	*Tons.*	*Tons.*	*Dollars.*	*Dollars.*	*Cu. ft.*			
Germany	34,585,375	25.9	0.61	33.9	1.8	16.1	.....	1.5	2.2	46.5	.....	4,600,000	2.17	2.40	38.58	Yes.	Yes.	40
Prussia	10,436,240	23.7	.59	30.9	.9	13.3	.....	1.2	2.9	50.8	.....	.....	1.61	2.50	65.00	Yes.	Yes.	
Saxony	430,000	25.8	.98	45.2	.....	6.0	.....	2.6	.2	46.0	.....	.....	3.00	5.30	93.00	Yes.	Yes.	
France	23,744,703	18.2	.61	12.0	.....	.....	.....	.....	.....	.....	.....	1,230,000	.95	1.75	39.87	Yes.	No.	25
Switzerland	2,120,195	20.6	.66	4.6	.....	66.9	.....	.....	.....	28.5	.....	170,000	1.50–7	3–9	50.00	Yes.	Yes.	38
Austria	24,135,136	32.5	.91	7.3	.....	.....	.....	.....	.....	92.7	3,670,000	.....	.56	.21	42.87	Yes.	No.	57
Hungary	22,291,115	28.0	1.16	15.2	.....	.....	20.0	7.5	.....	47.3			.34	.32	51.44	No.	No.	
Norway	16,348,731	21.0	7.53	28.5	.....	.....	4.6	.....	.....	66.9	1,040,000	.....	.....	.....	20.43	No.	No.	128
Sweden	48,411,124	47.6	9.41	33.2	.....	.....	5.5	.....	.....	61.3	4,460,000	.....	.2	.09	19.29	No.	No.	140
Denmark	590,000	6.3	.24	23.8	.....	.....	.....	.....	.....	.....	.....	470,000	.....	.....	.....	No.	No.	.....
Russia:																		
European	[a]575,000,000	39.0	3.91	66.4	.....	.....	.....	.....	.....	33.6	5,900,000	.....	.01	.06	5.14	Yes.	Yes.	90
Asiatic	350,000,000	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6.28	.....	.....	.....
Finland	50,000,000	63.0	18.53	35.0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	20.00	No.	No.	90
India (British)	149,000,000 / 138,928,640	24.0	1.92	9.5	.....	.....	.....	.....	.....	.....	55,000	.....	.....	.23	.....	No.	No.	1
Japan	57,718,410	59.0	.91	56.8	9.10	7.5	.....	[b] .7	.....	25.9	.....	5,000	.13	.24	35.60	No.	No.	43
Canada:																		
Commercial	260,000,000	.....	48.4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	46.58	.....	.....	188
Total	800,000,000	34.0	149.0	25.0	.....	.....	.....	.....	.....	.....	2,144,000	.....	.....	.....		.....	.....	
Roumania	6,293,297	18.0	.....	40.0	.....	8.0	.....	.....	.....	52.0	60,000	.....	.....	.....	.....	.....	.....	[c]
Italy	10,318,891	14.6	.32	4.0	.....	43.0	.....	.....	.....	53.0	.....	420,000	.....	.33	19.57	.....	.....	13
Spain	20,964,727	16.9	1.13	84.0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	[c]
Turkey	.....	20.0	1.72	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
United States	650,000,000	28.0	7.73	25.0	.....	.....	.....	.....	.....	75.0	.....	.....	.0093	.00086	.....	.....	.....	[d] 235

[a] Russian and Siberian forests together=1,925,000,000 acres=9 acres per capita.
[b] Shrines and temples.
[c] No figures.
[d] Assuming total cut=20,000,000,000 cubic feet.

ITALY.

In almost every country where forestry has been exploited the forests are divided into two classes: Protective forests—that is, forests around the headwaters of streams and on steep mountain slopes; and available forests—that is, forests which are developed for the financial results obtained. This is the case in Italy, where a general forestry law was passed in 1877. This law rigidly protects certain portions of the forests on the higher parts of the mountains, but where it is debatable whether the land should be forested or devoted to agriculture the law is very liberal, the purpose being to protect the steeper mountains from landslides, to protect the headwaters of streams, and to use that area which is not valuable for other purposes in developing forests. This law, however, has not been sufficient to prevent destruction of certain forests on lands which were not useful for agriculture, therefore producing, by the removal of the woods, an area of unproductive land. A recent commission appointed in Italy recommends that at least 500,000 acres should be replanted at once, at a cost of not less than twelve millions, to prevent destructive torrents brought on by destroying timber on the hillsides. Complaint had been made in Italy that it was too expensive to enforce her forest laws, but the result has been that it has been determined that it is more expensive to leave them unenforced.

RUSSIA.

The devastation of the forest and its evil consequences on water flow and soil conditions has been especially felt in the southern districts adjoining the steppes, and these experiences were the immediate cause of the enactment of the forest law which governs all European Russia. This law establishes as protective forests, to be managed under special plans prescribed by the forest department, those which protect the slopes of mountains, where they serve to prevent erosion, landslides, and avalanches.

M. Lokhtine, in discussing forest and water conditions in central Russia at the International Congress of Navigation, held at Milan in 1905, said:

The cases of the suppression of water mills are frequent and sudden in Russia, where they form an important industry. Having myself a mill of this sort on my own property, and being interested in the industry, I gathered data in our neighborhood, situated in the Kazan Government, celebrated formerly for its forests of oaks and lindens. I counted on the tributaries of the Sviyaga as many as 70 mills which used to be there in the past and constantly at work. Less than half now remain, and even they run with only half the stones and lie idle for a certain time during the summer for lack of water. These little rivers become converted into impetuous torrents in the spring and break the dams with such violence that many millers gave up wrestling with this element let loose, which brought them only loss. They abandoned their mills entirely, the ruins of which, still standing, may serve as the answer in fact to the question of the consequences of the destruction of forests on rivers.

FRANCE.

France has not quite 18 per cent of forest—three-fifths of an acre per capita. This is enough to produce only one-third of the home demand. The country imports annually $30,000,000 worth of wood, and pays $6,000,000 duty and $10,000,000 freight for it. Of the 23,500,000 acres of French forests, the state owns 2,707,000 and the departments and communes 3,472,000. Since 1827, when the forest code was passed, the state and communal forests have been under management. The state forests yield a clear profit of $4,737,250 a year, or $1.75 per acre; 95 cents is spent for the management of each acre every year.

The great achievement of France in forestry has been the establishment of protective forests where much destruction had been caused by floods and winds. From various causes large areas were cleared of forests toward the close of the eighteenth century, and only when it was too late was it realized that these lands were not fit for agriculture and should have been left in forest. To repair the mistake, a movement to reforest began in the nineteenth century. It was an exceedingly expensive mistake. Down to the present time, encouraged by wise laws, the state, the communes, and private landowners have restored to forest over 2,500,000 acres, and so saved them from ruin. In addition, the resulting forests return an excellent revenue.

Two-thirds of the torrents of Europe are in France. In the Alps, the Cevennes, and the Pyrenees mountains there are 1,462 brooks and mountain streams which are considered dangerous. Nearly 1,000,000 acres of mountain slopes are exposed to erosion by these streams, to say nothing of the flat land below.

As far back as the sixteenth century there were local restrictions against clearing mountain sides, enforced by fines, confiscation, and corporal punishment. In the main these prevented ruinous stripping of hillsides, but with the French Revolution these restrictions were swept aside and the mountains were cleared at such a rate that disastrous effects were felt within ten years. By 1803 the people had become aroused to the folly of this cutting. Where useful brooks had been there now rushed torrents which flooded the fertile fields and covered them with sterile soil washed down from the mountains. The clearing

continued unchecked until some 800,000 acres of farm land had been ruined or seriously injured and the population of 18 Departments had been reduced to poverty and forced to emigrate. By 1860 the State took up the problem, but in such a way that the burden of expense for reforestation was thrown upon the mountaineers, who, moreover, were deprived of much pasturage. Complaints naturally arose. An attempt was made to check torrents by sodding instead of by forest planting. This, however, proved a failure, and recourse was again had to planting, by the law of 1882, which provides that the State shall bear the costs. Since then the excellent results of planting have completely changed public sentiment. The mountaineers are most eager to have the work go on and are ready to offer their land for nothing to the forest department. In addition to lands secured by gift, the State acquires 25,000 or 30,000 acres a year. Over 500,000 acres have been acquired, and more than one-half of this area has been planted. Already 163 of the torrents have been entirely controlled and 654 are beginning to show the controlling effects of the forest on their watersheds. Thirty-one of the torrents now entirely controlled were considered hopelessly bad half a century ago.

In France, then, forestry has decreased the danger from floods, which threatened to destroy vast areas of fertile farms, and in doing so has added many millions of dollars to the national wealth in new forests. It has removed the danger from sand dunes, and in their place has created a property worth many millions of dollars. Applied to the state forests, which are small in comparison with the national forests of this country, it causes them to yield each year a net revenue of more than $4,700,000, though the sum spent on each acre for management is over 100 times greater than that spent on the forests of the United States.

France, as well as Austria, in the organization of her forestry department has officially recognized the relation of rivers to forests by the creation of a bureau of rivers and forests, at the head of which is Mr. H. N. Lafosse, who has amply defended the beneficial action of forests to stream flow, in a paper presented at the Tenth International Navigation Congress, held at Milan in 1905.

SWITZERLAND.

In Switzerland, which has 2,000,000 acres, or 20.6 per cent of its area, in forest, the communal forests are the largest, and make up 67 per cent of the total; the Cantons own 4.5 per cent and private persons own 28.6 per cent. The communal holdings are constantly growing by the purchase of private lands. From $6,000,000 to $8,000,000 worth of wood (300,000 tons) and wooden ware are annually imported.

The expenditures in forest management vary greatly among the cantons, ranging from $1.50 to $7 per acre. The net annual returns range from $3 per acre in the forests where least is expended, to $8 or $9 per acre in the city forests, where most is expended.

Forest regulations came very early in Switzerland. The first forest ordinance of Berne was issued six hundred years ago. The city forest of Zürich, famous as the Sihlwald, has been managed under a working plan since 1680, and is to-day one of the most perfectly managed and most profitable forests in the world. It yields, on the average, a clear annual profit of $12 an acre.

All the Swiss forests comprised in the Bund are now classified as protection and nonprotection forests. Whether public or private, they are all controlled by the Government. In protection forests all cuttings must be such as to preserve the protective value of the forest cover intact, and for this reason clean cutting is usually forbidden. In such forests stumpage sales are forbidden, and all wood must be felled and measured under the direction of a forest officer. Otherwise privately owned protection forests are supervised in the main as are those publicly owned. Nonprotection forests are also subject to a number of regulations. When they are in private hands clearings may be made only with consent of the Canton, logged areas must be reforested within three years, and existing forest pastures must be maintained.

Where protection forests can be created by planting, this may be ordered, and where forests are converted to farming land or pasture an equal area may be ordered reforested. Where barren ground is required to be forested for protective purposes the Bund assists by paying from 30 to 50 per cent of the cost. Between 1876 and 1902 16,000 acres were reforested at a cost of $1,000,000, in round numbers, the Bund having paid one-half.

The protection forests are those which are located at headwaters or furnish protection against snowslides, landslides, and rock falls, floods, and climatic damage. It was not until the coming of serious floods in 1830 that the value of forest as a protective cover was fully realized. These floods made it clear that the Government must be clothed with authority over the mountain forests. Since this time effective measures have been introduced, clearing has been prohibited, and cutting must conform to the objects of the forest.

AUSTRIA AND HUNGARY.

AUSTRIA.

In Austria, which has been independent of the German Federation only since 1866, forestry has, in the main, followed German lines. Austria-Hungary is one of the largest exporters of wood, and the yearly exportations reach 3,670,000 tons. Thirty-two per cent of the land area of Austria is under forest.

The total net revenue from the Austrian state forests is over $5,000,000. The net yearly revenue per acre of 21 cents is comparatively low, due mainly to the facts that only 56 cents per acre is expended upon the forest and that most of the area is located in the rugged Alps and Carpathians, where administration and logging are costly. The state forests lie chiefly above 2,000 feet elevation.

The present forest department was started in 1872 in response to a popular outcry against the policy of selling state lands. The administration was reorganized in 1904, and now has three departments—administration proper, reforestation and the correction of torrents, and forest protection.

Forestry is successfully practiced on 60 per cent of all the Austrian forests and on 82 per cent of the private forests, and excellent results have been secured by cooperaton between the State and private persons in forest management, particularly under the law of 1883. The most conspicuous fruit of Austrian forestry, however, is the reforesting of the "Karst." The Karst was a stretch of barren lands in the hilly country of Istria, Trieste, Dalmatia, Montenegro, and neighboring territory along the shores of the Adriatic Sea. It comprised some 600,000 acres. For centuries it had furnished the ship timbers and other wood supplies of Venice, but excessive cutting, together with burning and pasturing, the evil results of clearing, and the natural condition of the land, had left it a waste almost beyond recovery. Many laws had been passed from time to time to stop the forest havoc, but without real effect till 1865. In that year the Government, persuaded by the forestry association, began to offer help to landowners who would undertake forest planting. Taxes were remitted for periods of years, technical advice was given, and plant material, as well as money, was supplied. Further laws were found necessary in 1882 and 1887 to meet the objections of stockmen. At the present time over 400,000 acres, or two-thirds of the Karst, have been brought under forest, in part by planting, at a cost of from $8 to $10 an acre, in part by protection and the natural recuperation so made possible.

This work has been carried on under the direction of the "forest protective service," which was first created for Tyrol in 1856 as a result of floods in the Tyrolese Alps in 1851, and was later (1871–1874) extended to the rest of the Empire. This service, which is distinct from the state forest administration, has also been especially helpful in encouraging private forestry. Though at first regarded with hostility, it is now held in high regard on the strength of the work it has done and is doing.

Harmony of interest between the State and private forest owners, which the whole Austrian forest policy favors, is notably secured by the encouragement of the wood export trade through such provisions as reduced freight rates, the absence of export duties, and moderate forest taxation.

A "reboisement" or reforestation law, based on that of France, was passed in 1884, to control torrents. This law carries an annual appropriation of $100,000, and the planting work, like that on the lands of the Karst, is carried on under the direction of the "protective service." For the regulation of the lower rivers $1,350,000 was appropriated at the same time, and of this sum $400,000 has been successfully expended on reforestation.

HUNGARY.

Hungary has 23,000,000 acres of forest (28 per cent of the total land area), of which the State owns 16 per cent; corporations, 20 per cent; churches, cloisters, and other institutions, 7.5 per cent; and private persons the remainder. From $10,000,000 to $12,000,000 worth of wood is annually exported.

About half of all the Hungarian forests are under working plans, by which the cut is regulated so as to provide for a sustained yield, and the present annual cut of 1,000,000,000 cubic feet is believed to be considerably less than the wood actually produced. The State forests yield $600,000 net annual revenue.

The management of all corporation and protection forests has been supervised by the Government since 1879, and all so-

called "absolute forest land," in other words, land unfit for farming, must be reforested within six years after it is cleared. Three-fourths of all the forest land of Hungary, including private as well as public forests, falls under the classification of absolute forest land. Moreover, all mountain forests are required to be managed under state working plans. Two-thirds of all the Hungarian forests are brought under this sort of state supervision. Forest planting is encouraged by state nurseries, at which 10,000,000 seedlings are raised every year for free distribution, and by bounties paid for forest plantation established on private waste lands.

Mountain forests, which are classed as protection forests, must be managed according to working plans approved by the forest department.

GERMANY.

The German Empire has nearly 35,000,000 acres of forest, of which 31.9 per cent belongs to the State, 1.8 per cent to the Crown, 16.1 per cent to communities, 46.5 per cent to private persons, 1.6 per cent to corporations, and the remainder to institutions and associations. There is a little over three-fifths of an acre of forest for each citizen, and though 53 cubic feet of wood to the acre is produced in a year, wood imports have increasingly exceeded wood exports for over forty years, and 300,000,000 cubic feet, valued at $80,000,000, or over one-sixth of the home consumption is now imported each year.

Like other advanced European countries, Germany felt the pinch of wood shortage a hundred and fifty years ago, and though this shortage was relieved by the coming of the railroads, which opened up new forests, and by the use of coal, which substituted a new fuel for wood, the warning was heeded, and systematic state forestry was begun. After all, the scare was not a false one, for even to-day Germany is not independent as regards wood, since she has to import one-sixth of all she uses.

In addition to the wood-supply question, Germany was forced to undertake forestry by the need of protecting agriculture and stream flow. The troubles which France was having with her mountain torrents opened the eyes of the Germans to the dangers from floods in their own land. As a result the maintenance of protective forests was provided for by Bavaria in 1852, by Prussia in 1875, and by Württemberg in 1879.

The Prussian forests, covering nearly 7,000,000 acres, had been injured by mismanagement, much as our forests have been, and the Prussian foresters had to solve the problem of improving the run-down forests out of the returns from those which were still in good condition. They solved it with striking success. Immense improvement has already taken place and is steadily going on.

In 1830 the yield was 20 cubic feet per acre; in 1865, 24 cubic feet; in 1890, 52 cubic feet, and 1904, 65 cubic feet. In other words, Prussian forest management has multiplied the rate of production threefold in seventy-five years. And the quality of the product has improved with the quantity. Between 1830 and 1904 the percentage of saw timber rose from 19 per cent to 54 per cent.

It is a striking fact in this connection that in the United States at the present time we are using about three times as much timber as our forests grow. If we were everywhere practicing forestry with a resulting improvement equal to that made in Prussia, our forests would be growing as much as we use.

The financial returns in Prussia make an even better showing. Net returns per acre in 1850 were 28 cents. In 1865 they were 72 cents; in 1900, $1.58, and in 1904, $2.50. They are now nearly ten times what they were sixty years ago, and they are increasing more rapidly than ever.

In Saxony, which has about 430,000 acres of state forests, the increase of cut under forest management, which always means also a corresponding increase in wood produced, has been nearly as marked as in Prussia. The yield rose 55 per cent between 1820 and 1904, and is now 93 cubic feet per acre—greater than that of the Prussian forests. Since the chief wood is spruce, which yields more saw timber than the average of trees making up the Prussian forests, the increase in the percentage of saw timber in Saxony naturally exceeds the increase in Prussia. It increased from 26 per cent in 1830 to 66 per cent in 1904. The net yearly revenue is $5.30 per acre. The yearly expense is $3 per acre.

Bavaria has 33 per cent of its area covered by forest, of which 2,150,000 acres are state forests and under careful management.

Other German States, smaller, and with better kinds of timber and better market facilities, secure even higher returns. The forests of Wurttemberg yield a net annual revenue of nearly $6 per acre, and those of several smaller administrations do even better.

A number of the private forests of Germany are managed with great success. As a result of a canvass of 15,600,000 acres of state, municipal, and private forests, it was found that the average net revenue per acre from good, bad, and indifferent land was $2.40 a year.

What, then, has forestry done in Germany? Starting with forests which were in as bad shape as many of our own which have been recklessly cut over, it raised the average yield of wood per acre from 20 cubic feet in 1830 to 65 cubic feet in 1904. During the same period of time it trebled the proportion of saw timber got from the average cut, which means, in other words, that through the practice of forestry the timber lands of Germany are of three times better quality to-day than when no system was used. And in fifty-four years it increased the money returns from an average acre of forest sevenfold.

Yet to-day the forests are in better condition than ever before, and under the present system of management it is possible for the German foresters to say with absolute certainty that the high yield and large returns which the forests now give will be continued indefinitely into the future.

NORWAY, SWEDEN, AND DENMARK.

NORWAY.

Only 21 per cent, or 20,000,000 acres, of Norway is in forest. The State owns less than 2,000,000 acres of this. Of the forest region one-half has to import timber, one-fourth has sufficient for its needs, and one-fourth is able to export over 1,000,000 tons, valued at $18,000,000 a year. The total annual cut, one-fifth of which is exported, is about 500,000,000 cubic feet. It exceeds by 1,500,000 cubic feet the amount of wood grown by all the forests in the same time. In other words, the cut is far too heavy to last, so that a reduction of wood exports is inevitable.

While measures were being passed to conserve the forests, the communal forests and town forests were actually being sold. It was not till the law of 1903, which went into effect in January, 1905, that a satisfactory policy was secured. In general, this requires the practice of forestry. As in Russia, provincial forest-protection committees have to approve the local felling plans. A diameter limit is set, below which trees may not be cut. Clearings are forbidden, and cleared land, unless used for other purposes, must be reforested. Pasturing is restricted where it would do harm.

In the past thirty-five years the State has increased its forest holdings by 45 per cent through the purchase and reforesting of wastes and sand dunes and by the settlement of disputed titles. The purchases amount to over 600,000 acres, for which an average price of $5.30 an acre was paid.

The communal forests are supervised by the Government and are usually managed by the foresters with a view simply to supplying local needs. Sales outside the parishes are permitted only where there is more than enough for these needs.

SWEDEN.

Sweden has nearly 50,000,000 acres of forest, covering nearly 50 per cent of the total land area. Since the English import duties were abolished in 1866 the wood exports from Sweden have steadily increased, till now Sweden stands next to Russia, the world leader, in wood exports, with $54,000,000 worth a year, representing nearly 4,500,000 tons.

The State owns about 13,500,000 acres, or 33.2 per cent, and controls 4,000,000 acres more. The state lands are, in the main, of lesser commercial value, and this fact, together with the existence of logging rights granted in the past, keeps the net income for the present down to 12 cents an acre. Nevertheless, since 1880 the net revenue from the state forests has risen from $300,000 to nearly $2,000,000 a year.

Up to five hundred years ago Sweden was overburdened by forests, but by that time cutting and wasting had gone so far that the willful setting of forest fires was forbidden. In 1638 overseers of communal forests were appointed in order to conserve supplies of wood for charcoal used in the iron industry. A general law followed in 1647, and a director of forests in the two southern districts was appointed in 1720. All through the eighteenth century restrictions upon forest use were in force. Toward the close of the century there was, indeed, a premature scare over a possible timber famine. Yet, despite this legislation and much legislation which followed, waste continued to go on. While measures were being passed to conserve the forests, the communal forests and town forests were actually being sold. It was not till the law of 1903, which went into effect in January, 1905, that a satisfactory policy was secured. In general, this requires the practice of forestry. As in Russia, provincial forest protection committees have to approve the local felling plans. A diameter limit is set, below which trees may not be cut. Clearings are forbidden, and cleared land, unless

used for other purposes, must be reforested. Pasturing is restricted where it would do harm.

Forest fires continue to do great damage, especially in the northern part of the country. A forest patrol is doing effective work, however, in checking the spread of fires.

DENMARK.

Denmark has about 600,000 acres under forest, of which the State owns over 23 per cent, or 142,000 acres. About 75,000 acres of wastes are in process of reforestation.

The need of wiser forest use was felt in the eighteenth century, and by 1781 the state forests were placed under administration. But the clearing of the forest continued at such a rate that in 1805 it was provided that the still existing forests of beech and oak should be maintained forever.

Since 1820 the forest area has been increasing. At present reforesting is adding to it very considerably. Nearly 200,000 acres of heath have been planted in the last forty years. To this work of reclamation the State contributes $40,000 a year.

SYRIA AND ASIA MINOR.

No better example can be given of the influence of deforestation and its folly than that which applies to Syria and Asia Minor; and I quote the following from papers delivered by Mr. J. Riedel, at the Tenth International Navigation Congress, Milan, 1905, and contributed by Mr. Ernest L. Harris, American consul-general to Smyrna, in a series of articles to recent numbers of the National Geographic Magazine.

Mr. J. Riedel, in beginning his paper on "Influence of deforestation" at the Tenth International Navigation Congress, Milan, 1905, says:

That the destruction of the forests is reasonable and economically justifiable only up to a certain point, beyond which it becomes irrational and generally baneful, is perhaps most clearly apparent in the effects of the action of the old civilized peoples, who, by means of an ill-considered destruction of the forests, gradually transformed districts that once exuberated in grace and fruitfulness into deserts and wilderness.

We need not go to Syria, to the land of Palestine, that once flowed with milk and honey, nor to the country between the Euphrates and the Tigris, in order to see how these districts have, as the result of deforestation become stony, waterless, and barren; Europe presents numerous sad pictures of the destruction of vegetation which has taken place in the early centuries. Not only in Greece have the wooded heights disappeared, but also in the other maritime states of the Mediterranean the forests have everywhere been devastated.

Mr. Ernest L. Harris, American consul-general to Smyrna, has contributed a series of articles to recent numbers of the National Geographic Magazine on the ruined cities of Asia Minor.

In closing this article, Mr. Harris says:

The hills, however, for the most part, are barren of forestry. The ruthless devastation of the timber resources of this country for centuries has done its work, and I very much doubt if even a rational system of forestry will ever bring back to those hilltops again the magnificent pines which once adorned them. Nature has been too badly treated. The soil which slumbered upon those slopes at creation's dawn has sifted to the valleys and the floods have carried it away to the sea. Nothing now remains but sterile rocks, which bake in the glaring rays of the torrid sun.

The husbanding of the resources of a country is a task which is fraught with the deepest consequences to the welfare of the people who inhabit it. Unless our people wish to see the mountains of Pennsylvania, Maine, North Carolina, Arkansas, and Oregon as barren and as sterile of production as are the bluffs which skirt the coast of Asia Minor, then it is high time that something radical be done.

JAPAN.

Japan is one of the countries which has taken systematic action relative to its forests. The forests of Japan are divided into the following classes: State forests, which contain 68 per cent; crown forests, which contain 9 per cent; municipal forests, which contain 8 per cent; shrine and monastery forests, which contain slightly less than 1 per cent; private forests, which contain about 25 per cent; a total of 58,000,000 acres. Notwithstanding the fact that Japan is one of the most thickly settled countries in the world, it produces more wood, etc., than is necessary for home consumption, making each year a considerable export, and it is noticeable that, notwithstanding the congested population, the forest area increases from year to year, and that the estimated stumpage is also increasing, so that it is probable that Japan will, not only during the immediate future, but for all time, be able to supply its own needs. The average exports, net, for the ten years ending in 1902 amounted to about $2,250,000 annually. The Japanese divide their state forests into two classes—reserve and available. The reserve forests consist of 1,800,000 acres, and they are kept permanently wooded to prevent impoverishing the fertility of the surrounding district.

One of the best examples in Japan of forest culture is found in the Yashimo forests in the province of Yamato. Ninety-three per cent of this section is forested and 85 per cent of the population obtains its living from the forests. These forests are 400 years old. One-half of the growth is the result of planting, and the most systematic methods have been used for centuries in removing surplus growth. Thirty-eight per cent of the entire area is planted to cryptomania, which is a most valuable wood, used largely for local consumption in connection with barrel staves, and so forth. Japan, under the law of 1897, is divided into 10 major forest districts. These in turn are divided into 270 minor forest districts, which latter are divided into 1,323 protective ranges, as they are termed, and, under the laws referred to, rules for working the available forests and restrictions in reserve forests are carefully laid down. The Japanese commenced to develop their state forests systematically in 1880, and the net results are most encouraging.

Year.	Gross receipts.	Expense.	Net receipts.
	Yen.	*Yen.*	*Yen.*
1883	223,000	181,000	41,000
1887	663,000	334,000	299,000
1892	811,000	522,000	288,000
1897	1,330,000	746,000	583,000
1902	2,588,000	1,116,000	1,472,000

In other words, since this system was inaugurated the net profit has increased about 16 per cent annually. The Japanese are replanting forests which have been removed, and also waste lands. In the twenty-four years preceding 1901, 247,215 acres were replanted. Many hillsides are being treated to prevent the sliding of the earth. They dig trenches for this purpose and plant coniferous trees in the trenches, either sodding the sides or not, as conditions require.

To enable Members of the House to compare the amount of service which is given Japanese and American forests, I present these figures. The number of square miles in state forests is about 50,632. To care for these forests there is employed a staff of 186 officials under the central government, and 1,821 under the local government. In the United States there are over 155,000,000 acres of forest reserves, to care for which there are employed 109 supervisors, 42 deputy supervisors, and 1,442 rangers and guards. The average net profit per acre per year from the state forests is now about $1.50.

ANSWER TO CRITICISM.

I now wish to take up in some detail the objections raised in the minority report, signed by five members of the Agricultural Committee. Among these objections great stress is placed on the views of Lieut. Col. H. M. Chittenden, U. S. Army, an engineer officer on the retired list, whose views are said to be somewhat in accord with those of others in the Engineer Corps of the Army. Colonel Chittenden discusses this question with great clearness and thoroughness, and comes to the general conclusion that there is no appreciable connection between forestry and stream flow. His final conclusion is not definite on that subject, and he himself, as I shall show later, does not claim that there is no connection whatever.

The minority report also calls as witness several European authorities, and especially the views of E. Lauda, Director of the Central Imperial and Royal Hydrographic Office at Vienna, and quotes views expressed by Mr. Lauda in the year 1900. Whatever may have been his views at that time, contrary views were expressed by him at the Tenth International Congress of Navigation, held in Milan in 1905. At that congress eight papers were presented by engineers from Austria, France, Russia, and Italy, all agreeing in general terms that there is a connection between forestry and stream flow, and I shall print in considerable detail a résumé of their views.

Mr. Lauda took for his illustration two streams. These two streams were taken because all natural conditions, save forest cover, were practically identical. I use his own language in describing his method of procedure:

The difference which appears from this table [which he has been describing] in the matter of precipitation in the two basins is unimportant. The rains in the Bistritzka Valley are heavier during the summer than are those of its neighbor, while in the latter the winter rains are the heavier. Taking the year through, the result is the same in the two basins. As to vegetation, it may be said that cultivation of the open fields is carried on in the same way in both basins, with the same density of population and the same economic conditions. Meadows and pasture land are more extensive in both cases than the arable land of the mountains, where the product is small. The soil is generally fertile, but the area of wooded land is much greater in the Bistritzka Valley than it is in the Seniza—48 per cent of the hydrographic surface of the former and only 27 per cent of the hydrographic surface of the latter.

Having stated the conditions in both cases, Mr. Lauda enters into an elaborate statement of the precipitation and discharge in both streams, and, after careful analysis, he comes to the following conclusions:

1. Precipitation, retention, and discharge are connected by certain laws.
2. The forest exerts an influence, in any case, on the flow of water.
3. The retention of the water precipitated is, in a certain measure, greater in the more than in the less wooded basin.

Mr. Lauda then adds:

A final judgment on the subject of the influence of forests on the regimen of streams can not yet be uttered, the experimental data possessed so far covering only a relatively short space of time.

But he adds:

If it be unfavorable to the forest to this extent, that there are denied to it certain of the properties attributed to it generally, it does not follow from this that it is necessary to oppose the rewooding of arid surfaces, the replanting of the basins of streams, or the maintenance of plantations of trees. The general utility of the forest is so well settled, the extraordinary appreciation in which it is held, as a means of protecting the soil against landslides, is so firmly established, its great advantageousness, especially for the spring district, in holding back earth thrusts, and reducing the amount of sediment carried by rivers so important, that these reasons alone justify fully the greatest possible promotion of forest culture.

At the same conference Mr. H. N. R. Lafosse, inspector of forests and waters of France, discusses the influence, in a number of directions, which he believes the forest to have upon water circulation. Among the conclusions which he comes to are these:

1. It is settled that evaporation is less intense within the forest than it is outside.
2. It is admitted that infiltration is facilitated by forest vegetation.
3. It is certain that the loss in a forest by the run-off is very nearly nothing.

He adds to the above:

Wooded masses help not only to increase the volume of springs, and hence the discharge of streams, but they are also, like lakes and glaciers, powerful moderators. Holding the rain water, preventing it from running quickly into depressions, they help to reduce the danger of floods, and are a great aid in assuring the steadiness of the regimen of rivers.

Forests are therefore, as has been very justly said, condensers and regulators at the same time; and these words sum up completely the action of wooded masses from a hydrologic point of view.

If the destruction of forests is to be deplored, it is most of all on the mountains that the cutting away of timber is to be feared. It is not alone the supply of the springs and the discharge of the streams which are in danger; it is the very existence of the rivers themselves. The stream which can be utilized disappears to give place to the devastating torrent.

At the same conference Mr. H. Keller, privy councilor of the public works, department of Austria, discusses the relation between streams and forests, claiming that the condition of forest growth is vital to both stream flow and to the retention of the soil. He says:

Deforestation may locally injuriously affect the nature of the soil and the conditions of the flow and drainage of the waters, when no surface vegetation grows again on the forest site, or where there is a falling off in cultivation.

Mr. Joseph Wolfshutz, of the agricultural council of Austria, said:

For economic reasons reafforestations will have to be confined to the steeper mountain slopes, which are of little use for other cultivation. Such forests retard the melting of the snows in spring, and lessen the violence of spring high water. It is thus advisable, in the interests of navigation, to spare and to attend to the forest. In this respect forests have incontestably had a beneficial influence upon the floods of the large rivers.

When we sum up these discussions, we come to the conclusion that the existence of forests and swamps will, on the whole, have a favorable influence upon the water régime.

Mr. J. Riedel, technical councilor of Vienna, made this statement:

In the valleys denuded of trees the more rapid swelling of floods than formerly may be noted. Since the island of St. Helena has been rewooded the rainfall has become twice as great as in the time of Napoleon I. Lower Egypt, which in the eighteenth century could boast of only ten to twelve days' rain in the year, and in consequence constantly suffered from drought, after 20,000,000 trees had been planted has as many as thirty to forty days of rainfall, yielding a sufficient supply of water.

Mr. Ponti, chief civil engineer for the Government of Italy, states in his paper on the same subject that—

Forests are always effective for holding steep slopes. They are powerful auxiliaries for any kind of works carried on with the object of reducing the volume of material which the water may carry off, and their effectiveness is greater if the subsoil be impermeable.

Mr. C. Cipoletti, an eminent Italian engineer, says:

But with regard to the régime of high-water flow and ordinary floods, there is no material difference of opinion. In such localities the waters running off the surface unite with the springs in providing the supply of water for a river. Thus, all the writers agree that forests exert a moderating influence on the run-off of surface waters, owing to a large proportion of the water being retained by the leaves and other parts of the plants.

Mr. Cipoletti then reviews all the papers which have been read, and sums up their conclusions as follows:

Opinions being unanimous upon the points that forests exert a beneficial influence—

1. Upon the consolidation of sloping grounds, by preventing the disastrous washing off of materials to the bottom of the valley.
2. Upon the formation and permanency of springs, at least in impermeable ground and on slopes.
3. On the better régime of rivers, at least at the periods of their low water and ordinary flows.

Colonel Chittenden's paper may be summarized as an expression of an opinion which is directly antagonistic to four generally accepted theories with relation to forests and the effects of forests on stream flow as follows:

1. By storing the waters from rains and melting snow in the bed of humus that develops under forest cover, preventing their rapid rush to the streams, and paying them out gradually afterwards, thus acting as true reservoirs and equalizing the run-off.
2. By retarding the snow melting in the spring and prolonging the run-off from that source.
3. By increasing precipitation.
4. By preventing erosion of the soil on steep slopes, and thereby protecting water courses, canals, reservoirs, and similar works from accumulation of silt.

In speaking on the first proposition, Mr. Gifford Pinchot says:

In his paper, Colonel Chittenden repeats an illustration used by the writer before a committee of Congress. A photograph of a barren hillside was taken. Water was poured upon the glazed paper and was observed to run off instantly. Then a piece of blotting paper was laid upon it, water was poured over the blotting paper, and, of course, it was absorbed and remained for a time.

That is a fair description of an essential function of the forest floor. It affords a physical obstruction to the rapid escape of water over the surface, and thus provides, to some extent, a storage reservoir. Colonel Chittenden admits this influence for average conditions. Indeed, it is a matter of such common observation as to be indisputable. The practical value of this influence may be little or much, depending upon the character and amount of precipitation and the thickness of the undergrowth, decaying litter, and humus on the ground.

There is another function of the forest floor which in practical value far surpasses this one.

The forest floor reacts upon the soil itself to wonderfully increase its absorptive capacity. The humus which by natural action is being constantly mixed with the upper layers of mineral soil adds to its receptive and retentive power, while the deep penetrating roots open passages through which water readily passes to underground drainage.

That Colonel Chittenden has failed to consider this function is evident throughout his discussion. On page 926 he says, in giving an illustration:

"Consider an inclined plane surface practically impervious to water."

When it is understood that under the forest the surface is very far from impervious; that, on the contrary, it is absorbent in the highest degree, the argument is seen to be fallacious.

Failing to note this function of the forest floor, Colonel Chittenden misses entirely the greatest influence which the forest exerts on fallen moisture—that of changing surface to underground drainage and of replenishing the great underground reservoir from which the springs and streams are fed.

What is the importance of ground storage, which is so lightly passed over? Professor King, of the University of Wisconsin, has found that ordinary soils have a capacity of 4 to 5 or even more inches of water per foot of depth. Ground water extends to a great depth. Considering the earth masses which lie above the stream levels in mountainous regions, one can get an idea, though a somewhat inadequate one, of what ground storage means to the permanency of stream flow. The ground water is constantly in motion, is replenished entirely from the surface, and is easily disturbed by any change in surface conditions.

Dr. Bailey Willis, of the Geological Survey, in replying to the Chittenden paper, says:

The writer has before him the results of three years' investigations by Prof. L. C. Glenn, of Nashville, Tenn., in the southern Appalachians, the most critical region of the United States, and he has gathered from Professor Glenn's manuscript report to the Forest Service the following summation of details which bear on this question:

Forty-six creeks and small rivers, whose watersheds may be described as timbered rather than cleared, are known, according to observation and local repute, in times of flood to rise gradually, to continue high for several days, and to subside slowly. They carry but little sediment, and they maintain a good volume of water during dry seasons.

Thirty-eight creeks and small rivers in the same watershed, whose slopes may be described as cleared rather than timbered, are known, according to observation and local repute in time of flood, to rise rapidly to extreme flood height, to carry excessive quantities of mud, sand, and gravel, and to fall quickly. In dry seasons they are very low, and the range from lowest to highest stages has increased and inflicted much damage in very recent years.

Two other classes of conditions may be recognized in Professor Glenn's description: The one of valleys still timbered but which are being damaged by the beginning of logging, and particularly by the logging of chutes; the other of watersheds that are largely cleared and grassed, and which the grass protects from erosion, though not in the same degree from rapid run-off. Such evidence as this, collected by the qualified and impartial observer with reference to individual watersheds, establishes for the region in question, comprising the mountains of North Carolina, Tennessee, and Georgia, the fact "that forests do exert a beneficial influence on stream flow by storing the waters from rain, preventing their rapid rush to the streams, and paying them out gradually afterwards, thus acting as true reservoirs."

Mr. M. O. Leighton, of the Geological Survey, in a very exhaustive reply to the Chittenden paper, says:

Colonel Chittenden's paper on the subject of forests, reservoirs, and stream flow is so admirable a literary composition and so persuasive in its presentation that one is well-nigh beguiled into acceptance of its precepts. It is only upon critical review and application of fundamental principles that one is prepared to appreciate how erroneous are its terms, how mistaken its deductions. It may be summarized as follows:

1. A large number of the premises and observations upon which his conclusions are based are in error.
2. Nearly all the author's difficulties with reference to the relation of forests and stream run-off could be solved if he had not misconceived certain fundamental principles.
3. In the progress of his argument, the author presents contradictory facts.
4. The author rejects many generally accepted ideas, professedly because little or no evidence has been brought forward in their support, and then substitutes concepts of his own without any demonstration.

At the very outset of the discussion there is revealed a fundamental misconception which largely explains many of the adverse deductions in relation to forest control of run-off, viz: "By storing the waters from rain and melted snow in the bed of humus that develops under

forest cover, preventing their rapid rush, etc." If this means strictly what it says the author believes that the bed of humus is the agent of storage. The impression here conveyed is intensified by the practical illustration given on page 926, under the caption "Effect of Forests on the run-off from Rainfall," in which an inclined plane surface is used practically impervious to water, with a layer of sand covering some small portions of it. The author has forgotten our greatest reservoir, namely, the ground.

Prof. George F. Swain, professor of civil engineering in the Massachusetts Institute of Technology, has, at the request of ex-Governor Curtis Guild, jr., of Massachusetts, prepared a reply to the Chittenden paper, in which he says:

With reference to the first of these points, the author states that it is "strictly true for average conditions." He believes, however, that this beneficial effect is not exerted under extreme conditions—that is, great floods and excessive low waters—and he states that these extreme conditions "determine the character and cost of river control."

Even if it be admitted that the presence of forests does not affect extreme conditions, this is no argument against the value of forests, for it is certainly not true that only extreme conditions affect the navigability of streams or determine the character and cost of river control. Extreme conditions determine certain elements, such, for instance, as the height of levees. Colonel Chittenden certainly can not mean to state that ordinary everyday floods do not carve away banks and cause shoaling of channels, rendering dredging necessary for navigation. A few high, but not extreme, floods may do much more damage than one extreme flood and may necessitate more expenditure for dredging and other purposes. Extreme conditions are in the nature of freaks. They occur only at intervals of many years. It would seem to be more nearly correct to state that the interests of navigation are governed more by the usual conditions, and that it is possible for extreme conditions, at rare intervals, to interrupt traffic for a short time without causing much loss. It may as well be argued that it is not wise to attempt improvements on railroads because an earthquake or a tornado or an extreme flood in a river may destroy a portion of the track and interrupt traffic for a while. It matters little in the navigability of a stream if at intervals of twenty, thirty, or fifty years an extreme drought occurs for a few days or weeks, making the depth of the channel insufficient for the largest vessels.

If it be true, therefore, that extreme conditions do not govern the question, Colonel Chittenden has admitted all that the advocates of forests desire. Let us consider, however, the arguments with reference to such extreme conditions:

The argument with reference to extreme floods appears to be that floods are always the result of combinations from various tributaries, the highest flood from one stream coming at the same time as the highest flood from other streams, occurring after periods of long-continued and widespread precipitation. In such cases the forest bed becomes completely saturated, its storage capacity exhausted, and when this point is reached the forest has no more power to restrain floods than the open country itself.

It is, of course, evident that the rainfall may be so great and long continued that the forest has become saturated and that the water flows over the surface, but it does not seem correct to say that in this case the forest has no more power to restrain floods than the open country itself. The discharge will be hindered in the forest by the physical conditions, and because the soil will not be washed away and the water will not be gathered into torrents flowing down through eroded channels. Moreover, it seems a strange argument to maintain that because the retentive power of the forest is not unlimited it is not, therefore, useful.

With reference to Colonel Chittenden's second proposition, in which he disputes the influence of forests in retarding the melting of snow, Professor Swain says:

This argument contains a number of errors and inconsistencies. In the first place, the snow does drift in the forest, although not to the same extent as in the open. Colonel Chittenden admits that the snow blanket lasts longer in the forests than in the open, except for the drifts. It is the present writer's experience, however, that the snow in the forests lasts considerably longer than even the drifts in the open, although this may not be true in the case of very high altitudes. The snow in the drifts on or near the summit of Mount Blanc, of course, lasts longer than the snow in the forests below, because the top is in a region of perpetual snow. Obviously this is not the condition to be considered in the present instance; but Colonel Chittenden ignores the fact that under the snow the ground in the forest is warmer than the ground in the open and that the snow blanket melts at the bottom rather than at the top. Frequently the ground in the forest does not freeze at all, and therefore it is in a better condition to absorb the melted snow than the ground in the open. But even if the snow blanket in the woods absorbs, as he thinks, the water from its own melting under the sun's rays, preventing it from percolating into the ground, why do not the large drifts in the open, which he says form the main reservoirs of the streams, also absorb their own water and prevent it from running off?

The fallacy of Colonel Chittenden's arguments in this respect is obvious. It is, of course, true that if a warm rain comes upon the snow blanket in the woods, carrying it off in a short time, the resulting flood may be greater than if the forest had not been there to retain the snow. But it is quite clear that in the latter case the earlier spring floods would have been increased. If a given amount of snow is to be carried off into the streams, it is obvious that the flow of the streams will be more regular if the period of melting is extended, and this is the effect of the forests.

Mr. Leighton says:

The statement that forests prevent the formation of drifts and distribute the snow in an even blanket over the ground is, of course, erroneous. Every country boy has floundered through drifts in the forest, and Dr. George Otis Smith, Director of the Geological Survey, in his discussion on this paper, testifies that in the very region concerning which Colonel Chittenden appears to be most familiar, and in the same year in which the latter made some of his observations, his (Doctor Smith's) horse became stalled in a snowdrift in a dense forest on or about the 1st of July.

On the tops of peaks and in extremely high altitudes, consequently subject to great winds, this may at times be true. It is certainly untrue for the greater part of the country, the quantity of snow in the trees being but an exceedingly small part of the total accumulation. Even in high altitudes the heavy and uniform blanket of snow is common, as can be shown by notes or photographs on file in the Geological Survey.

Mr. Pinchot says:

It is true that because the sun is excluded in a dense forest melting begins later than in the open, and Colonel Chittenden correctly states a universally known fact when he says that "even after the ground in the open is entirely bare, except under the drifts, the forest areas may still be covered with an unbroken layer of snow." Why? Simply because it is colder in the forest. It is colder when the process begins; it is colder day by day until the snow is gone in the open. The forest consequently acts in exactly the same way as the gulch on the north mountain exposure. It catches the average amount, or more than the average amount, of snow and holds it until the melting time in the open is past. If, in either case, the melting went on as fast as in the open the discharge of water would be greater, considering the whole watershed, and floods thereby intensified.

With reference to the third proposition of Colonel Chittenden, with regard to the effect of forests in increasing precipitation, Dr. Bailey Willis says:

Precipitation over mountains is always less regular than over plains, for the irregularities of the mountain slopes cause the air currents to rise and expand and cool very unequally. And when we exaggerate these conditions by removing the regulating effect of the tree surface and substituting the aggravating effect of the bare surface we produce conditions that result in more violent floods and more excessive drought than existed before man did his irrevocable work.

Mr. Pinchot says:

Large numbers of observations, some favorable, some unfavorable, some neutral to this theory, have been taken all over the world, but the prevailing opinion of the men who have studied the matter most carefully is that there is an effect of the forest, and that it increases rapidly with the altitude to which the forest grows. However, the influence of the forest in causing rain, whatever it may be, is a matter of comparatively small importance compared with its influence upon the distribution of water after it reaches the surface.

Mr. Leighton says:

Let the author, Colonel Chittenden, examine the precipitation records over the basins of the Tennessee, the Cumberland, the Kentucky, the Pemmegewasset, and Catawba rivers, and he will convince himself that his generalization in these important instances at least is quite the reverse of the truth.

With reference to preventing erosion of the soil on steep slopes, and thereby protecting water courses, canals, reservoirs, and similar works from accumulations of silt, Doctor Willis says:

It is difficult for the writer to understand how any observer can say that there is a deficiency of evidence to support this view, as Colonel Chittenden does on page 949. As a geologist, my attention has been constantly drawn to the evidences of erosion under the varied conditions of relief and climate in nearly all parts of the United States and also throughout Europe and a not small part of China. There is, according to my observation, a definite relation between the different valley deposits and forest-covered hills on the one hand or denuded hills on the other. I can not recall an exception to the fact that streams flowing from hills which have been denuded of forests have filled their lower valleys with broad flats of sand and gravel through which the waters meander in shifting, uncertain channels. Equally closely related are forested mountains and clear streams, which flow through valleys with well-established channels and more or less extensively developed flood plains that are covered with appropriate vegetation.

Mr. Leighton says with reference to the assertion that our rivers are not shoaling by reason of erosion:

It may be remarked that if the author will review the reports of the Chief of Engineers of the United States Army he will find ample evidence to the contrary. Of course, erosion does not mean uniform shoaling throughout the entire course of a river. It means rather additional bar formation. The schedule of dredging on the Ohio shows a fairly constant increase since 1875, and it is significant that in the recent report on the 9-foot canalization of this river the Board of Engineers for Rivers and Harbors recommended that $1,000,000 per year be provided for dredging. While it is recognized that the need for this great sum arises from the cessation of bar cutting that would be occasioned by the erection of locks and dams, it indicates, nevertheless, that the United States engineers have recognized that the débris problem is of far more consequence than Colonel Chittenden would have us infer.

Mr. Robert McMath, of St. Louis, an engineer well known for his connection with the improvement of the Missouri and Mississippi rivers, and formerly a member of the United States Engineer Corps, has the following to say in discussing the Chittenden article:

We know that floods destroy, but we do not fully know and appreciate the fact that the work done at low stages is largely reparative. Reparative work is the readjusting and removing high stage or flood deposits so as to restore the efficiency of the river bed, which is always impaired by flood waves. Assuming that such reparation is the fact, the practical solution of the improvement problem is to subtract from the flood and add to the low stage energies.

Mr. Pinchot says concerning Colonel Chittenden's position with reference to erosion:

The mistake is a fundamental one, which can be checked up by anyone who will take the trouble to compare the quality of the forest floor in the two kinds of forest.

Where Colonel Chittenden got the idea that in any cultivated forest under the sun it is the habit of the foresters to rake up the débris I am utterly unable to say, but it shows—and this I regret to say—it shows so complete and thorough a misunderstanding of the elementary foundations of forestry as to invalidate it at once in the mind of any man acquainted with the forest, or, if not invalidate, to at least throw into cloud his observations on all matters relating to forestry.

It is unnecessary to dwell upon his statement that it is not forest destruction, but forest culture, which has the effect of causing soil ero-

sion, because it resembles in all details the ancient question of which came first, the hen or the egg. Whether you destroy the forest to cultivate the soil, or cultivate the soil after the forest is destroyed, makes no difference. At any rate, the forest is gone, and its cover has been removed.

The suggestion is made in the paper under discussion that we cease devoting the mountain slopes to forests, and take up their cultivation on the lowlands. The failure to conceive the elementary principle in all forestry, and in all use of the land, that each part of the soil must be put to the use in which it will contribute most to national welfare, makes this phase of the question peculiarly difficult to discuss.

As well might it be said that it would be an excellent thing to devote the west side of Fifth avenue to the growth of Lima beans, because their transportation from that place to the consumer in New York would be so much more convenient and so much cheaper than if they were grown on Long Island. There can be no question about that. But the west side of Fifth avenue has a greater value for another purpose. And the soil upon which Colonel Chittenden recommends that we shall grow trees has a vastly greater value for agriculture than it could ever have for forestry.

In summing up the entire paper, Mr. Pinchot says:

If the points in this paper have been made plain, Colonel Chittenden's fundamental conception as to the forest floor and its influence is wrong. His idea that records in the United States do not show an increase in the frequency of floods and of low waters is wrong. His idea that the critical point for us to examine into in this matter is flood height and not flood frequency is wrong. And his conception of forestry, of the functions of the forest, outside of water supply, is so fundamentally wrong that it might be discussed in a paper of far greater length and still leave untouched some of the points upon which he is mistaken.

It has been contended that the Government has no constitutional right to purchase land except for certain specific purposes, such as for public buildings, for navy-yards and naval stations, arsenals, and so forth. Not being a lawyer, I can not claim to be able to expound the Constitution, but if it permits the expenditure of large sums of money for all kinds of enterprises, it seems to me ridiculous that its terms will prevent the development of a great project, which at least has some connection with interstate commerce and which certainly promotes the general welfare. This is not a proposition to use revenues obtained by means of taxation for the purchase of lands; on the contrary, it is taking the receipts from the Forestry Service and using those receipts for the development and extension of that service. If a business man owned areas of forests from which he received a revenue which he did not need for general expenses, he would be justified in investing, and, in fact, would be quite likely to invest, these receipts in the same kind of property; and he would be led to do this because his knowledge of that kind of business would incline him to continue it rather than to go into some untried field. The same application may be made to the Government in this case. There is no doubt that congressional action has been such in the past that it has assumed the right to dispose of public lands or their receipts in any manner it saw fit; and I believe it is generally acknowledged that the power of Congress over the public domain is plenary, and that the public lands and proceeds thereof have never been considered a source of public revenue, but a trust, to be used for the settlement and development of the country and for the benefit of all the people.

How, then, can the receipts from public lands be devoted to any more suitable purpose than in creating additional public lands, which indirectly will promote navigation, conserve water powers, prevent floods, and protect the watersheds of navigable rivers?

During the last fifty years public lands have been disposed of for the following purposes: Under the homestead act; granted to railroads in aiding construction and in aiding the construction of wagon roads; granted to States for canal purposes and river improvement; granted to States for educational and other eleemosynary purposes. Furthermore, Congress has been liberal and general in disposing of the proceeds of the sales of public lands, it having given large amounts of money to the support of colleges of agriculture; to agricultural experiment stations, to schools, and to the swamp fund. It has been devoting the proceeds of sales of the public land to the Reclamation Service, which was instituted seven years ago, and which has been continued without scandal and greatly to the advantage of the western section of the country, developing large areas of the best farming lands in the United States. In a speech on the Reclamation Service, on June 12, 1902, the gentleman from Wyoming, who is now a Member of this House, expressed his views on the right of Congress to act as was proposed in that project in the following language:

If the Congress has the right, which has never been denied, to give away public lands, with or without stipulation as to their use and final disposition, and to appropriate the proceeds for a wide range of purposes, for which it is somewhat doubtful if the funds derived from taxation of the people could be used, it is clear that Congress has the authority, as we propose, to provide for the creation of a trust fund from the proceeds of the sales of public lands, and to direct the use of this fund for the purpose of making other public lands salable and useful, with a view of transforming deserts into habitable regions and making possible the great increase in the general wealth, power, and prosperity of the country which must follow such development.

I fully approve of this expression of opinion, and it is as applicable to the proposed Forest Service as it was to the Reclamation Service, the only difference being that in one case the proceeds of land sales were taken for the development, and in the other the receipts from the exploitation of public lands are to be taken for the development. In the one case the Government gets its money back by sales of lands, and in the other the Government will be easily able to get its money back, if it desires, by the sales of a class of property which is constantly increasing in value.

Twenty-nine of the 55 Members of this House who voted against the reclamation bill are Members of this Congress, and I think they will universally agree that the Reclamation Service has been devoid of scandal, has been beneficial to the western section of the country, has developed large areas of valuable lands, and that their vote in opposition to that measure was not justified. They may be disposed to urge the same arguments against this measure, so similar in its general character. If such should be the case, I wish to call to the attention of the House how faulty may be the reasons against initiating a great public measure, made by even as sound a reasoner as the gentleman from Wisconsin, Judge JENKINS, who, in joining the minority report against the reclamation bill, added this comment:

I concur in the opinion that there is a total want of authority in Congress to pass the bill in question or, in fact, any bill providing for national irrigation. But if Congress had the power, and it was generally conceded that the subject of national irrigation was one worthy of the attention of Congress, it would, in my judgment, be impossible to enter upon the proposed plan, because it embraces more than one State, and the Federal Government would have to enter each State upon the same terms as a private individual or corporation, entirely divested of its sovereignty, and would have no power to purchase or condemn property needed for the enterprise held by persons other than the Federal Government; would be subject to the varying laws of the different States; would have no right to interfere with water courses to the detriment of private ownership or the rights of the States in the same. My judgment is not based on the narrow doctrine of the rights of the States as against the Federal Government, but upon the broad proposition that the proposed plan is entirely outside of the powers of Congress and impossible of execution.

The makers of the Constitution might be presumed to have a pretty definite idea of what the Constitution meant and what it was intended to do, and yet they found methods of doing necessary acts which the strict constructionist objects to to-day. I find one instance, more than one hundred years ago, in which Congress authorized a purchase of lands. These lands were supposed to be producing what was necessary for a public use. On January 11, 1797, the Secretary of War, in addressing a Member of Congress, Mr. Parker, used this language:

The probability is that an article so important to the maritime nations as live oak will be sought after with much avidity, and the land which is clothed with it may pass into hands that may make its attainment hereafter more expensive, if not impracticable; but whether it is right that the United States should be the purchaser of such land is a question which no doubt you have examined.

And on the 25th day of the same month the Mr. Parker referred to, he being chairman of the committee to inquire into the state of naval equipment, and so forth, reported as follows:

Your committee further report as their opinion that it would be expedient for the United States to secure some of the lands in South Carolina and Georgia well clothed with live-oak and red-cedar timber, for the purpose of building ships of war.

And recommends an appropriation to carry out this suggestion.

February 25, 1799, Congress appropriated $200,000—

To be laid out in the purchase of growing or other timber, or of lands on which timber is growing, and to cause the proper measure to be taken to have the same preserved for the future use of the navy.

If it were desirable to conserve live oak for shipbuilding, even for building men-of-war, it seems to me a stretch of the imagination that it is not equally desirable and constitutional to preserve the forests which conserve stream flow, which aids in navigation, a project in which the Government is spending and will spend large amounts of money. If it is not a constitutional right, I venture to say that a very large percentage of the appropriations made for various purposes under the Government, and especially appropriations made for the Department of Agriculture, are equally unconstitutional, but they are, as far as I know, without exception, made for the general welfare, and will stand the test of good business sense, even if there is a technical objection to them.

OTHER REASONS FOR THIS ACT.

WATER POWER.

I do not wish to depend on the relation between forestry and navigation as the only reason for urging this legislation. Indeed, that is in itself a minor consideration, but in order to overcome the constitutional objections of members of the Judiciary Committee this bill has been drawn to cover that objection. It must be apparent, however, to anyone that there are

other reasons of even more pressing importance why this policy should be undertaken, which will be among the advantages obtained if it is undertaken, as, for example, the value of water powers. This is one of the most important questions in our national life. Theoretically, the streams of the United States furnish 230,000,000 horsepower, while there is in use to-day only 5,250,000 horsepower. It is estimated that more than seven times the amount now in use is available at a cost comparable with the cost of steam installation, and that, in addition to that, from forty to one hundred and ten millions of horsepower may be made available at a reasonable cost. But even if the amount which could be installed on a basis of the installation of steam power were made available it would be equivalent to the entire mechanical power now in use in the United States to operate every mill, drive every spindle, propel every train and boat, and light every city and village in this country.

To show the importance of the conservation of power in relation to our industrial life, it would seem to be only necessary to instance that in New England alone, on the four navigable rivers which would receive some protection if this act becomes a law, there is invested in manufacturing industries $400,000,000; that the output of the factories is over three hundred and thirty millions; that they employ more than 150,000 persons, and pay between fifty and sixty millions of dollars in wages. These rivers are a source of power and are useful only to the extent of the power developed during the period of lowest water flow. Therefore great variation in water flow is detrimental, and if floods obtain they become a serious danger. The Merrimac River, on which are located the mills of Lawrence, Lowell, and Manchester, as well as many other places, illustrates the increased variation in river flow. This has become so great that manufacturing plants have been obliged to install steam power plants as auxiliaries, even when their output has not been increased. The agent of the Amoskeag Manufacturing Company, the largest cotton manufacturing plant in America, testified before the Agricultural Committee that his company had suffered a loss of $500,000 from two floods on the Merrimac River recently, and that the flow of the river had become so variable that it had been found necessary to install a 10,000-horsepower steam plant, and supplement the power obtained from the river at periods of low water.

NECESSITY FOR WOOD AND LUMBER.

It is estimated that our industries subsisting mainly on wood pay the wages of more than one and one-half million men and women and that the forests of this country, not counting growth in the meantime, will be entirely dissipated in about thirty years. Our forests now cover about 650,000,000 acres, or, relatively, one-fourth of the United States. Of this amount, 169,000,000 acres belong to forest reserves, or practically one-fourth of the total amount. These national forests contain, it is estimated, about one-fifth of all the timber standing. Forestry as an industry is practiced on 70 per cent of the public forests and only on about 1 per cent of the private forests, or on only about 18 per cent of the total area, though it should be said that much greater care is being used by all lumbermen than was the case a few years ago. Whether this is due to a desire to preserve the forest itself or to get the benefit of all the value there is in the log, owing to the increased prices of timber, is not important, but the statement of fact is well known. One of the largest lumbermen in the country, whose operations are carried on in a snow country, has recently stated that fifteen years ago his force averaged to produce 1,000 feet for each man employed, while now each man produces only a little over 300 feet, and he stated that this difference was almost entirely due to the difference in methods of cutting.

The yearly growth of wood in our forests amounts to about 7,000,000,000 cubic feet, and we are removing it at the rate of about 23,000,000,000 cubic feet. We use each year 100,000,000 cords of firewood, 40,000,000,000 feet of lumber, besides the product used in posts, fences, rails, cross-ties, and so forth. Since 1870 it is estimated that we have lost on an average of $50,000,000 worth of timber yearly from forest fires. Therefore it will be seen that we are taking from our forests about three and one-half times their yearly growth; and while our lumber cut has not increased over 2 per cent a year, the average price of lumber is increasing at the rate of about 7 per cent a year, and it should be added that owing to the condition of the supply of lumber, there being but five or six countries which have an excess to export, we are dependent upon ourselves. The purchase and organization of national forests in the eastern section of the country will be an object lesson of great value to the private owner. The basis for this statement has been clearly demonstrated in reclamation work in the West. Before the Government undertook that work more or less reclamation work had been done, but in such an ill-advised way that unless the conditions were most satisfactory the results were in most cases failures. The methods instituted by the Government have been followed by private individuals to such an extent that the results obtained from private enterprises have been even more important than those under Governmental supervision, and in the same way we may reason that the methods of conducting a forest reserve will naturally be imitated and followed by private individuals, so that we may expect much greater efficiency in the results obtained from private forests.

FLOODS.

It is stated that the direct yearly damage by floods since 1900 has increased from forty-five to two hundred and thirty-eight millions. Whether these figures are accurate or not it is difficult to determine, but there is no question about the fact that floods are increased by the removal of forests. That does not necessarily mean that extreme floods may not and will not exist, even though the country is thoroughly forested—and I propose to touch that question later—but the number of floods is greatly increased by the removal of forests. Freshets are attended by destructive soil erosion, the soil matter annually carried into lower rivers and harbors, or into the sea, from the two hundred and eighty-odd rivers in the United States reaching an amount estimated at 800,000,000 tons. This is a serious reduction of the value of upland farms, because it removes the best part of the soil from those farms. It increases the difficulties in navigating rivers, and, incidentally, the necessity for increasing appropriations for river and harbor development. It has been estimated that the annual loss to farms alone, on account of this soil erosion, is $500,000,000.

One of the important questions in connection with this subject is the relationship between forestry and floods. Floods are dependent on so many elements that it is difficult to obtain data which will cover every case, and this data must necessarily be spread over a long period of years. They depend on the amount of precipitation, the configuration of the watershed, the amount of surface forested, and many other minor elements which I am not going into at this time. It must, however, appeal to the common sense of anyone that a forest would hold and retain a much larger percentage of moisture than an open, cleared space, though the character of the surface in the cleared space would naturally be a considerable element in the amount of moisture which it would hold. If it were level land and tilled land, it would hold a large amount of precipitation, while if it were hilly and turfed, the precipitation would flow off easily, without sinking into the soil. But in the forest not only do the leaves and shrubs hold moisture, but the humus retains a large amount, and it almost invariably happens that the soil under the humus is porous and retains a greater percentage of moisture than most soils in the open. It may be true that when this soil and humus and all the other elements which go to make up the forest are thoroughly saturated, water will flow from a forest surface as from a cleared surface, but it will not do so at any other time.

The most careful investigations on this subject have been made by Prof. M. O. Leighton of the Geological Survey, and I quote his conclusions in part, and the result of his investigations on the Tennessee River, where observations have been made for twenty-four years:

It will be well to consider at the outset just what index may be used to determine the trend of flood tendencies. It is common in inquiries of this character to select and compare the highest stages attained in the several years of record, and because, perchance, higher floods may be shown in early years, many really competent persons have believed themselves forced into the conclusion that there is no change in flood tendency. The actual height attained by the maximum flood each year is, however, a matter of small consequence in such consideration. A little reflection will show how this must be true. The precipitation, which is the ultimate cause of floods, takes three courses, only two of which are really important in the present discussion, namely, the course along the surface of the ground directly into water courses; and that into the ground by percolation, with subsequent discharge into the rivers by seepage. In general terms, it may be stated that the water which causes floods is that proportion of the precipitation which the earth does not absorb and which therefore must flow along the earth's surface.

Now, it is apparent that when precipitation becomes so intense and long continued that it practically saturates the ground the rain that falls thereafter must take the direct route and floods must necessarily arise. Therefore the height of great floods is fixed, primarily, by the intensity of precipitation, and as the amount of rain varies from year to year, now bountiful and again scanty in what seem to be fairly uniform cycles of years, the observation of an especially high flood during an early year compared with that of a much lower one during a recent year can give no index to flood tendency in any river. The real index is of more fundamental origin than the mere occurrence of high floods.

When the question is asked, "Are floods increasing?" the considerations involved are not those of height, but those of duration and frequency. In other words, the question means "Are floods of more frequent occurrence and are there more days of flood than formerly?"

Speaking of the Tennessee observations, Professor Leighton refers to them in the following language:

A better comparison would apply between the number and depth of flood-producing rains and the number of flood days. Such a comparison

has been made on the Tennessee basin above Chattanooga. No other basins are here dealt with in this way because of the enormous amount of labor involved.

In addition to proving beyond controversy the increase in floods due to deforestation, the record is of interest because it shows how futile and misleading is the attempt to derive conclusions from flood records without taking into account records of precipitation. Inspection of the Chattanooga flood record shows a decided decrease in the number and duration of floods during the period of record. If this were taken alone it would controvert the forest-control idea. A comparison of the precipitation records on the drainage area, however, assures us that the rainfall has decreased, even to a greater relative extent than the floods. The final result is that the flood tendencies have increased.

The results for the Tennessee Basin cover twenty-four years, from 1884 to 1907, inclusive. Although the records of gauge height extend further back than the earlier date, the number of rainfall stations maintained on the basin previous thereto is not sufficient to render safe any conclusions with reference to precipitation. It is appreciated that a given depth of rainfall precipitated during the winter months will generally produce a greater run-off than the same depth would produce in August or September. Therefore an effort has been made to eliminate this source of error. Summing up the flood-producing rains for the 24-year period it is found that the total is 335, of which 313 occurred from December to May, inclusive, and the remaining 22 during the other portion of the year.

It is apparent that the number of such rains from June to November is not sufficient to afford a basis of comparison. Therefore only the December to May floods will be considered. In making this comparison, the ideal condition would be to compare the rainfalls and floods during identical conditions of climate, but such a refinement is impossible. On the other hand, the multiplication of data afforded by the large number of flood-producing storms in the December to May period warrants the conclusion that the varying climatic conditions in this period are compensated, and the final conclusions drawn from the result must be worthy of confidence. Dividing the periods covered by these 313 floods equally, two consecutive twelve-year periods are afforded, which give a basis of comparison. The floods in the later period, resulting from a given depth of storm precipitation, are clearly shown to be more severe than in the earlier period. The method of presentation further makes it possible to compute the increase in flood tendency due to deforestation in the Tennessee.

The relation between storms and floods in the Tennessee Basin during the periods December-May, inclusive, 1884–1895 and 1896–1907.

Period.	Storms.	Days of flood.	Storms.	Days of flood.	Storms.	Days of flood.	Storms.	Days of flood.	Storms.	Days of flood.	Storms.	Days of flood.	Storms.	Days of flood.	Storms.	Days of flood.	Storms.	Days of flood.	Storms.	Days of flood.	Storms.	Days of flood.	Storms.	Days of flood.	Storms.	Days of flood.
1884–1895	7	5	12	6	6	15	5	9	5	13	6	30	1	6	2	17	2	18	....	....	2	28	....	....		
1896–1907	8	3	11	10	9	23	11	30	4	13	1	6	1	8	3	20	....	....	1	11	....	....	1	17		
Precipitation, in inches	1–1.5		1.5–2		2–2.5		2.5–3		3–3.5		3.5–4		4–4.5		4.5–5		5–5.5		6–6.5		7–7.5		8–8.5			

If now we divide the number of flood days by the number of storms, the result will be the number of days per storm. Applying this to each of the series in the above table, the following result is reached:

Days of flood per storm, 1884–1895 and 1896–1907.

Period.	Storms, in inches precipitated.							
	1–1.5	1.5–2	2–2.5	2.5–3	3–3.5	3.5–4	4–4.5	4.5–5
1884–1895	0.7	0.5	2.5	1.8	2.6	5	6	8.1
1896–1907	.4	.9	2.6	2.7	3.2	6	8	6.7
Percentage increase	−43	80	4	50	22	20	33	−17

The algebraic sum of the above percentages is 149 and the average is 18.75, which sums up the effect of deforestation on run-off from 1884 to 1907, inclusive.

It would not be difficult to bring a much larger volume of evidence to show the value of forests and the necessity for their preservation, but sufficient has been said by me to indicate the following:

1. That this bill practically covers the contentions which have been made by forestry experts for the past twenty years.

2. That it has not only been recommended by the President and government officials who have had connection with this work but by the Conservation Commission, the meeting of governors, and by a larger number of business associations and other organizations than any legislation which has come to Congress for many years.

3. That in instituting this policy we are simply following the example of older nations, whose experience has proven not only its desirability but its necessity.

4. That the criticisms which have been made against this policy arise from two sources, those who hesitate about instituting a project which must necessarily involve large amounts of money eventually, and those who have a superficial knowledge of the subject and have concluded that there is no connection between forestry and stream flow. There is no necessity to answer the first class of criticisms; that is a matter of opinion. The answer to the second, however, has been conclusively made by Professor Swain, Mr. Pinchot, Mr. Bailey Willis, and Professor Leighton.

5. The constitutionality of this project has been passed upon by the Judiciary Committee of the House of Representatives; but I have shown that its value is not in any way limited to the constitutional provision which is admissible in this case, but extends to many other industries, and industries to be developed, so that its effect will be more widespread than any legislation which has recently been acted on by Congress.

6. This legislation has been repeatedly proposed in various forms during the past twenty-five years, and bills similar to this have passed the Senate twice by unanimous, or practically unanimous, votes.

7. It has been shown that it is a part of the conservation policy which is advocated and believed in by almost everyone who has given any thought or study to the subject. It will furnish a basis for a general governmental conservation policy. All political parties have advocated it. The way to commence conservation is to conserve something. The method of doing it is by adopting this act. The time to do it is now.

Now, Mr. Speaker, I would like to have the gentleman from Kansas use some of his time. [Applause.]

Mr. SMITH of California. Mr. Speaker, may I have the attention of the House for a starter? I will take my chance of holding its attention if I can get an even start with the others. Mr. Speaker, in my opinion this bill presents the most important and far-reaching piece of new legislation that has been presented to this Congress. It not only looks to appropriations that are absolutely appalling in their magnitude, but if I am not mistaken it changes the policy of the Government in a very important particular. The subject divides itself into two parts: First, the conservation of water or the regulation of the stream flow; and second, the production of timber commercially. I shall not dignify the first proposition with any extended discussion. It is so palpably a subterfuge, and has been brought into this question within the last year or so because the honorable committees of the House and the Senate, the Judiciary Committees, asserted that it was not within our constitutional power to embark upon this great scheme for the purpose of producing timber and selling it in the market, but that we must in some way tie the subject up with that of navigation. And as the gentleman from Massachusetts [Mr. WEEKS] has very properly said, they have now modified "the title of the act" so as to give it some color of reference to the subject of navigation. On the subject, however, of the regulation of stream flow there are two matters to be considered: First, the prevention of floods due to excessive rainfall and run-off; and second, the increase of the minimum flow of the stream for the benefit of power companies already established on the lower courses of the rivers.

I think no one has asserted that it is within the constitutional power of Congress to appropriate vast sums of money to increase the water power of private corporations, and yet if you will consider the hearings and follow the discussion of the enthusiasts upon this question you will find them referring to the low stage of the river nine times to where they refer to the high stage once. I conclude, therefore, that there is another subterfuge in that side of the case, and that what is really desired is to improve the low stage of the rivers and to increase the amount of hydro-electric power enjoyed by the companies on the lower course of the rivers.

But, I say, that phase of the question is so palpably a subterfuge that I refuse to discuss it at this time, further than to remark that there is the greatest difference of opinion between men who have given the subject full consideration, between the forest treatment and the meadow treatment on the mountain side for the purpose of regulating the flow, and, in my opinion, the better arguments and the safer conclusion are in favor of the latter side of the case. I appeal to gentlemen here to apply their everyday knowledge to see if it is not true that a hillside covered with grass erodes less and holds back the rainfall more than any timber-covered hill on the face of the earth.

Let it be borne in mind that those who advocate the forest treatment do not rely upon the tree growth to hold back the water in times of storm or to release the water from day to day

in times of drought. They rest on the cover of detritus that falls from the trees—the layer of leaves, branches, and so forth—the very things which superinduce devastating fires. In the western forests the strictest rules apply to the collection and burning of this débris that fires may be averted. Is it wise, then, for the Government to buy land and raise trees to produce litter on the ground where that very accumulation may spread a fire that will in a few hours wipe out the efforts of years?

It is stated in one of the reports made to Congress on this subject that the rains in the Appalachian Mountains are largely torrential, a precipitation of 3 to 8 inches in a day being common. Does anyone suppose that a forest cover or any other agency can hold back and regulate the run-off following such storms? Yet those are the storms which work the havoc and carry destruction before them in the valleys below. The ordinary rainstorm, such as might be absorbed by the forest cover, does no damage and fills up no river beds.

The second phase of the question brings up the question of cost. Congress has ordered two investigations of this subject. The first report, brought in some five or six years ago, asserted that to carry out the plan in these two localities, New England and the Southern States, it would be necessary to acquire by purchase 75,000,000 acres of land. The price was stated at from $10 per acre down. I guess we all know what happens when "Uncle Sam" goes into the market to buy land, either by condemnation or by private arrangement. But taking it at $10 an acre, you have $750,000,000 as the outlay for the acquisition of the plant to begin with.

It has always seemed to me that the friends of this proposition, when that report came in, felt a little like the man who inadvertently sent up his petition for "a barrel of pepper;" that they had overdone a good thing. Thereupon Congress was appealed to, and in a subsequent act two years ago it authorized the Secretary of Agriculture to again investigate this matter, and his report stated that we would have to purchase 23,000,000 acres of land, at prices which, he said, were substantially the same as the first ones. But there is not one line in this second report which undertakes to dispute or contradict the first one as to the acreage desired.

Of this amount, it is asserted that 5,000,000 acres are needed at once, so we have a present demand for the purchase of 5,000,000 acres, a present need for 23,000,000 acres, and an ultimate necessity for 75,000,000 acres. It may be remarked at this point, parenthetically, that our receipts this year will fall below our expenditures by $125,000,000.

Nor is this all. The bill before us does not confine its operations to the White and Appalachian Mountains. It is of general application, and under it forests may be laid out and lands purchased in any part of the country, and it is significant that a Member from Texas [Mr. STEPHENS] appeared before the committee and presented the claims of his State to have 100,000 acres bought on the headwaters of a certain stream in that State. Other States, I predict, will be heard from later.

It is proper to take some note of the character of the land that is to be purchased. It is universally described as lying on the higher mountain slopes, in some instances above the natural timber line. The soil is described as rocky and barren, and it is always admitted that the land is so unproductive that no individual will undertake its reafforestation for profit. It is distinctly and admittedly a proposition to sell to the Government worn-out lands which no one wants to cultivate or devote to any productive purpose. All this evidently on the theory that forests planted by the Government do not need any fertility of soil.

On such lands as these, remote from transportation, even from common highways, the Government is asked to go into the business of raising timber for future generations. Why, let me ask, should the Government go into the business of raising timber at all? It is said that our lumber supply is falling behind the demand. Well, what of it? Exactly the same thing is said of our meat and our bread supplies. Reference was recently made on this floor to a very interesting and instructive address delivered last fall in a western town, by Mr. James J. Hill, on the country's wheat supply. He proved as conclusively as statistics can that the time was in sight when we would be heavy importers of wheat if some change be not made. Did he argue from this that the Government should begin to buy land—and the very poorest land to be found—and go into wheat raising? By no means. He held true to the course which has made us a great people, and urged a renewal of individual enterprise under more enlightened methods. "Millions for education of the individual, but not one cent for paternalistic ventures," might well be the paraphrase at this time of a well-known saying. Jefferson taught that "the sole function of government is to govern the people," leaving productive and other enterprises to individual effort. That is the rock on which we have builded. It has proven a safe and sure corner stone. Shall we abandon it in this particular? There is not a single argument in favor of the government planting of forests that does not prove by the same degree that it should begin to raise cattle and wheat to meet the needs of the future. The whole doctrine is false and pernicious.

As a matter of truth, the country is worse alarmed than hurt over the lumber situation. It has been asserted publicly many times that in twenty or twenty-five years our lumber will all be gone. But that is a wild prediction in the face of the figures given by the same authority that our forest areas amount to 2 acres per capita, and the transition from wood to other materials for structural and fuel purposes was never so rapid as at the present time. Brick, concrete, metal, paper, and glass compose our buildings, bridges, and fences; while gases, oils, and electricity are fast supplanting wood in the production of heat, especially for domestic purposes. The people will not go houseless nor cold if not a single tree be planted.

But the people will prove themselves equal to this emergency, if one is at hand, just as they have met other important situations. They are already doing so. In California hard woods are scarce, but the people are not wringing their hands and waiting for the Government to come and plant such forests for them. By no means. They are doing just that thing for themselves. Let me read a paragraph from a recent issue of the San Diego Union:

From present indications the growing of eucalyptus trees promises to become an extensive and prosperous industry in San Diego County in the near future. At present the prospect is that many thousands of acres will be devoted within the next year or two to the growing of these trees. Already a very substantial beginning has been made. As was noted in these columns yesterday, in the Escondido country 1,500 acres will be planted this year. A San Francisco concern has 500 acres of a 4,000-acre tract there ready for planting, and a Los Angeles company has 700 acres ready for planting. Near Encinitas the Santa Fe has planted 800 acres on its 8,000-acre tract. The company has its own nurseries, and grows its trees from the seed. At present it has 25 men engaged in transplanting, and the force will be increased to 35 during the present week. The work of planting the entire tract of 8,000 acres, however, will take many months, as much of the land is covered with brush, which must be cleared. In various other parts of the county, notably in El Cajon valley, there is much interest in eucalyptus, and the planting is so extensive that the nurseries are hardly able to keep up with the demand.

What is being done in San Diego County is being duplicated in every county in my district as well as in other parts of California. And these plantings are not on sterile and inaccessible lands either, but on rich bottom land near railroads, and even down to tide water, where markets may be reached. I read, too, that in Eastern States the maple, birch, catalpa, and other good lumber woods are being planted privately. The American people can be depended upon to supply their daily needs in woods as well as in foods.

What is the matter with the Appalachians and the White Mountains? Nothing. Nor is there anything the matter with people living therein. They are abundantly able, and I think entirely willing, to solve their own problems.

The idea of afforesting these mountain sides should be largely abandoned and the meadow treatment substituted. Good grasses will grow wherever the soil will sustain enough tree life to affect the run-off of rains and snows. The meadows will give more immediate returns to the husbandmen, restore the soil more quickly, defeat erosion more effectually, and benefit the rivers below more surely. The ideal conditions are found where some trees are scattered through the meadows or where the wood lot is well sodded down.

In the Middle West this combination is common where the prairies break onto the river bottoms. What were rough, eroded clay hills, unproductive and uninviting a quarter of a century ago, are now valuable grazing and timber lands; and the Government did not buy nor plant a single acre. What the people of Iowa and Missouri have done, and are doing, the people of the Carolinas and New England can do.

It is unquestionably true that the subject of forestry has been a great "fad" of late years. In voluminous writings on it there has been little or no reasoning; only romancing. But we are near the end of that sort of thing now, and before the country is committed to this scheme of fabulous expenditures and disputed theories, let us have a more thorough examination of the business side of the question. Following paternalistic schemes is like running before the wind. There is but one safe rock on which this Government can stand—individualism, now and forever.

Section 4 of the bill is particularly objectionable to Representatives from national-forest States. Its provisions are as follows:

SEC. 4. That from the receipts accruing from the sale or disposal of any products or the use of lands or resources from public lands, now or hereafter to be set aside as national forests, that have been or may

hereafter be turned into the Treasury of the United States and which are not otherwise appropriated, there is hereby appropriated for the fiscal year ending June 30, 1909, the sum of $1,000,000, and for each fiscal year thereafter a sum not to exceed $2,000,000 for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1919.

In other words, $1,000,000 this year and two millions each year thereafter for nine years; in all, $19,000,000 are to be taken from the people of the West and used to buy back lands in Eastern States for which the owners have no further use, or think they have none.

I have heretofore raised my voice in this Chamber and elsewhere against the system of taxation which the National Forest Bureau is fastening on western industries, and I propose to continue to protest against it as long as I can find an opportunity to do so. This system is contrary to all precedent as well as to the theory of our institutions. From the beginning of our Government down to a few years ago it was the unvarying policy of this Government to give to the people the natural resources for their enjoyment, the increment inuring to the benefit of the individual. The lands in the great Mississippi Valley States, the mineral wealth of the East and the West, and the use of rivers and harbors were a free-will offering to those who would enter in and make profitable use of them. All of the products, too, were bestowed with the same idea of letting the citizens enjoy the bounties of nature. The pioneers in every State had free rails for their fencing, free logs for their houses, free range for their stock, and free hay for winter's use. Not one penny was collected for the benefit of the Public Treasury till the crest of the Rockies was crossed. Now all this is to be changed. The announced policy of the Forest Service is to "take all the traffic will bear" for every product of the West and collect every cent possible for the enjoyment of any of the uses of the forests. Few people in the East have any conception of the extent to which this matter of levying tribute is being carried. I do not charge any sectional feeling in this matter. The thing has grown up without direct sanction of law, but this section of the bill under consideration will tend to clinch it down and make it permanent.

I again assert what I stated on this floor a few weeks ago, that every avenue of taxation is sought out, and new ones are constantly being looked for. I then referred to a tax that is laid on apiarists in national forests, and I want to submit a receipt which came in my mail this morning. It reads as follows:

Form 627.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D. C., July 23, 1907.

(This certificate confers no rights, but is a mere acknowledgment that the remittance described on its face has been received.)

There has been deposited with me by John Hanretty, of Acton, Cal., a postal money order for $5 on account of apiary, June 10, 1907, Santa Barbara National Forest.

$5. GEO. E. KING, *Fiscal Agent.*

Acton is on the edge of the Mojave Desert in Los Angeles County, Cal., where no forests abound, but only sagebrush, cactus, and the yucca are seen. Mr. Hanretty, I am informed, is a veteran of the civil war, has an aged wife to support, and rolls in the luxury of a $12 a month pension. A system of taxation that reaches the very meager income of such people must be considered almost complete. And this tax is laid for what? Ostensibly for the value of the nectar which the bees sip from the bloom of the sage and the cactus.

I have heretofore spoken of the burdens laid on the mining industry—charges of so much per year for a "permit" to operate a neighborhood quartz mill, and so forth—and the open and avowed policy of charging miners and stockmen as high rates as possible for timber for the mines and range for live stock. If now a new demand of two millions a year is laid on the western forests, we may be sure that new schemes of taxation will be devised and applied more relentlessly than at present. Against this system, or anything approaching it, I enter a most positive protest. It is unfair, inequitable, and unjust.

Not only are these burdens being laid upon industries which must bear their full share of the expense of the state and county governments, but the State's field of taxation is being invaded in a very important particular. Hydro-electric power plants located upon or whose wires cross any part of the national forests are being called upon to pay into the Federal Treasury large sums annually, though they are located upon nonnavigable streams which have their source in and traverse only one Commonwealth. They are in no particular interstate, and the right to gather revenue from them belongs and should be accorded to the States exclusively. In this particular I am not making an appeal to have these natural monopolies exempted from taxation. On the contrary, they should pay well for the special privilege which they enjoy. But the privilege—the use of state waters—comes from the State, not from the Nation, and the State alone should enjoy the revenue.

I have somewhat unintentionally wandered from the main question before the House, but these matters of taxation and charges are so bound up in this bill that I could not lose the opportunity to raise my voice in protest against the evils which are being fastened upon the people and the States of the West.

Just one word more, Mr. Speaker. There has been some suggestion that because we have national forests in the West we should not oppose the same things in the East. That does not touch the point at issue. In the West the Government has simply taken charge of land which it already owns, and is engaged in preventing the destruction by fire and wasteful methods of lumbering of the forests which nature has bestowed upon us. It has never been the intention of Congress to "create an industry" out of the western forests, but only to husband what we have. Between that and buying old worn-out farms for the purpose of engaging in a productive industry there is a very wide difference, indeed.

Mr. WEEKS. Mr. Speaker, I ask unanimous consent that all who speak on this question be given permission to extend their remarks in the RECORD for two days.

The SPEAKER. Is there objection?

There was no objection.

Mr. WEEKS. Mr. Speaker, I yield one-half minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I shall vote for this bill, but I can not now give the reasons. I will discuss another important matter, to wit: The creation of a new Cabinet place, to be known as the "department of national highways and good roads."

On Saturday last I introduced a resolution on the subject which I here insert:

House resolution 602.

Whereas the Supreme Court of the United States has finally decided and settled that Congress has the power to build highways and roads between the several States, whereby the general welfare can be greatly appreciated: Therefore

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to this House a proper bill for creating an additional member of the Cabinet, or department of government which shall be known as the "department of national highways and good roads," and report the same as soon as practicable.

The Supreme Court of the United States on January 7, 1907, in a unanimous opinion in the case of Wilson against Shaw, reported in Two hundred and fourth United States Reports, pages 3 to 35, for all time settled that Congress has the constitutional power to build "interstate" highways and other national roads. The question can be no longer mooted. State and interstate roads are greatly needed. Let this great national project start. Work it out with the limits of the constitutional powers of Congress, protecting at all times the rights of the States.

I extend my remarks by inserting pertinent extracts from the Supreme Court next alluded to:

SUPREME COURT OPINION.

Again plaintiff contends that the Government has no power to engage anywhere in the work of constructing a railroad or canal. The decisions of this court are adverse to this contention. In California *v.* Pacific Railroad Company (127 U. S., 1, 39) it was said:

"It can not at the present day be doubted that Congress, under the power to regulate commerce among the several States, as well as to provide for postal accommodations and military exigencies, had authority to pass these laws.

"The power to construct, or to authorize individuals or corporations to construct, national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce.

"Without authority in Congress to establish and maintain such highways and bridges, it would be without authority to regulate one of the most important adjuncts of commerce.

"This power in former times was exerted to a very limited extent, the Cumberland, or National, road being the most notable instance. Its exertion was but little called for, as commerce was then mostly conducted by water, and many of our statesmen entertained doubts as to the existence of the power to establish ways of communication by land; but since, in consequence of the expansion of the country, the multiplication of its products, and the invention of railroads and locomotion by steam, land transportation has so vastly increased, a sounder consideration of the subject has prevailed and led to the conclusion that Congress has plenary power over the whole subject.

"Of course, the authority of Congress over the Territories of the United States, and its power to grant franchises exercisable therein, are and ever have been undoubted.

"But the wider power was very freely exercised, and much to the general satisfaction, in the creation of the vast system of railroads connecting the East with the Pacific, traversing States as well as Territories, and employing the agency of state as well as federal corporations." (See Pacific Railroad removal cases, 115 U. S., 1, 14; 8.)

In Luxton *v.* North River Bridge Company (153 U. S., 525, 529), Mr. Justice Gray, speaking for the court, said:

"Congress, therefore, may create corporations as appropriate means of executing the powers of government, as, for instance, a bank for the purpose of carrying on the fiscal operations of the United States, or a railroad corporation for the purpose of promoting commerce among the States. (McCulloch *v.* Maryland, 4 Wheat., 316, 411, 422; Osborn *v.* Bank of United States, 9 Wheat., 728, 861, 873; Pacific Railroad

removal cases, 115 U. S., 1, 18; California *v.* Pacific Railroad, 127 U. S., 1, 39.) Congress has likewise the power, exercised early in this century by successive acts in the Cumberland or National road, from the Potomac across the Alleghenies to the Ohio, to authorize the construction of a public highway connecting several States." (See Indiana *v.* United States, 148 U. S., 148. See also Monongahela Navigation Company *v.* United States, 148 U. S., 312.)

These authorities recognize the power of Congress to construct interstate highways. A fortiori, Congress would have like power within the Territories and outside of state lines, for there the legislative power of Congress is limited only by the provisions of the Constitution, and can not conflict with the reserved power of the States. Plaintiff, recognizing the force of these decisions, seeks to obviate it by saying that the expressions were obiter dicta; but plainly they were not. They announce distinctly the opinion of this court on the questions presented, and would have to be overruled if a different doctrine were now announced. Congress has acted in reliance upon these decisions in many ways, and any change would disturb a vast volume of rights supposed to be fixed; but we see no reason to doubt the conclusions expressed in those opinions, and adhere to them. The court of appeals was right, and its decision is affirmed. (See GAINES's speech, 1st sess. 60th Cong., p. 4292; refers to this case, and historical data on National road and acts of Congress as to it.)

You will find in the first session of the Sixtieth Congress, page 4292, that I referred to this Wilson-Shaw case and other valuable historical data on the subject of good roads, giving in full the opinion of the Court of Claims in the case, which opinion was affirmed in the Supreme Court and is found in 148 United States, page 148 (cited supra). The opinion in this Indiana case contains a very valuable historical tracing of the national road and the several acts of Congress as to it. I had this opinion inserted in the RECORD for educational purposes on this subject. There are many calls on me for copies of this Supreme Court decision and the opinion in the Indiana case, and I take this way of citing the Members and the public to the RECORD where these authorities can be found.

Mr. WEEKS. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. COCKS].

Mr. COCKS of New York. Mr. Speaker, I doubt very much if anything I can say will change any votes in this House. I am very much in favor of this bill, although I come from a district that will not be affected and can not possibly derive directly any benefit from this provision. This bill has been under consideration in our committee for a long time. We have had numerous hearings on it. The subjects embraced here are of vast importance to this country. It is the beginning of a policy that may be a departure from anything heretofore started by this Government with regard to our forest reserves, but I know not that that is any reason why we should not begin. The conservation of our forests and our stream flow is as important as anything with which we have here to deal, and which is of such great advantage to the country generally. We believe that this bill has been so drawn as to safeguard in every way the acquisition of these lands, that they shall only be acquired after due and careful consideration by a commission, which it is fair to assume will be composed of men of as good judgment as any we could possibly select, representing both branches of this Government, and we fully believe that a very large number, perhaps a large majority, of the people of this country are in favor of it.

The SPEAKER. The time of the gentleman has expired.

Mr. SCOTT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I think this is one of the most vicious measures ever presented to this House. It provides for the expenditure certainly of $19,000,000, and probably for $750,000,000. It provides for the expenditure of this money for a purpose not needed at a time when the Public Treasury is bankrupt. To-day we have a deficiency of $86,000,000 in the Public Treasury, and at the end of this fiscal year that deficit will amount to $150,000,000.

I fail to understand where the Appalachian and the White Mountain ranges connect, except, perhaps, in the combination which has evidently been made to get votes for this measure.

Mr. GARRETT. They will connect at the Treasury Department if this measure passes.

Mr. MADDEN. That is where they will connect. I have been wondering whether, if this bill becomes a law, the campaigns of the candidates for Congress in the districts embraced in this forest reserve will be made upon the question of the tariff or whether the campaigns will be fought out on the question of how many farms the candidates can sell to the Government of the United States at a high price.

It is not fair to the American people to pass a law like this, authorizing a commission without any experience to buy lands at an unknown price, in indefinite quantities, without a knowledge of what is to be accomplished by the purchase of the lands. Here we are embarking on a scheme that involves the expenditure of a million dollars the first year, $2,000,000 a year thereafter for nine years, and authorizes the purchase of 75,000,000 acres of land anywhere on the continent of the United States at any price that the commission appointed in the bill may see fit to pay.

We are considering this measure, which is of such vast importance, under suspension of the rules, and under suspension of the rules no Member of this House has any right whatever to offer an amendment to the bill, so that no matter how anxious any person here may be to propose an amendment that would perfect the bill in some way and make it more acceptable to the general public, no such opportunity is afforded; and because no such opportunity is afforded, and because I believe the bill to be vicious, and because I believe that, if it is enacted into public law, sooner or later it will create public scandal, I propose to vote against the bill.

The SPEAKER. The time of the gentleman has expired.

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. MADDEN. My time has expired.

Mr. SCOTT. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, five minutes is not time enough to discuss the provisions of this bill. The measure before the House for consideration to-day does not betray the real purposes of those back of this scheme. I do not mean to impugn the motives of gentlemen who are urging the passage of this bill, but I do say, and wish I could impress upon the minds of gentlemen here, the fact that it does not disclose the real purpose of those who are advocating the passage of the so-called "Appalachian forest bill."

Let me say to the Members of this House, if we pass this measure to-day, which takes from the Federal Treasury $1,000,000 this year and $2,000,000 for the next eight or nine years to come, that when that money shall have been spent we will have embarked upon a scheme the completion of which will take from the Federal Treasury $900,000,000 or $1,000,000,000 for which the people of the United States will receive practically no benefit. [Applause.]

Gentlemen talk about preserving the average flow of streams. I want to say to you that scientific men who have studied this question and have expressed their opinion upon it tell us that the streams in the region affected by this bill are not prejudicially damaged by reason of the denudation of the forests, but justify the conclusion that the damage more likely results from the farming of the lowlands adjacent to the streams. When we begin, Mr. Speaker, the buying of mountain ranges throughout the country from untold numbers of people, regardless of cost; when we commit the United States Government to the stupendous task of regulating and controlling when and how much timber every man shall cut for his firewood or for lumbering purposes, it will not be long before we will be called upon, in the interest of the preservation of stream flow, to regulate how the people living in the mountain regions shall cultivate the lowlands.

If we pass this bill to-day we will soon be called upon to authorize the Secretary of Agriculture, without limitation or restriction, to go into the open markets and buy mountain lands at such prices as the owners may place upon them. The purpose which brings this measure before the House to-day will not be accomplished until the Federal Government shall have purchased land aggregating something like from 75,000,000 to 100,000,000 acres of worthless lands, all in the interests of preserving the average flow of water in the spring branches and small rivers which flow from the Appalachian Mountains. I say it would be better and, in my opinion, less expensive to take money from the Federal Treasury and buy at the market price all the commerce which will pass over any of these streams for the next fifty years.

This scheme will cost the people of the United States far more than that great project to which we all give support, the construction of the Panama Canal, without any corresponding benefit and privileges to the American people.

Mr. Speaker, I would like, if I had the opportunity, to discuss the provisions of this bill; but in the five minutes allotted me I can not do that. Therefore I have contented myself with defining my position on this question and announcing to the House that I intend, in obedience to the oath I have taken, as a matter of fidelity and integrity to those I represent, to cast my vote against this scheme, which I believe to be fraught with more harm and more danger to the American people than any measure which has yet been before this Congress. I yield back whatever time I have remaining. [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WEEKS. I now yield to my colleague from Massachusetts [Mr. LAWRENCE].

Mr. LAWRENCE. There is an increasing demand throughout the country for a broader and more liberal policy in the de-

velopment of the Nation's waterways. That demand has been voiced in speeches by the President, by Mr. Taft, and Mr. Bryan at conventions of both the great political parties, by resolutions adopted by the Rivers and Harbors Congress, by chambers of commerce, and other representative bodies. It is undoubtedly true, as stated in the report of the Inland Waterways Commission, that while our waterways are better adapted to the needs of the people than those of any other country, yet the rivers of no other civilized country are so poorly developed, so little used, or play so small a part in the industrial life of the Nation. It has been stated by a recognized authority that one of the causes, if not the chief cause, for Germany's industrial success has been reduced cost of transportation made possible through comprehensive development of her waterways.

There is little doubt that in response to the demand of which I speak Congress will make more liberal appropriations in the future than it has in the past toward the solution of the problems of water transportation. This will involve consideration of questions relating to the development of navigation and of water power in connection therewith, the construction of reservoirs at the headwaters of our streams, and the treatment of every river system as a unit. It is folly for the Government to expend great sums of money in the development of our navigable streams and at the same time pay absolutely no attention to the preservation of the forests at their headwaters.

I am one of those who believe that the people receive as great returns from the investment made in river and harbor work as from any other investment made by the Government, and I am also convinced that the benefits to be derived from the expenditure proposed in this bill can hardly be overestimated. The fact can not be disputed, I think, that mountain forests are of the greatest benefit in preventing floods, in maintaining navigable depths, and in retaining the soil upon the mountains. Large sums of money now expended for dredging will be saved if we can prevent gravel, sand, and silt from being washed into our streams, thereby filling up the channels and forming obstructions.

Every friend of waterway development should vote for this bill. It is not only an important but a necessary step in the accomplishment of that which they so much desire. The report of the committee presenting this bill calls attention to the comprehensive schemes of protecting forests at the headwaters of mountain streams now being worked out in other countries. No one can estimate how much would have been saved had these countries acted more promptly. The United States should heed the lesson, and there should be no further delay. [Applause.]

Mr. WEEKS. I yield three minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Speaker, I regard the passage of this bill as a matter of absolute necessity for the protection and preservation of the water powers and the agricultural lands of North Carolina and the whole South, as well as New England. I think gentlemen are unnecessarily alarmed about this bill. The gentleman from Illinois [Mr. MADDEN] argued that the bill would take a large amount of money from the Federal Treasury. It is true that the bill does provide for the expenditure of $19,000,000, but the funds to be used under the provisions of the bill are derived from the amount of moneys which come into the Treasury from the sale of the products or the use of the resources of the national forests, so far as they are not now appropriated. The law at present provides that 25 per cent of the money so received shall be paid to the States or Territories in which such forests are located for schools and road purposes. It is to be particularly noted that this bill does not change that plan, but rather extends it to the States or Territories in which the national forests may be acquired.

Section 4 of the bill provides:

That from the receipts from the sale, or the disposal of any products, or the use of lands or resources from the public lands now or hereafter to be set aside as national forests that have been or may hereafter be turned into the Treasury of the United States and which are not otherwise appropriated, there shall be available $1,000,000 for the fiscal year ending June 30, 1909, and not to exceed $2,000,000 for each fiscal year thereafter, to be used in the examination, survey, and acquirement of lands located on the headwaters of navigable streams, or those which are being or which may be developed for navigable purposes.

And further provides that the provisions of this section shall expire by limitation on June 30, 1919. The expenditure of the money is to be gradual and judicious. The sections of the country to be particularly benefited are parts of the States of Tennessee, Virginia, Alabama, Georgia, Kentucky, North Carolina, West Virginia, South Carolina, and Maryland, in which are located the Southern Appalachian Mountains, and the States of New Hampshire and Maine, in which are located the White Mountains. Forest reserves have already been established in the Western States of the United States.

I am unwilling to expend any money either from the Federal Treasury or from the receipts from the public lands set aside as national forests unless I believe that the expenditure of the money is necessary and for the benefit of the people. But the cry of "economy," used as an argument against this bill, comes with poor grace from some of the Representatives upon the floor of the House, who are willing to vote $3,500,000 per year for ship subsidy and large sums of money for other objects and purposes.

The expenditure of this money under this bill, safeguarded as it is and not a direct charge upon the Federal Treasury, is absolutely necessary, in my opinion, for the interest of my State and of the South. The bill has been carefully considered, and, as amended by the House substitute for the Senate bill, it is within constitutional limitations.

Mr. Speaker, the passage of the measure is necessary, in the first place, for the preservation of our inland waterways and navigable streams. The relation of forests to the use of the inland waterways is shown by the following quotations from the reports of the Inland Waterways Commission and the National Conservation Commission:

RELATION OF FORESTS TO THE USE OF INLAND WATERWAYS.

Our river systems are better adapted to the needs of the people than those of any other country. In extent, distribution, navigability, and ease of use they stand first. Yet the rivers of no other civilized country are so poorly developed, so little used, or play so small a part in the industrial life of the Nation.

The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable streams.

Every stream should be used to the utmost; every river system, from its headwaters in the forest to its mouth on the coast, is a single unit and should be treated as such.

A mountain watershed denuded of its forest, with its surface hardened and baked by exposure, will discharge its fallen rain into the streams so quickly that overwhelming floods will descend in wet seasons. In discharging in this torrential way the water carries along great portions of the land itself. Deep gullies are washed in the fields, and the soil, sand, gravel, and stone are carried down the streams to points where the current slackens. Since the extensive removal of the forest on the upper watersheds there has been a vast accumulation of silt, sand, and gravel in the upper-stream courses. Examples of reservoirs completely filled are already to be seen on almost every stream. In the degree that the forests are damaged on the high watersheds, then inevitable damage results to water power and navigation through increased extremes of high and low water and through vast deposits of gravel, sand, and silt in the stream channels and in any reservoir which may have been constructed.

The chief obstacles to navigation, then, are lack of water during portions of the year and detritus which is washed into the streams and gradually fills the channels or forms obstructions at the mouth. Were the flow uniform the amount of water carried by a river during the year would be sufficient to provide a good depth at all times. But the flow is uneven; there is too much water at one time and not enough at another. The floods of the spring waste the water which should be available to maintain a navigable depth during the summer and fall. To lessen this inequality of flow should therefore be the aim of all measures for the development of our waterways. If the rivers could be kept always in gentle flood, a relatively small expenditure for reservoirs, locks, and dams would be required. In the same way, if means could be found to prevent silt and sand from being washed into the streams the enormous cost of dredging would be largely done away with. The function of the forest and of the humus beneath as a storage reservoir is of high importance, yet in relation to navigation and the storage of storm waters the influence which the forest has in checking erosion is of equal, if not greater, value.

In the Southern Appalachians the fullest use of water resources can be secured only by carefully guarding the natural conditions which control them. The valuable water resources of this region depend absolutely upon the maintenance of a protective forest cover. Without this forest cover the water power of the region can never be developed to the full, and in the same way the navigable streams can not be kept from silting up if the forest cover about their headwaters is removed. The protection of these areas is a large undertaking, but it is necessarily the first undertaking, since it is fundamental to the development and utilization of the water resources. If the forest is not first protected, damage to water resources will be far-reaching. If the forest is preserved, the benefits from the standpoint of water utilization will be widely diffused, even far beyond the borders of the Appalachian region.

The opinions here quoted represent the almost unanimous views of all who have investigated the relation between mountain forests and navigable rivers.

The bill which the Committee on Agriculture has reported is in line with the policy of conservation as recommended by the President and the National Conservation Commission. It provides for especially an adequate programme of protection to the mountain forests by giving the Federal Government the right to cooperate with the States or with private individuals, and by the acquisition of lands where such are necessary. Further, it provides the most natural arrangement for defraying the cost of such acquisition, that of using the funds which come to the Treasury from the national forests already established, and the bill necessitates the appropriation of no additional sums of money in carrying out this project. It has been the policy of the Government to improve its navigable streams by the expenditure of large sums of money, in some cases at their headwaters. If the National Government has the power to dredge the rivers, harbors, and navigable streams

of the country, it also has the power, in the opinion of the Judiciary Committee, to conserve and protect the stream flow of the navigable streams from the source or headwaters to the mouth of such navigable streams.

The passage of this measure is also, in my opinion, necessary for the preservation of the water powers of New England and the South. According to the Baltimore Manufacturers' Record, in a very clear and comprehensive article upon the "South and its resources," the South to-day has about 5,000,000 horsepower, estimated, of water power within its borders. Hardly 500,000 horsepower of the water power in the southern streams has yet been made available for economic purposes. North Carolina especially is rich in water power, and cotton mills are scattered throughout the length and breadth of the State, most of them operated by water power as well as steam.

The following statement shows the increase in the manufacturing interests of North Carolina as far as cotton mills are concerned:

Cotton mills.	1880.	1900.	1908.
Spindles	92,385	1,134,909	2,878,148
Looms	1,790	25,469	53,446
Cotton used—pounds	11,832,641	190,138,759	298,192,851

The extent of water power in the South which would be directly or indirectly benefited by the establishment of forest reserves is fully stated in the article to which I have referred from the Manufacturers' Record, and which is inserted as a part of my remarks, as follows:

SOUTHERN WATER POWER.

One resource in southern production has just begun to be really developed—the water powers in Maryland, Virginia, West Virginia, the Carolinas, Georgia, Alabama, Tennessee, Arkansas, and Texas. Most of them are in streams that flow from the Appalachians. Their potentialities are indicated in the following table, showing the estimated minimum horsepower in certain rivers:

Stream.	Estimated minimum horsepower.	
	For the year.	For six high-water months.
Potomac	131,800	349,556
James	155,000	236,474
Roanoke	131,000	215,709
Pedee	167,800	256,945
Santee	319,590	472,000
Savannah	209,000	314,600
Chattahoochee	145,000	228,800
Coosa	104,580	177,880
Monongahela	58,900	235,715
Great Kanawha	335,000	853,420
Tennessee	973,600	1,589,474
Total	2,731,270	4,929,474

This estimate does not deal fully with such streams as the Big Sandy, Cumberland, Kentucky, Tallassee, Catawba, Shenandoah, Congaree, Etowah, Cheat, Hiawassee, Clinch, White, Ohio, Red, Brazos, Trinity, and the Rio Grande; nor does it include potentialities of streams with less than 500 horsepower. It is, in effect, merely suggestive of the power that will belong to the South when all such water resources have been properly made available under a system that will provide for protection of the headsprings of the streams and for the conservation, as far as possible, by means of storage reservoirs or otherwise, of the regularity of their flow. Hardly 500,000 of the water power in southern streams has yet been made available for economic purposes.

So that, Mr. Speaker, this bill, I believe, is in line with the progress and development of the section of the country from which I come. I want to do everything which will aid and help the development of that great section of our country—the Southland—and I do not want to do anything that will retard its growth and progress. For the past twenty years capital has realized the richness of the South and has come into that section of the country prepared to cooperate with our people in its development. The energy of our southern people, combined with the South's great resources and the influx of capital, has caused the South to go forward within the last two decades and to make most marvelous progress. As has been well said by an eminent writer—

The South blooms with wonderful groves and orchards; her map is a maze of railroads; the throb of machinery, the clang of manufactories, the whir of her mills, the glisten of her golden grain fields, the wondrous white of her cotton patches, the uncovering of the myriad veins of mineral wealth that mesh her confines—these and many values more present the picture of now.

The South must go forward and not backward, and this bill will help to protect and develop her wonderful resources in water power.

Mr. Speaker, the protection of the navigable streams, the preservation of the water power of this country, and especially of my State and the South, I honestly believe to be involved in this bill, and I think its passage to be absolutely essential. The amount of money is small in comparison with the benefits which will be reaped. It has been suggested that a good part of this money is not to be used in the South, but would go to New England. Under the provisions of this bill as framed I am satisfied that the South will have a square deal, and the Southern Appalachian region will get its fair proportion of this money, as well as the mountains of New England, the White Mountains. This is a national as well as a state matter. In fact, it is neither state nor sectional, but national.

The passage of this bill is also necessary, Mr. Speaker, for the prevention of floods and flood damage. Flood damage in the United States has increased from $45,000,000 in 1900 to $118,000,000 in 1907. All of the rivers on whose watersheds the forests have been heavily cut show flood increases. In eastern Tennessee and western North Carolina, in the region in which the forests have been heavily cut, great floods of water sweep down the mountains, denuding the agricultural lands and sweeping away millions of dollars' worth of property.

The passage of the bill is also necessary, Mr. Speaker, for the prevention of soil wash. The annual soil wash in the United States is estimated by the Inland Waterways Commission at about 1,000,000,000 tons, of which the greater part is the most valuable portion of the soil. It is carried into the rivers, where it pollutes the water, necessitating frequent and costly dredging, and reduces the efficiency of the work designed to facilitate navigation and prevent floods. Soil, when once lost, is replaced with great difficulty, if at all. Consequently the protection of the forest on the slopes, which are too steep otherwise to be utilized, means actually an immense gain in soil. The forests, when protected and preserved, act like a sponge. They absorb the water, thereby preventing floods and freshets, and they also give out the water, thereby irrigating the agricultural lands.

The Committee on Agriculture, in the report signed by every Democrat upon it except two and by every Republican except three members, shows further that the experience of other countries proves that the protection of the forests at the headwaters of important streams is imperative.

The committee says:

The relation of the mountain forests to the navigability of inland water is the same the world over. Every country that has maintained an even and sufficient flow of streams for the purposes of commerce has had to maintain and in some cases establish upon the headwaters of the streams forests to hold the soil in place and to prevent overwhelming floods.

Germany stands in the forefront of nations in inland waterway development, and she has all of her high mountains protected by forests. These forests have been under government management for a hundred years and they are the most productive and profitable in the world, yielding an average net return of $2.40 per acre.

The stripping of the forests from the mountains of France was unchecked until 1860, by which time 800,000 acres of farm land had been ruined or seriously damaged and the waterways practically destroyed. The population of 18 departments had been reduced to poverty and forced to emigrate. A futile attempt was then made to check the torrents by sodding. It was only by the acquisition by the Government of the bare lands, the building of stone walls for the gathering of silt and the planting of trees on the soil held in check by those walls that satisfactory results were accomplished. The cost of this method has often been as much as $50 per acre. By 1900 $15,000,000 had been spent and the French Government has continued the work by acquiring each year 25,000 to 30,000 acres of land. The present programme calls for the expenditure of $50,000,000 on this work. About one-fourth of the mountain streams have been brought under control and the balance are beginning to show indications of improvement.

Italy has suffered extremely from the ruin which follows the removal of protective forests. One-third of all the land is unproductive, and though some of this area may be made to support forest growth, one-fourth of it is beyond reclamation, mainly as the result of cleared hillsides and the pasturing of goats. The rivers are dry in summer; in spring they are wild torrents, and the floods, brown with the soil of the hillsides, bury the fertile lowland fields. The hills are scored where the rains have loosened the soil, and landslides have left exposed the sterile rocks, on which no vegetation finds a foothold. Such floods as that of 1897, near Bologna, which did over $1,000,000 damage, destroy property and life.

The dearth of wood and especially the great need of protecting forests to control stream flow have brought some excellent forest laws. In spite of the first general forest law (1877), which regulated cutting and forbade clearing on mountain slopes, large areas have persistently been cleared, and though provision has been made for thorough reforesting work, very little of the needed planting has been done. The classification of the lands to which restriction shall and shall not apply is a constant matter of dispute. An effort has been made to show that the forest planting contemplated by law is largely unnecessary. The last point, however, has been safely settled by recommendations of a recent commission, which declare that at least 500,000 acres will have to be planted, at a cost of not less than $12,000,000, before the destructive torrents, brought on by stripping and overgrazing the hillsides, can be controlled.

Spain has suffered greatly from destructive floods caused by insufficient forests on the mountains. She has enacted an elaborate system of laws to prevent overcutting, but the indebtedness of the country has prevented the efficient carrying out of these laws.

Other countries which are working out comprehensive schemes of protecting forests at the headwaters of mountain streams are Eng-

land in India, Switzerland, Austria-Hungary, Norway, Sweden, Denmark, Russia, Roumania, and Japan.

China holds a unique position as the only great country which has persistently destroyed its forests. What has been done in other countries stands out in bold relief against the background of China, whose mountains and hills have been stripped nearly clean of trees, and whose soil is in many districts completely at the mercy of floods. Trees have been left only where they could not be reached. Streams which formerly were narrow and deep, with an even flow of water throughout the year, are now broad, shallow beds choked with gravel, sand, and rocks from the mountains. During most of the year many of them are entirely dry, but when it rains the muddy torrents come pouring down, bringing destruction to life and all forms of property. In a word, the Chinese, by forest waste, have brought upon themselves two costly calamities—floods and water famine. The forest school just opened at Mukden is the first step in the direction of repairing this waste so far as it now may be repaired.

The results of deforestation in China are particularly discussed and graphically illustrated in the President's annual message to the second session of the Sixtieth Congress.

CONCLUSIONS.

The great increase in floods in our rivers, together with the increasing property loss and annual loss of soils, shows that in some sections of the country we are rapidly approaching the situation in which China now finds herself. It is not now too late for nature to restore the forests on the mountains, but the time is rapidly coming when it will be. The question of protecting the forests at the headwaters of the streams is a national as well as a state problem. It is not right to expect the State to deal entirely with areas requiring protection when those areas affect chiefly other States. It is impossible for States which suffer from conditions outside their own territory to remedy them by their own action. The mountains of the West are already largely under government protection. So far as they are not protected this bill is applicable to them. It is applicable to all other sections of the United States in which the source streams of the navigable rivers lie in nonagricultural, mountainous regions, and it is believed that it will accomplish the necessary protection to the Southern Appalachians and White Mountains.

If the action which this bill proposes is taken by Congress, it will work out to the great benefit of both agriculture and the manufacturing industries, while to the permanent development of our inland waterways the benefits will be fundamental.

Under the provision of the agricultural appropriation bill approved March 4, 1907, which directed the Secretary of Agriculture to make an investigation of the area and location of lands needing protection by the establishment of forest reserves, the Secretary of Agriculture specifically designated the Southern Appalachian and White Mountains of New England as areas in need of protection. He specifies the lands of the Blue Ridge Mountains of North Carolina and other States, the Allegheny Mountains of Virginia and other States, the Cumberland Mountains of Kentucky and other States, and the White Mountains of New England. He declares that forest reserves must be established in these regions "before the watersheds and important streams are adequately safeguarded."

Now, Mr. Speaker, having discussed the bill as fully as possible in view of my limited time, I have only to add that I believe this measure is consistent with wise public policy and broad statesmanship and that it is for the best interests of the development of my own State, the South, and the whole country. [Applause.]

Mr. SCOTT. Mr. Speaker, I yield four minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, this bill comes as a fitting climax to the talk of economy we have been hearing on each side of the House. I have been one man from the Far West who has not opposed the Forestry Service. I am in sympathy with the general plan of national preservation of our forests, but in this bill we are asked to enter upon an expenditure of money the amount of which no man has stated, and no man will even attempt to guess. Such bills as this must eventually lead to the discredit of the Forestry Service, unless they cease advocating them. In the first place, we appropriate $25,000 annually for salaries, $100,000 for fire protection, $2,000,000 annually for the purchase of forests, and how much it will cost to join with the States and protect state lands or how much it will cost to join with private individuals and protect their lands no one has attempted to tell you. It will amount to many millions annually. Yet all this vast expenditure is placed within the hands of one man—the Secretary of Agriculture—and we have nothing whatever to do with the selection of the lands to be bought or of the expenditure of the money. If we pass one or two bills of this character, we might just as well adjourn and go home and leave the departments to run this Government. By this bill we place our duties upon one man.

This bill rests upon a false foundation. The very most that can possibly be claimed for this bill is that all these expenditures are based upon a disputed state of facts. An attempt has been made to evade the Constitution by placing this bill upon the ground that forests protect stream flow; that forests prevent flood and extreme low water, and erosion, and the filling of streams with silt. I hold here in my hand a discussion of these very subjects by 23 of the leading engineers of this country, and, so far as I have found after a hurried examination, not more than 4 out of the 23 contend that forests have such effect upon stream flow. The vast majority of the engineers of this country and in Europe, the men who should know, contend that forests do not have any such effect. Yet this House is asked, after a debate of an hour on a side, to permit the Secretary of Agriculture to spend countless millions of dollars upon a theory that is disputed by the very men who are the most competent to know. We can not afford, in this hurried way, to give the Secretary of Agriculture such vast power. Certainly we should know the facts. Certainly no man can desire to conceal the truth. The weight of the evidence is that the buying of these lands would not bring the results sought by the bill. If this is true, certainly no man will ask for the expenditure of all these millions under false pretenses. Let us wait until we get the truth.

We are spending enough money where it is necessary without embarking on expenditures of millions simply because somebody advances the theory that if we buy a lot of worthless hills at an exorbitant price and reforest them it will help navigation. There is a strong motive for this contention. Unless this is true, the Constitution stands in the way of the scheme.

Those who favor it should come here not with the preponderance of the material evidence against them, but with clear and convincing proof that they are right. This they have not done.

Public sentiment in this country has been influenced for this legislation by the great power companies who will profit by it. This legislation is for their interest and they have spent millions to bring about its enactment. If this work is necessary, if it should be done, it should be done by the States that are benefited.

[Mr. COLE addressed the House. See appendix.]

Mr. WEEKS. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has thirty minutes remaining.

Mr. SCOTT. I do not like to question the accuracy of the timekeeper, but my recollection is that the gentleman from Massachusetts himself used thirty minutes, or very nearly that.

The SPEAKER. The timekeeper says that the gentleman from Massachusetts used nineteen minutes. The gentleman from Massachusetts has thirty minutes remaining and the gentleman from Kansas forty-two minutes.

Mr. SCOTT. I will yield three minutes to the gentleman from Tennessee [Mr. GARRETT.]

Mr. GARRETT. Mr. Speaker, my objection to this bill is not based on any sectional proposition. I have never in this House uttered a sectional word, but my objection to the bill is based upon its fundamental features. It is a bill which, in my judgment, is predicated upon mingled selfishness and doubt. It is a bill concerning the scientific phases of which there is great disputation.

Gentlemen, eminent engineers have studied the question for years minutely, and among those gentlemen we find grave questions of difference as to the efficiency and efficacy of the remedy here proposed to be applied.

But, aside from that, the extreme extent to which the legal proposition goes would cause me to oppose the bill. If I understand correctly, this bill lays down the principle that the Government can go to a spring that runs into a branch, that runs into a creek, that goes into another creek, that runs into a little river, that runs into a larger river, and reserve and improve that spring for the benefit of navigation. [Laughter.] If that is true and sound as a legal proposition, then the next thing will be for Congress to dig artesian wells at the head of every branch, in order to increase the flow into the creek, that goes into a larger creek, that goes into a river, that flows into a navigable stream, and if, perchance, you can not get the artesian wells, then put down a well and hire men under the civil service to run a pump to fill the stream. [Applause and laughter.] Mr. Speaker, I yield back the remainder of my time.

Mr. SCOTT. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. COX].

Mr. COX of Indiana. Mr. Speaker, as was well said by the gentleman from Tennessee [Mr. GARRETT], this is not a question of State aiding State or the Government of the United States aiding any particular States of the Union, and my opposition to the bill does not arise from any sectional feeling whatever; but I bottom my objection I have against the bill to the policy of the Government of the United States entering into a business of this kind. I recall when the agricultural appropriation bill passed this House it carried with it an appropriation, in round numbers, of $4,600,000 for the purpose of paying the army of inspectors now at work in the Forest Reservation Service of the United States, and should the Government enter upon this policy and buy the 75,000,000 acres of

land, which can be bought, according to the minority report of this committee, what a mighty army of men that will put in the employ of the Government of the United States.

I may also add what an enormous cost it will be to the great mass of the taxpayers of this Government. When the revenues of the United States in round numbers are eighty-five or eighty-six million of dollars below its receipts, is it time for us to enter upon this policy of buying all the waste land in the White and Appalachian ranges for the sole purpose of conserving the forests of the United States or for the purpose of aiding navigation, when that is a very mooted and disputed question as to whether or not it will aid it in the least? For the reason, therefore, that it is going to add untold millions of dollars to the deficit of the Treasury of the United States and add to the pay rolls of this Government a vast army of men for its support and maintenance, and, in my opinion, it is undemocratic, I oppose the bill.

If this bill becomes a law I can see countless thousands of men in the employ of the Government as timber superintendents, timber inspectors, clerks, and a host of others, and the great mass of the people paying the bills for this additional army of government employees. It is objectionable for the reason that it permits the Government to enter into the States and buy up lands belonging to the States or to citizens of States. It is the worst case of an attempt of federal usurpation I ever saw in my life. There is too much of government usurpation already. Let the States do these things, and not forever look to the Government for the doing of the same things which the States ought to do themselves. I am opposed to the bill and hope it will be defeated.

Mr. WEEKS. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. PETERS].

Mr. PETERS. Mr. Speaker, after persistent agitation extending over many years a definite forward step has been taken in the matter of forest conservation and protection of the sources of water supply by the report submitted to the House from the Committee on Agriculture to accompany the bill S. 4825. These recommendations, while falling far short of the hopes of the friends of this movement, show an appreciation of the stupendous importance of action in the direction of putting a stop to the criminal waste and destruction of the watershed forest growth.

INTERESTS OF NEW ENGLAND.

Perhaps no section of the country is more vitally interested in this matter than New England. It is not too much to say that the future welfare and prosperity of the eastern part of the United States, and especially of New England, depend upon the adoption of the policy recommended by the committee. We have seen the powerful streams which furnish the power for our great mills shrink from torrential flows to dwindling, feeble rivulets. Millions in capital are invested along these streams, and hundreds of thousands of workers are dependent upon the regular flow of the streams. The ruthless cutting of the forest covers on the mountain sides threatens the destruction of the great manufacturing industries of our section by making it impossible to secure regularity of power. When measures of this nature were first proposed by farsighted men, it was the custom to sneer at what was regarded as an effort to launch the Government in a policy of scenery purchasing.

Since then, however, there has been a gradual awakening of the public mind to the imminence of the danger to our country from further neglect to conserve these great resources. From every mill owner and agent on the eastern slope of the continent, from every hydrographic engineer and representative of water-power interests, from trades and commercial bodies, chambers of commerce and representative associations of our citizens everywhere has come the warning and the demand. The President has recently sent to the Congress an appeal for this or similar legislation. We all remember the graphic photographs which it contained illustrating the barren wastes of mountain and valley in China, the terrible results of the erosion of the mountain slopes and the destruction of all life where once there had been great forests and fertile valleys. The Chief Forester, a diligent student of the subject, has repeatedly urged this legislation. The Secretary of Agriculture has recommended it in all his reports.

PRACTICAL NEED OF THE MEASURE.

The æsthetic and sentimental side are of great importance, but they might hardly warrant a step of such magnitude as is contemplated. In this matter, however, their importance is secondary to the considerations of a practical nature. The Government will not take this step as an investment in scenery or parks, admirable as I believe such investment to be, but because the forests have other uses than to supply inspiration as things of beauty. We have learned that they shelter the orchards and the fields from the rush of freezing and drying winds; that they keep mountains and hills and slopes from being washed down into the valleys, where they would choke the streams, cover the fertile lands with rocks and gravel, and carry away the soil on which the farmer depends for his livelihood. With the forest living and growing, the mountain slopes are great natural reservoirs, seeping up the rainfall in the spongelike soil and regulating its flow to the streams and rivers as nature intended. With the mountains denuded of their forest growth, the rainfall rushes unchecked into the valleys, carrying rocks and gravel and soil, and the rivers become raging torrents for short periods, and then dry up or run sluggishly until the next rainfall.

Aside from these considerations is that of the enormous losses caused by forest fires, due almost wholly to reckless methods of lumbering, which would be impossible under national forest supervision. For weeks every autumn the air in great sections of our country is thick with the smoke of burning woods and mountain slopes, millions of dollars' worth of property is consumed annually, and the growth which required generations is destroyed in days. Such conditions would be impossible under the provisions of this bill, and adequate fire patrol would be furnished, lumbering operations would be carried on in a scientific way, reforestation would restore the barren hillsides, and dead and waste lumber, always a menace in fires, would be removed.

THE SUBJECT ONE FOR NATIONAL ACTION.

This is a subject of national importance and for national action. States can not be expected to expend large sums for the protection of the sources of a water power which they can not themselves utilize, nor can the States which use the water power reach the sources thereof to protect them. Forest conservation must be regarded as an essential of national prosperity. Its inevitable tendency will be, not to withdraw from use the remaining forests of these mountains, but to insure a never-failing source of lumber and other forest products for future generations, as well as the perpetuation of water power of incalculable value.

Few measures have come before this body this year which have been the subject of so much general understanding or which have met with more general interest and enthusiasm throughout the country than the measure we have before us to-day. Both of the political parties in their last conventions put in their platforms words which specifically approve the plan of forest conservation, a forward step in which this bill endeavors to take.

Mr. SCOTT. I wish the gentleman would quote the language.

Mr. PETERS. I will be very glad, indeed, to do so. I will now read from the Republican platform:

> We indorse the movement inaugurated by the administration for the conservation of the natural resources. We approve the measures to prevent the waste of timber. We commend the work now going on for the reclamation of arid lands, and reaffirm the Republican policy of the free distribution of the available areas of the public domain to the landless settler. No obligation for the future is more insistent, and none will result in greater blessings to posterity. In the line of this splendid undertaking is the future duty equally imperative to enter upon a systematic improvement upon a large and comprehensive plan, just to all persons of the country, of the waterways, harbors, and Great Lakes, whose natural adaptability to the increasing traffic of the land is one of the greatest gifts of benign providence.

That, Mr. Speaker, answers specifically the question the gentleman from Kansas asked me and removes the doubt he attempted to cast on my statement. The Democratic platform says:

> We repeat the demand for internal development and for the conservation of our natural resources contained in previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party; and to that end we insist upon the preservation, protection, and replacement of needed forests, the preservation of the public domain to home seekers, the protection of the natural resources in timber, coal, iron, and oil against monopolistic control, the development of our waterways for navigation and every other useful purpose, including the irrigation of arid lands, the reclamation of swamp lands, etc.

TREMENDOUS INTERESTS DEPENDENT UPON WATER POWER.

Some appreciation of the tremendous interests dependent upon the water power for their existence may be had from a perusal of the figures in the last census, so far as they relate to the States on the eastern slope of the country which would be affected by the pending bill.

In 1900 the aggregate motive power in these States was 11,300,081. Of this total, water power (water wheels only) supplied 1,727,258, or 15.3 per cent, as follows:

Massachusetts	187,848
Vermont	87,615
New Hampshire	112,755
Maine	167,264
Connecticut	71,414
Rhode Island	29,035
New York	368,456
New Jersey	24,958
Delaware	6,326

Maryland	13,778
District of Columbia	369
Pennsylvania	86,223
North Carolina	57,027
South Carolina	35,019
Georgia	40,387

This amount represents only the water power used in manufacturing establishments, and the figures would be swelled greatly by including all the water power actually in use at the present time. It must be borne in mind also that these figures do not cover a large proportion of electric motors driven by current developed by water power. For example, almost all the power developed by the great hydraulic installation at Niagara Falls is electrically transmitted, and consequently is reported as electric power by the manufacturing establishments in which it is used. Many textile plants are operated by electric current from distant generators driven by water power.

In this way a large portion of the water power actually used in manufacturing operations does not appear in the census returns, because it is electrically transmitted and is accounted for in the motors that are reported. It is obvious, therefore, that the use of water power in 1900 was considerably larger than indicated by the amount reported.

The use of water as a primary source of power has undergone a complete transformation in the past decade, both in the methods of its utilization and in the manner of transmitting and applying the power. The practical possibility of transmitting power thus developed over long distances has removed the necessity for building mills immediately adjacent to water powers, often so located as to present serious physical obstacles to economical arrangement and construction of manufacturing plants. This has rendered available many water powers which otherwise could not have been used to advantage, and thus has largely increased the industrial possibilities of many localities where a limited or expensive fuel supply has made the use of steam power impracticable.

In addition to the great textile industry, the wood-pulp and paper manufacturing industries are dependent upon water power.

THE MERRIMAC RIVER.

The Merrimac River, flowing in New Hampshire and Massachusetts, itself illustrates the enormous interests which center about our waterways, and particularly supports the need of action by the Central Government to conserve them, as but one-fourth of the power and resources of that river are within New Hampshire, the State in which it has its source. In the State of New Hampshire there is invested in manufactories along the borders of this river the sum of $38,801,365; there is paid each year in wages to 29,866 operatives the sum of $11,771,103; and the value of the annual product is $44,711,573. In Massachusetts there is invested in manufactories on the borders of the Merrimac the sum of $103,293,793; there is paid in wages to the 63,335 operatives $25,829,825 each year; and the value of the annual product is $114,414,876. A population of 350,000 people along its borders has deposited in savings banks the sum of $143,220,126, and their cities have a real estate valuation of $240,000,000.

The Connecticut River as well, which also has its source in the White Mountains, has located on its borders manufactories employing 28,808 operatives, to whom is paid yearly the sum of $15,120,476 in wages.

THE FOREST RESERVES SHOULD BE NATIONAL.

This bill is demanded for the preservation of the resources of the East and the South. The system of national forest reserves exists already in the West, and I urge upon the Representatives from that section of the country that the system should not be a local one, but that by supporting this bill they should aid in making it a national system. On the preservation of our streams depends the wealth and happiness of no small proportion of the people of the United States. We, in support of this bill, call on the Members to regard the measure not from a sectional view, but from the true, broad view of the best interests of our country, and resting our claim on the merits of the measure, we ask that you give to these people dependent upon the streams for their welfare the benefit of the provisions of this legislation.

[Mr. BEALL of Texas addressed the House. See Appendix.]

Mr. WEEKS. Mr. Speaker, I now yield five minutes to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Speaker, the gentleman from Texas [Mr. BEALL] expresses some surprise at the fact that South Carolina and Massachusetts have joined hands in this "raid" upon the Treasury, as he calls it. I want to say to the gentleman from Texas that he may search the history of this great Nation from Bunker Hill and Kings Mountain up to the present time and he will find Massachusetts and South Carolina joined hand in hand always in every great progressive movement for the benefit of the whole people. [Applause.] We have had our quarrels, we have had our differences, and we have fought them out like men; and when we have submitted them to the arbitrament of the sword and that has spoken, we have reconciled our differences, turned our backs upon the past, and with our faces to the future have marched on along the line of progress, industry, and material development. [Applause.]

We have no apologies for the alliance; we are proud of it. My friend from Missouri [Mr. RUCKER] makes the prediction that this undertaking in the end will mean an expenditure of $900,000,000. I want to call the attention of the House to some predictions made when the Reclamation Service was before the House for consideration. If I had the record here I might read from the statements of the so-called "leaders of the House," where the prediction is made that the Reclamation Service would entail an expenditure of $750,000,000 upon the Treasury of the United States. The fact is, gentlemen, they were bad prophets. The Reclamation Service cost the Government only $45,000,000, and has opened up millions of homes to the American people. My experience here is this: The so-called "leaders of the House," those gentlemen who carry around on their shoulders and in their imagination the destinies of 90,000,000 people, become so oppressed with the weight of their great burden that they cease to move forward any more and spend their energies marking time. [Applause.]

This is a great progressive movement we are undertaking. It is a movement looking to the future. It is a movement that looks beyond our noses, and the so-called "leaders," I presume, continuing their policy of the past, will be found lined up against it. I want to call the attention of the House to the fact that this is the age of young men, this is the age of progress, this is the age of going forward, and this is the first great step in a great conservation movement that has seized upon the good sense, the good judgment, and the wisdom of the wisest and most farseeing men in this country, and the young men of the American people are going to carry this great movement to a successful conclusion, and you might as well bet your last dollar on that proposition. [Loud applause.]

Mr. THOMAS of North Carolina. And, if the gentleman will allow me to say it, it is a movement that will materially benefit the South, as well as other sections of the country.

Mr. LEVER. Under the general leave to print, I wish to submit the following as my views in extenso upon this most important piece of legislation:

The proposed legislation undertakes to bring under federal control and regulation, either by purchase outright or cooperation with the States or individuals, such forested areas of the country as are "located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes," when it is shown that the control of such areas will aid, protect, and conserve the navigability of navigable streams. This bill is before us in response to an almost universal demand from every interest—industrial, agricultural, manufacturing—in every State along the Atlantic seaboard from Florida to Maine. Perhaps no proposition in recent years has met with such a unanimity of indorsement as the idea of the establishment of national forest reserves in States east of the Mississippi River. For many years this effort was confined to the establishment of such reserves in limited areas in the White Mountain and Appalachian ranges, but, as the effect of deforestation has become more and more recognized, as the most important, if not the controlling, factor in the uniformity of stream flow, this bill it will be noticed, is general in its terms, and applies to forest areas wherever located, the protection and control of which will have an appreciable effect in promoting or maintaining the navigability of the navigable streams.

I venture to assert that since the close of the civil war there has not been brought into this Congress any proposition which was of more vital and wide importance than is the one before us to-day for determination. Upon the preservation of the forested mountain lands in the Appalachian Range depends the very industrial life of the South, and this fact is so well recognized by thoughtful and farseeing men, the necessity is so great, the calamity threatened so fearful, and the States and individuals so impotent to deal with it that the Federal Government is called upon to handle the situation in a broad national way. It is a proposition so enormous in its scope, so vital to the well-being of the entire Nation as to make it primarily and necessarily a national rather than a state matter. A great federal duty—the improvement and preservation of our inland waterways and harbors—confronts us, and the Nation is called upon to act.

As a Nation we have had bestowed upon us natural resources in such profligate abundance that their very abundance has made us a profligate Nation. Our boasted prosperity may be measured with reasonable accuracy by the gross wastefulness with which we have used our natural blessings. To put it a little more strongly, it may be said with some degree of truth that our prosperity is but an incident to our wastefulness; that the one has been built upon the other.

We have talked of the past and gloried in it; we live and think of to-day; it has never occurred to us that there is a to-morrow. That nation, as with the individual, that is content with the abundance of the present must in the end be dashed to pieces upon the rock of its thoughtlessness of the future. This bill not only proposes to take care of the present, but undertakes to handle a situation which must become more and more critical in the future. It is the first step in the great conservation movement which has seized upon the judgment of our wisest men and which must grow stronger as it is more fully understood. Every thoughtful man agrees that the time has come when the Nation must take stock, make an inventory of its resources, and live and work to-day with some little thought of the morrow.

Two great political parties have recognized the wisdom of this idea. The Denver platform contains this plank:

We repeat the demand for internal improvement and the conservation of our natural resources, contained in our previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party.

The platform specifically mentions the protection of the national resources in timber, coal, iron, and oil, and the development of our waterways, the irrigation of arid lands, the reclamation of swamp lands, and insists upon the preservation, protection, and replacement of our forests. This broad declaration of party principles should satisfy any Democrat who may believe in the wisdom of this great movement to safeguard our navigable streams by protecting the forest lands at their headwaters, but who, at the same time, may feel some doubt as to whether such legislation squares with the doctrine of his party.

The party has spoken; its voice is emphatic. The Republican platform is equally as emphatic in the matter of the preservation of the natural resources of this country:

We indorse the movement inaugurated by the administration for the conservation of the natural resources. We approve of measures to prevent the waste of timber.

INLAND WATERWAYS GREATEST NATIONAL ASSET.

The greatest asset of this Nation are its rivers and harbors. Since 1802, when an appropriation of $30,000 was authorized by Congress for the improvement of the Delaware River, up to the present time the development of our inland waterways and harbors has been regarded as a national duty, and the appropriations for such purposes have increased from year to year, as commerce has grown and additional transportation facilities have become more necessary. The last river and harbor bill carried an appropriation of approximately $80,000,000, to be used in the improvement, maintenance, and development of nature's transportation lines.

Work of this character was entered upon timidly at first and with great doubt as to the constitutional power of Congress to enter upon it at all. The founders and greatest apostles of Democracy, up to and including the administration of Andrew Jackson, regarded the whole scheme of internal improvements as of doubtful constitutional warrant, although admitting the necessity. How changed are conditions at the present. I presume if the roll of Democracy were called to-day there would not be found one who would question the power of Congress to appropriate for such purposes.

The policy of conservation, improvement, and development of the country's natural resources is the policy of all parties. It has become a great business federal undertaking and appeals as strongly to the business sense of the country as any single problem with which we have to deal. There are strong advocates of the policy of expending upon the improvement of our rivers and harbors the enormous sum of $50,000,000 annually. The support of this idea is so strong that in the near future I expect to see it become a national policy.

Already the Federal Government has made navigable more than 300 rivers, aggregating more than 26,000 miles, thus largely augmenting transportation facilities. Harbors on every coast have been made accessible to commerce, and the sum of $500,000,000 has been used for these purposes.

Forty-one million four hundred and twelve thousand dollars have been expended in making navigable the streams which have their headwaters in the Southern Appalachians, and projects are under way with respect to these same rivers aggregating approximately $70,000,000. This great sum has been expended in dredging and deepening these rivers and harbors. The work up to this time has had to do with the lower stretches of the rivers, cleaning out the silt, straightening banks, building locks and dams, and deepening them, with a view of getting a sufficient depth to carry the commerce of the country. Nothing has been done in the way of conserving the water which feeds these streams.

Until recently the question dealing with the supply streams of navigable waters did not seem a matter of vital concern, and therefore did not appeal to engineers. During the last twenty years, however, deforestation at the heads of navigable streams has made such rapid strides as to press this phase of river improvement upon the attention of those who are interested in the protection and preservation of inland waterways.

It is the almost universal opinion of those who have given the subject consideration that in recent years flood and low-water periods in our streams have rapidly increased, that streams have become more and more silted, making heavy dredging more and more necessary, and it is likewise the opinion of these same experts that these phenomena, these high floods and extreme low waters are the direct results of the rapid deforestation going on at the headwaters of these streams. This bill is predicated upon the idea that there is a most intimate and direct relationship between forests and stream flow. If it can not stand upon this basis, it can not stand at all. That such a relationship does exist appeals so strongly to common sense as to need but little of expert proof to sustain it. That a sponge absorbs and holds water every one knows. The forests provide for the earth a deep humus—sponge—which absorbs and holds the water and uniformly gives it off. From this great sponge and the soft ground beneath it the springs, streamlets, creeks, and the rivers of navigable waters are fed.

Here is nature's great reservoir. This is the common-sense layman idea. If expert testimony is needed, I can fill volumes with such testimony and opinions of the greatest experts in the world in support of the proposition that the uniformity of stream flow bears a direct ratio to the forested areas in which the streams have their origin. I shall not burden the RECORD with these expert opinions, for they will be brought out in the course of the debate. I am content to rest the case upon the common-sense view of the matter—what I see with my own eyes, what I know to be a fact. It is common knowledge that floods have increased in rivers which have their rise in the Appalachians and that low-water periods have gradually increased since the advent of lumbering, tanneries, and pulp mills in this region. The farmer has contributed his part in the denudation which threatens these streams, but the principal danger lies in the operations of the lumbermen, who create a condition most favorable to destructive forest fires. The situation in the southern Appalachians—and I confine myself to this particular region as an illustration of the general idea—is not as yet, let me say in all frankness, critical, but those who see beyond their noses, those who feel some obligation to the future, those who would protect themselves against the calamity which is certain to come unless the processes making for it are arrested, wish to take time by the forelock, to deal with this matter before it reaches a dangerous condition, to preserve the forests which they have now rather than to permit themselves to have to face the problem of a great and expensive system of reforestation when all of these great mountain ranges have been swept clean by the agencies of destruction now attacking them.

SCIENTIFIC INVESTIGATIONS.

Mr. Speaker, without entering into a lengthy discussion of this phase of the subject—the connection between forests and stream flow—I wish to call attention to a few of the conclusions reached through the investigations of the scientific bureaus of our own Government. A careful investigation of the records of the Weather Bureau has been made recently to ascertain whether there is any connection between forests and the uniformity of stream flow, as is claimed by those who favor this measure. The results show that in streams having their headwaters in the Appalachian ranges there has been a remarkable increase in the number of floods during the last twenty years, and there has been a like increase in the number and duration of low-water periods. It is also found that such increases have been in direct ratio to the rate at which the forests have been denuded. Those rivers, the Ohio, Cumberland, Wateree, and Santee, whose watersheds have been the most deforested, show the greatest increase in flood and low-water periods, while those streams whose watersheds have been least changed show the greatest uniformity of stream flow and the least prevalence of floods and low-water periods. Both the Geological Survey and the Forestry Service have given careful consideration to this

relationship during the past year and both have reached the same conclusion, that floods and stream flow have rapidly increased in most of the rivers of the United States, and especially those rivers that are in the eastern mountains, where deforestation has gone on unchecked and is becoming most extensive.

Ten rivers have been selected for such investigations—Potomac, Monongahela, Ohio, Cumberland, Wateree, Savannah, Tennessee, Allegheny, Wabash, and the Red. It has been found that eight of these ten rivers show a greater increase of floods in the last half than in the first half of a period of twenty years. Each of these eight rivers showing increased flood conditions has its headwaters in the Appalachian Mountains, where deforestation has made its most rapid inroads during the same period. For instance, the Potomac River, measured for eighteen years, shows during the first half of the period 19 floods and for the second half 26, while the duration of the floods for the first half was thirty-three and in the second half fifty-seven days. For the Wateree River the measurements cover a period of sixteen years, in the first half of which the number of floods was 46 and in the second 70, and the number of days of flood in the first period was 147 and in the last half 187. About the same ratio prevails for the Savannah, while the Monongahela shows, for a period of twenty years, for the first half 30 floods and for the second 52, and the number of days of flood during the first half was 55 and during the second half 100. A careful analysis of these data is absolutely convincing of the fact that there is a direct and most intimate relationship between forests and stream flow, which every layman understands and about which there can be no doubt except in the minds of experts.

The most elaborate study of any river ever made in the United States has just been completed by Mr. M. O. Leighton, Chief Hydrographer of the United States Geological Survey.

His conclusion is that floods have been increasing, the percentage of increase being 18.75 in the last seventeen years as compared with the seventeen years previous. It is the conclusion of every one of these experts that the reason for the increase in the number of floods and low-water periods and general lack of uniformity in stream flow is due directly to the deforestation of the mountain sheds in which they have their origins. They maintain that the forests act as a sponge to hold the water, and when the sponge is removed the waters rush down in torrents, to be followed immediately by low-water periods.

They have taken the case of the Red River and proven the same theory by reasoning from opposite conditions. On this stream the records have been kept for sixteen years. The number of floods for the first half of the period was nineteen, and for the second half sixteen, while the number of days of flood in the first half was eighty-seven and in the second half sixty. The low-water periods of this river in the first half were forty-nine, and in the second half eight, while the duration of the low-water period was eight hundred and thirty-six days in the first half and two hundred and eight in the second. To make the conclusion irrefutable, examination of the record also shows the diminution of rainfall for this river basin of 1.94 inches per year for the second half, as compared with the first half. What is the cause? There has been no change in either the geology or the topography of the drainage basin, only a change of the soil conditions has taken place.

When these measurements commenced, the drainage basin was, in the most part, large ranches, there being hardly any forests, and the prairie sod had not been broken up. As late as 1900 no more than 14 per cent of the watersheds of the Red River had been improved, but about this time the Indian reservation was thrown open, and settlement and agriculture were begun, the prairie sod was broken up and changed into cultivated fields, thereby increasing the sponge-like character of the soil. The result has been a more uniformity of stream flow following, less floods, and less low-water periods, the very result to be expected in the changed condition of the river basin. What is true of this river is true of every other, namely, that if you increase the storage capacity of any reservoir you decrease in exact ratio the flood and low-water periods, and as you decrease the storage capacity of these natural reservoirs you likewise find an increase in the number of floods and low-water periods. These are conclusions that can not be gotten away from, and they prove our right to ask the Federal Government to preserve the forests, which have a direct influence upon the conservation of the waters that feed our navigable streams.

FOREIGN COUNTRIES.

The principle we are contending for is recognized and acted upon by almost every great government of the world. England in India, Switzerland, Austria-Hungary, Norway, Sweden, Denmark, Russia, Roumania, and Japan are all working out comprehensive plans for protecting forests at the headwaters of their mountain streams. Spain has suffered from destructive floods caused by denudation of forests on her mountain sides, and has in force a system of laws to prevent overcutting. Italy has paid the penalty of her unwisdom in permitting the deforestation of her mountains, while France is paying most heavily for her experience in allowing her forests to be stripped from her mountain sides.

It is said that 800,000 acres of her farm lands have been ruined and her waterways practically destroyed by the torrents which have rushed down from her barren mountains. She is to spend $50,000,000 in a plan of reforestation, $15,000,000 having been expended already upon the plan. The French ambassador evidently had in mind the experiences of his own Republic when in a recent address he put the whole case tersely: "No forests; no waterways." He spoke as a man with first-hand experience, and his words should be a warning to us who are about to permit the same disaster to overtake us. Germany stands first among the nations of the world in inland waterway improvements and development, and it is a significant fact that she also stands first in the preservation and protection of her forests. For more than a hundred years the German Government has regulated her forests, which now furnish a large revenue. In striking contrast to the wise and far-seeing policy of the German Government in this respect is the stupidity of China, whose mountains and hills have been bared of their forests with the result that streams which formerly carried an even flow of water are now either entirely dried up or when not dry, great torrents rushing down upon the lowlands, carrying destruction to life and property. The Chinese policy of taking care of the present with no thought for the future, her policy of wastefulness, has brought about two inevitable results—great floods and great water famines.

History is of little value to mankind unless it is made to guard us against unwise policies and point us to the pathway of wise legislation. In the eastern half of this country we are pursuing without thought the pathway of China, France, Spain, and Italy in leaving our great forest areas to the mercy of those who think only of their own selfish interests.

WESTERN FORESTS.

It must be understood that we are not entering upon a new policy. The Government is already irrevocably committed to the idea of forest preservation. Approximately 170,000,000 acres of lands in the West are under federal control. This represents a national asset of more than one and a half billion dollars. We are appropriating annually from two to three million dollars for the improvement and proper control of this great domain, and let it be understood that the whole forest policy of the Government up to this time is predicated upon the idea that the forests will conserve the water supply of the navigable rivers, aid the irrigation and reclamation work, and preserve at the same time the timber supply. It is therefore not a new policy, either the preservation of the forests or the idea that the forests have an appreciable bearing upon the stream flow. It is written in the statutes of the country; it is a part of the well-defined plan of conserving the natural resources of the Nation.

PRECEDENTS.

It is argued that these lands were public lands and that the Government did not have to buy in order to preserve them. It is claimed that there are no precedents for the policy of buying lands for special purposes except, of course, in a few well-known cases. I wish to call the attention of the House to the fact that we are to expend, according to the estimates, the sum of $45,580,000 for the reclamation of the arid and semi-arid lands of the West. We are to-day expending at the rate of almost $1,000,000 per month in this work, in the digging of canals and the construction of reservoirs.

The argument that the reclamation work is done on lands belonging to the Government, while the lands to be acquired under the terms of this bill must be bought, does not hold, for it is a matter well known to everyone that the Government has found it necessary in many cases to buy additional land in 12 of the 16 States and Territories included in the reclamation project. Already the sum of $554,000 has been paid for such lands. If the Government can buy land for irrigation purposes, why the objection when we of the East, to preserve the navigability of our navigable streams, ask that an appropriation be made for the buying of forests as a means to this end? Not only has the Government bought lands in the West, but by two acts, 1905 and 1906, the operation of the reclamation act was extended to the State of Texas, where there is no government land. The Government has even gone to the extent, in the pursuance of a high sense of justice, to furnish water for irrigating 25,000 acres of

land in Mexico, at an estimated expense of $1,000,000, and a treaty has been signed between the two countries to that effect. The reason for this action upon the part of our Government is because the citizens of Colorado use some of the water which flows on down to Mexico, with the result that the Mexican supply has run short. If in carrying out our sense of duty to a foreign nation, we can expend a million dollars, is it too much for us to ask that some appropriation be given by the Government in the discharge of its duty to its own people?

OTHER CASES.

I wish to call the attention of the committee to other cases analogous to the one under consideration. It is not an entirely new thing for the Government to improve the headwaters of navigable streams with a view of improving their navigability in their lower stretches. As far back as 1880 a project was put on foot for building reservoirs and dams at the headwaters of the Mississippi River, and in pursuance of that plan $1,885,000 have been expended.

The truth is that the time has come when army engineers must recognize that it is cheaper and better to control the mouths of rivers by controlling first their headwaters than it is to go on with the present endless-chain system of dredging. What sense is there in a policy of digging out a river when it is well known that the very next flood which comes down from the mountain sides barren of forests will bring down its load of silt and débris? Is it not wiser and more economical in the end to prevent the river from filling up by carefully guarding its headwaters than it is to go on and on indefinitely dredging and cleaning it out?

INCIDENTAL BENEFITS.

I have discussed the effect that deforestation must have upon navigable streams, and have shown how the preservation of the navigability of our streams having their origin in the mountains must depend for the future upon a policy which looks to the preservation of these forested areas. I have tried to show the benefit which must accrue from the preservation of the forests to the improvement and maintenance of our navigable streams. I feel that the appropriation asked for in this bill is justified by such benefits.

But it is fortunate that in the accomplishment of the main purpose of this bill there will follow certain collateral advantages quite as important as the main purpose.

FLOOD DAMAGES.

It is a fact worth our attention in this connection that flood damages in the United States have increased during the last seven years from $45,000,000 to $118,000,000. Such damages have been greatest on rivers whose watersheds show the greatest deforestation. For example, in the Congaree River, which runs through the district which I represent, the floods during the last fifteen years have increased 94 per cent in number and 113 per cent in duration, while in the Savannah River during the last thirty years the increase in number of floods has been 94 per cent and in duration 266 per cent. During the past year the greatest floods in the history of my State occurred. Millions of dollars of property consisting in bridges, railroad trestles, dams, farm products, and the like were lost. Great cotton mills and manufacturing industries dependent for power upon these streams were closed for weeks for repairs. Thousands of their employees were left for months without work. The tenant farmers in the lower parts of the State, who lost everything they had in this great flood, were driven almost to the point of starvation and became entirely dependent for months upon charity. The damage of this one flood to this one little State can not be estimated. It must be borne in mind in this connection, too, that these streams rise in the largely deforested areas of the Southern Appalachians.

Of course it is not contended that this flood would not have happened if the watersheds in these great areas had been covered with virgin growth, but I do contend that such a condition would have decreased the damage. Floods will happen as long as excessive rains fall, and all we contend for is that the forests have such an important and direct regulative influence as to be worthy of our attention in dealing with a great scheme such as is the improvement and preservation of our inland waterways.

WATER POWERS.

The South is vastly rich in her magnificent and unequaled water powers. Her future industrial development is largely dependent upon them, and her possibilities in this direction are almost unlimited. It is in this section that the greatest development of water power in the whole country is taking place, and as fuel grows more and more costly and coal becomes more and more exhausted, water power will become more and more in demand. The present rental for water power is $20 per horsepower per year, and this is a low average. Its value, however, can not be estimated, but will depend upon the price of fuel power, which will constantly increase, and therefore give a greater demand and a higher value for water power.

The United States Geological Survey estimates a minimum of 2,800,000 of horsepower development for rivers having their headwaters in the Southern Appalachians, and the same authorities estimate that at least 50 per cent of this estimated power is available for development. These figures indicate a minimum horsepower; but if auxiliary power were provided, it is estimated that it would be possible to develop up to two and one-half times this amount. Taking 50 per cent of the minimum indicated horsepower developed by these rivers at a rental of $20 per horsepower, the yearly return or value would amount to $28,000,000. The development of this power has just begun. About ten years ago the transmission of electrical energy over long distances became an accomplished fact, and since that time water powers have come to be in great demand. The largest cotton mill in the world—the Great Olympia, located at Columbia, S. C.—uses the Congaree River for its power through this new plan of electrical transmission. I expect to see the day when the water powers of the South will be used to operate every mill, light every city, town, and village, drive every train and boat, and operate every industry. The power exists; it is only for us to develop and use it. In connection with water powers, it must be borne in mind that the uniformity of stream flow is the greatest consideration, as it is also the most important consideration in navigation. Here I desire to quote from a most eminent authority:

> The valuable water resources of this region depend absolutely upon the maintenance of a protective forest cover. Without this forest cover, the water power of the region can never be developed to the full, and in the same way the navigable streams can not be kept from silting up if the forest cover about their headwaters is removed. The protection of these forests is a great undertaking, but it is necessarily a first undertaking since it is fundamental to the development and utilization of the water resources.

If there were no other purpose in this bill than the preservation of the forests in the Southern Appalachians for the preservation of the water powers of this section, the appropriation contained in it would be amply justified.

MANUFACTURING.

Mr. Speaker, in the three States of Georgia, North Carolina, and South Carolina there are 178 cotton mills dependent for their power upon the streams rising in the Southern Appalachians. These mills represent a total capital of $41,000,000, with a yearly product of over $70,000,000 and a consumption of 900,000 bales of cotton and the employment of 60,000 people. It is the duty of the Government to protect these great industries so vital to the entire Nation.

HARD-WOOD SUPPLY.

The statement is made in the report of the Secretary of Agriculture on the "Southern Appalachian and White Mountain watersheds" that—

> The valuable hard-wood supply hinges upon the control of the Appalachian Mountains.

It is also said in this report that at the present rate of cutting that hard-wood supply of the country will be exhausted in the next sixteen years.

The four hard-wood centers of the United States have been the Ohio Valley, the Lake States, the lower Mississippi States, and the Appalachian States. In 1899 the States of Ohio, Indiana, and Illinois produced 25 per cent of the hard wood of the country, but in 1906 they produced only 14 per cent, and Ohio and Indiana show a falling off of 50 per cent. What little hard wood remains in this once great center of this industry will be used up within a few years by the hard-wood establishments, which are now pressed to the limit for supplies. In the three Lake States there was less hard wood produced in 1906 than in 1899, showing that their maximum production had been reached, and that for the future there must be a rapid decline. The same situation is true of the Mississippi Valley. The only hard-wood region left to the country, upon which it must depend for the future hard-wood supply, is the Appalachian region. In 1906 this region produced 48 per cent of the hard-wood supply of this country, and the hard-wood-using industries look to this region for their future supplies. It is estimated that, including the mountains of Pennsylvania, New York, and the New England States, there are 75,000,000 acres of land adapted to hard-wood growing, and yet only from 12 to 15 per cent of this area is covered with virgin timber. It is therefore evident that we are face to face with a hard-wood famine unless legislation is enacted to prevent the indiscriminate destruction of the supply.

This is a matter of vital concern to the whole Nation. Great sums of capital are invested in industries dependent entirely upon the hard-wood supply. Hundreds of thousands of people

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are employed in this industry, and yet we have taken no thought of the morrow. We have permitted self-interest to drive us to a point where we must act or face a famine.

CONCLUSION.

In conclusion, therefore, this bill undertakes to protect the hard-wood supply of the country; to prevent the enormous flood damages and preserve the water powers and the industries and people dependent upon them; to protect the agricultural lands from overflow; and to preserve the navigability of the navigable streams of the country, which are so necessary to its future growth and development. As stated in the beginning of my remarks, I believe that no proposition of greater importance has engaged the attention of this body since the civil war.

Mr. MONDELL. Mr. Speaker, in the very brief time allotted to me it is impossible to point out the many objections I have to this bill. I think it is one of the most vicious measures that has been presented to this House since I have been a Member of it, namely, a proposition to improve privately owned water powers by the expenditure of federal cash; to purchase millions of acres of worn-out and cut-over timber lands with the people's money; to establish federal landlordism over great areas.

The gentleman from South Carolina [Mr. LEVER] compares this to the reclamation policy. I would remind him that there is no analogy between the two policies.

Under the reclamation law no expenditure is made that is not reimbursable; no private property is improved except as an incident of the improvement of public property; and all of the expenditures must be repaid and are being repaid by those who are benefited.

The reclamation law makes homes on lands now worthless; this bill proposes to return to the wilderness lands now occupied. The reclamation law seeks to reduce the area of the land over which the Government is landlord; this bill seeks to increase the area of government landlordism. The reclamation law seeks to improve government property so as to make it usable by the people, and provides for its transfer to the people; this bill proposes the acquisition of private property, to be perpetually held and administered by the Government. The reclamation law at the expense of individuals conserves and regulates water supplies in a manner beneficial to the public at large; this bill proposes, at the expense of the Government, to attempt to conserve, regulate, and control waters for the benefit of private individuals.

In the general discussion of the measure here and elsewhere much is said of the necessity, importance, and propriety of the Federal Government embarking upon a scheme of this kind in the interest of navigation, but it will be noted that the land which it is proposed to first acquire is at the headwaters of streams used principally not for navigation, but for water power, and that many of the alleged facts and figures or arguments in behalf of the proposition relate to the alleged benefits by the proposed expenditure of the people's money to private owners of water power.

In the twelve years of my service in the House I have known of no measure that was backed by such a powerful, persistent, and effective lobby of private interests as this. No doubt the sensibilities of some gentlemen will be shocked by this statement, and I hasten to assure all such that it has been a most eminently respectable lobby, a lobby that has influenced a vast number of well-meaning, high-minded people; which has had the support of influential, high-class magazines and newspapers; for, like most lobbies that are really effective, the arguments of this lobby as addressed to the public at large have been ingeniously devised to appeal to the disinterested and public-spirited citizen, who can always be depended upon to approve projects asserted to be for the public good, and who generally has not the time or opportunity to learn of the private interests to be served.

If the owners of water power in New England desire to have their power improved, they should, through their States or locally or individually, pay for that improvement and not attempt to unload the burden on the Government, and the same statement applies to the owners of water power along the southern Atlantic coast.

I presume it is scarcely worth while to remind the brethren who are clamoring for this legislation that it is unconstitutional, for why regard the Constitution when the consideration of the declarations of that document would prevent the expenditure of public money for private benefit?

Much as I am surprised that the gentlemen on this side of the aisle should propose this scheme of federal landlordism and bureaucracy—this proposition to establish federal control over great districts within States—I should be even more surprised at the gentlemen on the other side who favor this legislation, and who claim to be special champions of local self-government and states rights, if my experience had not enlightened me to the fact that those who shout loudest and most frequently in defense of the principle of local self-government are the first to abandon it when an appropriation is in sight.

Of course nobody is fooled by the claim that the expenditure authorized by this bill is all that is contemplated for the purchase of private lands for forest reserves. Even the millions the expenditure of which is herein contemplated would not buy sufficient territory to affect the navigation of any navigable stream to any appreciable degree, even on the basis of the most extravagant claims that have ever been made as to the effect of timber preservation on water conservation.

The amount of land that could be purchased by the appropriation contemplated by this bill would not even cover any considerable portion of the watershed of any one of the streams the mill owners on which are endeavoring to secure the aid of the Government in the improvement of their water power.

This is but the opening wedge; and these expenditures once inaugurated, the pressure from owners of worn-out and cut-over timber lands to unload them upon the Government and the demand of the owners of water power to have them improved at government expense would be so tremendous as to lead to unending expenditures of enormous magnitude.

Appalling as the prospects of future raids upon the Federal Treasury are, if this policy of buying lands and creating forest reserves is once inaugurated, that feature of the situation is, after all, the least alarming and dangerous. The fact that the system is in direct conflict with the theory of our Government and genius of our institutions should give us even more alarm than the danger of wasteful, improper expenditures, for if the policy contemplated should be established on any scale that would be of appreciable benefit in the regulation of streams furnishing water power, it would create a system of federal landlordism and of interference with local control and local jurisdiction that would utterly change the form of our Government within the regions affected.

I purposely refrain from an inquiry as to what would happen if the attempt were made to extend this system sufficiently to have any effect upon navigation, for two reasons: First, because of the fact that the ownership of all of the mountainous watersheds of the country by the Government would probably have no effect worth mentioning on navigation; and, second, because the claim that this policy is in the interest of navigation is so plainly a subterfuge that it fools no one who has given the matter any serious consideration.

The fact is that the presence or absence of timber upon the watersheds of streams has comparatively little to do with their volume or the regularity of their flow or with the amount of silt which they carry, though of course it is a fact that the cultivation of lands has an effect upon the silting of streams, and it is no doubt true that if the Federal Government owned all of the land at the headwaters of the Connecticut and the Merrimac and at the headwaters of the rivers of the Carolinas and could afford to and did prevent cultivation on any lands at the headwaters of these streams or along their course, there would be a trifle less silting, and therefore the dams which furnish water power would not be troubled with silt as much as when the land is cultivated to a considerable extent. But I assume that no one will claim that the Federal Government ought to attempt anything of the sort, though that is exactly the policy which this bill proposes to inaugurate; and not only that, but in the hearings before the committees and in discussions on the matter it is made very apparent that after the Government has reserved the watersheds the owners of water powers expect the Government to build storage reservoirs, all of which would be very lovely from the standpoint of the owners of water power, but a trifle hard on the other people of the country. The fact is that private interests are using, on behalf of this legislation, every healthy sentiment in favor of conservation to pour water upon their particular and individual mill wheels.

It is natural, right, and proper that we should look to resonable preservation of our forests and to reasonable protection of our watersheds. In the main it should be done by the States, and there would be no difficulty in the various States accomplishing it if they were willing to pay the price.

It is very doubtful whether there is any authority under the Constitution for the Federal Government to even aid and assist, by general investigation, research, and so forth, in the preservation of woodlands, but this doubt has already been resolved in favor of that being done to a reasonable extent, and no one has any objection to that character of work being carried on.

It has of recent years become quite a habit to unload upon the Federal Government projects that ought to be borne by the people locally and by the States. The claim that the

Federal Government must establish forest reserves in the White Mountains and eastern Appalachians because the problem is an interstate one is simply another way of saying that as the people of New Hampshire will not spend their money to protect the water power of Massachusetts, the people of all the States ought to do it; that because the people of certain of the South Atlantic States do not desire to expend their money for purposes which will be helpful to the people of another State, as well as themselves in the improvement of water power, that therefore the people of all the Nation should pay for such improvement.

No more brazen demand for the use of public money for private benefit has ever been made in the history of the world. There is nothing in the way of the people of two or more States entering into an arrangement whereby projects beneficial to their people may be carried on jointly, and certainly there is no reason why the mill owners along the lower course of certain streams should not unite to build storage reservoirs along the headwaters of such streams to regulate stream flow, except their natural disinclination to spend their own money in protecting their property so long as there is any hope of having the public money spent for that purpose.

The fact is that the indefensible system of using public money for a considerable class of so-called "river and harbor works" has so accustomed certain of our people to government expenditures in aid of private interests that they take quite naturally to this additional step in the direction of laying burdens upon all of the people for the benefit of the favored few.

The fact that it violates the Constitution, threatens the establishment of federal control in a manner that would have been repulsive and shocking to the last degree to the founders of the Republic, appears to give no pause whatever to the lobby which, under the guise of a disinterested desire to serve the public interest by conservation, seeks a monumental raid on the Treasury in the aid of a few private interests.

Mr. ENGLEBRIGHT. Mr. Speaker, this bill is based upon a proposition that for the purpose of controlling flood waters and improving the navigability of streams it will be good business policy to expend a large amount of money to purchase lands for forestry purposes. On a proposition of expending $19,000,000 for such a purpose it should be considered what the actual effect, if any, will be had on the streams tributary to the lands to be purchased, and how far this will be a wise expenditure of government funds. The advocates of this measure so far have failed to show in the slightest degree what will be the effect favorable to the control of flood waters or the navigable streams as to any probable actual results.

In the brief time at my disposal I desire to call your attention to a single point, that if this money is spent for the construction of reservoirs in proper places, that for the amount of money to be expended, water can be stored and used to the improvement of the low stage of water of the streams to a definite purpose and known possible result. And if you make careful calculations and estimates, you will find that reservoirs can be constructed and water stored that would cover all the lands proposed to be purchased to a depth of from 6 to 9 inches, water that would be available for all purposes proposed to be covered in this bill. There is not a Member who has spoken in favor of this bill who has been able to show by any authority that this measure would accomplish even a small percentage of such a result, so that the expenditure of money on the theories proposed is of a purely sentimental nature, and not warranted as a business proposition.

Mr. SCOTT. Mr. Speaker, I yield three minutes to the gentleman from Iowa [Mr. HAUGEN.]

Mr. HAUGEN. Mr. Speaker, it seems that before embarking upon a gigantic scheme like the one proposed in this bill we ought to have some information in order that the matter might be considered carefully, honestly, and intelligently. Up to the present time we have no official information except that furnished by the Secretary of Agriculture. It recommends the purchase of 6,000,000 acres. It further states that it will be necessary to protect 75,000,000 acres, and I conclude, from reading this report, that it will be necessary to purchase all of the 75,000,000 acres.

The gentleman from South Carolina [Mr. LEVER] has estimated the cost at $900,000,000. But, in my judgment, his estimate is low. If 75,000,000 acres of land is to be purchased, if the price is $10 an acre, it will amount to $750,000,000. But the report states that much of this land is worth from $75 to $125 an acre.

Besides, there are large plants involving an expenditure of hundreds of thousands of dollars, and the cost of these plants must be taken into consideration in the purchase of these lands. Nobody seems to know what it is going to cost in the end. It is stated in this report that these lands are owned in large tracts, and the owners of them are unwilling to sell the lands except for high prices. So I repeat that before we engage upon a gigantic proposition like this we should first have information; we ought to investigate, that we might know in advance the probable cost. It seems to me that it is the part of wisdom, the part of good judgment, and the part of common sense and business foresight that we should have detailed and accurate information, some data and reliable estimates, in order that we might know whether it is going to cost $100,000,000 or $1,000,000,000. I fear before we get through that it will cost more than $1,000,000,000.

Mr. Speaker, time will not permit my going into the merits or demerits of this bill, hence I will content myself by having inserted in the RECORD my views as set forth in the minority report.

VIEWS OF MR. HAUGEN.

Before entering upon such a gigantic scheme as is contemplated in the proposed bill, one which in the end, in all probabilities, will involve the expenditure of not millions but billions of dollars, Congress should have detailed and accurate information in order that the matter might be carefully, fully, and intelligently considered. It should at least have data or reliable estimates as to the probable cost, the number of acres that should be purchased for the preservation of the forests within the watersheds of the navigable rivers not only in the White Mountains and the Southern Appalachian Mountains, but over the whole country. The only official information available at the present time is that obtained under the act of Congress of March 4, 1907, which "requires the Secretary of Agriculture to investigate the watersheds of the Southern Appalachian and White mountains and to report to Congress the area and natural conditions of said watersheds, the price at which the same can be purchased by the Government, and the advisability of the Government purchasing and setting apart the same as national forest reserves for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation."

In this report the Secretary recommends that the Government acquire an area of about 6,000,000 acres at once, and states that an area of about 75,000,000 acres will have to be given protection. The Secretary has this to say (p. 32):

"It is an enormous undertaking to bring this immense area of 75,000,000 acres under proper conditions of protection and use. If the Government owned the land, the problem would be a comparatively simple one under our present forest policy."

I conclude from this that it is necessary to purchase the 75,000,000 acres to begin with. As to the method of acquirement and cost of lands the Secretary has this to say:

"WHITE MOUNTAINS.

"The timber lands of the White Mountains are in the main held by a few large companies, nearly all of whom are cutting extensively on the spruce stands for pulp or lumber manufacture. The plants of some of these companies represent an investment of several hundred thousand dollars. Manifestly, in negotiating for these lands, in so far as they bear uncut timber, the value of the plant must enter into the consideration. In addition, the stumpage value of spruce ranges from $4.50 to $6 or $7 per thousand. This would give the best stands a value of $75 to $125 or more per acre.

* * * * * * *

"The hard woods of the White Mountains, of which there is a large area, have not the value of spruce, nor are they as yet being extensively cut. Their stumpage value is from $2.50 to $4 per thousand, depending upon location, stand, and quality.

"The cut-over lands have a value ranging from $1 to $6 or $8 per acre, depending upon the condition of the timber growth upon them.

"The question of the acquirement of timber lands by the Government has been considered with the principal owners of the region. While unwilling to dispose of their virgin timber lands, except at very high prices, they are willing to consider the sale of their cut-over lands, the lands lying too high for lumbering, and the mountain tops.

"A careful study of the situation leads to the conclusion that most of the lands of these classes can be bought at an average price of $6 per acre.

"SOUTHERN APPALACHIAN MOUNTAINS.

"In the Southern Appalachians the timber lands are owned by large companies to a less extent than in the White Mountains, but even here as much as 50 per cent of many localities is under such ownership.

"Timber-land owners in the Southern Appalachians are generally inclined to sell their lands to the Government at a reasonable price, regardless of whether the lands contain virgin timber or are cut over. Furthermore, many of them are favorable to the transfer of their lands, themselves retaining the right to cut and remove certain kinds of timber above specified sizes.

"In considering the practicability of the Government's purchasing land for national forests in the Southern Appalachians conference has been freely had with timber-land owners, lumbermen, real-estate dealers, and title examiners. Moreover, attention has been paid to the sales which have been made during the past two years and the prices which have been paid.

"The price of virgin hard-wood land varies from $5 to $12 per acre, depending on accessibility and kind and quality of timber. Cut-over lands are worth from $2 to $5 per acre, their value likewise depending upon their location and the condition of the timber growth upon them."

From this report, or any other information available, who can figure out of the probable outlay of money? No data are furnished as to the number of acres of the $75 and $125 per acre land. There are no data as to the number of plants. All that is known is that some of these lands are valued at from $75 to $125 per acre, and that there are plants there representing an investment of several hundred thousand dollars, and that the value of the plants must enter into the consideration. No data are given as to the number of acres of hard wood, except that there is a large area. No data are given as to the number of acres of cut-over land, valued at from $1 to $8 per acre, except that it is believed that most of the land of these classes can be bought at an average price of $6 per acre.

Suppose the average price of all the 75,000,000 acres to be purchased in this region is $20 per acre, it would mean an investment of one and one-half billion dollars, an amount more than six times the cost of the building of the Panama Canal, or nearly twice the amount of our present interest-bearing debt, or four times the value of the total annual products of the Iowa farms.

The Secretary reports that these timber lands are in the main held by a few large companies. This means large prices. Besides, the Government generally pays more for what it buys and will have to pay larger prices than would have to be paid by individuals in purchasing the same lands.

The Secretary reports that the principal owners of lands are unwilling to dispose of their virgin timber lands, except at a very high price; that the cut-over lands, lands lying too high for lumbering, and the mountain tops—or, in other words, only such lands as are not needed or desired for this or any other purpose—are offered for sale.

Considering the Secretary's report and the fact that the purchase of the 75,000,000 acres, involving an expenditure of probably over a billion dollars, is probably only a small part of the land necessary to be acquired, as undoubtedly enterprising and patriotic real-estate owners in other parts of the country would be willing to unload their lands onto the Government, especially when the price is to be very high, and will insist that there be an equitable distribution of these billions of dollars; and considering also the enormity of the whole proposition, is it not the part of wisdom, common sense, and sound business judgment first to obtain detailed, accurate, and reliable information in order that a comprehensive, well-devised, and practical policy may be worked out and followed?

Considering also that the proposed bill is an entering wedge to such a gigantic proposition, I feel constrained to dissent from the views of the majority, and believe that for the present H. R. 21986, passed the first session of this Congress, is the proper legislation. Its provisions are clearly set forth in Report No. 1700, a copy of which is appended.

GILBERT N. HAUGEN.

[House Report No. 1700, Sixtieth Congress, first session.]

The Committee on Agriculture, to which was referred House bill 21986, has had the same under consideration and reports as follows:

At the beginning of the present session a number of bills were introduced and referred to the Committee on Agriculture having for their general purpose the purchase of certain tracts of land in the White Mountains and in the Southern Appalachian Mountains with a view to preserving the forests on said lands and conserving the flow in the rivers having their sources therein. The committee considered its most pressing duty to be, first, to prepare the appropriation bill for the Department of Agriculture. Before the consideration of this bill had been completed a resolution was introduced by Representative BARTLETT, of Georgia, providing that the bills above mentioned, commonly known as the "White Mountain" and "Appalachian Park forest-reserve" bills, be referred to the Committee on the Judiciary, with the request that that committee render an opinion as to the constitutionality of the proposed measures. This resolution was adopted by the House, and the bills were referred accordingly. Pending the report of the Committee on the Judiciary the Committee on Agriculture was of the opinion that it could not properly give consideration to these measures.

On April 20, 1908, the Committee on the Judiciary rendered an opinion to the effect that the United States would have no right to purchase lands for the purpose of creating a forest reserve, but that Congress might appropriate for the purchase of lands having a direct and substantial connection with the navigability of navigable rivers. As a result of this decision, Representatives who had introduced the bills which had been referred to the Committee on the Judiciary modified and reintroduced them, and they were again referred to the Committee on Agriculture, which took up the consideration of them at the earliest possible date. After hearing testimony and considering the bills for several days it became evident that the committee, with the information then before it, was unwilling to favorably recommend any measure committing the United States to the policy of purchasing forest lands. The whole matter was therefore referred to a subcommittee, with instructions to recommend to the full committee such action as it was deemed proper to take. As a result of the deliberations of this subcommittee, the bill H. R. 21986 was reported to the full committee, and by its action is herewith reported to the House.

It is a matter of common knowledge that the forests in the White Mountains and in the Southern Appalachian Mountains are being rapidly destroyed, and the desirability of preserving what remains of them, or at least of introducing methods of lumbering which will prevent the destruction of immature timber and will protect the forests from fire, is universally conceded, not only for the perpetuation of the timber supply, but also for the conservation of the flow of water in the streams having their source within these forests. The problem as to how this desired end should be reached has been widely discussed and has awakened profound interest throughout the entire country. As a result of this discussion, four distinct methods have been suggested.

First. It has been held by many that the problem was one belonging exclusively to the States concerned. Those holding this view have argued that the Federal Government has no constitutional authority to purchase lands for the purpose of conserving the forests upon them, even though such preservation may conserve the supply of water in navigable streams. They hold that the matter is one over which the States have exclusive jurisdiction, and that if the right exists it is the duty of the State to assume the responsibility of meeting it.

Second. Another view is that while it is neither the right nor the duty of the Federal Government to purchase the forests it may properly cooperate with the States or with private owners in their preservation by furnishing expert advice and assistance in their proper utilization and administration.

Third. Still another view is that when it is shown that the forests of a given watershed have a direct and substantial connection with the navigability of the navigable rivers flowing from that watershed the Federal Government has the right to exercise jurisdiction over the forests therein, although they remain in private ownership, and prescribe the method which shall be followed in utilizing the forests within such watershed.

Fourth. The last, and doubtless the most generally advocated plan, proposes that the Federal Government shall buy all the land that may be necessary to protect the watersheds of navigable rivers and exercise over the forests growing upon them all the rights and privileges of absolute ownership.

The bill now before the House was drawn with a view to meeting, in a measure at least, each of these four proposed plans. The first section proposes to give the consent of Congress to each of the several States of the Union which may wish to do so to enter into such agreement or compact, not in conflict with any law of the United States, as it may deem desirable or necessary, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact. It has been often urged, by those who insist that the Federal Government should purchase the forests under consideration, that the problem is interstate, and in view of the constitutional inhibition against a State entering into any agreement or compact with another the proper treatment of the problem is made impossible to the States alone. If section 1 of this bill becomes a law, this obstacle to cooperation between and among the States will be removed.

Section 2 of the bill appropriates the sum of $100,000 to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, by supplying expert advice on forest preservation, utilization, and administration, and upon reforestation of denuded areas. It also authorizes the Secretary of Agriculture to enter into agreement with the owners of any private forest lands situated upon the watershed of a navigable river to administer and protect such forest land upon such terms as the Secretary of Agriculture may prescribe. It is believed that under the authority given in this section many thousands of acres of forest lands will be brought as effectually within the jurisdiction of the United States for all the purposes of scientific forestry as if these lands were actually owned by the Government.

Section 3 of the bill provides for the appointment of a commission to be composed of five Members of the Senate, to be appointed by the presiding officer thereof, and five Members of the House of Representatives, to be appointed by the Speaker.

Section 4 makes it the duty of this commission to investigate all questions tending to show the direct and substantial connection, if any, between the preservation of the forests within the watersheds of the navigable rivers having their sources in the White Mountains and Southern Appalachian Mountains, and the navigability of said rivers. And in case the commission shall determine that such direct and substantial connection exists, it shall then be its duty to ascertain to what extent, if at all, it may be necessary for the Government of the United States to acquire land within the watersheds referred to, the number of acres of such land, and the probable cost, or whether it may be desirable, if within the power of the United States to exercise, without purchase, such supervision over such watersheds as may be necessary to conserve the navigability of the rivers proceeding therefrom.

Under the provisions of this section all the questions arising out of the proposal that the Federal Government purchase the forests or that it exercise jurisdiction over them without purchase may be carefully studied and fully considered. It is true that by an act of the last Congress the Secretary of Agriculture was authorized to report and did report upon the watersheds of the Southern Appalachian and White mountains, the purpose of the report being to present to Congress "the area and natural conditions of said watersheds, the price at which the same can be purchased by the Federal Government, and the advisability of the Government purchasing and setting aside the same as national forest reserves for the purpose of conserving and regulating the water supply and the flow of said streams in the interest of agriculture, water power, and navigation."

Without intending any reflection upon those who prepared this report, it may be fairly said that it does not present such detailed and accurate information as any careful business man would insist upon having before entering upon a policy which was to involve the expenditure of many millions of dollars. It does not indicate the extent of the navigable portions of the rivers whose navigability it is desired to protect nor the value of the forests upon them. It presents no data showing to what extent, if at all, the volume or the steadiness of stream flow has been influenced by the destruction of the forests. It shows in only the most general way the location, area, and probable cost of the lands it is proposed to purchase.

While it recommends (p. 37) that the Government acquire an area of 600,000 acres in the White Mountains and 5 000,000 acres in the Southern Appalachian Mountains, it states also (p. 32) that an area of 75,000,000 acres will have to be given protection "before the watersheds and important streams are adequately safeguarded," suggesting the thought that while less than 7,000,000 acres are to be purchased at once, 75,000,000 acres must ultimately be acquired if the watersheds of the important streams are to be "adequately safeguarded." Your committee is of the opinion that if a commission of 10 members of the legislative body, responsible to their constituents and to the country for whatever report they may make, is directed to investigate the subject, the information presented in its report will be sufficiently comprehensive and exact to enable Congress to intelligently legislate upon the subject. The commission is given authority to employ experts and such clerical assistants as may be needed, and is required to report to the President not later than January 1, 1909.

Believing that this bill, by opening the way for the States to cooperate with one another, puts it within their power to contribute much to the solution of this important problem; that the provision it makes for cooperation between the United States, the States, and private owners of forest lands must contribute greatly to the rapid extension of scientific forestry; and that by means of the commission for which it provides the most careful study of the whole problem with a view to future legislation is made possible; and that for these reasons the proposed legislation will be of great public advantage, your committee respectfully reports the bill back to the House with the recommendation that it do pass.

Mr. REEDER. Mr. Speaker, I think it very desirable that we enter into the conservation of our resources as speedily as possible. And the resources to be preserved by this bill are among the small number that can be augmented with care.

The theory advanced by some of the speakers and credited to scientific persons, that forest cover will not retard the flow of rains from the hillsides, is known to be untrue by any observing person. The main purpose of government ownership and control of lands too rough for cultivation is to keep the fires from burning the ground over, and thus destroying not only the tree growth, but also from destroying the leaf and other forest covering of the soil, which forms the sponge that absorbs the rainfall, and thus detracts from the floods and augments the lower stages of the rivers, scientific men to the contrary notwithstand-

ing. Purchasing rough land and preventing fires from burning the forests and forest cover off is money vastly better spent toward navigation and flood control than money spent for dikes to control floods which are constantly raising the bed of rivers and closing the outlets to these rivers.

A question propounded by the opposition to forest conservation is, What will be the expense of caring for these forest lands after they are secured?

This query is answered by stating that the Republic of Switzerland gets a net profit of $5 per acre for caring for her forests. Our soil and climate is better calculated to grow trees than Switzerland's. So we may safely assume that when we give our forests as good care we will get as good or better results.

This bill provides for an expense of $19,000,000 during ten years. And our friends who are opposed scare themselves with the billion or more some future Congress will appropriate on account of the wisdom that will at that time show for our present outlay.

Future Members of Congress will have no other reason for an appropriation for a like purpose, as every acre bought will be paid for and will need no further expense except to keep the fires out.

I am sorry to see the $1,000,000 appropriated at this time, owing to the condition of the Treasury. But this is a broad, beneficent policy that we should adopt soon, as a great damage is annually occurring by means of fires and soil erosions. That can scarcely be remedied. France is spending millions because her statesmen of an earlier generation were so shortsighted as to believe, with our scientific men quoted here to-day by the opponents of this measure, that burned-over hillsides will retain as much rainfall without washing as a good deep leaf and leaf-mold sponge will. In France they are cementing portions of land to prevent the soil being washed into their rivers.

We should retain the navigability of our streams. We should not preserve private water powers at public expense, but we should prevent the destruction of private property in water powers by our shortsightedness as legislators sent here to do those things which can only be done by the Government, and which if not done will entail great permanent loss to many people.

No people so far in history have prevented forest destruction, however disastrous, until their government has given the matter its attention.

We should prevent as early as practicable the great loss of property in the way of farm lands destroyed and other property in city and country.

But we should not vote for any bonds or expend large amounts from the Treasury for river improvement until we have given the matter of how we will use these funds toward flood control sufficient thought to get us out of the class of the old woman who would keep back the ocean with her broom.

Such is the plan thus far used in expending our money on dikes and levees. A flood can only be permanently and cheaply controlled at its source.

The floods of the Missouri, the stream of which I know most, do a great amount of damage annually. By reservoirs and forests these floods can be so far controlled as to almost entirely prevent these losses, and for an expenditure of less money than the damage of the floods for any twenty-year period, or for a tax of 1 mill or less on the dollar on the property benefited for a term of twenty years at most. I will add, though a little foreign to the subject in hand, that by means of the national irrigation law passed in 1902 enough water is already held back of the Missouri River floods to cover 2,500,000 acres of land 1 foot deep, and it will not be many years until the amount will be doubled, then trebled.

This bill, like the irrigation law, is a right move toward making this a much greater nation than it now is. I hope all who wish to see our country developed will cast a vote for its passage.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. WEEKS. Mr. Speaker, I yield one minute to the gentleman from West Virginia [Mr. STURGIS].

Mr. STURGISS. Senate bill No. 4825 proposes the beginning of the creation of national forest reserves in such States as contain no Federal lands, by the cooperation of the respective States and private owners of lands with the National Government.

The primary purpose is to conserve the forests that are situate upon the watersheds of navigable streams, and to reforest such watersheds as have been denuded of the original forests, and to protect them from fires and excessive or wasteful cutting. It is alleged by the strict constructionist that this can only be undertaken by Congress under some well-defined grant of power to be found in the Constitution of the United States, and this is generally conceded to be found in the "right to regulate commerce among the several States," which has been accepted without dissent, as authorizing the improvement and protection of all navigable streams or rivers that carry interstate commerce, and by virtue of which many millions of dollars for many years have been annually expended in deepening and widening the channels of such rivers, constructing locks and dams, erecting walls, jetties, and piers, regulating the quantity, direction, and flow of the waters, the height and span of bridges permitted to be built over such streams, and the putting up and maintaining lights and other aids to safe navigation. In the judgment of many, the right to do all these things might be placed upon more impregnable ground under the clause that confers powers "to provide for the general welfare."

Any government worthy of the name, and that has any hope of permanence, must have this inherent right, but, because the National Government is one of enumerated and delegated powers, the fathers wisely included this essential power in a specific grant; and while it has been sparingly invoked in the past, it is becoming recognized as the express grant of a power that will be more and more exercised, where, by the limited territorial jurisdiction of the several States, they are powerless to apply the appropriate remedy for patent evils that affect the citizens of each State.

If the water supply of any navigable stream carrying interstate commerce, or the depth of its channel, or any other thing that diminishes its value as an instrument of commerce between the States, is impaired, and the States refuse, neglect, or are powerless to correct the evil, then Congress must have power under the interstate-commerce clause to apply the appropriate remedy.

If destruction of the forests on the watersheds of navigable streams diminishes the rainfall and the aggregate water supply for the rivers fed by these watersheds, or causes the accumulated waters from rain and snow to be more quickly discharged in great floods, that imperil navigation and endanger life and property engaged in that occupation, and diminishes the quantity of water at intervening periods so as to suspend, in whole or in part, navigation for months at a time, or if this denudation causes such erosion of the soil upon these watersheds as to carry the silt and detritus into these streams in quantities sufficient to obstruct and fill locks and dams and channels that have been constructed and dredged at great cost, for navigation purposes, then no one can question the power and right of the National Government, under the grant relating to commerce, to apply the appropriate remedy. But the opponents of the power or right to reforest the hills, mountains, and valleys that feed our navigable rivers and to protect and preserve those forests now in danger of destruction content themselves with denying that there is any proved relationship of cause and effect between the forests and the water supply, between denudation and injury to navigability, but practically concede that if such relationship were established, then the federal power might be properly invoked to prevent or remove the cause.

But the evils arising and directly traceable to the destruction of our forests do not affect navigation and consequently interstate commerce alone, or chiefly or most disastrously. The floods arising from the bared watersheds of one State are precipitated upon the lands, lots, cities, furnaces, factories, and homes of another State, inflicting enormous losses of property, of wages, and disease and death upon the innocent citizens of the States that have no jurisdiction and can not possibly control conditions at the source of all this disaster.

Again, streams that are nonnavigable, because of their great fall, have been improved by dams, reservoirs, and canals, so as to furnish enormous sources of power, upon which great industries employing millions of capital and thousands of operatives have been founded, and these streams, having their watersheds and sources of supply in other States than those in which the power plants are located, are beyond the control of the States in which are situate the parts of the streams which are so valuable for water power. Must they be denied all relief merely because their streams are nonnavigable and incapable of bearing commerce between the States, although vastly more valuable than many small navigable streams?

Over $50,000,000 worth of timber has been destroyed by fire each year for the last twenty years, and last year, the most disastrous in this respect in the history of the country, over $100,000,000 worth was consumed, and an average loss of 50 lives annually for the twenty years or more was caused by forest fires. The humus desiccated by a long, hot, and dry summer burned like peat, and the ashes were washed away by the heavy later rains and carried into the navigable waters

below. If any State neglects to preserve the forests growing therein, and thereby wastes the heritage of her own people, and endangers that of the adjoining States by providing no system of fire patrol, is there no power anywhere to guard the general welfare of each State, both the innocent-suffering one and the wanton wasteful one? Must all suffer for the acts of omission or commission of one guilty one, over whom the others have no control, jurisdiction, or authority? A government that is powerless to provide for the common welfare is a pitiable spectacle and was never contemplated by the founders of the great Republic. A government that has the power and will not exercise it beneficently for the good of the people who created it has failed to achieve that ideal which we boast is the chief excellence of our Government.

It has been charged in the debate on this bill that purely selfish considerations control those who advocate the enactment of this measure. Those who urge that objection forget that patriotism has been well defined as enlightened selfishness; that selfishness that considers the welfare of every part of our common country. Others have asserted that the bill is a subterfuge, and that the proposed purchase of lands is not limited to the purpose of promoting navigability of streams. They have either not read the bill or have read it carelessly. Section 7 provides that the Secretary of Agriculture shall examine and recommend for purchase only such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and such lands shall be examined by the Geological Survey and a report made showing that the control of such lands will promote or protect the navigation of streams on whose watershed they lie.

If the policy of this bill can be justified only and yet fully upon the constitutional ground that thereby navigation is a direct instrument of commerce between the States, certainly it can in no wise adversely affect that policy if all the benefits and advantages just enumerated will follow as incident to that course of action, even if these incidental advantages far exceed those that relate to commerce.

If the general welfare be promoted as a necessary consequence of creating and preserving forest reserves in aid of navigation, it is in accord with the general purpose of the Constitution, and at least gives no reason for opposing the proposed legislation.

FOREST RESERVES IN AID OF NAVIGATION.

"The meaning of the Constitution does not alter. Its language as a grant of power to the United States is general, and, as changes come in social and political life, it embraces all new conditions within the scope of the powers conferred." (South Carolina *v.* United States, 199 U. S., 437.)

"The United States is a government, and consequently a body politic and corporate, capable of attaining the objects for which it was created, by the means which are necessary for their attainment." (Van Brocklen *v.* Anderson, 117 U. S., 151.)

"The United States, at the discretion of Congress, may acquire real estate in any State when needed for the use of the Government in the execution of any of its powers." (Van Brocklen *v.* Anderson, 117 U. S., 115.)

"That which is implied is as much a part of the Constitution as that which is expressed." (South Carolina *v.* United States, 199 U. S., 438.)

Those who oppose the general policy contemplated by the bill under consideration, namely, the creation and preservation of forests, assume that the right and power to do so can only be invoked if it can be clearly shown that deforesting diminishes the annual precipitation of moisture, occasions irregularity of water flow by increasing the number and magnitude of dangerous floods at one period of the year, or by reducing the water supply at other seasons to such an extent as to impair or temporarily suspend navigation, or by increasing the silt, sediment, and detritus that is carried by the tributaries into the navigable streams and deposited in the channels, locks, and dams or harbors, to the detriment or impairment of navigability. And thereupon these opponents declare and attempt to prove that none of the evil effects upon navigation just enumerated can be traced to any of the asserted causes, or directly or indirectly to the destruction of the forests.

The chief exponent of these views, and one upon whom all others rely, is Lieut. Col. H. M. Chittenden, Corps of Engineers, U. S. Army, and his paper, "Forests and reservoirs, in their relation to stream flow, with particular reference to navigable rivers," presented November 4, 1908, before the American Society of Civil Engineers, was published in the transactions of that society in volume 24, beginning at page 924, and has already been printed in the speech of Mr. HUMPHREY, the Member from Washington, on the 9th day of February of the present session.

After stating generally that the commonly accepted opinion is that forests have a beneficial influence on stream flow, he states four propositions (p. 925) not fully nor fairly setting out the contentions of those who believe that forests do have a beneficial effect on stream flow. These views, he says, were given general currency nearly forty years ago by Sir Gustav Wex, chief engineer on the improvement of the Danube, whose writings were transmitted into English by the late General Weitzel, of the United States Corps of Engineers, and by that translation became known to the profession and the general public, and are now, as he admits, accepted practically without question in the public mind, and he might have added truthfully, by many if not most engineers of reputation and experience.

He admits precise demonstration of the falsity of these propositions is scarcely possible, and then with cheerful alacrity undertakes this admittedly impossible task, extending his argument over fifty pages, with many graphic illustrations whose pertinence is not apparent after a careful study of his paper. It is made up largely of unproved assertions and illogical conclusions drawn from unproved allegations. In concluding his paper he says that the arguments presented are his individual opinions only, and does not assert them as held by any of his fellow-officers or associates nor give the names of any who agree with him. His statements have been so completely refuted in a paper just prepared, but perhaps not yet given to the public, under the direction of the Bureau of Forest Service, by Mr. Gifford Pinchot, that I submit it herewith:

CHITTENDEN ARTICLE.

The article assumes from beginning to end that the forest influence on run-off is nothing more than the influence of a layer of leaves over an "inclined-plane surface, practically impervious to water" (p. 926). Ground storage is ignored entirely, and consequently no weight is given to those conditions at the surface of a forest soil which tend to divert waters to underground flow. It refers frequently to the action of the "forest bed" merely in holding water, but emphatically says (p. 927) when "the forest bed becomes completely saturated, its storage capacity is exhausted, and it has no more power to restrain floods than the open country itself" (p. 928).

What is the importance of ground storage which is so lightly passed over? Professor King has found that ordinary soils have an absorption capacity of 4 to 5, or even more, inches of water per foot of depth.[a] Ground water extends to great depth. Considering the earth masses which lie above the stream levels in mountainous regions, one can get an idea, though a somewhat inadequate one, of what ground storage means to the permanency of stream flow. The ground water is constantly in motion, is replenished entirely from the surface, and is easily disturbed by any change of surface conditions.

By far the most important action of the forest is in providing conditions favorable for rapid and regular absorption by the surface soil of water from rainfall or from melted snow. Ignoring this most evident and important influence of the forest, the author expresses surprise at "the cheerful confidence with which the popular thought accepts" the theory of forest influences upon run off. This is the real weakness of the article. It denies—and denies without proof—that which any man can go out into the woods with his eyes open and see for himself.

It is admitted that for average conditions the forest bed has a degree of retentive action (pp. 926 and 927), but the author hastens to say emphatically that "it is not true for extreme conditions—great floods and excessively low water" (p. 926). The article further says: "When a period of heavy storm occurs, spreading over a great area, continually increasing in intensity, the forests, by retaining some portions of the earlier showers and paying them out afterwards, do produce a general high condition of the river, which may greatly aggravate a sudden flood arising later from some portion of the water shed" (p. 928). The author will surely admit the fallacy of this statement upon more careful consideration.

Whatever retentive action the forest has under normal conditions it certainly retains under extreme conditions. If a forest-covered soil has the capacity to store and gradually distribute the water from a 2-inch rain, it likewise has the capacity to store 2 inches from a 6-inch precipitation, and even more should the latter be distributed over several days. Any other assumption would lead to the conclusion that the immediate result of a heavy rain is to leave the forest dry, which conclusion clearly indicates that the reasoning must be wrong.

A further mistake is made in assuming that the summer rains absorbed by the forest soil are lost through evaporation (p. 929). Except in light rains, this is not the case. The summer rains are often heavy, and the major part of a usual summer downpour passes into the soil to replenish the streams.

The author says (p. 944), "The constantly reiterated statement that floods are increasing in frequency and intensity as compared with former times has nothing to support it."

It is true we have not long records of stream flow in this country. His statement, however, shows that Colonel Chittenden is unacquainted with, or else ignoring, the records which we have.

Figures from fifteen to thirty-four years for those streams whose watersheds lie in the Appalachian Mountains and which have been heavily cut over within the period of measurement refute absolutely the claims made in this article. In the report of the hearing on House resolution 208 before the Committee on the Judiciary it is shown that the Ohio, Cumberland, Wateree, Congaree, Savannah, and Alabama rivers disclose a marked increase of floods and flood duration. A more recent examination of the records of flow for the Allegheny, Monongahela, Muskingum, and Potomac show precisely the same trend. These streams do not show general increases in the extreme height of floods. Rather, they show a marked tendency of the waters to rush away in many sudden, violent floods of short duration, which is to be expected in the case of barren slopes. Most streams of which we have records show a longer low-water period now than formerly, though the tendency is not so marked as the tendency toward increased floods. Where such a tendency is not in evidence, it may possibly be due to the geological formation of the watershed or to the filling of the stream channels, so that the general water level is raised.

In contradistinction to these streams which have mountainous or hilly watersheds, the Red River, whose upper basin is entirely in the

[a] F. H. King: Nineteenth Annual Report, U. S. Geol. Survey, Part II.

plains and in a region which has largely been brought under the plow in the last fifteen years, shows both diminished floods and greatly improved low-water conditions during the past sixteen years. This proves the case over again, only from another point of view. Surface conditions over a watershed clearly have great influence on the flow of the streams which drain it.

Colonel Chittenden has made an unfortunate choice in comparing, as he does on page 936, the floods of March 17 and 26, 1907, on Puta Creek and the American River, tributaries of the Sacramento at Secramento, Cal. His figures of precipitation for the American watersheds are approximately a correct average of the various gauging stations of the watershed. His figures for the precipitation on the watershed of Puta Creek, however, are absolutely misleading, as is shown by the accompanying map. In order to get an average precipitation of 22.7 inches he has taken apparently only two stations on the watershed, and these on the exterme summit of the Coast Range. As the chart shows, all the greater part of the watershed, some of which shows less than 20 per cent of the figure which he uses, has been disregarded. If figures from all parts of the watershed were used, as they should have been, the average precipitation of this watershed would have come much below the average of the watershed of the American River. Using the right figures, this illustration proves exactly the contrary of what Colonel Chittenden uses it to prove. It proves that a larger precipitation on the American watershed, which is wooded, produces a relatively lower flood stage.

Fundamental errors underlie the author's discussion of influence of forest upon snow melting. The first is that the ground does not take up the water from the first melting of snow. The article says (p. 931): "The water from the first melting of the snow blanket does not sink into the ground, but into itself. * * * The author has seen an 8-foot covering of snow dwindle to 2 feet with the ground beneath it still comparatively dry." This is a very singular observation. In my experience, whenever snow begins rapidly to settle on account of the warmth, free water appears and is to be seen in every stream. In a forest, especially in a mountain forest, the snow usually falls on unfrozen ground, and the natural warmth of the ground hastens the melting of the snow at the bottom. Whatever free water appears soaks at once into the ground.

It is true that because the sun is excluded in a dense forest melting begins later than in the open, and Colonel Chittenden correctly states a universally known fact when he says that "even after the ground in the open is entirely bare, except under the drifts, the forest areas may still be covered with an unbroken layer of snow." Why? Simply because it is colder in the forest. It is colder when the process begins; it is colder day by day until the snow is gone in the open. The forest consequently acts in exactly the same way as the gulch on the north mountain exposure. It catches the average amount, or more than the average amount, of snow, and holds it till the melting time in the open is past. If, in either case, the melting went on as fast as in the open, the discharge of water would be greater, considering the whole watershed, and floods thereby intensified.

The only condition under which the melting is anything like as fast as in the open is during a warm rain, such as often accompanies the chinook winds in the western part of the United States. When this happens, the effect is the same on the snowdrift in the gulch and on the snow blanket in the forest. It melts at the most rapid rate. Once melted there is this difference: Water from the snowdrift is at once in the channel ready to swell the flood; water from the snow blanket is caught up in the layer of leaves and humus overlaying a porous soil and at every moment retarded in its downhill course. A portion seeps down through the humus to the streams and escapes within a few hours or a few days; a larger portion goes into the soil and does not reappear for weeks or perhaps months. The little channels through the débris (p. 957), which Colonel Chittenden has observed so effectually to lead the water away through a forest soil, have escaped my own notice.

Colonel Chittenden's graphic illustration of snow melting in forests and open country (fig. 1) neither shows the fact nor agrees with his own statement. The diagram shows the run-off in forest to cease before the run-off in the open, while, as already noted, he says (p. 931) "even after the ground in the open is entirely bare, except under the drifts, the forest areas may still be covered with an unbroken layer of snow." Who is so blind as not to know that the statement is true and the diagram misleading? Here, again, the main point is not delaying for a few weeks the melting of the snowdrifts. The main point is the facilitating of ground storage, and this the forest does far better than any other means.

The author's avowal that his theory is true for the Adirondacks and the White Mountains as well as the West is contrary to the testimony of those who know real conditions in these regions. One well qualified to know how the flow of the Connecticut River has been affected by timber cutting in the White Mountains is Mr. C. C. Goodrich, of Hartford, Conn., general manager of the New York and Hartford Transportation Company. Mr. Goodrich made the following statement before the House Committee on Agriculture January 30, 1908:

"For thirty years I have been manager of some 35 United States vessels engaged in coastwise trade between the various ports upon the Connecticut River, and in this term I have had ample opportunity to realize the effect upon our rivers of the denuding of the forests in the White Mountains, especially of late years, since the cutting has extended to the minor timber—the spruce of 6 or 8 and even 5 inches, which was formerly left to grow. From the beginning of my experience our floods have commenced about from the 1st to the 10th of April, and they came for the next two months pretty steadily, and for two months longer there was still a steady feed from those mountains. In the last twenty years the freshet has come fully one month earlier, the continuation has been more than one month longer, and the total supply of water has been reduced at least 50 per cent, coming rapidly in the spring, when it was of no use to the mill man or the man engaged in navigation, and escaping and going by without being made valuable in any way, and has been followed at the present time by an almost total lack of flow, beginning with about the 10th of May and extending through until the fall rains come again, nearly to the 1st of October."

It is difficult to see the author's object in discussing with vehemence and at length the effect of forests in increasing precipitation, when he finally arrives at the point frankly asserted by practically all observers that we do not know. Belief in the accepted theory of rainfall and knowledge of the influence of the forest conduce to the idea that forest may increase percipitation, and that in considerable degree. But no careful, comprehensive study has ever been made of the rainfall measurements of the United States to determine this question, and until this is done, little is to be gained by discussion.

Colonel Chittenden's statements regarding erosion are so contradictory as to be self-destructive. On page 949 he says: "In his observation, embracing pretty nearly all varieties of timber land in the northern two-thirds of the United States, he has still to see a single example where the mere cutting off of forest trees leads to an extensive erosion of the soil." Yet out of this same remarkable experience he doubtless speaks a few lines below when he says: "A forest soil unprotected by forest débris is almost as erosible as a field under culture."

Again, he says (p. 950): "Roads and trails are one of the great sources of erosion in hilly countries, but plowing and tilling are the principal causes." Further on in the discussion in speaking of the silt carried by the rivers, which he estimates at from 50 to 100 per cent higher than anyone hitherto, he asks, "Where does this enormous volume of soil come from? Is it * * * from cultivated fields, an annual toll laid upon the precious fertility of our agricultural lands? Not at all. Only a very small proportion comes from this source."

Still, again, speaking of the sediments carried by the rivers and its great value in enriching the lowlands (p. 953), part of which he everywhere admits to come from cultivated lands, and some portions of which, indeed, must come from the "forest under culture" (p. 949), which he so much fears, he yet finds it possible to say: "The oft-repeated assertion that owing to the cutting off of forests our rivers are shoaling up more than formerly may be challenged absolutely."

In this bewildering array of contrary assertions, which would the author have us accept?

In a translucent way he senses the fact that there is an erosion problem, that somehow and from some place where it does no particular harm an enormous amount of sediment gets into the streams, that it is carried down and deposited by beneficent floods, not in the channels, but to the great benefit of the lowlands. One gets the idea from his statement that on the whole the process is beneficial and to be encouraged.

Side by side with this befogged conception let us set down the statement of a man who has fully grasped the situation. At the White House conference last May, Mr. J. J. Hill, speaking on this very point, said: "To-day as you ride through the South you see everywhere land gullied by torrential rains, red and yellow clay banks exposed where once were fertile fields, and agriculture reduced because its main support has been washed away. Millions of acres, in places to the extent of one-tenth of the entire arable area, have been so injured that no industry and no care can restore them."

Despite the failure of Colonel Chittenden to comprehend the situation, erosion is going on so rapidly as to form one of the heaviest taxes upon the Nation's resources. It is going on in burnt-over mountain forests; it is going on far more rapidly on agricultural lands; it is going on most rapidly of all on steep mountain lands which have been cleared and tilled when they should have been kept in forest.

The silt and sand thus derived have gone straight into the streams, are going there now faster than ever before, and are there in greater quantity than at any time in the past.

Even though they are contrary to Colonel Chittenden's claims, there are two fundamental propositions which must be accepted:

The first is that the condition of the surface of a watershed does influence the flow of water in the stream which drains it.

The second is that the streams are filling faster than ever before with silt from denuded mountain lands and poorly tilled farm lands.

With these two propositions before us, how can we escape the conclusion that the improvement and maintenance of our waterways and the protection of our watersheds are one and the same problem?

As supplementing in some degree the statements contained in Mr. Pinchot's paper, I submit some facts drawn from my own State, some of which have come within my own observation and in my personal experience.

I have resided in the valley of the Monongahela River for more than forty years, and have traversed the greater part of Monongalia County many times within that period. A very large part of the heavy timber has been cut off within the last fifty years, much land cleared and put into cultivation. In that time the half dozen or more bridges on Dunkard Creek have been carried away by floods three different times, although when rebuilt they were placed at a greater elevation each time, thus showing the increasing height of the floods as the timber had been cut off. This stream is tortuous, flows for its greater part through a hilly but not mountainous country, joining the river on its western bank, and is about 45 miles long.

A similar condition as to floods and their effects upon the bridges is found to exist in Deckers Creek, which is about 30 miles long, arising in a mountain valley, with a fall of about 900 feet in the last 12 miles of its course, joining the river at Morgantown, on the eastern bank. Probably four-fifths of the original heavy forested area has been cut over within fifty years.

The slopes for the greater part are steep and the surface rocky for the mountain section. High floods and very low water alternate with each other nearly every year, the contrast apparently greater year by year, till a dozen grain and saw mills and a paper factory have been abandoned for want of water and power originally ample, and for the first time in the history of the development of this valley deep wells were drilled during the past summer to secure adequate water for industrial plants that theretofore had drawn their diminishing supplies from Deckers Creek, not for water power, but for steam and mechanical and washing purposes.

About ten years ago the harbor in the mouth of this creek was dredged out under my supervision to a depth sufficient to load barges with lumber and like supplies, and was so used for three or four years, to supply the markets on the lower river. This harbor has been completely filled with sand and silt brought down the stream by the floods, and the small flow of water during the summer and fall would not for a part of the time float a shingle, and has formed an extensive bar projecting into the river and contracting the navigable channel. It is

my conviction that the total annual stream flow has been greatly reduced within the forty years that I have been familiar with this stream, and this has been coincident with and reduced with the removal of the forests.

Flood records as follows have been kept on certain rivers, and show the increase in frequency of floods, in percentages:

River.	Place of record.	Period of record.	Years.	Number of floods in first half.	Number of floods in second half.	Percentage increase.
Ohio	Wheeling, W. Va.	1882-1907	26	46	59	28
Monongahela.	Greensboro, Pa.	1886-1907	22	30	52	73
Potomac	Harpers Ferry, W. Va.	1890-1907	18	19	26	37
Kanawha	Charleston, W. Va.	1888-1907	20			83

As showing the magnitude of the commerce borne by West Virginia rivers and those that derive the greater part of their water supply from the west and northwest watersheds of the State and the enormous amount of money expended by the National Government for improving the navigation of these streams I submit the following table, taken from data furnished by the Department of Commerce and Labor:

Streams.	Miles of navigable channel.	Government has spent for improvements since 1790.	Tonnage in 1906.
Monongahela in West Virginia [a]	33	$6,794,827.40	11,447,444
Ohio in West Virginia [a]	285	24,485,261.26	13,163,656
Kanawha	90	4,730,108.02	1,613,889
Little Kanawha	120	488,844.38	106,510
Guyandotte	50	22,500.00	
Big Sandy, partly in Kentucky	170½	1,445,425.32	148,623
New River		112,000.00	
Gauley		15,000.00	
Elk		35,000.00	
Total	748½		26,480,122

[a] Whole length.

The tonnage borne by the rivers named, viz, 26,480,122 tons, constitutes one-fifth of the whole river commerce of the United States.

For the purpose of showing the commercial value of the rainfall utilized in various ways and the large percentage that is absolutely wasted or lost, I call attention to the following statistics from the report of the Inland Waterways Commission of the National Conservation Congress, gathered under the direction of Hon. THEODORE E. BURTON, chairman of the Inland Waterways Commission:

The sole source of our fresh water is rainfall (including snow). From this source our running, standing, and ground waters are derived. The habitability of the country depends on these waters. The quantity of rainfall, including the rainfall on water areas, is 215,000,000,000,000 cubic feet. Of the total rainfall, over half is evaporated; about a third flows into the sea; the remaining sixth is either consumed or absorbed.

WHAT WE USE AND WASTE.

Of the 70,000,000,000,000 cubic feet annually flowing into the sea, less than 1 per cent is restrained and utilized for municipal and community supply and related purposes; less than 2 per cent (or some 10 per cent of that in the arid and semiarid regions) is used for irrigation; perhaps 5 per cent is currently used for navigation; and less than 5 per cent is utilized for power. It is estimated that 85 per cent to 95 per cent of the volume is wasted in freshets or destructive floods.

There are in mainland United States 282 streams, navigated for an aggregate of 26,115 miles, and as much more navigable by improvement; there are also 45 canals, with a mileage of 2,189.05, besides numerous abandoned canals. On lake and sound routes there is large traffic, but the navigation of rivers and canals is too small for definite record. The cost of water carriage averaging about one-fourth that of rail carriage, and our railway freightage during 1906 reaching 217,000,000,000 ton-miles at an average rate of 0.77 cent, the shipping of one-fifth of our freight by water would have saved over $250,000,000 to our producers and consumers.

The theoretical power of the streams is over 230,000,000 horsepower; the amount now in use is 5,250,000 horsepower. The amount available at a cost comparable with that of steam installation is estimated at 37,000,000 horsepower, and the amount available at reasonable cost at 75,000,000 to 150,000,000 horsepower. The 37,000,000 horsepower exceeds our entire mechanical power now in use, and would operate every mill, drive every spindle, propel every train and boat, and light every city, town, and village in the country.

The direct yearly damage by floods since 1900 has increased steadily from $45,000,000 to $238,000,000; the indirect loss through depreciation of property is probably greater; while the largest loss is that arising in the impediment of navigation and terminal transfers.

The freshets are attended by destructive soil erosion. The soil matter annually carried into lower rivers and harbors or into the sea reaches 783,000,000 tons. Its removal seriously reduces the productivity of upland farms and increases channel cutting and bar building in the rivers. It is estimated that soil erosion reduces farm production 10 per cent to 20 per cent, and that the annual loss to the farms alone is $500,000,000, and that large losses follow the pollution of the waters and the diminution of navigability in the streams.

Through imperfect control of the running waters lowlands are temporarily or permanently flooded. It is estimated that there are in mainland United States 75,000,000 to 80,000,000 acres of overflow and swamp lands requiring drainage; that by systematic operations these can be drained at moderate expense; and that they would then be worth two or three times the present value and cost of drainage, and would furnish homes for 10,000,000 people.

WHAT WE NEED TO DO.

In considering the uses and benefits to be derived from the 215,000,000,000,000 cubic feet of water annually received, the paramount use should be that of water supply; next should follow navigation in humid regions and irrigation in arid regions. The development of power on the navigable and source streams should be kept subordinate to the primary and secondary uses of the waters; though other things being equal, the development of power should be encouraged, not only to reduce the drain on other resources, but because properly designed reservoirs and power plants retard the run-off and so aid in the control of the streams for navigation and other uses.

The broad plan already framed by statesmen and experts and approved by the Executive should be enacted into law. It provides for a system of waterway improvement extending to all of the uses of the waters and benefits to be derived from their control, including the clarification of the water and the abatement of floods for the benefit of navigation, the extension of irrigation, the development and application of power, the prevention of soil wash, the purification of streams for water supply, and the drainage and utilization of the waters from swamp and overflow lands.

It has been roughly estimated that the inland waterways of the country could be improved in ten years at a cost of $50,000,000 annually in such manner as to promote interstate commerce and at the same time greatly reduce the waste and extend the use of the waters. If done at the cost of the people, the burden would be $0.62½ per capita per year, or $6.25 in all.

It is roughly estimated that the direct benefits would comprise an annual saving in transportation of $250,000,000; an annual saving in flood damage of $150,000,000; an average annual saving in forest fires of at least $25,000,000; an annual benefit through cheapened power of fully $75,000,000; and an annual saving in soil erosion (or corresponding benefit through increased farm production) of $500,000,000—a total of $1,000,000,000, or $12.50 per capita annually; i. e., twenty times the cost. In addition, large benefits would result from extended irrigation, from the drainage and settlement of swamp and overflow lands, and from purified and cheapened water supply, with consequent diminution of disease and saving of human life.

A conference of the governors of the several States and Territories was called by President Roosevelt to meet at the White House, May 13, 14, and 15, 1908, to consider our natural resources and how best to conserve them. At the request of the President, each governor brought with him three citizens from his State or Territory to act as assistants or advisors. The members of the Cabinet, justices of the Supreme Court, Members of both Houses of Congress, representatives of great transportation and other business interests were also present and participated in the deliberations and discussions. After full consideration, this body of able and representative men unanimously adopted certain declarations, among which were the following:

We urge the continuation and extension of forest policies adapted to secure the husbanding and renewal of our diminishing timber supply, the prevention of soil erosion, the protection of headwaters, and the maintenance of the purity and navigability of our streams. We recognize that the private ownership of forest lands entails responsibilities in the interests of all the people, and we favor the enactment of laws looking to the protection and replacement of privately owned forests.

We recognize in our waters a most valuable asset of the people of the United States, and we recommend the enactment of laws looking to the conservation of water resources for irrigation, water supply, power, and navigation, to the end that navigable and source streams may be brought under complete control and fully utilized for every purpose. We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy, providing for the prompt improvement of our streams and the conservation of their watersheds required for the uses of commerce and the protection of the interests of our people.

The provisions of the bill under consideration are as follows:

A bill (H. R. 26923) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States, for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

SEC. 2. That the sum of $100,000 is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams, and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

SEC. 3. That the Secretary of Agriculture, for the further protection of the watersheds of said navigable streams, may, in his discretion, and he is hereby authorized, on such conditions as he deems wise, to stipulate and agree to administer and protect for a definite term of years

any private forest lands situated upon any such watershed whereon lands may be permanently reserved, held, and administered as national forest lands; but such stipulation or agreement shall provide that the owner of such private lands shall cut and remove the timber thereon only under such rules and regulations, to be expressed in the stipulation or agreement, as will provide for the protection of the forest in the aid of navigation: *Provided*, That in no case shall the United States be liable for any damage resulting from fire or any other cause.

SEC. 4. That from the receipts accruing from the sale or disposal of any products or the use of lands or resources from public lands, now or hereafter to be set aside as national forests, that have been or may hereafter be turned into the Treasury of the United States and which are not otherwise appropriated, there is hereby appropriated for the fiscal year ending June 30, 1909, the sum of $1,000,000, and for each fiscal year thereafter a sum not to exceed $2,000,000, for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1919.

SEC. 5. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and one Member of the Senate, to be selected by the President of the Senate, and one Member of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section 6 of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions; and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 6. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 7. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 8. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 9. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act; but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

SEC. 10. That such acquisition may in any case be conditioned upon the exception and reservation to the owner, from whom title passes to the United States, of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance; but in every case such exception and reservation, and the time within which such timber shall be removed, and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 11. That whereas small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding 80 acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

SEC. 12. That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 24 of the act approved March 3, 1891 (26 Stats. L., 1103), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this act into such specific national forests and so designate the same as he may deem best for administrative purposes.

SEC. 13. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

SEC. 14. That 25 per cent of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

SEC. 15. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $25,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available, and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

These provisions may be briefly summarized as follows: Cooperation by the States, private owners of forest lands, and the National Government for the purpose of protecting the existing forests and to reforest suitable lands. Nothing is compulsory on the part of the States or individuals.

An appropriation of $100,000 is provided to enable the Secretary of Agriculture to cooperate with the States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams, but requires as a condition precedent that before such cooperation shall be begun or entered into the State shall provide by law a system of forest-fire protection and that the State shall contribute an equal amount for the purpose of such fire protection.

The Secretary may protect and administer private forest lands in the same way upon contracts made by him with such owner.

All moneys derived from the sale or disposal of any products or the use of public lands or the resources of same are set apart as a special fund in the Treasury, to be known as "the national forest reservation fund," to be used in the examination, survey, and acquirement of lands located on the headwaters of navigable streams.

A commission is created consisting of five persons, including the Secretaries of the Interior, of War, and of Agriculture, and a Senator to be appointed by the Vice-President, and a Member of the House to be appointed by the Speaker, to be known as the "National Forest Reservation Commission," with authority to approve the purchase of such lands as may be recommended by the Secretary of Agriculture, and after an examination by the Geological Survey. The assent of the State in which such lands are situate must first be given. Titles must be approved by the Attorney-General before purchase money shall be paid over. Minerals and merchantable timber on or underneath the lands may be reserved by the owners before transferring the land. The lands acquired under the bill shall be permanently reserved, held, and administered as national-forest land under the act of March 3, 1891.

It is provided that 25 per cent of all moneys received during any fiscal year from the national forests acquired under this act shall be paid over by the Secretary of the Treasury to the State in which such forests are situate, to be expended as the legislature may prescribe, for the benefit of the public schools and the public roads of the county or counties in which such forests are situate, in proportion to the area situate in the respective counties.

It will be seen that the only objection to this bill is the fact that it is too narrow and restricted in its operation.

Neither State nor individual is required to part with his land, Each is free to accept or reject the plan proposed, but it is believed that self-interest will induce in most cases, both States and private owners, to willingly go into this limited partnership with the United States in order to secure uniformity and permanence in protecting the forests and reforesting the cut-over areas that can be profitably included in the plan provided for by the bill.

Protection and preservation of the forests, and of navigability of streams, are the primary purposes of the bill. Cooperation of the States and individuals with the National Government is the method by which they are to be accomplished.

If all this can be done, without hardship to any citizen, what endless and enormous good will flow from the doing. What loss and irreparable damage will follow if we fail!

The forest question is the greatest problem in the conservation of our natural resources. It enters more than any other element into more departments of business activities, and the practical destruction of our timber and other forest products will more quickly be felt in the increased cost of living than the destruction of any other one of our natural resources. The quantity of lumber used per capita in the United States each year is about five or six times greater than in England or Europe and is about three times as great as the annual growth, and with the accelerated cutting as population increases the forests will be exhausted in thirty-five to forty years. The bank depositor who checks out three times as much money as he deposits will soon come to the end of his credit and to bankruptcy, no matter how large may have been his original deposit.

Mr. Pinchot draws this graphic picture of the resulting injury and loss in every branch of industry and increased cost of living:

What will happen when the forests fail? In the first place, the business of lumbering will disappear. It is now the fourth greatest industry in the United States. All forms of building industries will suffer with it, and the occupants of houses, offices, and stores must pay the added cost. Mining will become vastly more expensive; and with the rise in the cost of mining there must follow a corresponding rise in the price of coal, iron, and other minerals. The railways, which have as yet failed entirely to develop a satisfactory substitute for the wooden tie (and must, in the opinion of their best engineers, continue to fail), will be profoundly affected, and the cost of transportation will suffer a corresponding increase. Water power for lighting, manufacturing, and transportation, and the movement of freight and passengers by inland waterways, will be affected still more directly than the steam railways. The cultivation of the soil, with or without irrigation, will be hampered by the increased cost of agricultural tools, fencing, and the wood needed for other purposes about a farm. Irrigated agriculture will suffer most of all, for the destruction of the forests means the loss of the waters as surely as night follows day. With the rise in the cost of producing food, the cost of food itself will rise. Commerce in general will necessarily be affected by the difficulties of the primary industries upon which it depends. In a word, when the forests fail, the daily life of the average citizen will inevitably feel the pinch on every side. And the forests have already begun to fail, as the direct result of the suicidal policy of forest destruction which the people of the United States have allowed themselves to pursue.

It is admitted this bill, if enacted, will yield the greatest benefits to the White Mountain and Appalachian regions and those States traversed by the rivers that have their sources in the elevated valleys, plateaus, and mountains of those regions, and which carry the commerce of many States upon their broad bosoms.

Great schemes of forest reserves have been created west of the Mississippi River by withdrawing the public lands from private entry. The great West has been highly benefited by appropriations of millions of dollars for irrigation and reclamation of the arid lands of that region. For all those improvements the East has cheerfully voted millions of money in the interest of our common country. We now ask reciprocity of aid in support of the bill under consideration, because of the community of interest which the Middle West and West have in the general welfare of the whole country, though the chief beneficiaries will be the New England States, New York and Pennsylvania, West Virginia and Virginia, the South Atlantic and Gulf States, Kentucky and Tennessee, and all the States bordering on the Ohio and the Mississippi rivers and their navigable tributaries.

Water power vaster in the aggregate than all the steam machinery within these States will be preserved; direct losses by floods, annually amounting to over $150,000,000, will be prevented; diseases and deaths by impure water will be greatly reduced; the cream of the soil now washed away, estimated at a billion tons a year, will be preserved to agriculture, adding millions of dollars to the value of the crops of the farmer and saving many other millions of the cost of maintaining channels, locks, dams, and harbors clear from the earth, sand, and débris brought down by the constantly increasing floods induced by deforesting these slopes, hills, and mountains. True economy requires liberal appropriations for the purposes of this bill, by reason of the savings just enumerated. How long will the Congress perpetuate the shortsighted, penny-wise and pound-foolish policy that has characterized its treatment of our forests in the past?

Mr. WEEKS. I yield to the gentleman from North Carolina [Mr. SMALL].

[Mr. SMALL addressed the House. See Appendix.]

Mr. WEEKS. I yield four minutes to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Speaker, this bill is born of patient and well-directed effort. There is no politics in it. Members of the minority and members of the majority of the Committee on Agriculture equally oppose and advocate this measure. I deny that there is any partisanship or politics in this bill whatever; and I challenge the statement of my friend from Illinois, who undertook, whiteheaded as he is [laughter], to lecture young men like myself this morning because we advocate its passage. Is it "vicious" because it has a majority of the intelligent youthful men on the Committee on Agriculture bringing it out? [Laughter.] Is this bill vicious, my colleagues, because the patriotic citizenship of 27 States of this mighty Union ask for its passage? Is this bill vicious because in order to carry it out three Cabinet members are chosen on that commission and one Member of the House and one of the Senate? I should be willing to change the latter to two of each party, so as to preserve the balance of power, and I think this will be done. It has been charged that enthusiasts are advocating this measure. Then it is the most intelligent, patriotic association of 27 States and the best men and women in those States who are enthusiasts. Let me remind you that no good cause has ever been carried to a successful conclusion, no battles won, no victors crowned, no reform wrung from deep-rooted prejudice and unyielding conservatism, save at the hands of well-directed and earnest enthusiasts.

South Carolina and Massachusetts join hands, it has been said to-day. I want to say that Virginia and Massachusetts join hands and lock shields now as they did on the plains of Yorktown, and to which army Massachusetts and Virginia, each one, furnished about the same number of soldiers, and but for Massachusetts and Virginia in that war we would have no United States to-day. The Virginia spirit to-day is the spirit of Yorktown; and while she is not deeply interested in this matter, yet for the benefit of her sister States in this great Union she is as enthusiastic as any of those who will be the beneficiaries of this scheme. [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. LAMB. In order that the citizens of my State, and particularly of my district, may have the information so easily obtained by those of us who have served on the Agricultural Committee and listened to the hearings before that committee, I avail myself of the permission to print and submit some facts and statistics, gathered from time to time, that I trust will be interesting to those whom I have the honor to represent in Congress.

The importance of the conservation of our forests, prevention of erosion of our lands, of the filling of our navigable streams, and a constant and steady flow of our rivers for power plants, commerce, and factories can not be overestimated.

To-day 3 feet of lumber is being cut for 1 foot grown. One and one-half times as much is being exported as imported. Forest fires, waste, neglect, and destruction are rapidly producing an alarming condition in our lumber business. Evidence and object lessons both in America and Europe are not wanting to impress this fact upon us. There is no Representative here from any State who does not know that the methods of individual and corporate owners have been extravagant and destructive, and to-day each one of us must admit that in his section coming generations have been robbed and despoiled of the timber that should have been their inheritance had proper methods and economical use of the bountiful supply with which this country was blessed been used. No man can compute what waste, neglect, and indifference has cost the present generation or the loss and injury it must entail upon the coming generations.

Must wisdom be bought by us at the price paid by France, when, by the stripping of her forests from her hills and mountains prior to 1860, 800,000 acres of farm lands had been ruined or seriously damaged, and the waterways practically destroyed; the population of 18 departments reduced to poverty and forced to emigrate? Can nothing be learned from the floods and water famines of China caused by the almost total destruction of her forests? Shall coming generations in our country pay such a fearful price when these and other object lessons confront us, and wisdom and patriotism are presumed to be our guides?

Rather should we follow the example of Germany, foremost in inland-waterway development and forest conservation. She has all of her mountains protected by forests and has managed them for a hundred years, and these forests yield her a net revenue of $2.40 per acre per annum.

No country of Europe but has learned from flood and water famine and diminished navigation of her rivers that to strip the hills and mountains of their trees is to destroy their country. France, Spain, Germany, Switzerland, Austria-Hungary, Norway, Sweden, Denmark, Russia, and Roumania all have already recognized the necessity of this conservation work and are working out comprehensive laws preserving their forests at the headwaters of their streams, guarding against forest fires and overcutting. England is doing the same for India, and Japan is well advanced in the work.

But to guard the country and the coming generations against irreparable damage may not be enough to goad some of us into more wise and liberal action in this important matter. It may be well to show what we have done, and what benefits have already come to us. Our national forest reserves contain over 400,000,000,000 feet of timber. There is being sold and cut therefrom about 500,000,000 feet per year. At this rate it would take eight hundred years to exhaust the timber now standing. On private forest lands, containing four-fifths of our standing timber, the rate of cutting will exhaust them in thirty-five years. Our Forestry Service is preserving and our individual owners destroying. Should not adequate legislation and means be afforded to encourage the one and check the other?

The fire damages in 1902 to our national forests averaged 5 acres burned to each 1,000. In 1907 the average was less than 1 acre to the 1,000. Had fire damage last year in national forests been in proportion to such damage on private forests, it would have aggregated over $5,000,000, and yet the cost of

the fire patrol of the national forest is estimated at one-third of a cent per acre. The average salary of the forest ranger is $1,200, and he must provide his own horses and protect an average of 125,000 acres of rough mountain country from fire, handle timber sales, see to grazing permits, and perform many other duties. The work is too important and the objects too pressingly necessary for Congress to be otherwise than liberal in indorsement and appropriation.

Much may be said on the matter of erosion; the filling of our navigable streams with silt and soil by sudden floods, necessitating constant dredging and river improvement; of water famines affecting navigation and factories, aggravated and intensified by stripping the headwaters of our streams of their forests; but these are familiar facts to us all. Common sense, practical experience, and reason convince us that water runs faster and carries with it more dirt on a bare hillside than on a wooded one; that it makes a bigger and quicker flood, and leaves more gullies and barren washed land in its wake.

Experts are known to differ. The Chittenden theory that cleared mountains and hills are better for flood protection and less menacing to navigation than if forest covered is at direct variance with the accepted theories of the majority of engineers of this and foreign countries.

Prof. G. F. Swain, of Massachusetts Institute of Technology, in his statement before the Committee on Agriculture, among other things said:

The forest bed or floor absorbs the water as it comes down and gives it out gradually. * * *

Where the ground is steep there the action of the forest is most important, and there its action is twofold. As I said, it retards the delivery into the stream of the water which ultimately reaches those streams; it holds the water and delivers it gradually to the ground beneath. It is also a great factor during the winter and spring in retarding snow. The snow which falls in the forests stays there much longer than the snow which falls in the open, and it is melted gradually and therefore is delivered gradually to the streams and fills them up more gradually than if it went off all at once. * * * The flow from the forest then is delivered gradually to the streams. It feeds the springs, keeps up the slow-water flow, prevents the water from going off suddenly into the streams, and furthermore prevents the erosion, because the soil is not carried away by the flowing water. Therefore the relation between the forests and the floods is a perfect and necessary one, and the opinions of engineers, scientists, and geologists all over the world are overwhelmingly in favor of that influence. * * *

I think the birthplace of the floods is in the high mountain slopes, and the control there will have a great deal more efficacy than the control anywhere else.

Fifty years ago a French engineer published a work in which he attempted to show that cutting down the forests diminished the floods. That had no effect on the French Government, and evidently was not shared by the government engineers, because the French Government immediately began thereafter to adopt a forest policy and expend large sums in reforestation of the mountains. Recently, within a few months, an American engineer, a member of the Corps of Engineers of the Army, has published a paper, which the chairman has referred to, in which he almost gives the identical arguments which were given fifty years ago by the French engineer. I hope they will be followed by the same action which was followed in France. * * * When asked if he knew of any engineer of good standing who agrees with Colonel Chittenden in his conclusions, he replied:

"I have not met with any, sir; and I hope that the chairman of the committee will read the discussion on Colonel Chittenden's paper, which will appear in the proceedings of the American Society in connection with the paper itself."

I append a statement showing what other nations have done for forest conservation and renovation:

Country.	Ownership of forests.												Cost and product.			Regulation of private forests.		
	Total forest area.	Percentage of total land area.	Per capita forest.	State.	Crown.	Communities.	Corporations.	Institutions.	Associations.	Private.	Exports (net).	Imports (net).	Expense per acre.	Net yield per acre.	Wood yield per acre.	Protection.	Non-protection.	Per capita wood consumption.
	Acres.	*Per ct.*	*Acres.*	*Per ct.*	*Per ct.*	*P. ct.*	*P. ct.*	*P. ct.*	*P. ct.*	*P. ct.*	*Tons.*	*Tons.*	*Dolls.*	*Dolls.*	*Cu. ft.*			
Germany	34,585,375	25.9	0.61	33.9	1.8	16.1	----	1.5	2.2	46.5	----------	4,600,000	2.17	2.40	38.58	Yes.	Yes.	}
Prussia	10,436,240	23.7	.59	30.9	.9	13.3	----	1.2	2.9	50.8	----------	----------	1.61	2.50	65.00	Yes.	Yes.	} 40
Saxony	430,000	25.8	.98	45.2	----------	6.0	----------	2.6	.2	46.0	----------	----------	3.00	5.30	93.00	Yes.	Yes.	}
France	23,744,708	18.2	.61	12.0	----------	----------	----------	----------	----------	----------	----------	1,230,000	.95	1.75	39.87	Yes.	No.	25
Switzerland	2,120,195	20.6	.66	4.6	----------	66.9	----------	----------	----------	28.5	----------	170,000	1.50-7	3-9	50.00	Yes.	Yes.	38
Austria	24,135,136	32.5	.91	7.3	----------	----------	----------	----------	----------	92.7	3,670,000	----------	.56	.21	42.87	Yes.	No.	} 57
Hungary	22,291,115	28.0	1.16	15.2	----------	----------	20.0	7.5	----------	47.3		----------	.34	.32	51.44	No.	No.	}
Norway	16,348,731	21.0	7.53	28.5	----------	----------	4.6	----------	----------	66.9	1,040,000	----------	----------	----------	20.43	No.	No.	128
Sweden	48,411,124	47.6	9.41	33.2	----------	----------	5.5	----------	----------	61.3	4,460,000	----------	.2	.09	19.29	No.	No.	140
Denmark	590,000	6.3	.24	23.8	----------	----------	----------	----------	----------	----------	----------	470,000	----------	----------	----------	No.	No.	----
Russia:																		
European	[a]575,000,000	39.0	3.91	66.4	----------	----------	----------	----------	----------	33.6	5,900,000	----------	.01	.06	5.14	Yes.	Yes.	90
Asiatic	350,000,000	----	----	----	----	----	----	----	----	----	----	----	----	----	6.28	----	----	----
Finland	50,000,000	63.0	18.53	35.0	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	20.00	No.	No.	90
India (British)	{149,000,000 / 138,928,640}	24.0	1.92	9.5	----------	----------	----------	----------	----------	----------	55,000	----------	----------	.23	----------	No.	No.	1
Japan	57,718,410	59.0	.91	56.8	9.10	7.5	----------	[b] .7	----------	25.9	----------	5,000	.13	.24	35.00	No.	No.	43
Canada:																		
Commercial	260,000,000	----	48.4	----	----	----	----	----	----	----	----	----	----	----	}	----	----	----
Total	800,000,000	34.0	149.0	25.0	----------	----------	----------	----------	----------	----------	2,144,000	----------	----------	----------	} 46.58	----------	----------	188
Roumania	6,293,297	18.0	----	40.0	----------	8.0	----------	----------	----------	52.0	60,000	----------	----------	----------	----------	----------	----------	[c]
Italy	10,318,891	14.6	.32	4.0	----------	43.0	----------	----------	----------	53.0	----------	420,000	----------	.33	19.57	----------	----------	13
Spain	20,964,727	16.9	1.13	84.0	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	[c]
Turkey	----------	20.0	1.72	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----
United States	650,000,000	28.0	7.73	25.0	----------	----------	----------	----------	----------	75.0	----------	----------	.0093	.00086	----------	----------	----------	[d] 235

[a] Russian and Siberian forests together=1,925,000,000 A.=9 acres per capita.
[b] Shrines and temples.
[c] No figures.
[d] Assuming total cut = 20,000,000,000 cubic feet.

FLOODS.

Our navigable rivers and our harbors are among our richest assets. Since 1802 the duty of the National Government to develop and improve them has been fully recognized. Each year has witnessed an increased appropriation for these purposes. From $30,000 for Delaware River in 1802 the appropriation has grown until the last river and harbor bill carried the sum of $80,000,000. Within the year strong demand has been made that $500,000,000 be spent in development and improvement of our inland waterways in installments of $50,000,000 per year.

Upon no question confronting Congress to-day does public sentiment appear to be so unanimous nor demanded by a greater number of States. Conservation of forests, development of waterways, appeals to all States, all sections, and all industries. History warns us against neglect or delay. The living are urging us to action, and posterity appeals to us. Knowledge is before you, warning has been served upon you, and failure to apply your knowledge will surely entail untold loss and disaster in the future.

By the stripping of forests since 1900 flood damage has increased from $45,000,000 to $238,000,000. Soil carried into our two hundred and eighty-odd rivers and into our harbors is estimated at 800,000,000 tons. Who can estimate this damage to our farm lands, to our commerce, to our factories and our waterpowers?

Protection of forests and its connection with river flow has been so clearly and so often shown that we need not longer dwell upon it. It has been urged by so many individuals, institutions, bodies, and interests that only a partial list could be given. Before the Agricultural Committee of the House in 1908 appeared representatives of the National Board of Trade, of the Massachusetts Institute of Technology, of the National Association of Cotton Manufacturers, of the American Institute of Electrical Engineers, numerous power-development companies, of the American Society of Electrical Engineers, the governors of Georgia and of New Hampshire, representatives of many business associations, and representatives of 20 States. The list of resolutions filed is enormous. The President, Secretary of Agriculture, and forestry officials have urged and recommended it. Mr. Pinchot has forcibly presented it to the committee, and his statement shows what a vast amount of thought, knowledge, and labor he has devoted to the subject.

As early as January 3, 1901, the Secretary of Agriculture, in a report to the President, said:

The rapid consumption of our timber supplies, the extensive destruction of our forests by fire, and the resulting increase in the irregularity of the flow of water in important streams have served to develop among

the people of this country an interest in forest problems which is one of the marked features of the close of the century. In response to this growing interest the Government has set aside in the western forest reserves an area of more than 70,000 square miles. There is not a single government forest reserve in the East.

The conference of governors of States and Territories in May, 1908, in the declaration adopted, said:

We declare our firm conviction that this conservation of our natural resources is a subject of transcendent importance, which should engage unremittingly the attention of the Nation, the States, and the people in earnest cooperation. These natural resources include the land on which we live and which yields our food; the living waters which fertilize the soil, supply power, and form great avenues of commerce; the forests which yield the materials for our homes, prevent erosion of the soil, and conserve the navigation and other uses of the streams; and the minerals which form the basis of our industrial life and supply us with heat, light, and power.

We agree that the land should be so used that erosion and soil wash shall cease; and that there should be reclamation of arid and semiarid regions by means of irrigation, and of swamp and overflowed regions by means of drainage; that the waters should be so conserved and used as to promote navigation, to enable the arid regions to be reclaimed by irrigation, and to develop power in the interests of the people; that the forests which regulate our rivers, support our industries, and promote the fertility and productiveness of the soil should be preserved and perpetuated; that the minerals found so abundantly beneath the surface should be so used as to prolong their utility; that the beauty, healthfulness, and habitability of our country should be preserved and increased; that sources of national wealth exist for the benefit of the people, and that monopoly thereof should not be tolerated.

We declare the conviction that in the use of the national resources our independent States are interdependent and bound together by ties of mutual benefits, responsibilities, and duties.

We urge the continuation and extension of forest policies adapted to secure the husbanding and renewal of our diminishing timber supply, the prevention of soil erosion, the protection of headwaters, and the maintenance of the purity and navigability of our streams. We recognize that the private ownership of forest lands entails responsibilities in the interests of all the people, and we favor the enactment of laws looking to the protection and replacement of privately owned forests.

We recognize in our waters a most valuable asset of the people of the United States, and we recommend the enactment of laws looking to the conservation of water resources for irrigation, water supply, power, and navigation, to the end that navigable and source streams may be brought under complete control and fully utilized for every purpose. We especially urge on the Federal Congress the immediate adoption of a wise, active, and thorough waterway policy, providing for the prompt improvement of our streams and the conservation of their watersheds required for the uses of commerce and the protection of the interests of our people.

From the report of the National Conservation Commission itself, the following references to waters and forests are found:

"The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable rivers. The second requisite is development of terminals and connections in such manner as to regulate commerce.

"Forests in private ownership can not be conserved unless they are protected from fire. We need good fire laws, well enforced. Fire control is impossible without an adequate force of men whose sole duty is fire patrol during the dangerous season.

"The conservation of our mountain forests, as in the Appalachian system, is a national necessity. These forests are required to aid in the regulation of streams used for navigation and other purposes. The conservation of these forests is impracticable through private enterprise alone, by any State alone, or by the Federal Government alone. Effective and immediate cooperation between these three agencies is essential. Federal ownership of limited protective areas upon important watersheds, effective state fire patrol, and the cooperation of private forest owners are all required.

"There are in continental United States 282 streams navigable for an aggregate of 26,115 miles, and as much more navigable if improved. There are also 45 canals, aggregating 2,189 miles, besides numerous abandoned canals. Except through forestry in recent years, together with a few reservoirs and canal locks and movable dams, there has been little effort to control headwaters or catchment areas in the interests of navigation, and none of our rivers are navigated to more than a small fraction even of their effective low-water capacity.

"The practical utility of streams for both navigation and power is measured by the effective low-water stage. The volume carried when the streams rise above this stage is largely wasted and often does serious damage. The direct yearly damage by floods since 1900 has increased steadily from $45,000,000 to over $238,000,000.

"The freshets are attended by destructive soil erosion. The soil matter annually carried into lower rivers and harbors or into the sea is computed at 780,000,000 tons. Soil wash reduces by 10 or 20 per cent the productivity of upland farms and increases channel cutting and bar building in the rivers. The annual loss to the farms alone is fully $500,000,000, and large losses follow the fouling of the waters and the diminished navigability of the streams.

"It is now recognized by statesmen and experts that navigation is interdependent with other uses of the streams; that each stream is essentially a unit from its source to the sea; and that the benefits of a comprehensive system of waterway improvement will extend to all the people in the several sections and States of the country.

"The first requisite for waterway improvement is the control of the waters in such manner as to reduce floods and regulate the regimen of the navigable rivers. The second requisite is development of terminals and connections in such manner as to regulate commerce."

This is not an ideal bill from the view point of the original advocates of the measure. It is, in fact, a compromise bill and made to conform to the views of the Judiciary Committee of the House, which was instructed to inquire into the constitutional authority for any such act, and made its report to the last session of Congress.

If the administration of this important and far-reaching measure by the commission appointed proves unsatisfactory, future Congresses can correct the mistake and enact proper legislation.

No more important matter has come before this Congress. It affects the welfare of coming generations. The Members of this House who have for years, in season and out of season, voted for this legislation look forward with hope and pleasure to the time when their labors shall be rewarded, and they shall receive from their country and their constituents the plaudit of "Well done, good and faithful servants."

Mr. WEEKS. Mr. Speaker, I now yield ten minutes to the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from New York is recognized for ten minutes.

Mr. SULZER. Mr. Speaker, this is a most important bill. There are some features in it, however, I do not like, but under the rule I can not move an amendment, and must vote for or against the bill just as it is presented. Its general purpose is designed to permit the Federal Government to acquire lands in any part of the country in order to protect the great watersheds and promote the navigability of our large streams. Every safeguard to insure economy of administration has been invoked and, in my opinion, every constitutional objection has been carefully eliminated. Take it all in all, I believe it to be a good bill, in the interest of all the people, and I shall cast my vote for it, believing in the end it will accomplish much good and result in lasting benefits to the country.

The chief purpose of the bill, it appears to me, is to protect our navigable streams. Incidentally, of course, there will be great benefits to the whole country in other directions. Water power, like navigation, depends on the regular flow of the streams. The amount of water power capable of development in the United States is sufficient to operate every mill, drive every spindle, propel every train and boat, and light every city, town, and village in the country. The continued successful development of many of our industries in the future depends in large part upon the present protection of our inland waterways. We are using three times more timber every year than the forests produce, not that we have an insufficient area of forest land, but because our forests are not protected from fire nor properly safeguarded and economically utilized.

The damage caused annually by the decimation of our forests is beyond calculation. The figures are appalling. According to the most accurate tables at present obtainable flood damage alone in the United States amounts to over $200,000,000 a year, and increasing more and more as the axman's blows resound and the seasons come and go.

It can be said without fear of successful contradiction that all rivers whose watersheds have been denuded show flood increases. They are the greatest in such streams as the Ohio, Cumberland, and Santee, where the greatest quantity of timber has been removed, and least in those streams on whose watersheds forest conditions have been least disturbed. Except in the change thus unfortunately wrought by man there have been no factors that could have intensified flood conditions. In the Ohio River in seventy years the number of floods at Wheeling has increased 62 per cent and their aggregate duration 116 per cent.

Then, again, it is estimated that the annual soil wash in the United States is about 1,000,000,000 tons, of which the greater part is the most valuable portions of the land. It is carried into the rivers, where it pollutes the waters, necessitates frequent and costly dredging, and reduces the efficiency of work designed to facilitate navigation and prevent floods. Soil when once lost is replaced with great difficulty. Consequently the protection of the forests on the slopes which are too steep otherwise to be utilized means actually immense gain in soil conservation.

If we want to preserve our soil and promote our navigable streams, we must protect our watersheds and prevent the further decimation of our forests. To those who have intelligently studied this subject these propositions are elemental. The relation of the mountain forests to the navigability of inland water is the same the world over. Every country that has maintained an even and sufficient flow of streams for the purposes of commerce has had to maintain, and in some cases establish, upon the headwaters of the streams forests to hold the soil in place and prevent overwhelming floods. Germany stands in the forefront of nations in inland-waterway development, and she has all of her high mountains protected by forests. These forests have been under government management for a hundred years, and they are the most productive and profitable in the world, yielding an average net return of $2.40 per acre. The stripping of the forests from the mountains of France was unchecked until 1860, by which time 800,000 acres of farm land had been ruined or seriously damaged and the waterways practically destroyed. The population of 18 departments had been reduced to poverty and forced to emigrate. A futile attempt was then made to check the torrents by sodding. It was only by the acquisition of the bare lands, the building of stone walls for the gathering of silt, and the planting of trees

on the soil held in check by those walls that the French Government was able finally to accomplish satisfactory results.

The Chinese Empire presents in the most forcible way the calamitous results of deforestation. China is the only great country which has persistently destroyed her forests. What has been done in other countries stands out in bold relief against the background of China, whose mountains and hills have been nearly denuded of trees and whose soil in many districts is completely at the mercy of torrential floods. Trees have been left only where they could not be reached. Streams which formerly were narrow and deep, with an even flow of water throughout the year, are now broad, shallow beds choked with gravel, sand, and rocks from the mountains. During most of the year many of them are entirely dry, but when it rains the muddy torrents come pouring down, bringing destruction to life and all forms of property. In a word, the Chinese, by forest waste, have brought upon themselves two costly calamities—floods and deserts.

The great increase of floods in our rivers, with the resultant damage to property and annual loss of soils, shows that in some sections of the country we are rapidly approaching the situation in China. We must act promptly in this matter. It is yet time for nature to restore the forests on our mountains, but the day is rapidly coming when it will be too late.

The question of protecting the forests at the headwaters of the streams is a national as well as a state problem. It is not right to expect the State to deal entirely with areas requiring protection when those areas affect chiefly other States. It is impossible for States which suffer from conditions outside of their own territory to remedy them by their own action. The mountains of the West are already largely under Government protection. So far as they are not protected this bill is applicable to them. It is applicable to all other sections of the United States in which the source streams of the navigable rivers lie in nonagricultural, mountainous regions, and it is believed that this bill will go far to accomplish the necessary protection to the Southern Appalachians and White Mountains. For these reasons I shall vote for this legislation, indulging the hope that any defects in this measure can be speedily remedied by future enactments.

The conservation of our natural resources is a great economical question. It is of momentous importance to all the people; and I want to say that I am now, and always have been, in favor of preserving our forests by intelligent forestry legislation. I am in favor of protecting our watersheds, and utilizing to the utmost our numerous rivers as they flow from the mountains to the seas; and I believe that now is as good a time to begin as some time in the future. We must preserve our forests; we must protect our watersheds; we must promote the utilities of our rivers. This is the plain duty of the hour, and if we fail to do it, we invite the deluge and create the desert. Hence I am for any plan along constitutional lines that means an intelligent beginning.

The systematic protection of our wonderful natural resources means much to our glorious country now and much more in lasting benefits to future generations. The willful waste of these natural resources—the devastation of our forests, the destruction of our watersheds, the elimination of our rivers—means decay and death and desert wastes, means in the centuries yet to come the conditions we now witness in northern Africa, in western Asia, in Italy, and in Spain. The world is learning by experience. We must learn in the same school. We can not violate natural laws with impunity; we can not neglect fundamental principles and escape the consequences; we can not decimate our forests and have our rivers, too, and without them our fertile fields will ere long be barren wastes. Shall the sad story of the ancients be repeated in America? Shall we never take heed? In the history of the past let us realize the duty of the present, and by intelligently responding to the essential demands of the hour we will be true to our trust, and future generations appreciating our work will rise up and call us blessed. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SCOTT. I yield five minutes to the gentleman from North Carolina [Mr. HACKETT].

[Mr. HACKETT addressed the House. See Appendix.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 265. Joint resolution to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, had still further insisted upon its amendments disagreed to by the House of Representatives, had asked a still further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. HEMENWAY, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8200. An act for the relief of C. M. Cox; and

S. 9405. An act to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 28046. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 5728. An act for the relief of James H. De Coster; and

H. R. 28285. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 9242) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNHAM, Mr. CURTIS, and Mr. TALIAFERRO as the conferees on the part of the Senate.

HALL OF THE HOUSE.

Mr. McCALL. Mr. Speaker, as the Senate amendment to House joint resolution 265 is merely to correct a clerical error, I move to concur in the amendment.

Mr. UNDERWOOD. What is the purpose of this proposition?

Mr. McCALL. It is merely clerical. We referred in the House resolution to a resolution passed at the last session as No. 419. It should have been 429.

The question being taken, the Senate amendment was concurred in.

APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVE.

Mr. WEEKS. I now yield to the gentleman from Tennessee [Mr. BROWNLOW].

Mr. BROWNLOW. Mr. Speaker, the tact, grit, and ambition of the American people are not the only factors which have achieved their wealth, ease, high prestige, contentment with their conditions and environments, and their great estimate of their own powers and capabilities. Generosity and elevated taste are forces as potential as these in the formation of the national character. They are a practical people, know the value of a dollar, and are always ready and willing to earn it. This high appreciation of the value and dignity of labor and the beneficent results that follow it with the precision that marks all moral certainties insures a glorious compensation for all the energies of body and mind expended to reach the highest of a free, robust, and stable Republic. This sentiment, born of enlightened aspirations for the best, noblest, and grandest in life, and imbued with the genius of courage, liberty, and adventure, has energized and vitalized this Government from its very inception.

Every true American feels it tingling in his veins and throbbing in his heart. It quickens his brain and pulse, stirs his soul with sublimest inspirations and throws the golden light of hope over all his future. It is thus he becomes a pioneer, an originator, a toiler, a projector, and a builder.

Commercialism is an intuition, and he cultivates it for all there is of help and value in it. The stirring impulse of commercialism has led him into every field of industrial enterprise. Possessing the land, it was his God-diverted mission to subdue it and utilize all its amazing capabilities for the uses of mankind.

The wilderness receded from him and fruitful gardens appeared in its place. He has made bleak and barren New England resonant with the thud of loom and the whirl of spindle, building mills and factories along the majestic Merrimac as thick as castles on the Rhine. In this region where nature is unkind in soil and climate and he had so many formidable obstacles to encounter and overcome, his commanding intelligence, skill, and energy has wrought princely fortunes and created magnificent industrial enterprises whose products have found their way into all civilized lands.

In New England a weaver manufacturing clothing for the millions. In Pennsylvania the true American is an ironmaster. He is delving into her coal and ore treasures, building mills, foundries, and workshops in the recesses of her rugged mountains and lining her magnificent streams with smoking Pittsburgs. His achievements are so great in the Keystone State that her finished products lead the iron and steel markets of the world.

The true American is a flock master and a farmer on the ocean prairies of the West, that boundless empire of exhaustless fertility of which he is the uncrowned and untitled king. His fleeces keep the American woolen mills in operation and his granaries and stock yards supply wheat, corn, beef, mutton, and pork for millions at home and abroad.

The true American is the magician of renovation. He touched the dead body of the South and it sprang to its feet with the bounding vigor and lusty life of a giant. The vine flowered on the crumbling battlements of war and the harvest grew from the hoof prints of charging cavalry. He stretched out a hand of welcome, help, and rescue to the South, a-weeping for her slain amid abject poverty and the general wreck of all her cherished idols and ideals, and turned her despair into hope and her burning tears into a fountain of glad waters. It is no longer the torn, bleeding, and wasted South, but the "Old South," if the term be more pleasing, disenthralled, and rejuvenated by new systems of industry and enterprise, liberalized by new ideas and ideals born of the genius and spirit of modern progress, and, in place of blind partisanism, a soul to appreciate and a clarified vision to see a destiny of incalculable glory and grandeur in the resistless trend of the new century.

The true American is a diplomat, controlling the parliament of the world, not by the cruel craft of greed or the enchantments of speculation, but by a quicker intelligence, a clear insight into the designs of Providence, and a wiser and nobler conception of the duties of men and nations.

The true American is a soldier and a philanthropist, fighting the world's battles, as well as his own, for human rights and liberties. He laid his puissant hand on the hoary despotism that enslaved and despoiled the fairest isles of all the oceans and it crumbled into dust, and now, still their defense, he is helping their freed peoples to solve the problem of self-government by the processes of education and the precepts of civilization and Christianity.

Along with his keen and tireless pursuit of business and wealth, his discoveries in science, and the marvelous creations of his inventive genius, which has given to the world the sewing machine, the cotton gin, harvester, telegraph, telephone, and a thousand most useful devices, along with his ever-enlarging scope of statesmanship, triumphs of diplomacy, and the constantly repeating victories of peace far greater and more beneficent than his victories in war, the true American has assiduously cultivated his æsthetic tastes.

Admiration for the beautiful and grand is with him a fond devotion. He is consecrated to art. This exalted sentiment of his character finds expression in painting, sculpture, elegant homes, triumphal arches, towering monuments, and splendid temples. There is oratory and song and stately measures in his architecture that surpass all the beautiful symmetries and imposing elegancies of the mingled Ionic, Doric, and Corinthian.

The true American, who has made this country the lady of the nations, constitutes the great mass of American citizenry. The Greeks built the Parthenon to show forth in deathless expression their love of art and beauty, and the American people consider no task nor expenditure in evincing the same glorious instinct of civilization in creations of majesty and splendor.

The primitive impulse may be a blend of Roman, Grecian, and Egyptian ideas conceived and matured in the bright eras of the history of the ancients, but if this be so, these ideas have been enlarged by the energies of a superior intelligence and aspiration and spiritualized by a deeper consecration to the divine ideals of freedom.

The American people surpass all others in tactful combination of the useful and practical with the beautiful and majestic. They gaze with awe upon Niagara, yet all the time are devising plans to harness its idle boundless power to machinery for their enjoyment, convenience, and profit. They create nothing merely to look at and admire. Its significance must be suggestive at least, as well as impressive. They revolt at the idea of mere show and decoration for their sake only, yet their æsthetic character, ever broadening and enlarging and keeping pace with the march of their industrial triumphs, is free from the debasing taint of commercial lust. Their marvelous prosperity teaches them to appreciate their opportunities and to value their natural wealth, and in their earnest and persistent pursuit of solid comfort for themselves they do not overlook the obligation to husband their God-given heritage for future generations.

They are beginning to understand why the Creator in spreading out the prairies adorned them with timber belts and in piling up the hills and mountains covered them with magnificent forests. Its forests are the chief glory and beauty of the American Continent. They are storm resisters, conservatories of health, and unfailing reservoirs of fertility.

It is a fact established by experience that forests control climatic conditions. They mollify the vigor of winter and the fervor of summer, in this way contributing to the comfort of the people. Diseases of the worst type and disastrous droughts and floods follow their destruction as surely as distressing punishment follows the violation of nature's laws. The system of natural drainage is destroyed by constant washing; the land impoverished and the low-lying places become cesspools of fetid decay, whose poisonous exhalations laden the air with deadly germs.

Hygienic principles proclaim against vandal waste of the forest, and every drought and flood is an appeal for forest preservation. Forest preservation has become a question of national interest and one of the greatest importance. It is a question on which the serpent of politics can not leave the slime of its trail. It is not only a question of æsthetics, but of health and economy as well; and the American people are demanding of Congress the protection of the virgin forest against the encroachments of that insatiate greed which would spread utter desolation where nature has stored the plant food for bountiful harvests and millions can build elegant and comfortable homes.

In response to this demand, Congress has segregated the following sections as forest reserves:

Number.	State.	Name.	Acres.
1	Wyoming	Yellowstone Park	1,239,040
2	Colorado	White River Plateau	1,198,080
3	New Mexico	Pecos River	430,880
4	Colorado	Pikes Peak	184,320
5	Oregon	Bull Run	142,080
6	Colorado	Plum Creek	179,200
7	do	South Platte	683,520
8	California	San Gabriel	555,520
9	Colorado	Battlement Mesa	856,960
10	Alaska	Afognak	403,640
11	California	Sierra	4,096,000
12	Washington	Mount Ranier	2,027,520
13	Arizona	Grand Canyon	1,851,520
14	California	San Bernardino	737,280
15	do	Trabuco	109,920
16	Oregon	Cascade Range	4,577,120
17	do	Ashland	18,560
18	California	Stanislaus	691,200
19	do	San Jacinto	737,280
20	Idaho and Montana	Bitter Root	4,147,200
21	Idaho and Washington	Priest River	640,120
22	South Dakota and Washington	Black Hills	1,211,680
23	Utah	Uintah	875,520
24	Washington	Washington	3,426,400
25	do	Olympic	1,466,880
26	Wyoming	Big Horn	1,147,840
27	do	Teton	829,440
28	Montana	Flathead	1,382,400
29	do	Lewis and Clark	2,926,080
30	California	Pine Mountain and Zaca	1,644,594
31	Arizona	Prescott Lake	423,680
32	do	San Francisco Mountains	975,360
33	do	Black	1,658,880
34	Utah	Fish Lake	67,840
35	Montana	Gallatin	40,320
36	New Mexico	Gila River	2,327,040
37	California	Lake Tahoe	136,335
38	do	Santa Inez	145,000
39	Wyoming	Crow Creek	56,320
40	Oklahoma	Wichita	57,120
41	Utah	Payson	84,400

These reserves, embracing nearly fifty millions of acres in the aggregate, are all located in the West. The object of their segregation is to preserve the timber from the devastation of the lumber vandals and to maintain reservoirs for the irrigation of arid lands and resorts for pleasure and health seekers.

The great Appalachian chain, stretching from Vermont to Georgia and embracing millions and millions of acres, has been entirely overlooked by the Government. In the eastern section it has been almost entirely denuded, to furnish lumber for the city markets, and to this fact is owing largely the large and increasing number of homes abandoned in the territory contiguous to the mountains, where the owners could not make tongue and buckle meet on account of the alternations of excessive droughts and rainfalls.

It is a physical fact, clearly demonstrated on a small scale year after year, that the destruction of the Appalachian forests would soon depopulate and utterly impoverish one-half of the American Continent, and that part of it the richest in natural wealth and which produces the most varied and useful harvests. The Appalachian Range is the nursery of the country, its training school and academic hall. It has furnished the heroes, statesmen, and educators that have subdued the savagery of the West and built the proud and prosperous Commonwealths that now adorn it. It still furnishes the capital and skill that projects and sustains its vast enterprises. It should be preserved from the all-devouring rapacity of the woodman's greed.

The area of the southern Appalachian within the Virginias, the Carolinas, Georgia, Alabama, and Tennessee which the bill under discussion proposes to convert to a national park and forest reserve is the most picturesque and romantic section in all the Southland. Its scenic grandeurs of towering altitudes, dashing waterfalls, rocky ramparts, "deep, silent recesses of everlasting shade," acclivities aflame with flowers that no botanist yet has named, and valleys soothed to the bliss of peace by minstrelsy of singing streams. That portion of this section embracing the southern part of upper east Tennessee and the northern part of western North Carolina is peculiarly rich in history and tradition; on the Tennessee side was the Watauga settlement, the germ of its statehood.

Its lofty peaks look down on lesser altitudes, and these look down upon Watauga, the river of beauty, on whose banks gathered the pioneers who, under the lead of Sevier and Shelby, armed with the primitive implements of war and the sword of Gideon and the Lord at their sides, marched through the Appalachian solitudes, threaded their tortuous defiles, scaled their rugged heights, and threw themselves, an avalanche of dismay, terror, and death, against the Hessian hosts of Ferguson and closed the gory annals of a seven years' struggle with the decisive battle of the Revolution. Were this the only reason it would be enough to preserve the chief natural glory and beauty of this particular region.

The reasons why this bill should become a law are manifold, and I shall attempt a few only:

First. It is a matter of economy.

Second. The South and East have no national park and forest reserve, whilst the North and West have many, amounting in all to 46,000,000 acres.

Third. To show that the Government has a deep concern for the welfare of the people of all sections.

Fourth. To put in glorious and everlasting expression the æsthetic taste of every intelligent and cultured American.

Fifth. That the region covered by this has the only hardwood forests remaining in the country.

Sixth. That greed with ax and saw is rapidly devastating these magnificent forests, and if unrestrained will in course of a few years make the establishment of a national forest reserve in this part of the country an impossibility.

Seventh. That the section contemplated forms the watershed for the Southeastern States, and to retain the water supply of these States it is absolutely necessary to preserve the timber of the mountains.

Eighth. The region under contemplation has railway connections with every part of the country and is within a few hours' distance of the National Capital.

Ninth. That this region has every essential in climate, scenery, and timber for a national park and forest reserve.

Tenth. That this region is most peculiarly adapted for the raising of game and fish culture.

Eleventh. That it is the paramount duty of this generation to preserve intact such a picturesque and romantic section that their posterity may see a part of the country in its primeval condition.

The builders of the Nation built wiser than they knew; they built exceedingly well. But had they been as wise a century ago as they are now they would have had a ceaseless and vigilant care for their timber wealth which, in its primeval condition, was the chief glory and grandeur of this highly favored country. Its vast forest reservations and national parks would not be located west of the hundredth meridian in the far distance toward the Pacific, where the people of the East and South can not visit them on account of the time and money required. These reservations would now be found all over the vast territory which was owned by the Government a hundred years ago. The landscape of the eastern part of the Mississippi would still retain the romance and fascination with which the Great Architect and Artist overspread them, and the forest acreage of the southern Appalachian would have been preserved against the inroads of the spoiler.

No richer legacy could have been bequeathed to the present and future generations, and these reservations would be justly esteemed as being no inconsiderable part of our national treasures and blessings. If the principle of reservation, now definitely adopted in the West, is not now applied to the southern Appalachians, in a few brief years, if the process of denudation goes on at the same ratio as it has in the past few years, the country will be stripped of every requisite for a forest preserve.

There will be nothing worthy of preservation. In the process of time it will be a bleak and dreary solitude of tempest-riven peaks, the dry channels of perished streams and naked and sunscorched declivities, unless nature reverses her law of punishment for timber destruction. Now is the time, the set time, to begin the work of preservation. The opportunity is already receding from us.

In the section of the southern Appalachians under contemplation in this bill there are still large areas of original growth that retain their primeval splendor. It is peculiarly fortunate that the most of this original growth forms forests that are self-renewing and in the areas where the growth has not been actually exterminated, if protected from the ax and fire, it will regain in a few years, compared with the lifetime of the Nation, all the grand and beautiful features of a primitive forest domain.

A conclusive argument for the passage of the bill from an economic and æsthetic standpoint is that the district covered by it is the only one possessing the requisite for a great national reservation in the eastern section of the United States. It has an average range of elevation of about 5,000 feet and embraces Mount Mitchell, the Roane, and hundreds of other peaks higher than Mount Washington. On these high elevations grow the most majestic of the broad-leafed forests of the eastern part of the United States; they afford the climatic conditions required by this valuable species of forest growth.

Regarding the purposes of this bill, an eminent authority, who is a profound student of national science and has made the physical features of the American continent and their attendant climatic conditions a close and careful study, says:

> Although a national reservation in the southern upland will, perhaps, most commend itself to the people from their interests in the noble forests, which it will permanently preserve, there are economic considerations that would of themselves warrant the undertaking. The effect of such a forested area on the streams which have their headquarters in this mountainous district would be considerable and most advantageous. Properly located, this park would include the tributaries of rivers that flow into the Ohio, as well as streams that course to the Atlantic.
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> It is evident that in the future these water courses, like all others in settled countries, are to be utilized as sources of electric power. Owing to the form of the country, it will not be possible, as in New England, to hold back the stream water in reservoirs for use in the dry season of the year; the only economical method will be to have the water stored in the spongy mat which naturally forms in an unbroken forest, and which to a great extent prevents the water courses from becoming beds of torrents in the rainy seasons and in other times dry channels. In proportion to its area and rainfall, in relation to the whole of the drainage of the rivers flowing from it, such a forest reservation would serve to diminish the floods which year by year become more destructive to the tilled grounds and towns along the lower reaches of our great waterways, and more injurious to their value for navigation. This evil, already great, is constantly becoming a more serious menace as the steep sides of the mountains are further stripped of their woods.
>
> It is, indeed, likely that before the end of the century it will be a matter of national concern. So far as the proposed reservation of forests in the southern highlands will tend to remedy this (that it will in some measure do so is certain), it will help when help is much needed.

In May, 1901, the people living in the Second West Virginia Congressional District, the first Tennessee, and the eighth and ninth North Carolina districts, some contiguous to and parts of them embraced in the proposed reserve, had a severe and memorable object lesson in the terrible results of forest denudation. There was an unusually large rainfall, and the torrents, sweeping down with unresisted volume and force from the

regions where the spoiler had been and uniting their energies of frightful fury in the rivers and streams, swept away mills, barns, houses, bridges, fencing, and the fertile soil off the bottom lands, leaving an unbroken desert of irreclaimable deposit of sand. Thousands of people lost their all, and had the crest of the flood come in the night thousands would have lost their lives.

The loss in dollars to the people of the First Congressional District in Tennessee and the North Carolina district just opposite on the other side of the mountains would be a most reasonable compensation for the 4,000,000 of acres asked for in this bill, and the actual loss in the four congressional districts mentioned will exceed the desired appropriation by $5,000,000.

Immediately following this terrible flood was the most disastrous drought in the history of this region. The earth baked into dust, wheat and oats partially escaped, but gardens and cornfields were almost an entire failure. But few farmers raised a sufficient amount to carry them over to the next crop, and the great majority can only get through by the stint of a half-starvation economy, having no money to make up the deficit. And this, too, in a region of industry and simple tastes and requirements, where want for man and beast has been practically unknown.

The constituency I have the honor to represent, living in one of the most fruitful and enchanting valleys of the southern Appalachian, as well as the people in the other portions of this flood-ravaged and drought-stricken region, look most anxiously and hopefully to the passage of this bill as a permanent security against the perils and disasters of flood and drought. Without such an arrangement of protection the agricultural and industrial development of this interesting and promising region may become a matter of serious uncertainty.

For the cost of two battle ships we can have this reservation of 4,000,000 acres. We need armaments of war to sustain a masterful independence among the nations and confront the land hunger of those greedy and rapacious powers that rely upon conquest for their enlargement, and these we must have. We also need the armaments of peace that secure the happiness, health, and prosperity of the people against the possibility of injurious and destructive forces.

The reservation proposed by this bill will be an imperial gift enriching beyond measure or calculation the whole eastern part of the United States. In no respect will it be inferior to the National Park of Wyoming, and in many noble features it will surpass it. Besides preserving in their "main cradle place and stronghold" the finest hard woods in the United States and the noblest broad-leaved trees of the Northern Hemisphere, charging the air with the boon of health from balsam and fir and holding a water supply in the spongy mat of its forests, it will be the paradise of the scientist, the geologist, the botanist, the artist, and excursionist. The invalid will come for the breath of its pines and the restoratives of its crystal waters. The sportsman will come with gun and angle to find his heart's desire in its secluded fastnesses and glassy streams, and the rich will come to find in its sweet and peaceful solitudes and amid its singing fountains surcease from the enervations of burdening wealth. It will be the Yellowstone of the Appalachians, the sanitarium and pleasure ground of more than half of the people of the United States.

The intelligence of the country appreciates all these facts and pleads for the passage of this bill.

Mr. WEEKS. I now yield to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, this bill is not all that I would have it, but I think that we should pass it.

The time has come for us to do something to protect the forests of the United States, and if this law does not work as well as we think it should, we can amend it.

I congratulate the gentleman from Massachusetts [Mr. WEEKS] upon his success in getting this bill by the Speaker and on the Calendar for consideration by the House.

I had expected to hear the Speaker say to this bill, as he has said to thousands this session:

Since others are sleeping,
Go sleep thou with them.

Upon the request of many of my Democratic colleagues I shall include in my remarks a fancied picture of mine of the Speaker's room in the closing hours of this session.

On the 3d of March, in the wild noon of night,
The Speaker's room was a ghostly sight.
Busbee sat in the big armchair,
And bills galore around him were there.

This clerk was alone in the Speaker's room,
But voices he heard in the midst of the gloom;
Groans from the basket by the Speaker's chair
Floated sadly along on the smoky air.

"I had hoped," said the voice of a dying bill,
"To pass at this session; am hoping still.
Is there no spot in the Speaker's heart
That responds to this righteous call on my part?

"Oh, save me, Busbee, I implore,
I've been introduced many times before;
And the voice of Justice cries out to you,
Entreat the Speaker to put me through.

"Do this and the people will say 'amen,'
The down-trodden masses take hope again;
So plead with the Speaker—plead with him now,
For the time is short, I earnestly vow."

"What," says Busbee, "Justice and right!
It's power we love—the power of might;
And we've wielded this power, the Speaker and I,
Your doom is sealed, you'll surely die."

Then the Speaker entered, with a smile on his face,
And said: "Busbee, we've led 'em a terrible chase;
They may talk about Reed and a Russian czar,
They ain't in it at all as you and I are."

Then the Speaker threw down an armful of bills,
Said: "These are their cures for legislative ills,
But PAYNE and DALZELL both well know
How I gave to them all the final blow."

"I do the 'act,' Busbee; you sit behind the screen
And write clever pieces for the monthly magazine.
So betwixt and between us—PAYNE and DALZELL—
We give their good measures a dose of merry—well."

"Rah! rah!" said Busbee, in a high state of glee;
"What would we do if the Members were free
To call up bills and legislate
For the good of the people, the small and great?"

"Well," said the Speaker, solemn and slow,
"We'd be in a ——— of a fix, you know;
The Democrats would get control,
And CHAMP CLARK, their speaker, a great, big soul,
Would restore the House to her former fame,
And good laws the Members would wisely frame."

"Mr. Speaker," said Busbee, in an undertone,
"While you and I are all alone,
I observe the country smells a mouse,
And clamors for a change in the rules of the House."

"Yes," said the Speaker, "that may be true,
But what in the —— can the country do,
When I'm in the chair and PAYNE and DALZELL
Are both on on the floor 'er givin' 'em—well, well."

The wails of dying bills shook the Capitol,
The ghosts of dead measures perched above the Speaker's door,
Perched and sat and nothing more.

Mr. WEEKS. I now yield four minutes to the gentleman from North Carolina [Mr. WEBB].

[Mr. WEBB addressed the House. See Appendix.]

Mr. SCOTT. I now yield to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, we hear a good deal said about the conservation of the natural resources, but we do not hear much said about the conservation of the Treasury of the United States. [Laughter.] We have a deficit, or will have at the close of this year, of about $130,000,000. No human ingenuity can frame a revenue measure that will equal the expenditures of the first fiscal year under that measure. We face a bond issue in time of peace for the ordinary expenditures of the Government. But here comes this measure with an appropriation of $2,000,000 annually to be taken out of the Treasury of the United States for a period of ten years. They talk about taking it out of the forestry fund, which amounts to about a million and a half a year now paid into the Treasury, and the charges against which are more than $4,000,000 a year for expenditures.

Come out into the open, gentlemen, and say that you are reaching into the Treasury for $20,000,000 at the outset of this proposition to reclaim 6,000,000 acres, where the Secretary of Agriculture says you need seventy-five million. Multiply 20 by 15 and you have $300,000,000 for this property alone, to say nothing of those that may arise from other States. Why do not you gentlemen, who are patriotic and anxious to help the country—for you claim that to be one of the first objects of the bill—go to your States and have them form the agreement that the Constitution allows them to form and take the money out of your taxpayers and pay for these enormous properties? We are doing that thing in the State of New York. We are not coming to the Federal Treasury to preserve our forests, but we use our own money. Gentlemen, have enough State pride, have enough honor about it when you want to benefit your own citizens, to build up the mills on your rivers and make more taxable property, to go ahead and tax your people to pay for it.

This bill creates a commission, Mr. Speaker. Hitherto we have lived up to the rule of the three separate powers in this Government—executive, judicial, and legislative. This proposes a commission, to be composed of three members from the executive branch of the Government, one Member of the Senate, and

one Member of the House, to execute the powers under this bill, and when their actions come to be reviewed they come to the Congress of the United States, the lawmaking power; above all things we should not have the lawmaking powers mixed up with this executive commission. It is a vicious principle, it is an assault upon the principle in the Constitution of the United States to keep the three powers separate forever. Mr. Speaker, in the brief time allotted me it is impossible to even enumerate the objections to this sort of legislation. If you enter upon it, enter upon it with your eyes open and look to the issue of bonds year after year in the future to carry out this extravagant proposition, and that against the opinion of a majority of the scientists of the world, that when you will have done this thing you will not accomplish the object of improving a single navigable stream affected by the area drained under this proposition. [Applause.]

Mr. LINDBERGH. Mr. Speaker, in the limited time at my disposal, I can state only in a general way that I am opposed to the bill before the House, for the reason that it opens up and creates an exceedingly important policy without sufficient limitations. No one can be more enthusiastic for the preservation of our natural resources than I, but we can hardly afford to go into this great question without careful and deliberative study; a study such as we can not give to it in the closing days of our session. The question should not have been brought up now, when we can not as much as offer an amendment. We are compelled to accept or reject the bill as it is before us, and there are some things in the bill I can not vote for, and therefore I am compelled to reject the bill as a whole.

I have before stated my views on this subject on this floor, and I here quote some of my remarks at that time:

"Mr. Speaker, in a general way I doubt the early effectiveness of acquiring forest reserves and placing them under the absolute, exclusive supervision of the Government to the exclusion of everything and everybody. I believe the policy should be materially changed, so as to look forward to a broad policy of general supervision of all forests, public and private, by a regulation of the cutting of the timber and the prevention of destruction by fires, something along the lines established in the Scandinavian, German, and in some of the other progressive countries."

I know the question will be raised as to the right of the General Government to interfere with the individual ownership of private property. It is everywhere conceded that the preservation of the forests is material to the general good, not only for a uniform and permanent supply of timber, but also to attract moisture, and thereby in a measure regulate the waterfall. If that is admitted, and it seems that it must be, it follows that the preservation of the timber is of such general imporance that the regulation of its cutting is within the constitutional control of the Government.

If the private ownership has divested the Government of the immediate right to directly interfere in the regulation of the removal of timber from the forests, it still has the right of eminent domain to accomplish that which is universally required. The Government has the power to do anything essential to the general public. If it can not now fix rules and regulations for the cutting and general care of timber on private lands, it may acquire that right through condemnation proceedings, and as it would not be the policy to appropriate the ownership, but merely to regulate the manner of its use, and that for the purpose of conserving the timber, the measure of damages for such control would not be so great as to seriously threaten the Government Treasury. On the contrary, such a system would be far less expensive than that which is now in contemplation.

The Government can not in the present condition of things take the exclusive ownership of sufficient forests to serve the needs of the country with such effectiveness as may be done by regulating the removal of timber from all forests.

It is one thing to conserve timber already growing in the diversity of stages from the first germination of the seed through to the matured tree and quite another to plant and cultivate forests or preserve an ample supply by acquiring the exclusive ownership of special forests. Under the latter system there must be carved out selected districts to the determent of adjacent communities, and these districts of necessity are far removed from the people in general, while under the former system the forests will continue interspersed as nature originally contributed to us.

I do not consider that we are justified in levying a tax upon the general public to conserve forests in ordinary places for park purposes, to cater to the enjoyment of a comparative few who can afford to make long trips to visit these reserves. I do not, of course, complain of but prefer to approve the maintenance by the Nation of the great, natural, beautiful scenery spots of our country, like the Yellowstone, Yosemite, and several other places, some of much lesser note and magnificence. But I do not believe in creating at general expense park systems except under exceptional conditions where they are not practically available to the general public.

Mr. GILHAMS. Mr. Speaker, the question of national forest reservation has been interesting the public mind for a considerable number of years. It is not a question that has suddenly come before the committee, but one that has been brought before them for careful consideration at their hands from every part of our country time after time, and this committee reported this bill, believing that if it were adopted it would be of lasting benefit to the present and future generations. The powerful imaginative dynamos that are sending forth the remarkable searchlight visions at this time, in which is seen the enormous expenditure of $750,000,000 in the near future for the securing of national reservations, is truly amusing, when the bill, if enacted, shuts off the further expenditure of more than $19,000,000 at the expiration of ten year, being somewhat automatic in its nature.

The preservation of our forest domain has been and will be one of the great sources of our national wealth. It is through the preservation of these forests that our watersheds may be maintained, and, in a sense, become reservoirs to perpetuate and continue the regular flow of water into our navigable streams. It will be through the perpetuation of this water supply that the greatest economical development of our country will be accomplished through water transportation. It will be water transportation that will enable us to cheapen our domestic commercial intercourse and to put our manufactured products, as well as farm products, at the cheapest possible cost into the hands of foreign consumers.

Without this class of transportation and its most perfect development throughout this whole country of ours we can not hope to compete with our foreign competitors, who already have acquired unusual facilities, through water transportation, in the markets of the world. The baldness of our country from lack of preservation of our forests will rob us of one of our greatest sources for economic wealth and prosperity. We can have no ship canals or inland waterways without their preservation and most careful protection, and at this point I desire to call the attention of this House to the fact that a House concurrent resolution (H. C. Res. 18), drawn by myself and filed in the beginning of this Congress, asking for a preliminary survey to determine the feasibility and the probable cost of the construction of a ship canal from Toledo by way of Fort Wayne to Lake Michigan, this canal to be known as the "Michigan and Erie Canal," is still pending. It has received a favorable report from the Committee on Railways and Canals, and is now on the House Calendar, and should have been permitted, in my judgment, to have been taken up on the floor of the House for final passage.

The reasons put forth by those who had control of matters coming before the House for suppressing its passage seemed to me very inadequate and unjust.

It is my belief, my conviction, and hope that the future will demonstrate the correctness and the wisdom of our claim. A ship canal from Lake Michigan to Lake Erie, over the line suggested in our bill, would prove of inestimable value, if constructed, to the whole Nation in the cheapening of the cost of transportation and the enormous saving of fuel over what is now used for transportation purposes. The construction of a canal over this line would be the foundation or trunk line for a network of waterways through Indiana, Ohio, and Illinois.

It would mean the holding within our own borders of the enormous shipping of the products of the West and Northwest to the East and keep them from being diverted through Canada and out to the Atlantic Ocean by way of the Georgian Bay Canal, when completed, which is now in process of construction. It would shorten the distance from Chicago to New York, in round trip, 800 miles, a distance equal to that from Chicago to Baltimore. It would make the distance by water from Chicago to New York City the same as that by rail to-day. It has been demonstrated in our own country and in Europe that the cheapest of all water transportation is by barge fleets. The cost of transportation on the Ohio River in barges is about one-third of a mill per ton-mile, and many times the transportation has been for less money. There is no doubt in my mind that transportation by barge fleets on the Michigan and Erie Canal and the deepened Erie Canal, if constructed, would be cheaper than any water transportation ever before known.

It is through this line of water transportation that we will be enabled to hold the grain trade within our own borders of the mighty West. One of the reasons that contributes to the economy of transportation by barges is the economy in the cost of construction per ton capacity, which averages from $9 to $15

per ton, while the cost of the mighty ocean-going vessels and lake-going vessels is from $50 to $80 per ton, or more than five times the cost in construction.

In the summer of 1908 50 great ocean steamers were idle because there was no grain to transport from the city of New York, and the grain from our western wheat fields was passing through the Canadian waters to Montreal for transportation to Europe. The steamship companies took up the question with the Produce Exchange of New York, and the produce exchange in turn took up the question with the trunk-line railroads. The trunk-line railroads answered that they could not meet the rates of water transportation without inviting bankruptcy to their roads.

Mr. Randall, of Fort Wayne, Ind., in discussing this question with an officer of the Chicago Board of Trade recently, was told that "while Chicago was very anxious for a barge waterway connecting it with New York, and that they must have it for the protection of their grain trade, they were not in any way in such a bad shape as the Produce Exchange of New York. The price of seats on the produce exchange was at a very great discount last summer, but if the Canadians built the Georgian Bay Canal and we did not get this shortened waterway from Chicago to New York, they would be worth nothing; that they might, at least for seven months of the year, abandon the produce exchange entirely."

The New York Journal of Commerce, in a two-column editorial, in discussing the grain situation of New York, said:

> There is no way of maintaining the importance of New York as the greatest ocean port on the continent except by deepening the Erie Canal to 24 feet and by connecting the headwaters of Lake Erie with the headwaters of Lake Michigan by a canal equally big.

An Ottawa (Canada) paper recently said, in discussing the deepening of the Erie Canal and the making of the Michigan and Erie Canal:

> The United States is contemplating these great improvements in their waterways. The only way to keep this from being done is for the Canadian government to get busy and build the Georgian Bay Canal. If she does this, the United States may abandon her contemplated improvements. If the United States does go ahead with her contemplated improvements, they will very greatly impair the value of our canal.
>
> The only way to keep the United States from making her improvement is to get busy and do ours first.

If the Georgian Bay Canal should be completed, Chicago will be 800 miles nearer to Liverpool by the way of Montreal than by the way of New York. With such a shortening of the distance, it is easy to see that the shipments to foreign ports for a long portion of the year from the Far West will be through Canadian waters. There will be none of the products of the western prairies passing through Lakes Huron and Erie, and they will be barren of foreign shipments and any considerable water transportation. The English and Canadian newspapers are highly pleased over the aggressions of the Canadian government in improving her waterways, and predict that Montreal and Port Arthur will be the busiest ports on the North American Continent. Patriotism ought to stir us to some action to see how we can best meet this threat of Canada to take away from us what is really our own.

We should not permit for an instant our neighbor on the north to do more in the construction of waterways than we are doing. We should not hesitate in making a careful examination at the earliest possible moment of such feasible routes as may present themselves to the country. The very knowledge of the feasibility of a waterway is that much added wealth to our Nation. The transportation of our country has been, and will be for many years to come, from east to west and from the west to the east. It should be the imperative duty of our legislative bodies to seek every feasible route for water transportation in accordance with this law of transportation, and not promiscuously place a little canal here and another there, until these great transportation lines have been developed and perfected.

Railroads are already feeling their inability to devise means for the transportation of our enormously increasing domestic and foreign trade. Terminals can be secured for railroad purposes at the large centers of commercial industry only at such prices that make railroad construction almost prohibitive. James J. Hill is calling the attention of the country to the fact that it is absolutely necessary that waterways should come to the relief of the railroads in order to extend the terminals farther from the congested cities. It has been estimated that it would cost fifteen billions of dollars to duplicate the railway terminals in six of the largest cities of the United States. Think of this—to duplicate the terminals of these six large cities means to nearly double the cost of all the railroad property to-day.

That would mean added cost for better terminal facilities without materially increasing the lines of transportation. And so we see to-day evidences upon every hand, among the foremost railroad men of our country, an earnest appeal for the early development and completion of water transportation over such lines as will materially assist in carrying the bulky commodities and leaving for them the lighter and more profitable transportation commodities, and at the same time enhancing their profits. These waterways, while relieving the congestion in railway transportation, by the carrying of the bulky and unwieldy products, will be profitable to transport companies because of the ease and cheapness of water transportation.

I desire now to call your attention to the lines proposed for this survey of waterways between Lake Erie and Lake Michigan. The line pointed out in the bill introduced by Mr. ANSBERRY, of Ohio, after coming up the Maumee River to Defiance, Ohio, thence westward toward Fort Wayne, or to Fort Wayne, thence northwest at or near Churubusco, Ind., entering into a chain of lakes, thence to Elkhart and South Bend, and into the St. Joseph River, and thence into Lake Michigan is a line somewhat shorter than the one proposed in House concurrent resolution No. 18, introduced by myself, but proposing to follow a line, if found feasible, coming up the Maumee River from Toledo to Fort Wayne, thence in a southwestern direction to Huntington and Wabash, thence to Lake Michigan, following a course mapped out and carefully analyzed in a pamphlet prepared by Mr. Frank B. Taylor for the Toledo, Fort Wayne and Chicago Deep Waterway Association, of Fort Wayne, Ind., which I desire to submit and make a part of the record in the cause for a deep waterway from Lake Michigan to Lake Erie, in accordance with the above-named resolution.

THE MICHIGAN AND ERIE CANAL, OR TOLEDO, FORT WAYNE AND CHICAGO DEEP WATERWAY—THE NEED OF INLAND WATERWAYS.

A few years ago it required the vision of a prophet to see that railroad transportation in the United States was nearing the time when it would become inadequate for the needs of commerce and that a great system of inland waterways must soon be built. Now, every intelligent man who will take the trouble to inform himself by a study of the statistics of commerce and of railroad and waterway transportation must see not merely the possible benefits of inland waterways, but that they are greatly needed at the present time and will become absolutely indispensable in the near future. It is this conviction in the minds of many wise and farseeing men which has at last taken hold of the people and which is now moving the entire country to the advocacy of inland waterways.

It is not the object in this article to dwell at length upon the conditions of trade and transportation which show the need of inland waterways; that has been done by others. The great deep waterways conventions and congresses of recent years in the Mississippi Valley and the recent National Rivers and Harbors Congress in Washington are unmistakable expressions of the people's convictions and desires on this subject. The earnestness and enthusiasm of the people who attend these great conventions is beyond belief to anyone who has not attended one of them. President Roosevelt's recent speeches at Memphis and Vicksburg and his recent messages to the National Congress show the highest official appreciation of the country's needs along this line and give assurance of his earnest support for wisely planned measures of relief. But lest some who read this may not realize the weighty reasons which are moving the people to demand inland waterways, a brief summary of general reasons is here given. If anyone doubts the wisdom of the present agitation, if he doubts the beneficial results which a general system of waterways will bring to all the people, let him consider the following facts:

1. That water transportation, even in relatively small craft, is much cheaper than transportation by rail, and that the cost grows less with increase in the size of the vessel—the larger the barge or ship the lower the cost. Transportation by water can be done with a profit at a cost only one-fifteenth to one-fourth, averaging about one-eighth, as much as by rail, the rate depending chiefly on the size of the boat. This applies especially to all bulky, low-value commodities, such as grain, coal, iron and steel, ice, ore, stone, brick, slate, sand, gravel, earth, cement, lime, lumber—in fact, to nearly all raw materials.

Col. John L. Vance, president of the Ohio River Improvement Association, has said: "The heavier freight—coal, iron, steel, locomotives—are to-day carried on the Ohio and lower Mississippi for one-third of a mill per ton per mile—a less figure than on any other waterway in the world. This figure includes the return of empties, and leaves a handsome profit to the transportation lines." At this rate a ton is carried 30 miles for 1 cent or 3,000 miles for $1. "As an example of cheap transportation on the Ohio and Mississippi, the steamer *Sprague* may be cited. She has handled safely in one tow 70,000 tons of freight in barges. With the most approved railway appliances in use at the present time this would require 2,333 cars, making a train 15 miles long, not including the locomotives required to move these cars." These river rates are probably somewhat lower than can be expected generally on canals.

But even if they were several times more than here stated they would still be much lower than rates by rail. "A bale of cotton weighing 500 pounds goes by rail from Dallas, Tex., to Galveston, 300 miles, for $3, and from Lake Providence, La., to New Orleans by boat, the same distance, for 50 cents." "Coal from a certain mine is shipped to Pittsburg by boat on the Monongahela from 3½ to 4 cents per ton; by rail, when navigation fails, for 44 cents per ton. It is estimated that on the new Erie Canal a dollar will carry a ton 1,900 miles." "In the carriage of freight between Chicago and New York—by water to Buffalo and thence by rail to New York—the boats receive one-third and the cars two-thirds of the through rate, the boat mileage being double that of the car. In round numbers, the railroad ton-mileage is about one-fourth that of the entire lake system, while the freight charge is more than double, showing a ratio of over eight to one for general traffic in favor of water transportation."

"The average rate on all the railroads of the United States is 7.5 mills per ton mile, while on the Lakes the latest estimates put it as low as 0.85 mills per ton per mile. On the Ohio and lower Mississippi the rate is as low as 0.3, or sometimes 0.1, of a mill per ton per mile."

For several years coal has been carried from Buffalo to Duluth, nearly 1,000 miles, for 30 cents per ton, or at the rate of about 0.3 of a mill per ton per mile. Facts of this kind could be multiplied indefinitely.

2. That the countries of Europe—especially Holland, Belgium, France, and Germany—have splendid inland waterways affording water transportation for every city and to every seaport. The prices of their raw material to themselves and of their manufactured products to the rest of the world are cheapened by low cost of transportation, and this is a factor of prime importance in the difficulties we encounter when we meet them in the world's markets.

Nearly all of the prosperous cities of our own country have more or less water transportation, and all of those which have not would be greatly benefited if they had. But in general our water transportation is poorly developed. The remedy is inland waterways, with one or two deep channels to the sea, the system which the people are now demanding.

3. That the building of waterways, if properly carried out, will afford opportunities for great development of water power. Canals will generally be constructed with reference to this factor as a secondary, but sometimes as a primary consideration. The running expenses and repairs of free canals can thus be paid and additional income secured from the water power.

4. That the canals and waterways being built and controlled either by the State or by the National Government, or by these jointly, are made free to all and are not reserved for or controlled or managed by or in the interest of any trust or corporation or individual, and that they will therefore tend to furnish a natural remedy for the regulation of railroad rates.

5. That the waterways will not work an injury to the railroads, but will, in fact, aid them and greatly increase their earnings by operating to relieve them of the heavier, bulkier freights, leaving for the railroads chiefly the high-class, faster freights and the express, mail, and passenger business, all of which are willing to pay a higher rate for quicker transportation. Waterways stimulate manufactures by supplying cheaper fuel and raw materials, and this brings increase of population and increase in manufactured products which go by rail, and in express, mail, and passenger business. Transportation facilities create traffic.

6. And finally, just as the true character of the individual man may be measured by his unselfish acts rather than by his acts of self-interest, so the state of civilization to which our country has attained may be measured by its acts of altruism, whether with reference to our near neighbors or to more distant peoples, or to our own unborn generations, rather than by our conquest of other peoples or a part or class of our own people for our immediate personal profit and advantage—in short, by our acts of foresight in providing for the welfare of all of our future citizens rather than by the present mad and reckless scramble for millions for ourselves. We ought to begin now to conserve our natural resources. We have had solemn warnings of their failure if the present wasteful methods of use continue. It is certain that within a century or two our natural fuel supplies will be nearing exhaustion. The locomotive engine is the largest and most wasteful of all consumers of coal. Waterways for carrying heavy and bulky freights would work an immense saving of fuel and postpone the evil day.

For these reasons and for many others that might be mentioned it is evident that the time has come to begin the building of inland waterways. But the building of them is at best a slow task, and even if begun to-day, by the time they are ready for use the need of them will be much greater than it is now.

THE LONG HAUL AND THE TWO MAIN WATER ROUTES.

The compelling fact underlying the whole of the present agitation for deep waterways to the sea and for systems of tributary inland waterways is the inevitable "long haul." The long haul is a necessity growing out of geographical position, and can not be evaded. But it is now performed mainly in railroad cars, and costs on the average about eight times as much as it would in boats on deep waterways.

The North Central division of the United States, or, in popular phrase, the Central or Middle West, comprises the 12 States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri. Their combined area is 753,550 square miles, and they had in 1900 a population of over 26,000,000. They make one-fourth of the area of the United States and contain one-third of its population. Although endowed by nature with a soil of great fertility and with a moist, temperate climate highly favorable to agriculture, having been peopled by a mixture of the best nationalities of the earth, and having built up States and cities and a wonderful prosperity in agriculture, mining, and manufactures, yet these States now find themselves fettered and enslaved in commerce, chiefly in consequence of their geographic position.

They are practically debarred from foreign trade because of the great cost and inadequacy of the only available means of transportation to and from the seaboard, and they are hampered almost as much and for the same reasons in their trade with our own seaboard population. For both of these markets they must pay the tax of the long haul mainly by rail. The commerce of the Middle West has grown by leaps and bounds and has far outstripped the coincident growth of railroad capacity. But even if the railroads had kept pace with commerce, they could not have relieved the present situation, to say nothing of the future, for the imperative need is for cheaper transportation than the railroads can possibly give. From the different parts of the Middle West it is 500 to 2,000 miles to the seaboard, and the railroads, even at their best, can not make this long haul at rates which can compete with water rates and enable this region to be an effective competitor in foreign and seaboard markets. The only remedy is water transportation in large bulk, which is the cheapest transportation in the world. But to realize the advantages of this requires deep waterways, at least for the main trunk lines, to the seaboard. There are only two possible trunk-line routes to the sea within the boundaries of the United States—one south down the Mississippi River, and the other east through the Great Lakes, the Erie Canal, and the Hudson River. The only salvation of the Middle West industrially and commercially is in making both of these into deep waterways, or, if possible, into ship canals.

These two trunk lines are of the first importance—should be considered first and built first. They are both used to-day for commerce, but in only a very limited and ineffective way, and are wholly inadequate to the needs of the country. In their present condition neither of them is capable of carrying barges or ships of such size as are indispensable for the long haul at the cheapest possible rates.

It is true that we have already that most magnificent of waterways, the Great Lakes system, with its tonnage greater than that of any other waterway in the world, the broad ocean alone excepted. But the lakes are not now adequately connected with the seaboard—not by a ship canal or really deep waterway; nor are they connected with the Mississippi River, and the Mississippi itself, although capable of a great commerce as it is, is nevertheless not now fitted to carry the commerce that it ought and can surely be made to carry.

The State of New York is now at work enlarging the Erie Canal between the Hudson River near Troy and the Great Lakes at Buffalo, but when completed this canal will be only a moderately deep waterway. According to the design the new canal is intended to be a barge canal rather than a ship canal, its depth being only 12 feet. This limitation of depth for the new canal seems very unfortunate, for there ought to be at the earliest possible day at least one real ship canal within the boundaries of the United States connecting the Great Lakes eastward with the ocean. The Canadians are giving their new St. Lawrence-to-Ontario ship canals a depth of 21 feet and purpose 24 feet for their Ottawa Canal. It seems certain that the Erie Canal will have to be again deepened in the near future. Indeed, a strong movement has lately been set on foot in New York to have it made 21 feet deep now.

The prospects for the early completion of the Lakes-to-the-Gulf great waterway seems particularly bright at the present time. Indeed, if Congress recognizes the needs of commerce and the earnest desire of the people this work will be in progress within a year. The whole route has already been surveyed, and even now, as a result of experimental dredging by the Mississippi River Commission during the low water of the fall of 1907, it is practically certain that a 14-foot channel can be maintained at all times of the year from Cairo to the Gulf. This depth was maintained experimentally during the recent low water on three bars without serious difficulty. The route of the connecting canal up the Illinois and Des Plaines rivers to join the Chicago drainage canal and Lake Michigan has already been surveyed and ought soon to be under construction.

THE PROPOSED MICHIGAN AND ERIE CANAL AN INDISPENSABLE PART OF THE GREAT EAST AND WEST MAIN WATER ROUTE.

The great east and west trunk line or long-haul waterway from Chicago to the sea may be said to be composed of four divisions: (1) The Hudson River, (2) the Erie or Erie and Hudson Canal, (3) Lake Erie, and (4) either the lake route through Mackinac Straits now in use or else the proposed Michigan and Erie Canal, which would cut off the long northward detour and would run from Lake Erie to Chicago by a nearly direct route. This canal would shorten the distance about 400 miles and would make the long haul, all-water route from Chicago to the seaboard of substantially the same length as the present all-rail route. To have a deep waterway or ship canal from Chicago to New York as short as the direct all-rail route is the best result that can be reached. No better solution of the Middle East to seaboard transportation problem is attainable. It represents the maximum possible efficiency of water transportation—the cheapest possible water rates for the unavoidable long haul. Water and rail transportation would then be set up against each other in flat competition, with no advantage of distance to either one. The only advantages either would have over the other would be such as are inherent in the instrument. Cars would be beter for some things, boats for others; and equality of distances would tend to make the adaptation of trade to them more perfect and thus give the best possible service to the public.

When the Erie Canal in New York has been completed as a ship canal the great east-and-west deep-water route, as it has been thought of up to the present time, will be finished and ready for use. But it will be far from perfect even then, for it will still be about 400 miles longer than the all-rail route, and water rates for transportation will therefore fail to touch the bottom values which ought to be reached.

This extra 400 miles is 43 miles farther than from Chicago to Cleveland by rail, nearly as far as from Baltimore to Boston, and lacks only 42 miles of being as far as from New York to Buffalo by the New York Central Railroad. This much distance would be saved every trip. Not until a shorter route is made available will east-and-west long-haul rates come down to bed-rock value, which they ought to reach and which the people are entitled to have. Too much stress can not be laid upon the fact that even after the Erie Canal is completed every ship and barge that sails from Chicago to New York by way of the Straits of Mackinac will have to travel about 400 miles farther than it would if a deep waterway were built from Chicago to Toledo across northern Indiana and Ohio. And, further, in going back to Chicago every returning ship will have to repeat the same 400 miles' detour through the northern straits.

In short, every boat plying between Chicago or any point west of Chicago and Toledo or any point east of Toledo will have to travel 800 miles farther than necessary in every round trip until the proposed Michigan and Erie canal is built. This is 37 miles farther than from Fort Wayne to New York by the Pennsylvania Railroad, or exactly as far as from Chicago to Baltimore. This distance of 800 miles would be saved on every round trip. Indeed, every ship that travels the northern route to-day has to make this long detour, and every ship in the past has had to do it. The value of the coal alone that has been consumed in traveling this extra 400 miles is probably more than enough to build the canal, to say nothing of the insurance premiums and losses paid and the value of the lives and property lost in wrecks that would have been avoided.

Between Chicago and New York the saving of distance by the proposed canal amounts to two-sevenths, or a little more than one-quarter of the whole distance; between Chicago and Buffalo it is nearly one-half; between Chicago and Cleveland or Detroit more than one-half; and between Chicago and Toledo nearly two-thirds. Can there be any doubt of the value of this canal, if its construction is feasible and within bearable limits of expense?

The accompanying sketch map, figure 1, shows the place of the proposed canal as a link in the great east-and-west water route. Its advantages as a cut-off or short route from Chicago to Lake Erie will be easily noted, and also the fact that it makes a nearly straight line from Chicago to Troy, N. Y., and thus gives an all-water route to New York City which is practically of the same length as the all-rail route—roughly, 1,000 miles—instead of 1,400 miles, as the all-water route is now.

This canal is really an indispensable part of the east-and-west main water route to the sea, and will surely be built sooner or later. Indeed, after the Erie Canal has been made into a ship canal it can not be long deferred. Its service to commerce will be like that of the Baltic Canal in Germany; like that of the proposed Sandwich Canal, which will cut off Cape Cod; and like the proposed Florida Canal. It will cut off the southern peninsula of Michigan, save the long northward detour, and give a route which will be closed by ice only half as long.

THE PHYSICAL FEATURES OF THE COUNTRY TRAVERSED BY THE PROPOSED CANAL.

In northern Indiana, northwestern Ohio, and southern Michigan the whole country is covered with a heavy deposit of glacial drift. Solid rock lies beneath, but is nearly everywhere buried to a depth of from

100 to 300 feet. The bed rock is exposed to view in only a few places and in very small areas. A glacial moraine, or broad ridge of clay, sand, and stones known as the "Erie-Saginaw moraine" runs from a point about 10 miles northwest of Logansport, Ind., toward the northeast, passing out at the northeast corner of the State, and thence in the same direction to Lapeer County, in Michigan, 50 miles north of Detroit. Its top is 10 to 20 miles wide and its surface is hilly and uneven. Its hollows hold hundreds of small lakes and ponds which vary in extent from 7 to 8 square miles, with occasional depths of 80 to 100 feet, down to little ponds a few square rods in area and dry in times of drought.

Besides the lakes, there are many stream valleys, marshes, and prairies, which are extremely favorable for the formation of reservoirs. The great ridge has an altitude of 1,000 to 1,200 feet above sea level in southern Michigan and 900 to more than 1,000 feet in northeastern Indiana. It forms the watershed between Lake Erie on the east and Lake Michigan and drainage to the Mississippi on the west. During the ice age the basin of Lake Erie, including the Maumee Valley, was occupied by a great lake which had its outlet in Fort Wayne, Ind., through a river a mile or more wide, which flowed southwest to the Wabash at Huntington and thence to the Mississippi. The divide on which the waters now part, going east to Lake Erie and west to the Mississippi, is in the channel of this old outlet just west of the city of Fort Wayne and has an altitude of 760 feet above the sea.

At Fort Wayne another moraine or ridge of glacial clay runs southeast along the north side of the St. Marys River, curving gradually to the east after entering Ohio. From about 800 feet altitude in the south part of the city of Fort Wayne, it rises gradually to over 900 feet in western Ohio, and to still greater altitudes farther east. Thus the lowest gap in the rim of the basin of Lake Erie on its west and south sides is at Fort Wayne. The lowest one in Ohio is about 910 feet, and in Indiana, northwest of Fort Wayne, there is one at about 860 feet, but none lower. Northeastward into Michigan there are none below about 950 feet. West of the great moraine in Indiana there is a gently sloping, sandy plain descending northwesterly to the broad, swampy Kankakee Valley. Then another moraine or belt of clay 7 or 8 miles wide separates the Kankakee Valley from Lake Michigan. This is called the "Valparaiso moraine." Its crest is rather narrow in the northwestern counties of Indiana, and it has an altitude of less than 800 feet in the part west of Valparaiso.

REASONS FOR SELECTING THE FORT WAYNE AND ROCHESTER ROUTE BETWEEN TOLEDO AND CHICAGO.

Lake Erie is 573 feet and Lake Michigan 581 feet above sea level. The lowest passage over the drift ridge between them is through the old outlet channel at Fort Wayne at 760 feet. Indians used this route before the coming of the white man, and the engineers of 1826 used it for the old Wabash and Erie Canal. But that canal was designed to connect Lake Erie with the Ohio and Missisippi rivers. It was never built to Lake Michigan or to Chicago, although a line going northward from Delphi was surveyed in 1831. Many years ago a canal was talked of to connect Toledo and Michigan City by a nearly direct route. This was in 1880 or 1881—about the same time the Wabash and Erie Canal was resurveyed by the late William S. Goshorn from Toledo to Lafayette for a projected enlargement which was never carried out.

About 1895 Dr. William T. Harris, then of Defiance, Ohio, now of Chicago, began promoting the Toledo-Michigan City project. The route suggested by him was up the Maumee to the state line east of Fort Wayne, and thence west to Cherubusco through the valley of Cedar Creek, or else up to Fort Wayne and northwest from Fort Wayne to the same point, and thence past Goshen, Elkhart, and South Bend to Michigan City. As an alternative to this, and affording a shorter route, a line was suggested leaving the Maumee at Defiance and going northwest over the high moraine to Pigeon Creek and down this to Elkhart, South Bend, and Michigan City. The summit level on the Cherubisco route could hardly be less than 850 feet above sea level, or 100 feet higher than the summit level available at Fort Wayne. On the Pigeon Creek route it would have to be 50 to 100 feet higher than on the Cherubusco line. Either of these routes is feasible for a small canal of the old type, but, as will be pointed out below, they are both impossible for a deep waterway or a ship canal.

At a meeting of citizens in the city of Fort Wayne November 16, 1907, called to start a movement for a canal from Toledo to Fort Wayne, a plan was suggested for a deep waterway or ship canal from Toledo to Chicago, passing through Fort Wayne and Rochester, Ind. The route proposed is as follows: From Toledo up the Maumee River to Fort Wayne; thence through the old outlet channel to Huntington, and along the higher ground on the north side of the Wabash River to the city of Wabash; thence northwestward in a nearly direct line, crossing Eel River a little below Roann, and continuing in the same line past Rochester and down the Tippecanoe River to a point south of Lake Maxinkuckee; thence on the same line across the Kankakee River at the lower end of English Lake, passing north of Kouts Station; thence from a point about 6 miles northwest of Kouts northward to a point 2 miles east of Sedley; and thence, as may seem best, either directly north to Lake Michigan at a point 8 miles northeast of Hobart, or continuing northwest from Sedley to Wolf Lake and South Chicago. On this route it is designed that the summit level shall run from Fort Wayne, or some point a few miles east of Fort Wayne, to a point on the Tippecanoe River south of Lake Maxinkuckee and that the canal in this interval shall be level and without locks. This would give a summit level about 100 miles long at an altitude somewhere near 750 feet above the sea, or 177 feet above Lake Erie. With locks of 20 feet lift, 16 or 18 locks would serve the whole canal.

The selection of this route is based on the following principles, which seem to be essential elements in the building of a deep waterway or ship canal under the conditions which exist in the region between Lake Erie and Lake Michigan.

1. The canal must have the largest possible supply of water at its summit level—at least enough to operate one of its locks 100 times a day, and as much more as is possible. This is the first and indispensable requisite.

2. The canal should have the lowest possible summit level in order (a) that the building of locks, which is very expensive, shall be reduced to a minimum in the original cost of construction, and (b) that the number of locks shall be the fewest possible, because boats lose time in passing through them and because locks add materially to the cost of both operation and maintenance.

3. The canal should follow the shortest line on which its construction is feasible and on which it can have at the same time the fewest locks and obtain the greatest possible water supply for its summit level.

A comparison of the Fort Wayne-Rochester route with any other that has been suggested, or that can be suggested, shows that this route would have a lower, longer summit level and hence fewer locks, and would secure a very much larger water supply for its summit than can be obtained on any other route. All the routes suggested appear to be feasible from the point of view of engineering. But in the matter of water supply at summit level, which, after feasibility of construction, is the all-important thing for a deep waterway or ship canal, the several routes are widely different. The Pigeon Creek and Cherubusco routes would have their summits on the top of the high drift ridge, where the possible water supply is necessarily limited. The summit level would have to be short—certainly not more than 15 or 20 miles long—on both of these lines, and the area of country which could by the utmost effort be made tributary to the summit level would be relatively small. On either of these routes the area could hardly exceed 700 or 800 square miles. There would be no rivers to draw upon and only a few very small creeks. Almost the entire reliance would have to be upon the existing lakes, of which there are a considerable number, and upon reservoirs artificially constructed. But these lakes and reservoirs would be not merely a supplementary supply to use in the dry months to augment temporarily a regular supply from other sources, as would be their use on the Fort Wayne-Rochester route; they would be the sole reliance and would have to be drawn upon throughout the whole season of canal navigation.

The drainage areas available for the different summit levels are shown in the second map, figure 2. These routes are both excellent lines for canals of small size, say, of 6 or 7 feet depth, and one or both of them will no doubt be utilized some time in this way. But they are manifestly not available for a great deep waterway or ship canal.

If a deep waterway between Like Erie and Lake Michigan is to serve the purpose for which it is intended, it must have water enough to operate its locks a great many times each day, for if it were in any sense a success, it would be a very busy canal. When this canal is planned officially, it ought to be with a distinct view to future possible needs; that is, it ought to be laid out on that route which will command or make available the maximum possible water supply for its summit level. It seems improbable that a 14-foot canal could have water enough at its summit level on either the Cherubusco or Pigeon Creek routes; but granting for the moment that it would, the developments of the near future will surely show the folly of such a choice.

When the Erie Canal in New York is made into a ship canal, 21 or perhaps 24 feet deep, as it surely will be in the near future (the Chicago Drainage Canal is now a splendid ship canal, 24 feet deep and 162 feet wide in its rock sections), it will at once become desirable, if not imperative, not merely to have the proposed canal, but to have it of the same capacity as those east and west of it. In that event it would simply be impossible to get water enough for a 21 or 24 foot canal on the Cherubusco or the Pigeon Creek routes.

Finally, when a canal has been brought from Toledo up to the summit at Fort Wayne, what is the use of running it up over a hill 100 feet higher than Fort Wayne, building ten or twelve more locks than necessary, and causing every boat to lose the time required to operate them forever after? Why go over a hill, when a way is open to go around it on a level line and with immense advantages for the summit-level water supply?

Two other routes have been suggested in times past. One is over the hill in southern Michigan, going up either the Raisin or the Huron River to Jackson and then down either the Kalamazoo or Grand rivers to Lake Michigan. These are feasible for small canals, but are open to the same objections as the Pigeon Creek and Cherubusco routes—too high and not enough water supply. The Huron River is larger than the rivers on the other high-level routes, and the accessible lakes are larger and more numerous, but the summit level would have to be up to nearly 1,000 feet above the sea.

The other way is along the line of the old Wabash and Erie Canal from Fort Wayne down the Wabash River to Delphi and thence north to Lake Michigan. But on this route the canal would descend to the Wabash River at Huntington, and the summit level at Fort Wayne would be short and would be fed only by the St. Joseph and St. Marys rivers at Fort Wayne, with possibly the Wabash and Salamonie rivers added at some point above Huntington. Of these streams the St. Joseph is the best, but is not large. The others are not so good as the St. Joseph. It is doubtful whether a 14-foot canal could be operated successfully from these streams in a dry autumn. But, again, having brought the canal up to the Fort Wayne divide, what is the use of dropping it down into the Wabash Valley and losing the advantage of the large summit level water supply, if it is possible to run the canal along on a level and secure this supply? These different routes are shown on the second map, figure 2.

FEASIBILITY OF CONSTRUCTION ON THE PROPOSED ROUTE.

This is not the place to describe at length the details of the topography and geology of the country along the proposed route, but it may be said briefly that the features are known in considerable detail and that the construction of a deep waterway or ship canal on this route is entirely feasible. Indeed, the whole route, with the exception of two or three comparatively short intervals, is very favorable, and the difficulties encountered in these intervals can be avoided, if necessary, without sacrificing the special advantages which this route offers. For the very valuable detailed information available along this route the writer is indebted to Mr. Frank Leverett, of Ann Arbor, Mich., before whom the project was laid soon after the meeting in Fort Wayne, and who, as a geologist of the United States Geological Survey, has studied the topography and drift of northern Indiana and Ohio in detail, having examined every township of the region on foot and collected records of all the deeper wells, showing the depth and character of the drift. Mr. Leverett expressed himself as confident not only of the feasibility of the route for the construction of the proposed canal, but expressed equal confidence in the availability of a sufficient water supply for the summit level to make it entirely adequate to meet the needs of commerce.

Mr. Leverett recently laid the project of this canal before Mr. Lyman E. Cooley, the well-known engineer of the Chicago Drainage and Ship Canal and member of the United States Deep Waterways Commission. Mr. Cooley expressed himself as much pleased with the project. In his letter to Mr. Leverett, he says:

"I think your solution of the route from Toledo to Lake Michigan by Fort Wayne is the most important yet presented. The water supply is the important consideration, and your proposition gives better command of this than any heretofore suggested.

The writer afterwards had an interview with Mr. Cooley in his office in Chicago and is indebted to him for a number of valuable suggestions.

Mr. Cooley strongly advises canalizing the Maumee River up to Fort Wayne rather than the construction of an independent canal. He says it will be cheaper and better in every way. Fifteen or 20 miles of the Tippecanoe River can also be canalized below Rochester. Mr.

Cooley said he was particularly impressed by the lowness of the proposed summit level, by its great length, and by the great water supply which it makes available.

The physical features of the route may be briefly summarized as follows: Rock cutting would be necessary in slight measure in two and possibly three stretches of the canal, but there would be no deep cutting. For about 15 miles above Maumee, Ohio, the river has rapids over limestone ledges. Rock cutting here would be confined almost wholly to shallow cutting in the bed of the canal, an ascent of about 63 feet being made in this interval. Rock would be encountered again at Huntington, Ind., and more or less of it from there to Wabash. But here again little, if any, of the cutting would be deeper than the bed of the canal. There is also a possibility of encountering a little rock cutting near Kouts, in the northwestern part of the State, but this would be short and shallow and might possibly be avoided altogether. None of these rock cuts are formidable from the point of view of canal construction, and it is doubtful whether all of them together will supply as much stone as will be needed for bank protection.

The only sections of the canal that present anything difficult in construction are two localities in which the most desirable route for the canal would require rather deep cutting. Both of these, however, would be entirely in clay drift, with no rock cutting whatever, and the work is simply a straightaway problem for steam shovels. The most formidable cut would be through the big drift ridge between Roann and Rochester. Here, for a distance of 5 or 6 miles, the ridge has an altitude of about 850 feet, requiring a cut of about 100 feet deep through this part. For 6 or 8 miles more the cutting would be 50 feet or less in depth, about two-thirds of it less than 25 feet.

This is what would be required if the canal is built on the shortest possible route from Fort Wayne to Chicago. But it can be conducted around this hill, if desired, by a longer route so as to reduce the depth and length of the deep cut, or even to avoid deep cutting entirely. This could be accomplished by turning west on the north side of Eel River. Near Denver, 6 miles west, the canal could be turned north so as to pass down the valley of Mud Creek to the Tippecanoe River. On this line the 100-foot cut would be reduced to a mile or two, and most of the remainder would be under 50 feet. Or, going a little farther west, the canal could be turned northwest at Hoover to a point about 3 miles east of Lucerne and thence north. By this route there would be very little cutting more than 50 feet, and most of it 25 feet or less. If this route proved too formidable, the canal could be carried still farther west, to a point about 8 miles northwest of Logansport, where it could turn northward to the Tippecanoe without any deep cut whatever, the level of the land being nearly the same as that of the canal. As is often done in great works of this kind, the making of the direct-line deep cut might be deferred in the first construction, to be completed at a later time. These alternative routes makes the summit level somewhat longer, but do not sacrifice the large water supply.

Next to this the most important cutting would be through the clay hill between Kouts and Sedley. This would be 7 or 8 miles long, but would be more than 50 feet deep only for a mile or two with a maximum of about 80 feet. Here again, however, if deemed necessary, the cutting can be entirely avoided by turning the canal west just north of Kouts to Hebron and thence north past Leroy and down Deep River. (Shown by broken line d on map, fig. 2.) The divide in the valley which cuts the ridge at Leroy has an altitude of 686 feet and the projected level of the canal through this section is 680 feet.

There would also be cutting in the drift 30 or 40 feet deep for perhaps 5 or 6 miles between Wabash and Roann and occasional short cuttings between Huntington and Wabash, but not of formidable depth.

The deep cuts required if the canal were built as projected on the shortest possible line would not be justified in the construction of a small canal, but they are entirely within the measure of surmountable difficulties and bearable and justifiable expense for a deep waterway or ship canal constructed by the National Government, or by the National Government and the local States combined—a canal serviceable chiefly as a highway of national commerce rather than for local purposes, and presenting possibilities of incalculable advantage for military purposes in times of war.

It seems certain that the difficulties of construction along the projected line, including the deep cuts, are not such as would lead the National Government to deviate from the direct course laid out. Even if, as might seem best, the canal be given a depth of only 14 feet at first, its course ought to be laid out with a view to possible future enlargement to a ship canal 21 or 24 feet deep, or equal to the deepest canal elsewhere connected with the Great Lakes. Its permanent works, its locks and terminal facilities in particular, ought to be built in the first place for a ship canal, and should therefore be of large size and so arranged as to be easily made double in the future at each locality. The prism of the canal (its depth and width) between the locks could readily be enlarged at a later time, if found necessary. But the rebuilding and enlargement of locks would be troublesome and very expensive.

THE LONG SUMMIT LEVEL AND THE LARGE WATER SUPPLY MADE AVAILABLE BY IT.

There are many advantages in the very long summit level proposed for this canal. Its length of 100 miles or more makes it possible to bring in more streams and a greater quantity of water at the summit than could possibly be obtained on any other summit level in the region traversed. The long summit level would touch or cross the St. Marys and St. Joseph rivers at Fort Wayne, the Eel River below Roann, and the Tippecanoe River below Rochester. It would also pass within comparatively easy reach of the Yellow River near Lake Maxinkuckee and the Wabash and Salamonie rivers near Huntington. At Mr. Leverett's request of Mr. M. O. Leighton, Chief of the Hydrographic Division of the United States Geological Survey, furnished the following official data on the quantity of water available for the summit level of the proposed canal from the first five rivers named.

MICHIGAN AND ERIE CANAL (VIA FORT WAYNE AND ROCHESTER).

Water supply required for 50 complete lockages (100 single lockages) per day for summit level, elevation 750 feet above sea level, length about 100 miles. (Depth of canal supposed to be 14 feet, or deeper.)

Locks 348 by 69 by 16 feet, water contents, 384,192 cubic feet; 100 lockages per day, in round numbers, 38,400,000 cubic feet; add 10 per cent for leakage, in round numbers, 3,800,000 cubic feet; total, 42,200,000 cubic feet; equivalent to 490 second-feet (cubic feet per second).

Drainage areas tributary to summit level: Upper Eel River, above Laketon, 480 square miles; Tippecanoe River, above Fulton-Pulaski county line, 760 square miles; Yellow River, above Marshall-Stark county line, 260 square miles; total, 1,500 square miles.

These are the figures furnished by Mr. Leighton. But by placing the dam on Eel River at Roann a further area of about 100 square miles may be added to this figure for Eel River. This would make the total 1,600 square miles. Mr. Leighton states further that the mean flow for the lowest months in each year for four years at Delphi, Knox, and Logansport is 0.29 second-feet per square mile. This multiplied by 1,600 gives 464 second-feet. The mean flow for the lowest month of the St. Marys River at Fort Wayne is 40 second-feet. The mean flow for the lowest month of St. Joseph River at Fort Wayne is 150 second-feet. This gives a total available low-water flow of 654 second-feet. Subtracting 490 second-feet, which is needed for 50 complete lockages per day, plus 10 per cent for leakage, there remains an excess of 164 second-feet without resorting to storage.

Such a showing as this from only the convenient streams and without any resort to storage or the bringing in of water from more distant rivers gives sure ground for faith in the future of this canal as a deep waterway, especially when it is realized how much and how easily this can be increased. Later Mr. Leighton furnished additional data on the amount of water that could be obtained through a feeder from the St. Joseph and Elkhart rivers at Elkhart by the way of South Bend to the summit level near Lake Maxinkuckee.

The drainage area of Elkhart River above Elkhart is 700 square miles; that of the St. Joseph River above Elkhart is 2,160 square miles, making a total of 2,860 square miles. The lowest month at Elkhart between 1901 and 1906 was September, 1906, at which time the flow was 1,565 second-feet. This is 2⅓ times as much as the amount obtained from the combined five streams mentioned above. Adding this to the 654 second-feet from the other streams, the total is 2,219 second-feet. This is enough for 50 complete lockages per day with locks twice as long, twice as wide, and twice as deep as those given by Mr. Leighton, and still leave 259 second-feet in excess. Such a lock would be 696 feet long, 138 feet wide, and 32 feet deep. It would use 4 times as much water at each operation as the one described by Mr. Leighton, or 247,400 cubic feet more water than the Poe lock at Sault Ste. Marie.

But this is both wider and deeper than would be needed for a ship canal of the most liberal capacity, according to present ideas. The locks of the Panama Canal are designed to be only 110 feet wide. By cutting off some of the width and depth of the enlarged lock described above and adding an equivalent volume to its length, the lock could be made equal to the largest locks now in use, or considerably larger if need be. It could easily be made of the same dimensions as the Poe lock, the largest of the locks at Sault Ste. Marie, which is 800 feet long, 100 feet wide, and 21 feet deep on the miter sill. The large, new Canadian lock is 900 feet long, 60 feet wide, and 21 feet deep. The United States engineers are said to be now planning to build a new lock at Sault Ste. Marie 1,300 feet long, 80 feet wide, and 24 feet deep.

There are a few other streams that can be brought into the summit level without much difficulty. The Wabash River could be received at a point above Huntington, and the Salamonie could be conducted over to the Wabash quite easily and brought in with the latter stream. The Mississinawa could also be made to contribute, but not so easily. At the time of this writing no official figures are at hand to show the amount of water which these streams would yield. But on a conservative estimate by comparison of the drainage areas with that of the St. Marys River it seems safe to say that the Wabash River near Markle would yield about 40 second-feet; the Salamonie near Warren, 30 second-feet; and the Mississinawa below Marion, 45 second-feet, making a total for the three streams of 115 second-feet. This, added to the previous amount, would make 2,334 second-feet.

Something more could also be added to the water supply from rivers by diverting the headwaters of certain streams in southern Michigan into one or the other of the two St. Joseph rivers. At a point about 15 miles southeast of Hillsdale, Mich., where the eastern St. Joseph turns from southeast to southwest, there is an old abandoned river bed coming from the Tiffin River, about 3 miles northeast. It would be a very easy thing to divert the upper part of the Tiffin to the St. Joseph through this old channel, and by carrying a feeder canal northeast along the side of the eastern slope for 20 to 25 miles farther, several of the upper branches of the Raisin River could also be captured. The drainage area thus divertible to Fort Wayne would be about 300 square miles. In the same way some of the upper branches of the Kalamazoo River could be diverted to the western St. Joseph, so as to enter the feeder at South Bend. This would amount to about 200 square miles. The 500 square miles of these two areas would yield about 145 second-feet, making the total from rivers 2,479 second-feet. Besides these it is possible that one or two of the head branches of Grand River, near Jackson, could be brought in. Something would also be received from several smaller streams, like the tributaries of Little River, east of Huntington, and others to the west. If a summit-level feeder were built to South Bend, it would capture a number of small streams. These put together would certainly bring the possible grand total from streams up to 2,500 second-feet. All this is from streams alone and represents approximately the amount possible to derive from the available rivers at low stage.

WATER RESOURCES AVAILABLE BY STORAGE.

The possible resources for water supply from storage in lakes and reservoirs are not included in the above estimates. Ordinary maps on a large scale show 50 to 100 lakes in northeastern Indiana. Prof. Charles R. Dryer, who surveyed six counties in the northeastern corner of the State for the state geologist in 1886, says that, counting large and small, there are probably a thousand lakes, and there are probably half or two-thirds as many more in southern Michigan which could be drawn upon through the rivers mentioned above. The water that might be stored in these lakes if developed to a maximum can not be stated, but would certainly be very large—surely enough to double or more than double the supply available from the streams alone. When to this is added the further possibility of making almost as many artificial reservoirs in this area as there are existing lakes, there can be no longer any doubt whatever that there is available, if fully called into use, water enough for any magniture of ship canal that can now be foreseen as a possibility and for any degree of activity which seems likely. The region of the small lakes is a hilly, moraine country with many valleys and ravines, and is very favorable to the making of artificial lakes. For storage purposes the existing lakes would probably not be drained off below their present levels, but would be raised a few feet by dams and then drained down only to their present levels. According to Mr. Cooley, 3 to 4 per cent of a given area made into lakes or reservoirs will equalize the flow of the streams from that area.

The foregoing is simply a picture of what is possible in the way of a maximum water supply for the long summit level of the proposed canal. The facts stated ought to dispel forever all doubts as to the

sufficiency of the available supply. Of course, in practice nothing like all this possible supply is likely to be drawn upon at once. Much of it may be better employed for other purposes, at least for the present. The amount diverted to the canal at any given time would probably not be very greatly in excess of that which would be needed to operate the canal, though some considerable excess is highly desirable for the sake of the water power that can be developed from it. If the canal is built at first with a depth of 14 feet, the water for it would probably be drawn from the first five rivers named, with the Wabash and Salamonie added, and these would probably be supplemented by a moderate development of storage as a reserve resource against any possible shortage from the rivers. The long summit level would itself have an enormous reservoir effect. It would be like a large lake. If feeders from South Bend and Elkhart and from the Wabash and Salamonia rivers were run at summit level, the total length of the whole level would be close to 200 miles, with corresponding extension of reservoir capacity. This is one of the most desirable of all things for any great canal.

WATER POWER.

One of the most important benefits to be derived from a canal like that proposed is the development of water power. In Illinois, where the supply of water is practically unlimited and the canal of large capacity, it is designed to develop a great amount of water power under the control of the State and to devote the proceeds to the cost of running and repairs and also to contribute much toward paying the original cost of construction. It is estimated that the water power there will be worth about $3,000,000 per year. The proposed Michigan and Erie Canal would afford splendid facilities for developing water power at many places—particularly at Huntington, Wabash, South Bend, Elkhart, near Lake Michigan, and at Maumee—and the revenues thus derived should be applied to the expense of running and repairing the canal. The water powers already developed on the St. Joseph River, near South Bend, are not nearly so advantageously located as they would be if the water were drawn from this canal at South Bend at an altitude of 750 feet (30 feet above the city). But while water power is a very important consideration in connection with canal building, it is not the most important. Measured by the rule of the greatest good to the greatest number, it is certainly true that the water of the rivers and lakes confers a much greater benefit upon the people as a whole when used in aid of commerce in canals and canalized rivers than when used for the development of power by cities, corporations, or individuals.

A great saving in the amount of water required to operate locks can be made by any one of several methods; by hydraulic elevator or lift locks, like those on the Trent Canal at Kirkfield and Peterborough, Ontario; by pneumatic-lift locks, or by side-chamber locks. Where the water supply is small, such locks make operation possible with only a small fraction of the water needed for the old method. When the water supply is adequate or large, the use of such locks would enable a much larger portion of the water to be used for the development of power.

CONNECTING CANALS.

When the Michigan and Erie Canal is built it will be joined by several important connecting lines. Chief among these is the Miami and Erie Canal, which connects Cincinnati with Lake Erie at Toledo by way of Defiance. This canal is still in use and needs only moderate enlargement to do excellent service as a barge route to and from the middle section of the Ohio River. It would be particularly serviceable for bringing coal from West Virginia and Kentucky and southern Ohio to the North and Northwest, especially if the proposed ship canal gave it direct connection from Defiance to Chicago.

Another important connection would be the Wabash and Michigan Canal connecting with the Wabash Valley. It seems certain that the Wabash River will be canalized up to Lafayette or Wabash, and then it would be an easy matter to carry a connecting line up the lower Tippecanoe and the Monon to join the Michigan and Erie Canal. At Wabash the ship canal could easily be joined again from the Wabash River, so as to bring about in effect a restoration of the old Wabash and Erie Canal, but with much greater capacity and utility. By canalizing White River and the Mississinawa, Indianapolis and other cities of central and southern Indiana can be brought into connection with the ship canal and receive the benefits of connection with lake navigation. These smaller branch canals, chiefly for local commerce, are proper objects for contruction by the State rather than by the National Government.

Another important branch line would be one extending north from near Lake Maxinkuckee to South Bend and Elkhart. This could be made at summit level throughout and without locks, thus adding largely to the reservoir capacity of the summit level. This branch, even if built primarily as a feeder, might as well be made navigable to serve the commerce of the cities mentioned, and also to give them the most effective development of water power.

The Wabash and Michigan Canal is certain to be built in the near future, even if the main ship canal is not. When it is completed, the advantages of having a connecting line between it and the Miami and Erie Canal at Defiance, substantially on the line here projected, will become so great that the people will soon regard it as a positive necessity. But instead of allowing construction to take this course and building the middle link afterwards, making the canal one of relatively small capacity, as would certainly be the case if constructed in this way, it would seem the part of wisdom and economy to build the main ship canal as here projected first. After that is finished, or decided upon, a system of inland waterways for Indiana can be planned to better advantage in relation to the ship canal.

FOR MILITARY STRATEGY.

The dominant thought in the minds of the people in urging the construction of this canal is to serve the purposes of trade. But there is another reason for building this canal, which is of the highest importance from a national point of view. A glance at figure 1 will show that when the Canadians have made their St. Lawrence-Ontario canals 21 feet deep and perhaps, also, their Trent Valley Canal, and still more when they have made their Ottawa Ship Canal 24 feet deep, which they can easily do, and ought to do, and for which there is an abundant water supply at summit level, then Canada or any other power controlling her territory would have a tremendous advantage in naval operations on the Great Lakes. Even when the Erie Canal in New York is made into a ship canal, the problem of defense in the Great Lakes will only be partially solved, for it will be still necessary for war ships wishing to go from Lake Erie to Lake Huron or from Lake Huron to Lake Superior to pass through the connecting rivers which form the international boundary. An alert enemy could easily make such movements impossible.

If the Michigan and Erie Canal here proposed were made into a ship canal, war vessels could easily pass from Lake Erie to Lake Michigan and from this into Lake Huron in our own territory, and without coming in contact with the foreign border. There is also an easy route for a canal from the north end of Green Bay to Lake Superior at Au Train. This canal would need to be only 38 miles long, and would be of great service to commerce as well as for military purposes. It would save 250 miles or more on every trip between Duluth or the iron or copper country and Chicago. If it were made into a ship canal it would give safe access for war ships to Lake Superior also, and the Canadians could not match it by an independent canal on their side. While there is no present reason to build canals for military purposes, yet the Canadians are building canals which will give them or anyone controlling their territory naval access to the Great Lakes and leave us absolutely helpless, unless we build ship canals on our side. This canal ought ultimately to be made into a ship canal for this reason, if for no other, and having been so made it would be much more efficient for canal barges, especially for large ones, as well as providing a channel for lake and ocean going steamers.

THE VALUE OF THIS CANAL IN "THE GRAND STRATEGY OF TRADE."

The full value of this canal to commerce is not easy to realize at the present time, because we are not familiar with the type of carrier which will almost certainly be used when our great canals are built. It is impossible to believe that when the canals are ready American inventive genius will long delay the evolution of a carrier which will give the utmost efficiency and cheapness of transportation and be perfectly adapted to the waterways. It seems certain that the cheapest possible transportation, where waterways are suited to their use, is the large canal barge without motive power—a barge carrying 3,000 to 5,000 tons or possibly even more, to be used in small fleets and towed either by a small tug or by another barge with power, or else propelled by electric power drawn from a wire on the canal bank. It is not economical to carry the bulky freights in single steamships that make fast time. Speed is costly, and the more of it used the greater the cost. Such freights are now carried to some extent in this way on the Great Lakes, because under present conditions there is no cheaper way available; there are no great canals with barge fleets specially adapted to them. If canal barges are to be made fit for towing across the open lakes, where they would be exposed to storms, they must be made a little heavier and stronger than for canal traffic alone. This would have to be done for barges that must be towed the length of Lake Erie, and would, of course, add a little to the cost and weight of the barge. But the effect of this on rates of transportation would be so small that it would not detract seriously from the advantages of the canal barge traffic.

Nevertheless the need of a continuous large-barge route without open-lake travel between the East and West may ultimately lead to the building of a barge canal along the south side of Lake Erie. From Toledo to Lorain such a canal would be easy to make at lake level near the shore. From Lorain to Buffalo it would be more difficult, but will no doubt be undertaken at some time in the future.

While barges for routes without open water would not need such strengthening, there is one important circumstance of our future commerce which will require many barges to have this strength. The coastwise coal trade is now carried on largely in motorless barges towed by tugs, and much other trade might be done in the same way. If the Erie Canal and the canal here proposed were now in use as deep waterways a large traffic in barges without transfer or breaking bulk would surely be carried on between the lake region of the interior and the cities of the Atlantic coast.

Such barges would need sufficient strength for marine towing, and those fitted for this trade would likewise be fit for open lake traffic. When the Atlantic and Gulf coast canals are built this traffic will become a great thing, and the barges in this trade will need the same strength for towing on Chesapeake Bay, Long Island Sound, etc., as on Lake Erie. When the main deep waterways now planned are completed, it seems certain that the great bulk of our domestic trade in fuel and raw materials will be carried on in this way, for it would make available the cheapest possible water rates. The building of the Michigan and Erie Canal, especially as a deep waterway or ship canal, will hasten that time, and when that time comes this canal will be indispensable. Single lake or ocean steamers could not compete with this traffic, unless they were going abroad or on some course where the towed barges would not be safe or satisfactory.

Single steamers with speed of 12 to 15 miles per hour would hardly find any advantage in using the canal so long as the Straits of Mackinac were open. But on the average the canal would be closed by ice only fifty to fifty-five days, or about half as long as the northern straits. Unless steamers could go about 7 miles per hour in the canal, they would gain no time in the canal as compared with the northern route. Such speed would require the canal to be a real ship canal with revetted banks. Seven miles an hour is the speed now used in the Suez Canal. At 5 or 6 miles per hour, which ought to be possible in the proposed canal, a steamer would lose but little time and would save considerable fuel and all risk of storms on the Lakes. With the canal open and the northern straits closed, the canal would be of the greatest service to single steamers, but at other times the advantage for them would be slight either way.

But it must not be forgotten that the lowest possible water rates for the east-and-west long haul can not be attained until the Toledo, Fort Wayne and Chicago canal is built and given the depth and capacity of a ship canal. Rates on the east-and-west route can not equal or even approach those on the Mississippi until this is done. And further, the lowest rates can not be attained in single steamers, but only in canal-barge fleets. The savings which this canal will bring by the use of barge fleets and steamers with consorts will be so great that the canal will become indispensable.

According to the latest estimates, the average cost of carrying freight on the Great Lakes is 0.85 of a mill per ton per mile. At this rate it would cost 34 cents to carry 1 ton 400 miles. That is to say, this represents the possible average saving on every ton of freight between Chicago and Lake Erie ports if the proposed canal were available. For a ship carrying 2,000 tons this means a saving of $680; for one carrying 5,000 tons, $1,700; for one carrying 10,000 tons, $3,400; for one carrying 12,000 tons, $4,080. There are now about twenty-five 10,000-ton ships on the Lakes and 8 or more of 12,000 tons, employed chiefly in carrying iron ore, coal, and grain. The ships now being built are chiefly 6,000 tons or over.

These are the savings that would be accomplished in single steamers if they could go through the proposed canal at full speed. But the speed of barge fleets and of steamers towing consorts in the open lake is about the same as that of a barge or a barge fleet in a large, deep canal. Hence, with these means of traffic the saving of time by going through the canal instead of the northern straits would be equal to the

difference of distance on the two routes. In barges and consorts, therefore, the above figures represent the saving which would actually take place by the canal route. But the real saving would be still greater, because the rate would surely be less than 0.85 of a mill per ton-mile, for there would be smaller crews, less supplies, less fuel, and less risk from storms. The rate might be expected to fall at least 0.5 of a mill per ton-mile.

Coal is hauled from Cleveland to Chicago in the summer in boats of all sizes for from 40 to 50 cents a ton—sometimes for less. The distance by the present water route is a little more than 750 miles. The proposed canal would save 400 miles of this distance, or slightly more than half, and coal would then be hauled for half or somewhat less than half what it is now, if carried in large canal barges. In the fall, when the grain trade is on and boats are scarce, it sometimes costs from $1 to $1.10 a ton to carry coal to Chicago.

Some idea of the value of this canal to Chicago trade may be gathered from the following figures. In 1905 the total lake tonnage entering and leaving Chicago amounted to nearly 15,000,000 tons. It is probable that three-fourths of this was bound to or from Lake Erie ports. But to avoid any overestimate we may assume that only two-thirds of it was so bound. At the average rate per ton quoted above and with open lake transportation it would cost $3,400,000 to carry 10,000,000 tons 400 miles. Of course the saving in the case of lake and of ocean steamers would be slight, if anything, because of the reduced speed which such vessels would have to take in going through the canal. But more than this will be saved when the traffic is done in barges.

When the Lakes-to-the-Gulf deep waterway is built and a network of inland waterways is constructed in the West, when the Atlantic Coast Canal is ready, and the Erie Canal is made a deep waterway to the sea, the traffic at Chicago will be many times the figures here given. And it would certainly not be long before the saving accomplished by the Michigan and Erie Canal would amount to ten or twenty millions of dollars a year, and this will much more than reimburse the people for building the proposed canal and making it large and deep.

It would be a grave mistake, however, to look upon the saving in freight charges made possible by this canal as being the sole or principal benefit which it would bring and to regard this benefit as measured by so many dollars in the pocket of each particular shipper. The benefits of the canal reach far beyond this. It would benefit all of the people. The savings arising from its use would be distributed through all the trade and business of the Middle West. It would affect directly the prosperity and welfare of all the agriculture, mining, and manufactures throughout the whole region. Raw material could be brought in more cheaply and manufactures carried out more cheaply, both processes enabling the Middle West to enter seaboard and foreign markets which are now inaccessible. It is simply impossible to calculate the effects which such a stimulus would have upon life and business in the Middle West. It is not so much in the dollars and cents which can be definitely measured that the great benefit of this canal will come as in the general and widely distributed stimulus of trade and industry that will affect all prices and give everybody a better chance at the world's markets, and therefore a better hold upon prosperity.

The States comprising the Middle West are no doubt capable of sustaining 100,000,000 people, or, say four times their present population. They can not attain to their normal growth and prosperity under present conditions of transportation, and the completion of the Lakes-to-the-Gulf deep waterway, while doing much to open the gates of foreign trade to the Middle West, will not afford the relief which an effective eastward outlet will furnish. But to be effective, this outlet must be deep and as short as the best all-rail route. The normal route of transportation for European trade and for eastern seaboard trade with the Middle West is on east-and-west lines.

A CANAL FOR NATIONAL RATHER THAN LOCAL COMMERCE.

While this canal would be of incalculable benefit to Chicago, Toledo, Fort Wayne, and other cities along the line, and to Cincinnati, South Bend, Terre Haute, and other cities on connecting lines, it would be a profound mistake to urge its construction on the ground of benefits to any particular place. By far the greatest value the canal could ever have would be its service to national commerce, and especially in affording the cheapest possible transportation between the Middle West and the eastern seaboard.

When they have examined this project carefully and weighed all its benefits and advantages against the cost of its construction, all the cities along the line and its branches and, in fact, all the people of the Middle West will unite in demanding its construction. But because this canal will perform so great a service to national commerce does not by any means prevent it from being of the greatest service locally. And while these local benefits are not the first thing to consider, they are nevertheless of great importance. No doubt there are special interests that will fancy themselves injured by such a canal, but such injuries are mainly fanciful, will be only temporary, and the very same interests will in the end be greatly benefited. It has been said that certain interests in Chicago are opposed to such a canal having its terminus at South Chicago, and there are some that strongly oppose the construction of a canal westward from South Chicago to the Drainage Canal at the Sag, on the ground that it would divert business from Chicago. It is a pity that such narrow ideas should have any lodgment in the minds of a people so justly renowned for broad, liberal, and progressive views as the business men of Chicago. For no matter where the terminus of the canal is located in the Chicago district, that city will control as much of the trade as she desires, and will get far greater local advantages from the canal than will any other one place.

Even with Chicago's lake commerce as it is to-day the people are grumbling continually in the press about the "bridge nuisance." What will they do about that when the river traffic becomes several times what it is now? It is absolutely certain that Chicago will be as glad then to have a canal from the Sag to South Chicago that will relieve the congestion of boats in the Chicago River as they are to-day to have the Belt Line Railroad around the outside of the city to relieve the city railroad yards of the great traffic that is passing through without stopping. But whatever Chicago wishes in this regard can be done when the canal is first built, leaving the ultimate connections and adaptations to be developed later.

The idea of this canal was in the minds of some of the business men of Chicago two or three years ago, as is shown by the following quotations from the report of the deep waterway committee of the Chicago Commercial Association, 1906:

"Should a ship canal be constructed from Lake Michigan to Lake Erie, as your committee believes it will be in the near future, it would give an all-water route between the West and the seaboard practically the same in length as that by rail. The cost of this work would not exceed $200,000,000, but it would enhance by billions of dollars the actual value of the real estate, commercial and manufacturing interests of the great Middle West.

"There does not seem to be any valid reason why a government as rich and resourceful as our own should not expend the required amount for the benefit of the people and the internal commerce of this section of the country. It would give the Middle West an eastern waterway open for two months longer each year and remove a restriction upon it for that period during which the Straits of Mackinaw are icebound and be of advantage to both East and West."

It seems certain that a canal 14 feet deep on the proposed route would cost little more than half of this; but of course cost increases rapidly with depth.

The most important carrier of the future between the West and the seaboard will not be lake or ocean ships, but canal barges of large tonnage; for they are much cheaper to build, require smaller crews, and consume much less coal per unit of tonnage than ships. This has been proven in Germany. The cheapest carriers are barges without motive power, to be towed by tugs or other power barges. The true solution of the transportation problem is in making the main waterways suited to large barges. But waterways large enough for barges of 5,000 tons or more would accommodate ships also if they chose to enter. As has been the case with both railroads and ships, the improvements of the last thirty or forty years have reduced freight rates to one-third and one-fifth of what they were, respectively, so great canal barges, like those named, have not yet been used anywhere, and we may expect cheapening improvements in them as well as in railroads and ships. Improved facilities for loading and unloading will also go far to reduce and minimize the cost and delay of transfer.

NEW YORK AND THE CANADIAN CANALS.

The benefits of this canal, however, are not confined to the Middle West. New York and other seaboard cities would also be greatly benefited. If the people of New York City have any doubt of the value of this canal to them, let them study figure 1 of this pamphlet and consider the following facts: The Canadians possess the natural, the best, and by far the easiest and shortest lines of connection between the Great Lakes and the sea—the St. Lawrence canals from Montreal up to Lake Ontario and the Welland Canal from the latter to Lake Erie; the Trent Valley Canal, affording a remarkably short route from Chicago and Duluth through Georgian Bay and the Trent Valley to the east end of Lake Ontario and the head of the St. Lawrence canals.

And last and best, the Ottawa River route from Georgian Bay through French River, Lake Nipissing and the Ottawa River to Montreal. This last is in truth the best of all ship-canal routes from the upper lakes to the sea. This route has been surveyed and will require only about 29 miles of actual canal construction to be ready for use—so large a part of it is now in its natural state ready for navigation without improvement. Its summit level can be made at least 75 miles long, including Lake Nipissing, and there is an abundance of water supply for any capacity of ship canal that may be desired—even of 30 or 40 feet depth, if need be. Of these two northern Canadian routes the writer is speaking partly from personal observation, having been over a large part of both, including their summit-level reaches. The distance is 300 miles shorter from Mackinac Straits to Troy, N. Y., through the Trent Canal than through Lake Erie. While this canal, with its present depth of only 7 feet, is not an important factor, it might be if it were deepened. But a ship that is bound from Chicago to Europe, having reached Mackinac, would hardly come down to Lake Erie and New York City; it would take the much shorter Ottawa route directly to Montreal and the Gulf of St. Lawrence.

By this route it is only 20 miles farther from Chicago to Montreal than from Chicago to Buffalo. Does New York wish western trade to take this route? Does Chicago wish it? The plain truth is that even if the Erie Canal be enlarged to a ship canal, it will still be only partially potent to pull western traffic to New York. It can not do this until the Michigan and Erie Canal is built and made of equal capacity to the Erie Canal in New York State, so as to dispense with the long detour through the northern straits. Thus the proposed canal is in effect a westward extension of the Erie Canal itself, and is indispensable to its complete utility. If New York City has any earnest desire to have western commerce pass through its gates rather than through the gates of Montreal, it must have the Michigan and Erie Canal with capacity equal to that of the Erie Canal, and there is an ample water supply available to make it so.

The Erie Canal ought to be made a ship canal, not for ships and military purposes alone, but for the much more efficient service it would then give to traffic in canal barges and barge fleets.

Some have said that New York does not want the Erie Canal made into a ship canal, because trade would go directly to Chicago without stopping in New York. But this is a narrow, unworthy view of the matter. The prosperity of New York, so far as it is dependent on the Middle West, does not rest on New York's ability and opportunity to stop and levy tribute upon all the commerce to and from that section. New York will derive far greater benefits from the general growth and prosperity of the Middle West and the resulting increase in its wealth and activity in trade than it will from any system of tribute.

The following facts should also be of some interest to New York people: From Chicago to New Orleans by the route of the proposed deep waterway (canal from Chicago to St. Louis, and also from St. Louis to Cairo; Mississippi River, by its winding course to New Orleans) is a distance of a little more than 1,500 miles. It is 96 miles farther to the Gulf at the jetties, but New Orleans is the port. By the present water route from Chicago to New York City it is a little more than 1,400 miles. The proposed canal will cut 400 miles off the last figure and make the distance from New York to Chicago about 1,000 miles. Will New York throw away this advantage? Does not the Middle West need this canal for that part of its great east-and-west trade which can not be profitably diverted to the Mississippi and the Gulf? In truth New York ought to be as enthusiastic for the construction of the Michigan and Erie Canal as the Middle West is for the enlargement of the Erie Canal in New York State. Any device that will bring the Middle West 400 miles nearer to New York City and Europe is surely a thing worthy of consideration.

The people of Fort Wayne who originated and are strongly pushing the project for this canal are not basing all of their enthusiasm on the benefits that would accrue to Fort Wayne. They believe the canal to be a necessity for national commerce, and after the Mississippi River and the Erie Canal in New York State, they believe it to be the most important canal yet suggested for national trade. As to choice of the route they believe that the best and only feasible route for a great, deep waterway or ship canal passes through their city, but they will not insist upon that. They are willing to abide by the decision of competent engineers after a careful survey. If it is found that a better

route for the canal would pass over the hill 10 or 20 or 40 miles north of Fort Wayne, they are willing to abide by the decision. In that event Fort Wayne can easily establish connection with the canal by a branch line. What the people along the proposed canal route are asking for now is a careful survey of the line by the National Government.

This pamphlet is published by the Toledo, Fort Wayne and Chicago Deep Waterway Association, of Fort Wayne, Ind. Its officers are Hon. Perry A. Randall, president; Hon. T. J. Logan, secretary; with a committee of 500 and an active membership of more than a thousand. This organization is not for a day, but is permanent, and intends to use every honorable available resource to promote the interests of the proposed canal. The general subject of inland waterways and deep channels to the seaboard is one of incalculable importance to the American people, but could not be given space for adequate treatment here. It is admirably discussed in addresses by Mr. S. A. Thompson, field secretary of the National Rivers and Harbors Congress, to whom the writer is indebted for much valuable information.

Anyone wishing a copy of this pamphlet can obtain the same by applying to T. J. Logan, secretary of the Toledo, Fort Wayne and Chicago Deep Waterway Association, Fort Wayne, Ind.

I further desire to call your attention to some of the causes or reasons why this route has been selected in preference to other lines that have been suggested or proposed in bills presented to the Sixtieth Congress. The first essential thing in the construction of a canal is plenty of water, and in order to have plenty of water to permit of large lockage of vessels, it will be necessary to secure the longest possible summit level, which gives the largest area by which to secure the water supply. The route proposed by the Fort Wayne Deep Waterway Association, above mentioned, will permit of a summit level of about 110 miles in length without a lock, making an unusually large area by which water can be furnished for lockage purposes.

This summit level is nearly a hundred feet lower than the summit level on the line proposed in the bill drawn by Mr. ANSBERRY, of Ohio, and nearly three times as long, the summit level in the Ansberry bill being about 38 miles in length and nearly a hundred feet, as above said, higher, which shortens the length by which water can get into the canal and materially lessens (because of its altitude) the area of square miles over which the water can be drawn. The route selected in the bill by Mr. ANSBERRY would be able to obtain water from about 700 to 800 square miles in area, and at the same time require nearly twice as many locks in construction, which would necessarily mean a great delay and loss of time through lockages and wonderfully enhance the cost of construction. On the other hand, the route proposed by the Fort Wayne Deep Waterway Association under the above-named resolution, because of its being nearly a hundred feet lower in summit level, would very materially increase the area for securing water supply.

This summit level would secure water from an area, without any particular outlay and by natural drainage, of over 3,000 square miles, and if needed could be greatly enhanced as the usage of the canal would increase the demand for water for lockage purposes; and the fact that it is a lower level makes it much cheaper to build and maintain. This is the line that we believe is the feasible one and will prove adequate for the needs of future development in transportation. There is no doubt that a small barge canal could be built over the line proposed in the Ansberry bill, but we should construct the line not only for to-day, but that it shall be adequate also for the necessities of the future.

For this reason the Fort Wayne Deep Waterways Association have selected the plans and the line for the waterway that will prove the most feasible and adequate for the needs of the present and the necessities of the future.

There are other reasons that might be brought forward and presented to the attention of this body to prove the logic of the economical construction over this line, but I feel it is not necessary, as the presentation of the facts already mentioned concerning the altitude, the length of the summit level, the large increased area of water supply, the ability to secure it at the summit level, and the economy of construction and of maintenance are so fundamental and primarily essential and so economically attained, that they appeal so conclusively to the engineer, that it needs no further argument.

In conclusion, I wish to reiterate the fact that the great railway men of our country see the need of early construction of essential waterways, and are raising their voices in strong appeals to the men of our Nation to take up and press forward this much-needed auxiliary for transportation. This means economy and the saving of wealth to both the producer and the consumer. We all know, if we pause to think, that the producer and the consumer pay the bills, for, in the last analysis, they pay all.

They pay the iron bill, the real-estate bill, the coal bill, and as long as we will permit it we will pay the water in the stock. Is it business economy to continue to pay much more for transportation privileges than proper business care can prevent? Is it wise to continue an enormous building of railways for transportation purposes when they can only last for a comparatively few years, until they must be renewed at enormously increased expense and vast waste or cost of natural resources, or to pay much less for a more effective and permanent method which is open for general competition? The construction of this canal will greatly increase our wealth by economy in outlay and the natural conservation of the nation's unmined wealth. May this body be able to see with a clear vision the immediate need and the early necessity for the construction of this canal, which will prove of everlasting benefit and strength to this great Nation.

[Mr. DRISCOLL addressed the House. See Appendix.]

Mr. SCOTT. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I have always heretofore been in favor of what is known as the "Southern Appalachian Mountain Reserve," but I am opposed to this bill because it carries a fraud on its face. It says it is a bill for acquiring forests in Southern Appalachian and White Mountains, and, as a matter of fact, it creates a roving commission known as a "forest reserve commission" and gives them an unchecked authority to expend $19,000,000 anywhere they want in the United States, without restraint of Congress or anybody else. For that reason I am opposed to this bill. The whole sum and substance of it is this: Congress attempted to establish two national forest reserves, one in the Southern Appalachian chain and the other in the White Mountains. We have attempted it for years. There is a sentiment in the country behind it, but instead of that they come here and propose to create another roving commission——

The SPEAKER. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I propose to vote against this bill, not because I do not favor the conservation of our natural resources, which I do, but because I am not sure that the Federal Government should relieve the several States of their responsibility of protecting their own forests. The wanton destruction of trees in many of the States has been a state as well as a national disgrace. Such destruction has been notorious and lamentable. The States that have permitted it to be done are reprehensible; but many of the States have not permitted it to be done, and these should not be held chargeable for the negligence or prodigality of the others. I gravely question whether the relationship between forestry and inland waterways is sufficient to induce us at this time to enter upon the scheme of state paternalism, an oversight which this bill proposes.

The development of inland waterways is a direct aid to commerce and in the nature of an investment as between the States in which the benefits are mutual and equally proportioned. Waterways are avenues of commerce, freed to the people of all the States. The purchase and control of forests erects an establishment of an entirely different character.

We should also remember that government-owned forests in small European countries mean government-controlled sawmills and government-controlled stores and warehouses. I doubt the propriety of our going into the lumber business as a national proposition. The United States is too large a country for that.

Mr. WEEKS. Mr. Speaker, I yield five minutes and forty-five seconds to the gentleman from New Hampshire [Mr. CURRIER].

Mr. CURRIER. Mr. Speaker, the gentleman from New York [Mr. PAYNE] asks why we do not do this and why we do not do that. I would like to ask him why he does not discuss the bill before the House instead of some creature of his imagination. The gentleman must know that the utmost that can be appropriated under this bill is $19,000,000, and that distributed over a period of ten years. Yet the gentleman talks about it costing hundreds of millions of dollars.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. CURRIER. "The gentleman" will not yield. The House has heard that talk before from the gentleman from New York when he stated that the Reclamation Service would cost this Government more than $700,000,000. The gentleman from California [Mr. SMITH] is appalled at the amount carried in this bill. Nineteen million dollars distributed over ten years for reserves in all of the great country east of the Mississippi River; and in the country west of the Mississippi River there are to-day federal forest reserves worth fifteen hundred millions of dollars. [Applause.]

Every federal forest reserve in this country, except the one at the headwaters of the Mississippi, is located west of that river. Every argument in favor of reserves in the West applies with at least equal force—I think with greater force—to the reserves in

the East. Whatever criticisms, caused by the peculiar conditions, there may be in the West of the policy of creating forest reserves, conditions in the East, where we desire such reserves, are such that none of those criticisms will apply. Nothing but good as the result of such a policy will come to any single person in the East. In the East their establishment will meet with universal approval.

If we are to have forest reserves anywhere in this country, I submit that one including the White Mountains is as pressing, is as important, and will be as beneficial in its results as any that have or can be established. Of course, it is true that the existing forest reserves were not purchased by a direct appropriation from the Treasury. What difference does it make, however, to the taxpayers of this country whether money is taken from the Treasury or government property, easily convertible into money, and which, if sold, would inure to the benefit of all the people of the country, is taken? In many cases it would have been better economy for the Government to have purchased such lands by direct appropriation from the Treasury than to have obtained them of private owners for forest reserves by allowing such owners to exchange their lands for other lands of like character owned by the Government. I doubt if there were ever many trades of this kind in which the Government was not cheated.

The country, I take it, is definitely committed to the policy of establishing forest reserves. It can not be that this policy is to be a sectional one; that only in the West is this wise policy to be carried out, and that the South and East are to have no share in its manifold blessings. The people of the East and South, in a spirit truly national, are glad to aid the movement for the reclamation of arid lands in the far West at the direct or indirect expense of the General Government, and for the establishment of forest reserves, but we believe that the forest-reserve policy should be national in its scope. Nowhere in this broad land of ours is there more pressing need of forest reserves than in the Southern Appalachian Mountains and the White Mountains of New Hampshire.

You in the far West have a reclamation fund of many millions, which would have all been in the Federal Treasury for the benefit of all the States but for the policy which turns over all this for the direct and peculiar benefit of the people of a few Western States. It is a good policy; we all approve it. When you aid one section of the country, you, to some extent, aid all sections; but it is not gracious, to say the least, for Members from such States to oppose every proposition looking to the conservation of the national resources of the East.

In the United States it is estimated that there are 700,000,000 acres of wooded area. Of this amount, 170,000,000, or more than one-fifth, are in national forest reserves. These reserves, as I have said, are worth at least $1,500,000,000, and, with the single exception of a small reserve in Minnesota, are west of the Mississippi River. We are asking for an appropriation which, during the ten years to which it is limited, calls in all for a little more than 1 per cent of this amount for reserves east of the Mississippi River, where we feel the imperative need of forest reserves far more than you in the West. Nearly or quite one-half of all the standing timber of this country is on the Pacific slope. It was stated in an editorial in the New York Evening Post about three years ago that the rivers flowing into the Pacific have their headwaters protected by vast tracts of forests preserved from indiscriminate lumbertng, but those flowing into the Atlantic, though their present commercial use is tenfold greater, rise in regions where the commercial lumberman generally has full sway.

It is very likely true that Congress has no constitutional power to appropriate money from the Treasury to acquire lands for forest reserves except as such lands aid in maintaining the navigability of streams, and no lands will be acquired which do not serve such purpose; but if, as a necessary incident of such constitutional expenditure, great advantage accrues to the people of many States on account of the preservation of water power upon which millions of our citizens depend for their livelihood, and the forests are conserved, saved from speedy destruction, and so managed that the supply of timber may be made permanent and adequate for the wants of the people of the whole eastern part of the country for all time to come, surely no one would suggest that these enormous incidental advantages constituted an argument against the proposition.

Millions of dollars could be dispensed with in every river and harbor bill but for the fact that rivers and harbors, year by year, are filled up with silt brought down by freshets from the deforested slopes of mountain ranges. The most economical way in the world to preserve the navigability of your rivers is to preserve your mountain forests. How can any reasonable man insist that it is a constitutional, proper, and wise expenditure of money from the Federal Treasury to continually dredge the rivers and harbors located in the various States to remove the silt carried down by the floods caused largely by the destruction of the forests, and unconstitutional, improper, and unwise to appropriate money from the Federal Treasury to keep the silt from going into the rivers by establishing forest reserves which will, to a great extent, prevent these floods? Proper to dredge out a channel, but improper to prevent its filling up again! The mere statement of such a proposition refutes it.

Will the eastern forest reserves pay? Will it be a wise investment, regarded purely as a business proposition? Unquestionably. The German state forests return a net revenue of $2.40 per acre a year and the Swiss forests $8 per acre. No expenditure from the Federal Treasury at the present time will produce so certain and ample a revenue in the end as investments for the establishment of forest reserves.

The time is not far distant when the forest reserves should be in condition to return a very large net income. A royal commission in Great Britain has recently made a report on the question of creating national forest reserves. It is proposed to create by complete reforestation reserves embracing 15,000,000 acres. The work is to go on at the rate of 150,000 acres each year for sixty years, and it is estimated that at the end of eighty years the forests would return a net annual revenue of $9.73 per acre—somewhat, but not much, more than the actual return to-day of the forests of Saxony. Great Britain must create these forest reserves from seedlings, and hence the time is long before there will be much revenue. In this country we have our forests, and good management of them and a comparatively small amount of tree planting will give us a large net revenue in a comparatively short time.

Why does New Hampshire ask for federal aid? Why does not she establish the White Mountain Forest Reserve and pay the bills? New Hampshire is a small and comparatively poor State, and the undertaking is too large. Do you ask other States where rivers are being improved or forest reserves are being created or arid lands are being reclaimed to pay the bills? There is no earthly reason why New Hampshire should undertake a work at her own expense which will benefit the people of other States far more than it will benefit her own people. This is an interstate, a national, proposition if ever there was one.

Practically all the principal rivers of New England have their source, or the source of their important tributaries, in the White Mountain region, and their value for all purposes depends to a great extent upon the preservation of the forests in which they rise. This is so strictly an interstate, a national, matter that the Federal Government alone has the right and the power to take action. The interests and the welfare of Maine, Massachusetts, Connecticut, and Vermont are being most injuriously affected by the diminution of the water in their great rivers caused by the cutting of timber in the White Mountain region.

The gentleman from Washington [Mr. HUMPHREY] and the gentleman from Tennessee [Mr. GARRETT] indulged in theorizing and speculation regarding the effect of forests upon stream flow. So far as the White Mountain section is concerned, this is no longer a matter of theory or speculation. For more than twenty years the Geological Survey have been carrying on the work of stream measurement at Plymouth, on the Pemigewassett River, the main branch of the Merrimac. This river rises on the southern slopes of the White Mountains, and Plymouth is located 30 or 40 miles below the sources of the river. These measurements demonstrate that in the twenty-year period from 1886 to 1906 the low-water period increased forty days in a year.

The cuttings on the southern slopes began about the time the stream measurements commenced and have been steadily continued since. The Geological Survey have also taken the rainfall, and their report shows that that, during all the twenty years, varied very little from year to year. Nothing but the destruction of the forests can account for this marked increase in the low-water period, for above Plymouth are no swamps which have been drained and there is less land under cultivation to-day than when the stream measuremnets were begun. A witness before the Committee on Agriculture also testified that during this period, at Haverhill, Mass., on the lower Merrimac, the most destructive floods that the city had ever known occurred.

The Connecticut River rises in northern New Hampshire and the removal of the forests about this river and its tributaries has greatly affected the regularity of the flow of that river and seriously impaired its use for navigable purposes. Bars form in Long Island Sound at the mouth of this river and the Government is put to the expense of constant dredging. A bar or shoal now extends a mile and a half from the shore into the

sound, and Mr. Goodrich, manager of a line of steamships doing business between New York and Hartford, testified before the Committee on Agriculture that this bar was made up of sand with no alluvial mud in it. There is little sand in the banks of the lower part of the Connecticut River and little on the Vermont or New Hampshire shores until the upper part of the river is reached. This sand can come from nowhere else than from the deforested mountain slopes of New Hampshire.

Mr. CUSHMAN. Mr. Speaker, will the gentleman yield for a question?

Mr. CURRIER. I yield for just a question.

Mr. CUSHMAN. I was going to say we will be very glad to get rid of a large portion of the forest reserves we have.

Mr. CURRIER. And we will be very glad to take it. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SCOTT. Mr. Speaker, I would like to inquire how much time I have remaining?

The SPEAKER. Thirteen minutes.

Mr. SCOTT. I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, I hope that the membership of this House realizes the importance of the policy which we are asked to initiate in the adoption of this bill. The men in favor of this proposition have tried to convince the House that it is limited only to the eastern and to the southern sections of our country. Those who are influenced by considerations of locality are making a mistake. This policy is nation wide. The public sentiment that has been created all over the United States in favor of this proposition will in the future be exerted to induce Congress to appropriate the money necessary not alone to buy the cut-over lands in the Appalachian and White Mountain ranges, but to continue and extend this policy until it includes all the now worthless lands in private and public ownership from the Atlantic to the Pacific Ocean, regardless of the cost to the people of the United States.

This is but the entering wedge of a policy which means ultimately the most gigantic expenditure of any peaceful policy the Federal Government has ever embarked upon. There are cut-over lands in Minnesota, there are cut-over lands in Wisconsin, there are cut-over lands in Michigan, and later on there will be cut-over lands in every State in the United States, where the States, the woman's clubs, and private owners will all demand their purchase by the Federal Government, to be paid for from the Federal Treasury. No man, here or elsewhere, can now estimate the ultimate cost to the Government of the United States of inaugurating the policy we are by this bill asked to inaugurate. Adopt this bill and you create an immediate demand on a bankrupt Treasury of $4,000,000. But, Mr. Speaker, there is a more serious objection to this bill than the magnitude of the policy we are asked to initiate by the adoption of this bill. Never before has Congress been asked, or has Congress attempted, to amalgamate by legislation the powers of the States and the Federal Government. This bill authorizes a copartnership between the Federal Government and the States, both in the acquisition of the land and in the administration of this policy, and authorizes the Federal Government to pay into the treasury of the state governments affected by this measure, or by this policy, 25 per cent of the proceeds received from the sale of timber or the administration of this law, and then this bill attempts to limit and restrict the right of the legislature as to how that money shall be appropriated by the States and the purposes for which it may be appropriated. But, Mr. Speaker, not alone does this bill attempt to amalgamate the federal power with the state power or state authority, but it also proposes to destroy that balance between the coordinate branches of the Federal Government that is absolutely essential to its existence and the perpetuity of our institutions.

We propose by this bill to create a commission consisting of three officers of the executive branch of the Government and two Members of the legislative department of the Government. This commission is clothed with the administration of a law enacted by Congress, something that has never before been proposed, something that Congress has never before been asked to consider or act upon in the previous history of the Government. Here is a proposition that may involve the legislative branch in a controversy with its own Members in respect to administration and administrative affairs—a situation unheard of and not contemplated by those who founded the Government. I may say, that to maintain the proper balance of power between the States and the Federal Government and also the balance of power between the coordinate branches of the Federal Government, we should continue the exercise of our respective powers along the line and within the rules laid down by the men who framed and adopted the Constitution of the United States, and not consolidate the exercise of these independent powers, as proposed by this bill. [Applause.]

Mr. DAVIS. Mr. Speaker, there seems to be a misconception on the part of many who have participated in this debate that the sole object and purpose of this bill is to acquire national forests in the Southern Appalachian Mountains and White Mountains. No doubt this erroneous view emanates from the fact that on the first page of the bill the title appears to be "An act for acquiring national forests in the Southern Appalachian Mountains and White Mountains." However, this bill, as it is now being considered, has been amended by striking out all after the enacting clause as it was previously introduced in the Senate and inserting the present bill, wholly different in most of its essentials from the legislation originally proposed. And it will be observed that the concluding sentence of the present bill amends the title thereof so as to read:

An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers.

Thus it will be observed that not only the title of the bill as amended, but that the body of the bill does not limit its provisions to any particular locality or section of the United States, but is applicable to all and is intended to cover all with its wise and beneficent provisions in conserving the navigability of all navigable rivers and for the protection of the watersheds of all such navigable streams.

While the act provides that the various States may cooperate among themselves and also in conjunction with the United States, which idea of cooperation is apparently repugnant to the minds of some, and thus expressed during this debate, yet in my judgment this cooperation is wise and legal, and I am heartily in accord with the principles that thus permit of such cooperation whenever and wherever the object sought to be accomplished is of general benefit to all the people of this Republic.

Matters in which the individual States are unable to cope successfully and which in their nature are interstate, as particularly set forth in this proposed legislation, are of the highest importance and of the greatest benefit to the Nation as a whole.

The gentleman from New York [Mr. PAYNE], who has just preceded me, and who as a rule illuminates most subjects that he touches, I think in this instance did not make a happy illustration wherein he stated in substance that all seemed to clamor for the conservation of our natural resources in every form, yet few, if any, ever expressed a desire of conserving the Treasury of the United States. Mr. Speaker, I fully agree with the gentleman from New York that it is commendable, and even necessary, to conserve the Treasury, and I for one have by my vote endeavored to do so. But to conserve the Treasury alone at the risk of wasting our great natural resources, such as our forests, streams, minerals, and the products of the soil, is often unwise, for the better we conserve our natural resources, thus increasing our natural production of the things which go to make up our Nation's wealth and bettering and increasing our transportation facilities, the more sure we are of providing the means to keep a full Treasury.

Again, Mr. Speaker, the United States for many years has firmly established the principle of cooperating with the several States. I shall not attempt to enumerate the instances in the past or present wherein this cooperation prevails, and not only wherein the Congress approves, but the people of this Nation as well. However, some notable instances are: Our public schools, established under federal initiative by grants from the public domain; our universities were, and still are, similarly endowed; and, finally, the crowning act of all was the endowment of our agricultural colleges and experiment stations in every State in the Union. While the amount of money thus contributed by the General Government to cooperate with the States along these educational lines is insignificant compared with the vast sums expended for these purposes by the States, yet the impetus given by the Federal Government in thus initiating and establishing these institutions has spurred on the States to greater effort. I know of no instance wherein the General Government has thus initiated a movement by cooperation with the States wherein the results have not been most beneficial and redounded to the inestimable benefit, prosperity, and happiness of all our people, socially, morally, intellectually, industrially, and commercially. The measure under consideration is along this line, for it certainly seeks to and will conserve some of our natural resources, which would not only lie dormant, but would be wasted entirely to this Nation for all time, were this conservation left entirely to individual effort sporadically attempted by the several States. The educational

cooperation which I have mentioned, and especially along industrial lines, has tended more than anything else to the conservation and strengthening of our young men and women in all ways, and especially in increasing their productive capacity, thus conserving our greatest national assets, for it is to their intelligent uplift that prosperity, commercially, socially, morally, and patriotically depends.

Therefore, Mr. Speaker, I am heartily in accord with the principles involved in this bill, and while some of its provisions might be improved, if opportunity were given for amendment, yet the principles should not be sacrificed because of some defective detail. [Applause.]

Mr. SCOTT. Mr. Speaker, if the House will pardon a personal reference, I should like to begin by saying that for the past eight years I have been giving a great deal of attention to this question. I have read thousands of pages of official reports and other literature upon the subject. I have heard it discussed a day at a time on several different occasions by very able men. I have traveled hundred of miles over the country to be affected by it, in order to get information at first hand, and I can say without hesitation that there has never been a question before this body concerning which I am more clear in my own conclusions than I am in the conviction that this bill should be defeated.

I realize that there is a very strong public sentiment in favor of it; but, Mr. Speaker, there are two kinds, at least, of public sentiment. One is that sentiment which is based upon complete and accurate information, the conclusions of which are reached after carefully considering all the arguments on all sides of the question, and for that public opinion I have a profound respect. But there is another public sentiment, which is founded upon lack of information or positive misinformation, which has been reached after hearing only one side of the argument, which has been manufactured by an industrious and interested propaganda, and for that public sentiment I have no respect whatever.

"The forests are being rapidly and completely destroyed."

"This destruction will ruin the streams, destroy the farms, and make the country a desert."

"The only way these appalling calamities can be averted is through the Government ownership of watersheds."

That is the way the argument has run, and, believing those things to be true, the people, or great numbers of them, have reached the conclusion, as every patriotic citizen would, "In Heaven's name, let the Government buy and own these watersheds." The trouble with that argument is that not one of the statements upon which it is based is true. It is not true that the forests are being rapidly and completely destroyed. I am not qualified to speak from personal observation of the White Mountains, although touching them I have heard it said that they are more completely forested now than they were forty years ago. But I know that in the Southern Appalachians there is not as much cleared land now as there was twenty-five years ago, and I know that, in the very nature of things, that country never can be wholly denuded of its forests, because it lies in the zone of a warm climate, with plenty of moisture, and when the land is cleared off, if the floods do come and wash away the soil so that it is no longer fit for farming purposes and must be abandoned, then by the force of the climatic condition the forest comes back, at least the cover—the jungle comes back, serving the purpose of a forest cover. So the land never can become a desert, as has been depicted.

Furthermore, as has been shown by the gentleman from Washington [Mr. HUMPHREY], the great majority of the engineers, not the foresters, but the engineers who have studied this question, are of the opinion that the forests do not guard navigable streams against great floods or against an extreme low stage of water.

Neither is it true that the only way the appalling calamities which have been predicted can be averted is through the government ownership of the watersheds. It is clearly demonstrable that the greatest damage now is coming from the portions of the watersheds that are cleared for farming purposes; but it is equally demonstrable that if the land is properly tilled it will hold just as much water when used for farming as it held when covered with a forest, and if properly tilled the soil will not wash. It is clearly possible, therefore, for all that is sought to be gained by the passage of this bill to be reached through the education of the people in the direction of proper methods of crop rotation and of the cultivation of the soil.

And what would be the advantage of that? Why, the soil is worth more for farming purposes, if it can be held in place, than it is for raising timber. It is worth vastly more to the State to keep it on the local tax roll than it is to have it owned by the Government of the United States; and I think these objects can be attained by proper cooperation between the States and the Government without the purchase of the land.

Mr. Speaker, I am in cordial sympathy with the policy of conserving our natural national resources, but I believe that the revenues of this Government are a national resource, and that they, too, deserve to be conserved. We are certainly not conserving them when we propose to spend millions of dollars for an object which can be accomplished without such an expenditure, and for an object which in all likelihood would never be reached by such expenditure.

It is argued by the gentlemen supporting this measure that the money is taken from the receipts of the Forestry Service, and it is thought to make us believe on that account that it is not to cost the country anything.

Why, the receipts from the Forest Service are not a new source of revenue brought into being by this bill. They are a source of revenue that already exists, and when we propose to appropriate these receipts under this bill we are simply attempting to do by indirection that which we do not dare to do directly. Certainly every Member must recognize, whether the money comes from the sale of the forest resources or whether it comes from customs revenues, or any other source, it must be taken out of the National Treasury; so it does not make any difference, so far as that is concerned.

Mr. Speaker, I hope this bill will be defeated, because it is a step in the wrong direction, because it would not bring the results which the proponents hope, and because it would involve an expenditure from the Treasury of the United States of an amount which can not now be measured. [Loud applause.]

I append as a part of my remarks the views of the minority:

VIEWS OF THE MINORITY.

In the first session of the Sixtieth Congress, reporting upon a resolution offered by Mr. BARTLETT of Georgia, the Committee on the Judiciary of the House of Representatives declared it to be their opinion that—

"The Federal Government has no power to acquire lands within a State solely for forest reserves, but under its constitutional power over navigation the Federal Government may appropriate for the purchase of lands and forest reserves in a State, provided it is made clearly to appear that such lands and forest reserves have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part."

Bearing that opinion in mind (and it has met with universal acquiescence), it becomes of the very first importance, in considering a bill for the purchase of forest reserves, to determine whether such reserves "have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part." The statement that such connection does exist has been so confidently assumed and so often repeated that those who have given but a casual or superficial study to the subject have come to regard it as an established and admitted fact.

The truth is that it is neither established nor admitted. On the contrary, the proposition is very earnestly disputed by men whose opinions are entitled to great weight. It is perhaps not overstating it to say that a majority of the riparian engineers who have given the subject careful study are of the opinion that forests do not exercise any effective control in either extremes of high water or of low water. Lieut. Col. H. M. Chittenden, of the United States Army Engineer Corps, who has been studying the control of floods in rivers for many years, is perhaps the most conspicuous exponent of this view in our own country, having recently read a paper before the American Society of Engineers in which is presented a powerful and to many minds a convincing argument in support of his contention. In Europe the same opinion is entertained by M. Ernst Lauda, chief of the hydrographic bureau of the Austrian Government, who has recently made an exhaustive report upon the great floods of the Danube, in the course of which he says:

"It is universally believed that forests have an influence in moderating and preventing floods and deforestation upon their origin and more frequent occurrence, yet this belief is not better established from a hydrographic standpoint than the entirely unfounded belief that the floods of the past few years in Austria are due to deforestation. Against the popular belief in the favorable influence of forests upon floods resulting from excessive rains may be adduced the interesting fact that lands richest in forests are frequently visited by the severest floods."

In support of this opinion he traces the history of the Danube River for eight hundred years, drawing the conclusion that floods were formerly just as frequent and just as high in that river as they have been in recent times. He cites the records of the river Seine also, showing even greater flood height in the sixteenth century than any that occurred in the nineteenth. As deforestation in the watersheds in both the Danube and the Seine is vastly greater now than it was eight centuries or three centuries ago, the testimony of the actual records presented by M. Lauda can not be lightly set aside. Nor can it be said that M. Lauda stands alone in his opinion, for at the Tenth International Congress of Navigation, held at Milan in 1905, papers upon this subject were presented by representatives from France, Germany, Italy, Austria, and Russia; and while all the writers favored forest culture, the opinion was practically unanimous that forests exert no appreciable influence upon the stream flow of rivers.

Indeed, Colonel Chittenden, who has perhaps studied foreign reports upon this subject more carefully than any other American, declares that he is unable to find among the river engineers of Europe any that advocate forests as a corrective for the extremes of flow in our rivers. He cites an exceedingly elaborate investigation instituted by Napoleon III, as a result of which the French engineers, after an exhaustive study of the subject, united in the opinion that whatever value forests might have locally in preventing the erosion of steep slopes they could not be relied upon in any degree to diminish the great floods from which France had been suffering, and that any measures which might be taken in the line of reforestation would have no appreciable effect.

The report of these engineers quoted a very elaborate and exhaustive work upon the floods of French rivers, going back over six hundred years, in which it was conclusively shown that former floods were larger than those of the present time. As a result of this report it is declared that no French project of river improvement, either for flood prevention or as an insurance against low water in navigable rivers, has embraced reforestation as an essential part, or even any part at all.

In our own country, where river records have been kept but a comparatively short time, the data are, of course, insufficient to warrant any very sweeping generalizations. We believe it is admitted, however, that the records of the Ohio River, which extend over a period of forty years, show greater extremes of both high water and low water during the first twenty years of that period than during the last twenty years, thus bearing out in a degree at least the conclusions reached through a study of the extended periods of observation of European rivers. While it can not be regarded, therefore, as fully established, we submit that the weight of expert testimony and the preponderance of evidence as deduced from actual observation is very largely in favor of the proposition that forests do not exercise an appreciable influence upon the navigability of navigable rivers.

But the argument against the proposition in the bill under consideration by no means rests alone upon the contention that there is no vital connection between the forests and the maintenance of navigability in navigable streams. It is a conceded fact that at the present time, in the Southern Appalachians at least, the menace to the streams comes from the operations of the farmer and not from those of the lumberman. It is the tracts on the lower slopes of the mountains which have been cleared for farming from which the silt is washed into the streams, and not from the upper slopes, which are covered with trees. Now, it is not denied that if these lower slopes are properly farmed the soil will not wash appreciably, and the streams therefore will receive no damage. It is not denied, either, that if the steeper slopes, which never can be farmed, are protected from fire, they will always be forested, or at least covered with a growth that will prevent erosion.

Remembering these two undenied facts, can it be argued that it is necessary for the Government to purchase either the upper or the lower slopes of the mountains in order to protect the streams? The lower slopes are more valuable for farming than for timber raising if they can be prevented from erosion. Since they can be so prevented by proper methods of tillage, would it not be better national economy for the Federal Government to help teach the farmers of that region how to till their soil in such a way as to prevent erosion and maintain its fertility than it would be to buy out those farmers and return the land to the wilderness? And since the upper slopes will always have a forest cover, if protected from fire, would it not be better national economy for the Federal Government to lend its aid to such protection at a comparatively trifling cost (it is estimated by the Forest Service that the cost of an effective fire patrol would not exceed 2 cents per acre per annum) than to buy the land at a very great initial expenditure, with the cost of fire protection to be added as a fixed and continuing charge? Would it not be better for the States concerned to have the lands remain in private ownership, supporting a larger population than could possibly be maintained if the policy of the pending bill is pursued, and retaining the value of the property on the tax rolls?

The very best that can be said in support of the proposition for the federal purchase of these lands is that as a result of such purchase the impairment of navigable streams may possibly be diminished or retarded. But will this vague general possibility, or probability, of a distant and shadowy good offset the immediate and certain evil of driving large numbers of people away from homes which in many instances have been occupied for generations, of reducing the productivity of large areas, and of taking large amounts of property from local tax rolls?

It is cited as a special merit in the pending bill that the money to carry it into effect is taken, not from the General Treasury, but from the receipts of the existing Forest Service, the agreeable inference therefrom being that the proposed new forests can be bought without any real draft upon the Treasury. We are unable to see the force of this argument. The receipts from the present national forests are not a new source of income conjured into existence by the pending bill. On the contrary, these receipts are a part of the national revenues which are paid into the Federal Treasury, just as are the revenues from customs dues or internal taxation. To regard the income from the forests as a special fund which can be diverted without any real effect upon the Treasury balances is a palpable fiction, which if adopted would expose the Congress to the charge of doing by indirection what it was not willing to do directly. If we are going to enter upon this policy, let us do it openly and boldly with a full understanding of what it will cost and where the money is to come from.

In its terms, the life of the measure being limited to ten years and the expenditures under it restricted in the aggregate to $19,000,000, this bill is extremely conservative compared with others that have been introduced upon the same subject. It is to be noted, however, that it is applicable to every section of the country, and that the foremost advocates of the policy which it initiates maintain that the policy can only be carried to a successful issue through the purchase of many million acres of land. The last official report upon the subject recommended the purchase of 5,000,000 acres in the Southern Appalachians and 600,000 acres in the White Mountains, the average estimated cost being $3.50 an acre. But it states also (on page 32) that there are 75,000,000 acres in these mountains which "will have to be given protection before the hard-wood supply is on a safe footing and before the watersheds of the important streams are adequately safeguarded." While no one now advocates the purchase of this enormous area, yet with the policy once entered upon and backed by the tremendous political and industrial influences that can be brought to its support, who can give assurance that such purchases may not be made in the future, and the cost of this policy be thereby extended from tens of millions to hundreds of millions?

Notwithstanding the enormous expenditure which will almost inevitably result from the entrance upon this policy, it might still be warranted if it were a demonstrated fact that the maintenance of the forested watersheds is the only way by which the filling up of navigable streams and the destructive erosion of large sections of our country can be prevented, and that the only means by which forested watersheds can be maintained is through federal ownership of such watersheds. Believing, however, that this destructive erosion and consequent silting of rivers can be prevented by the introduction of proper methods of farming and by adequate fire protection, both of which can be accomplished through the cooperation of state and federal agencies at comparatively little expense, we are unwilling to consent to a measure which commits the Government to a policy which we believe to be both unwise and unnecessary.

Mr. WEEKS. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has three minutes remaining.

Mr. WEEKS. Mr. Speaker, in three minutes, of course, there is not time to answer many of the statements which have been made; but it is apparent to anyone who has studied this question that most of the statements in opposition to this bill are entirely without foundation. The genleman from New York [Mr. PAYNE] made nearly the same speech to-day that he made against the reclamation act, and for which nearly every man who spoke against that bill has apologized, though I have not heard the gentleman from New York apologize for his vote and action in that matter; and those gentleman who do not now understand this bill will come to its support in time.

The gentleman from Minnesota has set up a man of straw about States and the Government cooperating. Why, the Government is now cooperating with the States; the Government is even cooperating with cities, for within a week we have passed a bill in which the Government cooperates with the city of New York in dredging operations.

If gentlemen on this side of the Chamber want to stand by their national platform they will vote for the passage of this bill. If gentlemen on the other side of the Chamber want to stand by their national platform, which in definite terms approves this legislation, they will vote for this bill. The President of the United States has recommended it in seven annual messages. A majority of the governors of all the States of the Union have met in convention in Washington and have indorsed legislation of this character. We talk about conserving natural resources. How are we going to conserve resources unless we begin to conserve somewhere? We can probably talk for all time, and find fault and criticise particular bills. Anybody can do that. The difficulty is in maturing a measure which we believe will protect the interests of the Government, which will give the Government an opportunity for getting back a reasonable return for what it has spent. Gentlemen talk about these enormous expenditures, $19,000,000 proposed in the next ten years, as if the Government was not going to get anything in return. As a matter of fact, if the money is spent wisely, as I believe it will be by this commission, it will not only get back the value of the property in time, but in ten years the property will be vastly more valuable than when purchased. We will be simply following the example of every European country, and of every other country in the adoption of a policy of this kind. There is not a single first-class country on the face of the globe that is not either purchasing land or conserving the timber on forest reservations, and some of these lands are paying as much as $9 an acre, net, annually.

The Government of Japan alone has a forest reservation which has been in systematic operation for four hundred years, and in one province 85 per cent of the male inhabitants are engaged in forestry pursuits.

This is no new matter. It is a project that ought to have had the attention of this country long ago, and if we do not take action there will, in my judgment, be disapproval and regret on all sides. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. WEEKS] to suspend the rules and pass the bill.

The question being taken,

Mr. WEEKS. In order to save time, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 147, answered "present" 10, not voting 72, as follows:

YEAS—157.

Acheson	Cooper, Pa.	Fornes	Henry, Conn.
Allen	Cooper, Tex.	Foster, Ind.	Hepburn
Ashbrook	Cooper, Wis.	Foster, Vt.	Higgins
Bartholdt	Coudrey	Foulkrod	Hill, Conn.
Bates	Craig	Fuller	Hinshaw
Bede	Crawford	Gaines, Tenn.	Hitchcock
Bell, Ga.	Currier	Gardner, Mass.	Hobson
Bennet, N. Y.	Darragh	Gardner, N. J.	Hubbard, W. Va.
Bennett, Ky.	Davidson	Gilhams	Hughes, N. J.
Brodhead	Davis	Gill	Hull, Iowa
Brownlow	Dawes	Gillespie	Hull, Tenn.
Brundidge	Denby	Gillett	Humphreys, Miss.
Burleigh	Denver	Glass	Johnson, S. C.
Burnett	Diekema	Godwin	Jones, Va.
Burton, Del.	Douglas	Goldfogle	Kelliher
Calder	Draper	Greene	Kennedy, Ohio
Candler	Edwards, Ky.	Guernsey	Kimball
Capron	Ellerbe	Hale	Kinkaid
Cassel	Esch	Hall	Lamb
Caulfield	Estopinal	Hamilton, Mich.	Landis
Cockran	Favrot	Harding	Langley
Cocks, N. Y.	Finley	Harrison	Law
Cole	Flood	Haskins	Lawrence
Cook, Pa.	Foelker	Heflin	Lee

Lenahan	Mudd	Reynolds	Taylor, Ohio
Lever	Nelson	Richardson	Thomas, N. C.
Longworth	Nicholls	Roberts	Thomas, Ohio
Loud	O'Connell	Robinson	Tirrell
Lovering	Padgett	Ryan	Townsend
McCall	Page	Saunders	Waldo
McKinney	Parsons	Slemp	Washburn
McLachlan, Cal.	Perkins	Small	Watkins
McLaughlin, Mich.	Peters	Sperry	Webb
McMorran	Pollard	Stanley	Weeks
Madison	Porter	Stephens, Tex.	Wiley
Mann	Pou	Sturgiss	Willett
Martin	Prince	Sulloway	Wood
Maynard	Rainey	Sulzer	
Moon, Tenn.	Ransdell, La.	Swasey	
Morse	Reeder	Talbott	

NAYS—147.

Adair	Ellis, Oreg.	Howell, N. J.	Overstreet
Aiken	Englebright	Howell, Utah	Parker
Alexander, Mo.	Fairchild	Howland	Payne
Andrus	Fassett	Hubbard, Iowa	Pujo
Barchfeld	Ferris	Huff	Rauch
Barclay	Fitzgerald	Humphrey, Wash.	Rucker
Barnhart	Fordney	Jenkins	Russell, Mo.
Bartlett, Ga.	Foss	Johnson, Ky.	Russell, Tex.
Beale, Pa.	Foster, Ill.	Jones, Wash.	Sabath
Beall, Tex.	Fowler	Keifer	Scott
Bingham	French	Kennedy, Iowa	Shackleford
Bonynge	Gardner, Mich.	Kitchin	Sheppard
Bowers	Garner	Knopf	Sherley
Boyd	Garrett	Knowland	Sherwood
Brantley	Goebel	Küstermann	Sims
Burgess	Gordon	Lindbergh	Slayden
Butler	Graff	Livingston	Smith, Cal.
Campbell	Gregg	Lloyd	Smith, Tex.
Carter	Gronna	Lorimer	Snapp
Chaney	Hackett	Loudenslager	Southwick
Chapman	Hackney	Lowden	Spight
Clark, Mo.	Haggott	McCreary	Stafford
Conner	Hamilton, Iowa	McGavin	Steenerson
Cook, Colo.	Hamlin	McGuire	Stevens, Minn.
Cousins	Hammond	McHenry	Tawney
Cox, Ind.	Hardwick	McKinlay, Cal.	Thistlewood
Crumpacker	Hardy	Macon	Tou Velle
Cushman	Haugen	Madden	Underwood
Dalzell	Hawley	Malby	Volstead
Davenport	Hay	Miller	Vreeland
Dawson	Hayes	Mondell	Wallace
De Armond	Helm	Moore, Pa.	Wheeler
Dixon	Henry, Tex.	Moore, Tex.	Wilson, Ill.
Driscoll	Hill, Miss.	Murdock	Wilson, Pa.
Durey	Holliday	Murphy	Young
Dwight	Houston	Needham	The Speaker
Edwards, Ga.	Howard	Nye	

ANSWERED "PRESENT"—10.

Booher	Ellis, Mo.	McDermott	Wanger
Cary	Goulden	Olmsted	
Cravens	Griggs	Riordan	

NOT VOTING—72.

Adamson	Clark, Fla.	Laning	Randell, Tex.
Alexander, N. Y.	Clayton	Lassiter	Reid
Ames	Floyd	Leake	Rhinock
Ansberry	Focht	Legare	Rodenberg
Anthony	Fulton	Lewis	Rothermel
Bannon	Gaines, W. Va.	Lindsay	Sherman
Bartlett, Nev.	Graham	McKinley, Ill.	Smith, Iowa
Birdsall	Hamill	McLain	Smith, Mich.
Boutell	Hughes, W. Va.	McMillan	Smith, Mo.
Bradley	Jackson	Marshall	Sparkman
Broussard	James, Addison D.	Moon, Pa.	Sterling
Burke	James, Ollie M.	Mouser	Taylor, Ala.
Burleson	Kahn	Norris	Watson
Burton, Ohio	Kipp	Olcott	Weems
Byrd	Knapp	Patterson	Weisse
Calderhead	Lafean	Pearre	Williams
Caldwell	Lamar, Fla.	Pratt	Wolf
Carlin	Lamar, Mo.	Pray	Woodyard

So the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. BOUTELL with Mr. GRIGGS.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. ADDISON D. JAMES with Mr. LAMAR of Florida.

Mr. WOODYARD with Mr. TAYLOR of Alabama.

Mr. WEEMS with Mr. ROTHERMEL.

Mr. WATSON with Mr. WILLIAMS.

Mr. STERLING with Mr. RHINOCK.

Mr. SMITH of Michigan with Mr. REID.

Mr. RODENBERG with Mr. PRATT.

Mr. MOON of Pennsylvania with Mr. LASSITER.

Mr. MCKINLEY of Illinois with Mr. LAMAR of Missouri.

Mr. SMITH of Iowa with Mr. RANDELL of Texas.

Mr. PRAY with Mr. PATTERSON.

Mr. PEARRE with Mr. MCDERMOTT.

Mr. OLCOTT with Mr. MCLAIN.

Mr. NORRIS with Mr. LEAKE.

Mr. LAFEAN with Mr. KIPP.

Mr. KNAPP with Mr. HAMILL.

Mr. KAHN with Mr. CRAVENS.

Mr. HUGHES of West Virginia with Mr. FLOYD.

Mr. GAINES of West Virginia with Mr. CLARK of Florida.

Mr. FOCHT with Mr. CARLIN.

Mr. CALDERHEAD with Mr. CALDWELL.

Mr. BURKE with Mr. BYRD.

Mr. BIRDSALL with Mr. BROUSSARD.

Mr. ANTHONY with Mr. BURLESON.

Mr. BANNON with Mr. BARTLETT of Nevada.

Mr. OLMSTED with Mr. OLLIE M. JAMES.

Mr. MARSHALL with Mr. FULTON.

Mr. BURTON of Ohio with Mr. CLAYTON.

Mr. ALEXANDER of New York with Mr. SPARKMAN.

Mr. MCMILLAN with Mr. ANSBERRY.

Mr. ELLIS of Missouri with Mr. SMITH of Missouri.

Mr. CORY with Mr. WEISSE.

Mr. GRAHAM with Mr. LEGARE.

Mr. JACKSON with Mr. WOLF.

Mr. AMES with Mr. LINDSAY.

On this vote:

Mr. GOULDEN with Mr. BRADLEY.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of the Speaker, and he voted "no," as above recorded.

The result of the vote was then announced as above recorded.

AMENDMENT OF THE RULES.

Mr. DALZELL. Mr. Speaker, I am authorized by the Committee on Rules to move to suspend the rules and pass the following resolution:

The SPEAKER. The gentleman from Pennsylvania, by direction of the Committee on Rules, moves to suspend the rules and pass the following resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 607.

Resolved, That the rules of the House be, and hereby are, amended as follows:

(1) By adding to Rule XXVI, as a new paragraph to be numbered 4, the following:

"On Wednesday of each week no business shall be in order, except as provided by paragraph 4 of Rule XXIV, unless the House by majority vote on a motion to dispense therewith shall otherwise determine. On such motion there may be debate not to exceed five minutes for and against.

"On a call of committees under this rule bills may be called up from either the House or Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union.

"This rule shall not apply during the last two weeks of the session."

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second.

Mr. DALZELL. I would like to ask the gentleman from Mississippi whether he is opposed to the resolution?

Mr. WILLIAMS. Does the gentleman mean whether I am going to vote against this resolution? Yes.

The SPEAKER. A second is demanded by the gentleman from Mississippi, and, under the rule, a second is ordered. The gentleman from Pennsylvania has twenty minutes and the gentleman from Mississippi twenty minutes.

Mr. DALZELL. Mr. Speaker, paragraph 4 of Rule XXIV of the House rules reads as follows:

4. After the unfinished business has been disposed of, the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the last bill under consideration: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order to call up any other bill until the other committees have been called in their turn.

Complaint has been made, Mr. Speaker, of the uncertainty as to the call of committees and as to the infrequency of that call.

The resolution that I have sent to the Clerk's desk amends paragraph 4 of Rule XXIV, answers that complaint, and seeks to do three things:

First, to make it certain that there shall be once a week every week during the session, except during the last two weeks, a call of committees.

Second, to provide that that call can not be dispensed with except upon a direct motion to dispense with it. In other words, this calendar Wednesday can not be dispensed with by calling up appropriation bills, or by calling up any other privileged bill, so as to put on the Members the burden of voting down the privileged bill so as to preserve the call of committees. To repeat, to dispense with this call, as provided for by this rule, there must be a vote upon a direct motion to dispense with it. These two things then are provided for—an automatic call of committees once a week and the impossibility of dispensing with that call unless the House, by a majority vote on a direct motion to dispense with it, shall so determine.

The third thing sought to be effected by this amendment of rules is that instead of being confined to bills reported and on the House Calendar, the committee upon which rests the call shall be at liberty to call up bills upon either the House or the Union Calendar, provided, however, that those bills are not privileged bills. That is to say, the purpose of this call can not be destroyed by the calling up of general appropriation bills or general revenue bills or by a bill which is privileged under Rule XI, paragraph 6.

Now, it seems to me that the operation of this rule must very much facilitate the business of the House. From the Speaker's standpoint it will relieve him largely from requests for unanimous consent; and from the Member's standpoint it will relieve him largely of the necessity of going to the Speaker and asking for unanimous consent. A Member having a bill on the House or Union Calendar will say to himself there is no use in my troubling the Speaker about this matter, I will have an opportunity to have the bill discussed and considered next Wednesday or the following Wednesday or at some time during the session. So that it seems to me the amendment I propose ought to appeal to every Member who is desirous of facilitating the business of the House.

I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I will ask the Chair to call my attention to it when I have occupied three minutes.

Mr. Speaker, we fear the Greeks bringing gifts, especially when they bring them late and under a considerable degree of coercion. As far as the amendment to the rules itself is concerned, it unshackles the minority to some extent, and had we pursued the usual course of an ordinary report from the Committee on Rules, we should have voted down, or tried to vote down, the previous question so as to give ourselves an opportunity to amend, and if we had been unsuccessful in that and the previous question had been voted up, then we might, and probably would, have voted for the resolution in itself. But instead of that the gentlemen have changed base. They now move to suspend the rules and pass this resolution all in one motion.

Everybody, therefore, who votes for that motion voluntarily cuts himself off from all opportunity for offering amendment. You can not even get the power to amend by voting down the previous question. Now, I had intended to offer the following amendment, had we been able to vote down the previous question—in case the matter had been considered in the ordinary manner of considering a resolution from the Committee on Rules—not in lieu of but in addition to the resolution before the House, and not only would I have had this opportunity, but others would have had the opportunity to offer amendments—

Rule 46. On Tuesday of each week no business shall be in order except an alphabetical call of the membership of the House. Upon the call of each Member's name he shall be permitted to offer for the consideration of the House one public bill, to be selected from either the House or the Union Calendar. The bills called up from the Union Calendar shall be considered in Committee of the Whole House on the state of the Union; and there shall be given to general debate twenty minutes to the side, and to the consideration of the bill under the five-minute rule, for amendment, such time as shall be agreed upon or such time as shall, upon motion without debate, be voted by the House.

Rule 47. Whenever the majority of the membership of the House shall, in writing, petition the Speaker that a day shall be given for the consideration of a public measure, when the said measure shall have been reported by a committee, or whenever a majority of the membership of the House shall, by petition in writing, request him to give a day for the consideration of a motion to discharge any standing committee from further consideration of a designated bill, and that the House shall proceed to the consideration of it, it shall be the duty of the Speaker, not later than the next legislative day, to designate a day and to announce to the House the day designated, which designated day shall be within a reasonable time, not more remote than five days after the day of the Speaker's announcement.

I have not even the time to explain or debate it.

Mr. WILLIAMS. Mr. Speaker, I now yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, I want to congratulate the gentleman from Pennsylvania [Mr. DALZELL] and his two Republican associates upon the Committee on Rules. The gentleman sees light breaking. The gentleman sees, if not light, probably a storm breaking [laughter], and the gentleman is breaking for cover. How many times in this House has the gentleman declaimed in favor of the complete excellence of the body of rules that we now have? How often has he made the assertion that the majority of this House at all times and under all circumstances could control the business of the House? Now the gentleman seems to think something more is necessary. Why is it? It is because there have been mutterings all along the line. It is because he has been compelled in his judgment in the magazines of the country to defend his action with regard to the rules. It is because the honored Speaker has been compelled to break his rule of silence and discuss in the magazines of the country the rules of this House and attempt to give currency and credence and decency to them. [Applause on the Democratic side.]

Mr. Speaker, this proposition means nothing. It is a mere pretense. It is simply for the purpose of stifling inquiry and enabling certain gentlemen to say: "Why, we have complied with the demand for a modification of the rules." How does this rule change those that we have? Does it make the call of committees more compulsory? Let me read. Rule XXIV says:

The daily order of business shall be as follows.

The daily order. Let gentlemen remember that that is the language of the rule. Each day, the rule says, the Speaker shall indulge in the following order of business. The sixth among the order of business is as follows:

The morning hour for the consideration of bills called up by committees.

The fourth section of that rule reads:

After the unfinished business has been disposed of, the Speaker shall call each standing committee in regular order.

Do you propose to make this rule more emphatic by the language that you have used? What word of command have you in the rule now submitted that is more potential than the word "shall?" That is the language of the present rule. The duty is imposed upon the Speaker of this House—"shall be"—to pursue an order of business. He shall. That is the language, and pursuing that he shall call the committees in their order. Have you got any other word more potential? Mr. Speaker, this rule means nothing. Why is it brought in at this time, in the last days of the session?

The SPEAKER. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I yield four minutes to the gentleman from Missouri [Mr. DE ARMOND], my colleague on the Committee on Rules.

Mr. DE ARMOND. Mr. Speaker, it is of comparatively little importance what the action of the House may be upon the pending proposition to amend the rules, for but three days of the life of the present Congress remain, and it is expressly provided in this amendment that it shall not be operative during the last two weeks of any session of Congress. Then, be the amendment good, bad or indifferent, why amend at all at this time? No good reason can be given for such action.

This House can not impose rules upon the next House. This Congress will expire in three days, and with it will die the rules of this House, amended or unamended. Then why consume valuable time in considering or voting upon this amendment? And who are they who are urging this particular amendment to the rules? Generally speaking, they are the gentlemen who have steadily and for years opposed and defeated all attempts at amendment. And why are they so solicitous about amending the rules just now? The purpose is not frankly disclosed, but it can not be concealed.

Congress after Congress, on the first day of the session, without debate or with but a few minutes grudgingly given to discussion, the old, obnoxious code of rules has been rushed to adoption in bulk, without opportunity for amendment or consideration. Now, the rules by which a deliberative body shall be governed may be good, tending to preserve order, insure equality of opportunity among the members whose rights are equal, and promote the consideration and disposition of important business, or they may rob the members of rights, deprive them of essential privileges, foster oppression by the presiding officer, and take from the legislators the power to legislate.

Then, what excuse can there be for the adoption of rules through dictation rather than upon due consideration? And what graver offense can there be against representative government than the imposition of boss rule in a lawmaking body of a republic?

Much dissatisfaction has existed—and some of it has been voiced—against the machine method of making and enforcing rules in the National House of Representatives. Recently evidences of the growth and assertiveness of this dissatisfaction have been multiplying. Finally it is deemed expedient to appear to give heed to the demand for a revision of the House rules, and to-day in this House we have the first offering of reform from the antireform element. But it is not even a faint promise of real reform by aid of those who have augmented power in the Speaker's hands. Instead of reform, or the promise of reform, it is a cunningly contrived attempt to defeat reform and perpetuate existing abuses. I have already said that this amendment, if adopted, can not be operative in this Congress, for the last two weeks of the session are by its own terms freed from it; and not even two weeks, but only three days of this session remain.

Then, what is the purpose in offering and urging this amendment at this late day?

Its promoters are preparing for a repetition in the House—the new House of the new Congress—on the 15th day of this month, when the Sixty-first Congress is to convene in extraordinary session, of the bad practice of cajoling and coercing the House into adopting rules in bulk, blindly, without consideration or the opportunity for understanding how grave the result of such hasty action must be. It is believed that the hitherto light task of inducing a majority of the Members to shut their eyes and fold their hands for quick, easy, and secure tying will be made easier if something but not much of amendment be now put into the old, odious, condemned code. That is why we have this amendment before us now.

I will not go into a specification of the changes which I believe should be made in the rules. Indeed, I will now mention but few of them and without regard to orderly arrangement.

The Speaker should not be a member of the Committee on Rules or of any committee. This Committee on Rules as now constituted really is not a committee. Nominally, it consists of the Speaker and two of his party associates, of his own selection, and two minority Representatives. These two party associates of the Speaker never vote against him, while almost always the two minority members vote against them, and the tie is broken and the question is decided by the Speaker casting his vote with his chosen ones. This so-called committee has no regular meeting days, or weeks, or months—it convenes upon call of the Speaker. It does not deliberate or in fact determine anything. When the Speaker has determined to do something, with this committee as the instrument to be employed, the Rules Committee is called to meet in the Speaker's room, and his decision, by his casting vote, is put forth as the decision of the committee. Then, there is presented in the House by one of the Speaker's Rules Committee automatons "a privileged report from the Committee on Rules," and the Speaker's party friends are called upon to enforce by vote of the House the Speaker's decree. It would be precisely the same thing in effect, though less artful, if the Speaker personally, officially, and directly were to make his own report of his own action and submit to vote of the House the question of making his action the action of the House.

There should be a real Rules Committee of about fifteen members, which should hold regular meetings, like other committees, to consider and report upon bills and resolutions referred to it; and it would be better if this committee, and committees in general, were made up by some other agency than the Speaker.

When the Speaker appoints the committees, the members well placed are under obligation to him and liable to be unduly influenced by him. And it is easy to understand how the Speaker can "set up" committees, so as to secure desired action, as well as to smother measures not favored by him.

I might remark in passing that there is neither justification nor decent excuse for the unfair distribution of committee places as between majority and minority. For instance, on large and important committees there are, actually or approximately, twice as many members of the Speaker's party as there are of the opposition, a division grossly out of proportion to the relative strength of the parties in the House. Thus the Speaker wantonly deprives the minority of fair committee representation. Does he use what he takes from the minority to win needed support for arbitrary rules arbitrarily enforced?

There should be some rule to secure the recognition of Members as a right. Now recognition goes by favor.

It is often said that the Speaker is the creature of the House, which can overrule or even displace him. This is true theoretically, but practically the truism is barren of substantial relief. It is one thing to clothe the Speaker with dictatorial powers, with a reasoned-out power in the House to reverse his decrees and to remove him from his high office, and it is quite another thing to strip the Speaker of the power which does not belong to his office—strip him, not theoretically or occasionally, but practically and permanently. There is no ground for fear that the Speaker will be deprived of any authority which he should possess. Every occupant of the Speaker's chair will surely have enough of power under any code of rules. The danger lies in the other direction.

Whatever this House now does, or fails or refuses to do, concerning the rules, the next House must adopt rules for itself. How should it proceed in order to get a good code of rules?

The indications are that the extraordinary session of Congress which is to begin March 15 will be devoted to a revision of the tariff, to the exclusion of almost everything else. A Committee on Ways and Means will be needed at once. For the sake of saving time, there will be no opposition, we may safely assume, to the appointment of that committee by the Speaker immediately after the House is organized. With equal confidence the like statement may be made as to the appointment of the Committee on Accounts and the Committee on Mileage, if the prompt appointment of these committees be necessary or desirable.

The House will be busy with the tariff bill until that measure goes to the Senate. Then the House will have an abundance of time in which to discuss, consider, and dispose of the important rules question. Why not let the question rest until then?

Arbitrary rules bear upon majority as well as minority. Indeed, upon the question of a fair, considerate revision of the rules there can be no parties except upon opposite sides of the line of cleavage between right and wrong, between intelligent, responsible free government, and boss rule.

With ample time at our disposal for fullest discussion of the rules, what can be said for arbitrary dictation or for meek submission? What reason can there be against fullest investigation and deliberate, intelligent action? Who will consent on March 15 to swallow at a gulp whatever dish of rules the Speaker's friends, doing his bidding, may offer? And who shall have the manliness to stand for freedom of action and fair play? In a very short time we shall know, and the country shall know.

Let the next House take care of itself by making its own rules. Doubtless it can do better than this House has done. [Applause.]

Mr. WILLIAMS. Will the gentleman from Pennsylvania yield some of his time?

Mr. DALZELL. I yield five minutes to the gentleman from Kansas [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I am not disturbed, as my friend the distinguished gentleman from Iowa seems to be, about what reason has influenced the Committee on Rules in bringing in this rule at this time. The important thing, it seems to me, is that the rule is here, and it is for the House to adopt or reject it.

Neither do I agree with the gentleman from Iowa that the adoption of this rule would not leave the House in any different status than that which now exists. It is true, as he said, that we now have in the daily order of business a call of committees; but the gentleman knows, as every man familiar with the rules knows, that that order can be displaced by a preferential motion, and that in order to reach it we might have to vote down the whole Union Calendar.

But under the rule that is now pending we must have a direct vote before the proposition to do away with the call of committees can be adopted. We vote directly on the proposition as to whether or not we shall proceed to the call of committees, uncomplicated by any other question. It places the question of the call of committees on precisely the same footing with suspension day, with pension day, and District day—a certain day in the week—and gentlemen know perfectly well that we have no difficulty in reaching business under those special orders on the day that it is provided under the rule they shall be called.

Mr. FITZGERALD. Will the gentleman yield——

Mr. HULL of Iowa. Will the gentleman yield for a question? Does not this also extend the power of committees, so that they can take up bills on the Union Calendar, where we are now confined to bills on the House Calendar?

Mr. SCOTT. That is another marked change in the pending rule from that which now exists.

Mr. FITZGERALD. Mr. Speaker, will the gentleman——

Mr. SCOTT. I trust the gentleman will let me proceed.

I have never felt the humiliation, Mr. Speaker, that some gentlemen claim to have felt in being required to go to the Speaker and ask his consent to ask for unanimous consent to bring a bill before this House. Possibly because my mind is not subtle enough to note the distinction between going to the Speaker's private office to proffer the request and proffering the request upon the floor of the House. In one case, if I am turned down, a reason is given, and there is nobody present to witness my mortification. In the other case, if I am turned down, no reason is given, and the whole membership of the House may see my embarrassment.

But I recognize that there is great force in the complaint that the present practice places in the hands of the Speaker the power to say whether or not certain measures shall come before the House, and it is for that reason that I am in favor of this resolution, because if it is adopted the House will be able to reach the business on the Union and on the House calendars without asking the consent of the Speaker. It will relieve him of a tremendous burden of responsibility, and it will place that

responsibility where it belongs, namely, on the membership of the House.

I believe, also, that it will have a tendency to make committees more careful in their consideration of bills. We will not hear any more, I fancy, the statement so often heard in committee, "Oh, well; it is not exactly right, but we will recommend it anyway, and the Speaker will hold it up."

I believe that the committees under this rule will be put upon their responsibility, and that our calendars will not be cumbered with measures which members of the committees themselves do not favor. I trust, therefore, that this resolution will be adopted.

I yield back to the gentleman from Pennsylvania any time that I may have remaining.

The SPEAKER. The gentleman has a minute remaining.

Mr. WILLIAMS. Mr. Speaker, I now yield two minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, I believe that this proposed rule is the most useless, perhaps harmless, and worse than worthless proposition that has ever emanated, especially coming at this particular late day, from the Committee on Rules. It is, in my judgment, the most comical parliamentary joke that ever came down the legislative pike. In its application it is a homeopathic dose of nothingness.

Next Wednesday night at midnight this Congress goes out of existence. We can pass no rule that can live beyond the life of the Congress in which it is adopted. In three days all the rules, including this one, will expire by limitation. This particular rule provides that it shall not be in effect during the last two weeks of a Congress, and there are only three days remaining. We are therefore in the foolish and ridiculous position of adopting a rule that by its own terms and by its own stipulation can never have any legal effect, in life or in vitality.

Are we expected by the wise men to swallow this monstrosity without understanding it, without it even being printed; or is it intended as a sop to the people of the country to deceive them in their demand that this House shall modify its rules so that it shall be really a representative body instead of a one-man machine? [Applause.] Are we men or is this a kindergarten? Can it be possible that it is intended as a congressional hook upon which to hang the political fortunes of men who would be with the people at home and stand in with the machine in Washington? [Applause.] To me it illustrates only one point, and that is that the Committee on Rules has, like the prophet of old, had a revelation to the effect that, after all, the rules of the House are not of divine origin and are not altogether inspired. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. DALZELL. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, just in the line of practical suggestion, I call attention to the proposed amendment of the gentleman from Mississippi [Mr. WILLIAMS] that the roll should be called in alphabetical order on each Tuesday, each Member to call up one bill, with twenty minutes of discussion on either side, or forty minutes in all.

There are 391 Members. At that rate 12 Members could be reached on each Tuesday, allowing eight hours for a day's work, and making no allowance for time consumed in roll calls or reading of bills. It would take 32 Tuesdays to reach them all. In this session there are only about 12 Tuesdays. That plan would take beyond the life of any ordinary Congress to enable the gentleman from Mississippi [Mr. WILLIAMS], whose name is so far down on the alphabetical list, to get any bill through at all. In this session he never would have been reached. We would have been able to get only about halfway through the alphabetical list of Members. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker, I now yield two minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, the way to adopt rules for the House of Representatives is to adopt them in the way the Reed rules were adopted, namely, paragraph by paragraph, open to amendment in every way, with an opportunity for every man to have a say and point out the effect of the rules. That is the way to do it, and if we who believe in a change of rules can have our way that is the way that the rules of the Sixty-first Congress will be adopted. [Applause.]

But, Mr. Speaker, this rule is rushed in here without being printed. During its hurried reading only with the greatest difficulty could Members follow its wording. Even if it is pushed through at this late day, it can have no effect except to change the situation at the beginning of the next Congress.

Why, so far as I can tell in listening to its reading, this rule is drawn so carelessly and so hastily that I venture to say the gentleman from Pennsylvania [Mr. DALZELL] has managed to make out of order the reading and approval of the Journal and the prayer by the Chaplain on each calendar Wednesday.

Mr. DALZELL. I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, if I have correctly read the RECORD of proceedings of this Congress, the gentleman who has just taken his seat [Mr. GARDNER of Massachusetts] about two weeks ago introduced two proposed amendments to the rules. One was an amendment to this very rule, and this proposition seems to be built upon the proposition of the gentleman from Massachusetts. I suppose when he introduced it it was not a trick or a subterfuge or anything of the kind, but was done in earnest. When it is brought in here by a member of the Committee on Rules, then it is simply regarded as a sop.

Then, Mr. Speaker, in addition to that, seven or eight gentlemen—I believe a number of them signed each proposition—introduced an amendment to the rule, and that amendment was the same in character as this amendment brought in by the Committee on Rules; but although they signed their names to that proposition, they come in here and say that this rule means nothing.

Mr. GARDNER of Massachusetts. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. PAYNE. I can not yield. I have not time. I should be very glad to discuss this with the gentleman if I had time.

The SPEAKER. The gentleman from New York declines to yield.

Mr. PAYNE. Mr. Speaker, this proposition sets by one day in the week for the call of committees, and that must proceed unless the House by an affirmative vote turns it aside. The present rule requires a prayer by the Chaplain, the reading of the Journal, the disposal of business on the Speaker's table, and then the call of committees is in order; but it is also in order to offer any privileged motion that will set that aside; and motion after motion can be offered, until the House, by a majority vote, shall set aside that order of business. This rule requires but one vote. The other may lead to delay; but in either case it requires a vote by a majority of the House to set aside the rule and stop business under this order. [Applause.]

Mr. DALZELL. How much time have I remaining, Mr. Speaker?

The SPEAKER. Eight minutes.

Mr. DALZELL. Will the gentleman from Mississippi consume some of his time?

Mr. WILLIAMS. Does the gentleman intend to conclude all in one speech?

Mr. DALZELL. I do not know whether I shall or not.

Mr. NICHOLLS. Mr. Speaker, I make the point of order that this resolution is out of order, for the reason that it can have no possible effect on this Congress or any of its actions.

The SPEAKER. Does the gentleman desire a ruling on his point of order? The gentleman is entombed in the RECORD. [Laughter.]

Mr. WILLIAMS. Mr. Speaker, I now yield two minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, the real danger of the adoption of this proposed amendment to the rules is that it may defeat for a long time real reform in the rules. [Applause.] This is a Trojan horse. It is the Greek bearing gifts; and in the paunch of that horse there is visible the Committee on Rules—always courageous, often cunning—and sticking out of the paunch of that horse I think I see several notable cold feet. [Laughter.] The little band of Members here who have stood for a reform in the rules have not been numerous, but they have behind them a public sentiment that is mighty with the instinct of righteous protest. The people of this country know what the issue in this House is. It is: Too much power in the Speaker. You can not restore power to the individual here unless you take it away from the Chair. [Applause.] He is the sole repository. This takes no power away from the Chair. Oh, how tight the control of the committees is to-day! Just let this rule be adopted, let the House have a little latitude, and how much tighter will the control of the committees be! This is a halfway measure. Let no man here vote for this if he really believes in true reform of the House of Representatives, if he really believes in giving it back its truly representative character under the Constitution. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I am going to yield all the balance of my time to one man, so if the gentleman from Pennsylvania desires to yield to more than one Member on his side, this is his opportunity to do so.

Mr. DALZELL. I yield two minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, the purpose a number of Members of this House have had in getting together was to so amend the rules of the House as to give Members the privilege of calling up business upon the calendar without consulting the Speaker. We think the rule brought in here by the Committee on Rules at this time accomplishes that purpose, and inaugurates a new era in the management of business in the House of Representatives. We simply want to put the business of the House within the control of the House, and the call of committees will enable any Member with business upon either the Union or the House Calendar to call up any business that he has upon either calendar. What else do gentlemen want? What else could they use if they had it? That gives virility to the membership of the House of Representatives.

It takes from the Speaker of the House the power of saying, "I will not recognize you for that purpose"—to call up a certain bill on the calendar, as is now the practice. It gives the power to the Member to call up, when the committee is reached, any bill that he has on the calendar. The rule provides that on Wednesday of each week no other business shall be in order except a call of the calendar. On every Wednesday, therefore, Members may, when the call is made, call up for consideration by the House any matter they have on the calendar. This removes from the Speaker both the power and the responsibility of controlling legislation. It has been the practice in this House for many years for Members to see the Speaker in his office and ask for recognition to call up a particular bill or resolution on the calendar for the purpose of asking unanimous consent on the floor for its passage or adoption. If the Speaker did not approve of the measure, he refused to recognize the Member. If the Speaker approved the measure, he recognized the Member. This was at once too much power and too great a responsibility in the Speaker. This amendment to the rules relieves the Member from the necessity of asking the Speaker for recognition and takes from the Speaker the power to refuse it.

That is a substantial reformation in the conduct of the business of the House, and gives the control of business to the Members, and that is what the men have sought to accomplish who want to do something that would enable Members to transact business without the control or the consent of the Speaker. [Applause.]

Mr. DALZELL. Will the gentleman from Mississippi use some of his time, as I shall use the balance of mine in one speech?

Mr. WILLIAMS. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, how much time is there remaining?

The SPEAKER. Two minutes.

Mr. CLARK of Missouri. Mr. Speaker, I am as much in favor of reforming these rules as any other man in this House, but I am dead against this proposition. I am against it simply because it is a bait with which to catch gudgeons, and I refuse to swallow the bait. [Laughter and applause.] It is pleasant to have it come in here—on the principle that even hypocrisy is a tribute to virtue. The trouble with the reigning powers is that there is revolution in the air; the spirit of revolt is pervading the household troops; the janizaries are in the sulks, and even the Swiss guards can not be depended on any longer.

I have said that I am in favor of reforming the rules, but the reform must be general and genuine. I am most decidedly in favor of restoring the liberty and initiative of the individual Member to the fullest extent consistent with the power of the House to transact business when it so desires, such business as it desires to transact, not merely such business as the Committee on Rules desires to transact. The House should have full opportunity to debate and amend the rules. It might make many changes or few, but whatever changes it makes should be done after ample discussion and deliberation, and should represent the aggregate wisdom of at least a majority of the Members.

The proposition now presented not only comes too late, but is of too little consequence to be regarded even for one moment as an adequate reform. It is a tub to the whale—merely a toy tub. If the whale is fooled by it, he desires to be fooled. That much is clear. It is brought in here within three days of the end of this Congress, when it can do this Congress no possible good as a feeble and specious attempt to head off real reform. It does not deserve respectful consideration and will deceive nobody. I cordially invite all friends of reform to vote against it.

To accept this tiny reform as satisfactory would be another case of "much cry and little wool." The gentleman from Mississippi [Mr. WILLIAMS]; the gentleman from Iowa, Colonel HEPBURN; my colleague from Missouri, Judge DE ARMOND; the gentleman from Massachusetts [Mr. GARDNER]; the gentleman from Nebraska, Judge NORRIS; and the gentleman from Kansas [Mr. MURDOCK] have all made valuable suggestions. Had the Committee on Rules thrown their proposition open to amendment we might come to an agreement as to the amendments desired and been through with it; but even in this make-believe reform the tyranny complained of with justice is put in evidence by the refusal to permit amendment. All that we are permitted is the poor privilege of twenty minutes' debate on each side, and we stoutly refuse that as a sufficient remedy. If we did accept it, the word would go out even unto the ends of the earth that the Committee on Rules had reformed the rules, which would be inconsistent with the facts.

Talleyrand said that Louis the Sixteenth could have saved his head and his throne by any one of twenty different reforms which he granted had he granted them in time, but he postponed every one till too late, and the ruling elders in this House have postponed reform until it is too late. We will reform the rules, but it will be done on the 15th day of March. [Laughter and applause.]

Mr. DALZELL. The gentleman from Missouri is as good a prophet as he was prior to the last election. [Laughter.] I yield the balance of my time to the gentleman from Michigan.

Mr. TOWNSEND. Mr. Speaker, the question before the House is the adoption of the pending resolution. Practically every man in here believes that the resolution, or the amendment proposed, is in the interest of the business of Congress. It is what gentlemen have been demanding. Bills on the House and Union Calendars will come up automatically and permission of the Speaker will not be necessary. But for some reason or other gentlemen who were once favorable to the plan are now opposing it, and give as an excuse for their conduct that it is not all they want. They may excuse their actions to themselves, but they will hardly satisfy their constituents.

I have been in this House long enough to have seen a great many measures which were good in themselves condemned because gentlemen said they did not go far enough. Now, I submit, Mr. Speaker, that what the people require of Congress is to transact the business which they think ought to be transacted. The country is not so much interested in our little piques, in our little disappointments, as it is in the conduct of the business of the Congress, and we will not be excused if we vote down a measure which in itself is right simply because it does not include all that we could hope for. This measure in principle has had the indorsement of every Member who has favored a revision of the rules. Why this change?

The House should revise the rules for the better, if at all. What would be the result if the gentleman from Mississippi could induce the House to adopt his code of rules, for instance? What if other gentlemen who have proposed changes could have their way? Does any man imagine that we would have a better condition than we have now? I for one, Mr. Speaker, have felt that the rules ought to be amended. I have had a sincere desire to amend them, and have worked consistently to that end, but I trust that I have not been made wild over the matter. I do not care to advocate any rule that would not work better than the existing rules. I submit that there has been no other proposition submitted which, in my judgment, is workable here.

Now, Mr. Speaker, this rule does what we have been clamoring for. It sets apart one day in the week in which consideration of bills on the calendar takes precedence of all other matters. You can not take this order off the floor by voting down or up some other measure, but the vote to suspend the order for the day must be directly on a motion to suspend it.

One of the arguments which I have heard expressed in the lobby, but which no man has uttered on the floor, is that there is danger that some measure on the calendar of which gentlemen are afraid will be called up and a vote compelled.

I want to see the calendars cleared and all matters worthy of a great committee's favorable report disposed of. Now, the gentlemen who have spoken in opposition here are of too high character for me to attribute any unworthy motive to them; but it has been alleged that this rule might bring up matters which a Member might wish to dodge, as he would rather go home and say that he had had no opportunity to vote upon it, and in that case the Speaker becomes an ever-useful scapegoat. This rule can put all the matters of Congress which are on the House and Union Calendars before it, and I submit that we, as honest, courageous Members of Congress, have no right to evade the responsibility of meeting these measures as they shall come up.

Now, it is true that there were a few gentlemen who signed this resolution, or one like it, who, I take it, have been charged with having "cold feet," because they never consented to advocate an inefficient and untried scheme, but pushed to adoption a measure which all gentlemen agree will be highly beneficial.

I submit, Mr. Speaker, that the insinuation of unstability comes with ill grace from the gentlemen who make it. There are none of the eight or nine men who signed this resolution who do not now support it. They presented it because they believed that it could be adopted now, and would thus be easier of adoption next session, and that it would work a revolution in the business of the House. Mr. Speaker this membership asks no more than to be given an opportunity to meet and dispose of the business which gets on to the calendars of the House. This rule will give us that opportunity, and so it occurs to me that we can not do less than to adopt it at this time. It does not prevent the gentlemen who are so anxious to bring about other reforms from pressing other measures at other times and in such a way as they may determine, but it is now with them to say whether they will vote to adopt the greatest reform since the Reed rules, or whether for some unexplained and unexplainable reasons they will oppose it. Mr. Speaker, I trust that this resolution will be adopted. It is a worthy one.

It did not come as early as I would like, but it is here, and being here it will have my approval, and I trust it will receive the vote of every man in this House who wishes to transact the business before us in an orderly, careful manner, and the adoption of it will not make it necessary for us either to embarrass the Speaker or to deceive our constituents. [Applause.]

The SPEAKER. The question is on the adoption of the resolution.

Mr. DALZELL. Mr. Speaker, on that I demand the yeas and nays.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I ask the yeas and nays.

Mr. DALZELL. I have already asked them.

Mr. CLARK of Missouri. Then we will be sure to have them.

The yeas and nays were ordered.

The question was taken; and there were—yeas 168, nays 163, answering "present" 2, not voting 53, as follows:

YEAS—168.

Acheson	Dawson	Howell, Utah	Overstreet
Allen	Denby	Howland	Parker
Andrus	Diekema	Hubbard, W. Va.	Parsons
Anthony	Douglas	Huff	Payne
Barchfeld	Draper	Hull, Iowa	Perkins
Barclay	Durey	Humphrey, Wash.	Pollard
Bartholdt	Dwight	Jenkins	Porter
Bates	Edwards, Ky.	Jones, Wash.	Pray
Bede	Ellis, Oreg.	Keifer	Prince
Bennet, N. Y.	Englebright	Kennedy, Iowa	Reeder
Bennett, Ky.	Fairchild	Kennedy, Ohio	Reynolds
Bingham	Fassett	Knapp	Roberts
Bonynge	Focht	Knopf	Rodenberg
Boutell	Foelker	Knowland	Scott
Brownlow	Fordney	Lafean	Slemp
Burke	Foss	Landis	Smith, Cal.
Burleigh	Foster, Ind.	Langley	Smith, Iowa
Burton, Del.	Foster, Vt.	Laning	Smith, Mich.
Butler	Foulkrod	Law	Snapp
Calder	French	Lawrence	Southwick
Calderhead	Fuller	Longworth	Sperry
Campbell	Gaines, W. Va.	Loud	Stafford
Capron	Gardner, Mich.	Loudenslager	Sterling
Cassel	Gardner, N. J.	McCall	Stevens, Minn.
Caulfield	Gilhams	McCreary	Sturgiss
Chaney	Gillett	McGuire	Sulloway
Chapman	Goebel	McKinley, Ill.	Swasey
Cocks, N. Y.	Graff	McKinney	Tawney
Cole	Graham	McLaughlin, Mich.	Thistlewood
Conner	Greene	McMillan	Thomas, Ohio
Cook, Colo.	Guernsey	McMorran	Tirrell
Cook, Pa.	Haggott	Madden	Townsend
Cooper, Pa.	Hale	Malby	Vreeland
Coudrey	Hamilton, Mich.	Mann	Wanger
Cousins	Harding	Martin	Washburn
Crumpacker	Haskins	Miller	Weeks
Currier	Hawley	Moon, Pa.	Wheeler
Cushman	Henry, Conn.	Moore, Pa.	Wilson, Ill.
Dalzell	Higgins	Mudd	Wood
Darragh	Hill, Conn.	Needham	Woodyard
Davidson	Holliday	Nye	Young
Dawes	Howell, N. J.	Olmsted	The Speaker

NAYS—163.

Adair	Carlin	Esch	Gregg
Adamson	Carter	Estopinal	Griggs
Aiken	Cary	Favrot	Gronna
Alexander, Mo.	Clark, Mo.	Finley	Hackney
Ashbrook	Clayton	Fitzgerald	Hamilton, Iowa
Barnhart	Cockran	Flood	Hamlin
Bartlett, Ga.	Cooper, Tex.	Fornes	Hammond
Beall, Tex.	Cooper, Wis.	Foster, Ill.	Hardwick
Booher	Cox, Ind.	Fowler	Hardy
Bowers	Craig	Fulton	Harrison
Boyd	Cravens	Gaines, Tenn.	Haugen
Brantley	Crawford	Gardner, Mass.	Hay
Brodhead	Davenport	Garner	Hayes
Broussard	Davis	Garrett	Heflin
Brundidge	De Armond	Gill	Helm
Burgess	Denver	Gillespie	Henry, Tex.
Burnett	Dixon	Glass	Hepburn
Byrd	Edwards, Ga.	Godwin	Hill, Miss.
Caldwell	Ellerbe	Goldfogle	Hinshaw
Candler	Ellis, Mo.	Gordon	Hitchcock
Hobson	Lindbergh	Peters	Small
Houston	Livingston	Pujo	Spight
Howard	Lloyd	Rainey	Stanley
Hubbard, Iowa	Lovering	Randell, Tex.	Steenerson
Hughes, N. J.	McDermott	Ransdell, La.	Stephens, Tex.
Hull, Tenn.	McHenry	Rauch	Sulzer
Humphreys, Miss.	McLain	Richardson	Talbott
James, Ollie M.	Macon	Robinson	Taylor, Ala.
Johnson, Ky.	Madison	Rothermel	Thomas, N. C.
Johnson, S. C.	Marshall	Rucker	Tou Velle
Jones, Va.	Moon, Tenn.	Russell, Mo.	Underwood
Kelliher	Moore, Tex.	Russell, Tex.	Volstead
Kimball	Morse	Ryan	Waldo
Kinkaid	Murdock	Sabath	Wallace
Kipp	Murphy	Saunders	Watkins
Kitchin, Claude	Nelson	Shackleford	Webb
Lamb	Nicholls	Sheppard	Wiley
Lee	Norris	Sherley	Willett
Lenahan	O'Connell	Sherwood	Williams
Lever	Padgett	Sims	Wilson, Pa.
Lewis	Page	Slayden	

ANSWERING "PRESENT"—2.

Goulden	Riordan

NOT VOTING—53.

Alexander, N. Y.	Floyd	Lindsay	Reid
Ames	Hackett	Lorimer	Rhinock
Ansberry	Hall	Lowden	Sherman
Bannon	Hamill	McGavin	Smith, Mo.
Bartlett, Nev.	Hughes, W. Va.	McKinlay, Cal.	Smith, Tex.
Beale, Pa.	Jackson	McLachlan, Cal.	Sparkman
Bell, Ga.	James, Addison D.	Maynard	Taylor, Ohio
Birdsall	Kahn	Mondell	Watson
Bradley	Küstermann	Mouser	Weems
Burleson	Lamar, Fla.	Olcott	Weisse
Burton, Ohio	Lamar, Mo.	Patterson	Wolf
Clark, Fla.	Lassiter	Pearre	
Driscoll	Leake	Pou	
Ferris	Legare	Pratt	

The SPEAKER directed that his name be called, and when his name was called he answered "aye."

The Clerk announced the following additional pairs:

On this vote:

Mr. BRADLEY in favor with Mr. GOULDEN against.

Further notice:

Mr. TAYLOR of Ohio with Mr. SMITH of Texas.

Mr. BEALE of Pennsylvania with Mr. ANSBERRY.

Mr. BIRDSALL with Mr. BELL of Georgia.

Mr. DRISCOLL with Mr. BURLESON.

Mr. HALL with Mr. LEGARE.

Mr. KAHN with Mr. FERRIS.

Mr. KÜSTERMANN with Mr. HACKETT.

Mr. MCGAVIN with Mr. LASSITER.

Mr. MCKINLAY of California with Mr. LEAKE.

Mr. MCLACHLAN of California with Mr. MAYNARD.

Mr. MONDELL with Mr. PATTERSON.

Mr. LORIMER with Mr. WEISSE.

Mr. LOWDEN with Mr. POU.

Mr. MOUSER with Mr. PRATT.

Mr. OLCOTT with Mr. RHINOCK.

Mr. PEARRE with Mr. REID.

Mr. WATSON with Mr. SMITH of Missouri.

The SPEAKER. Upon this vote the ayes are 168, the noes are 163, present 2. The ayes have it, and the resolution is agreed to.

Mr. HEPBURN. Mr. Speaker, I move a recapitulation——

Mr. CLARK of Missouri. Mr. Speaker, I call for a recapitulation of the vote.

The SPEAKER. There is no necessity for a recapitulation.

Mr. CLARK of Missouri. Inasmuch as the vote was close, I ask for a recapitulation of the vote.

The SPEAKER. The gentleman has no right to demand a recapitulation of the vote.

Mr. CLARK of Missouri. I thought that was the right of every Member of the House.

The SPEAKER. It is not the right.

Mr. CLARK of Missouri. Mr. Speaker, with due respect, I appeal from the decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal. [Cries of "Regular order!"]

The SPEAKER. But, if the gentleman from Missouri has reason to believe that a recapitulation of the roll may show a different result that would change the vote, the Chair will take that statement into consideration, it being discretionary with the Chair, as is shown by all the precedents.

Mr. CLARK of Missouri. There is only a difference of six votes and——

Mr. HEPBURN. Is it not the usage of the House to grant this request?

The SPEAKER. It is not the usage of the House.

Mr. HEPBURN. I never in twenty-two years heard it denied once.

The SPEAKER. There are many things that the gentleman from Iowa has not heard either affirmed or denied, but the

Chair, in the discretion of the Chair, will order a recapitulation of the vote, although if it should appear to-morrow that there was an error that would change the result all the proceeding would fall.

Mr. CLARK of Missouri. Well, there is a very large vote, and I ask the privilege of a recapitulation.

The SPEAKER. The Chair will read—

A Member may not, as a right, demand the recapitulation of a yea-and-nay vote, but if the vote be close the Speaker usually orders it.

[Applause.]

The usage as to a recapitulation of a yea-and-nay vote does not permit it to be done after the announcement of the result except by unanimous consent. There is no rule or practice requiring a recapitulation of the names of those who appeared on a call of the House after their names have been called.

There is the matter in a nutshell, and now the Chair, sooner than have a shadow cast upon the use of the discretion that is lodged in the Chair under the rules of the House and the uniform practices of the House, will direct the Clerk to recapitulate the vote. [Applause.]

The vote was recapitulated.

Mr. GORDON. Mr. Speaker, I did not hear my name called.

The SPEAKER. The gentleman is recorded in the negative.

Mr. GORDON. That is right.

Mr. EDWARDS of Georgia. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. EDWARDS of Georgia. I wish to find out how Mr. AMES is recorded as voting.

The SPEAKER. He did not vote.

Mr. EDWARDS of Georgia. Thank you.

The SPEAKER. There being no change the vote will stand as announced by the Chair. [Loud applause.]

FORTIFICATIONS APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I call up the conference report on the fortifications appropriation bill (H. R. 27054).

The SPEAKER. The gentleman from Iowa calls up the conference report on the fortifications appropriation bill. Is this a complete report?

Mr. SMITH of Iowa. The report is very brief. There is no statement, so let the report be read.

The SPEAKER. The Clerk will read the report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 27054) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

WALTER I. SMITH,
JOSEPH V. GRAFF,
SWAGAR SHERLEY,
Managers on the part of the House.

GEORGE C. PERKINS,
F. E. WARREN,
B. R. TILLMAN,
Managers on the part of the Senate.

Mr. SMITH of Iowa. Mr. Speaker, the Senate made one amendment to this bill. The conference report shows that the Senate has receded from that one amendment and has agreed to the conference report on the bill as it passed the House. I move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I submit the final conference report on the naval appropriation bill (H. R. 26394), and ask unanimous consent that the statement may be read in lieu of the report.

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 58 and 59.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the third and final conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

The Senate in receding from its amendment No. 58 restores to the bill the proviso "that no part of the above appropriation shall be used for the payment of the construction of any collier the total cost of which shall exceed $900,000."

The Senate in receding from amendment No. 59 strikes from the bill the following:

"That there shall be kept, in the discretion of the President, as far as practicable, one-half of the navy of the United States on the Pacific at all times."

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

Mr. FOSS. Mr. Speaker, I wish to state that the bill as agreed upon carries $136,935,199.05. I move the adoption of the report.

The question was taken, and the conference report was agreed to.

ADDITIONAL JUDGES, HAWAII.

Mr. CLAYTON. Mr. Speaker, I ask for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House concurrent resolution 75.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives H. R. 21896, Sixtieth Congress, an act to amend section 86 of an act to provide a government for the Territory of Hawaii, and to provide for additional judges, and for other judicial judges.

Mr. CLAYTON. Just one word in explanation, Mr. Speaker. By inadvertence the figure "8" was used in the bill instead of the figure "9." That would make a judge down in Hawaii under this bill draw a salary for 1908 that he is not entitled to draw. He would be entitled to draw it in 1909. It is merely to correct that error in the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I submit the conference report on the bill (H. R. 26915), making appropriation for the support of the army for the fiscal year ending June 30, 1910, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26915) making appropriation for the support of the army for the fiscal year ending June 30, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 6, 7, 11, 12, 13, 15, 18, 19, 24, 30, 51, 52, 58, 59, and 60.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 8, 9, 14, 16, 17, 20, 21, 22,

23, 25, 26, 27, 28, 29, 31, 33, 34, 34½, 36, 37, 38, 39, 42, 43, 44, 45, 46, 47, 48, 49, 50, 53, 54, 55, 56, and 62, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Insert at the beginning of said amendment the words "*Provided further*," so that the amendment will read: "*Provided further*, That the act approved May eleventh, nineteen hundred and eight, for the support of the army for the fiscal year ending June thirtieth, nineteen hundred and nine, in so far as it relates to the payment of six months' pay to the widow of an officer or enlisted man, etc., be amended as follows: Strike out the words 'contracted in the line of duty,' and insert in lieu thereof the words, 'not the result of his own misconduct;'" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "three million five hundred thousand;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred thousand;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert: "seventy-seven thousand one hundred;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In line 14 of said amendment, strike out the colon and the words "And provided," and strike out all of lines 15, 16, 17, and to the period in line 18, so that the amendment will read: " : *Provided further*, That of the foregoing total amount eighteen thousand dollars, or so much thereof as may be necessary, shall be immediately available for the purchase of one thousand four hundred acres of land, more or less, adjoining the military reservation of Fort D. A. Russell, Wyo., as an addition to the rifle range: *And provided further*, That three thousand six hundred dollars of the foregoing total amount, or so much thereof as may be necessary, shall be immediately available for the purchase of the southeast quarter of the northwest quarter and the east half of section two, in township one south, range one east of the Salt Lake meridian, as an addition to the target range of Fort Douglas Military Reservation, in the State of Utah;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 8 of said amendment strike out the words "upon consideration of all the circumstances," and the commas preceding and following the same, so that the amendment will read: "The Secretary of War is hereby authorized to convey to the owners of premises which encroach upon the military reservation of Fort Marion, in the city of St. Augustine, Fla., all the right, title, and interest of the United States in and to the portions of the reservation which have been occupied by them, under license or claim of title, upon the payment by said owners of such sums of money as the Secretary of War shall determine proper to be paid for the said lands;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 12 of said amendment strike out the word "provided" and insert the words "appropriated, to be expended from the amount appropriated in this act for water and sewers at military posts;" so that the amendment will read: "For the acquiring of water rights and necessary lands therewith connected for a permanent water supply for Fort William Henry Harrison, in Montana, the amount of twenty thousand dollars appropriated therefor by the act approved May eleventh, nineteen hundred and eight, entitled 'An act making appropriation for the support of the army for the fiscal year ending June thirtieth, nineteen hundred and nine,' is hereby reappropriated and made available, and forty thousand dollars additional, or so much thereof as may be necessary for said purposes, including the acquiring of water rights and lands for intakes and right of way for pipe lines from such intakes to said fort, is hereby appropriated, to be expended from the amount appropriated in this act for water and sewers at military posts; and the Secretary of War is hereby authorized to acquire such rights and lands by purchase or by condemnation proceedings;" and the Senate agree to the same.

J. A. T. HULL,
JAMES HAY,
Managers on the part of the House.
F. E. WARREN,
J. B. FORAKER,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT.

Statement on the part of the House conferees on the act making appropriation for the support of the army for the fiscal year ending June 30, 1910:

Amendment No. 1 authorizes the organization of school detachments at each of the service schools without increasing the number of enlisted men in the army; and the House recedes.

Amendment No. 2 provides for contingent expenses at military posts; and the Senate recedes.

Amendment No. 3 changes the word "defense" to "artillery;" and the House recedes.

Amendment No. 4 provides for a buzzer system at Fort D. A. Russell; and the House recedes.

Amendment No. 5 increases the appropriation for officers of the line; and the Senate recedes.

Amendment No. 6 relates to payments to officers for exercising higher command; and the Senate recedes.

Amendment No. 7 increases the pay for length of service; and the Senate recedes.

Amendment No. 8 increases the appropriation for pay of enlisted men; and the House recedes.

Amendment No. 9 increases the pay for length of service of enlisted men; and the House recedes.

Amendment No. 10 relates to six months' pay to families of deceased officers and enlisted men; and the House recedes and agrees to the same with an amendment.

Amendment No. 11 provides for a private secretary to the Chief of Staff; and the Senate recedes.

Amendment No. 12 is a total; and the Senate recedes.

Amendment No. 13 increases the appropriation for the Medical Department; and the Senate recedes.

Amendment No. 14 provides for a second examination after one year for officers of the Medical Corps of the grade of major who failed in their examination. The House recedes from its disagreement.

Amendment No. 15 provided for equalization of promotion and granted certain files on the retired list to officers who had suffered loss by regimental promotion; and the Senate recedes.

Amendments Nos. 16 and 17 provide for extra pay for retired officers when on active service; and the House recedes from both amendments.

Amendment No. 18 provided that service as a contract surgeon in the civil war should have the same effect on promotion as service in the line or staff; and the Senate recedes.

Amendment No. 19 is in relation to pay of enlisted men on the retired list; and the Senate recedes.

Amendment No. 20 relates to mileage to officers and contract surgeons; and the House recedes.

Amendments Nos. 21 and 27, relating to officers of the national guard attending service and garrison schools, is simply the elimination of the provision inserted by the House from one section of the bill and insertion of the same in another section of the bill; and the House recedes from both amendments.

Amendments Nos. 22 and 23 simply rearrange the language as adopted by the House; and the House recedes from both amendments.

Amendment No. 24 relates to encampments and maneuvers of the organized militia; and the Senate recedes.

Amendment No. 25 authorizes the appointment of noncommissioned officers at general recruiting depots; and the House recedes.

Amendment No. 26 provides for West Point cadets attending the inaugural ceremonies; and the House recedes.

Amendment No. 28 is verbal; and the House recedes.

Amendment No. 29 is the insertion of a comma; and the House recedes.

Amendment No. 30 relates to the purchase of horses for the army; and the Senate recedes.

Amendment No. 31 relates to removal of suspension of accounts for certain fiscal years, and as the department reports all accounts adjudicated, the House recedes from its disagreement.

Amendment No. 32 is the amount appropriated for barracks and quarters; and the House recedes and agrees to the same with an amendment fixing the amount at $3,500,000.

Amendment No. 33 provides for the erection of a chapel at Fort Des Moines and for the completion of the stable at engineer post, Washington Barracks; and the House recedes.

Amendment No. 34 is an increase in the amount of the appropriation for transportation of the army and its supplies; and the House recedes.

Amendment No. 34½ inserts the words "and repair" in the provision for roads, walks, etc.; and the House recedes.

Amendment No. 35 increases the appropriation for roads, walks, etc.; and the House recedes from its disagreement and agrees to the same with an amendment making the increase $100,000.

Amendment No. 36 relates to the completion of military and post roads, etc., in Alaska; and the House recedes.

Amendment No. 37 relates to barracks and quarters in the Philippine Islands. The Senate reduced the amount appropriated by the House one-half, and the House recedes from its disagreement and agrees to the amendment of the Senate.

Amendment No. 38 increases the appropriation for the construction and repair of hospitals; and amendment No. 39 appropriates the amount increased by the Senate for the construction of a hospital at Fort Yellowstone; and the House recedes from its disagreement to both amendments.

Amendments Nos. 40 and 41 relate to shooting galleries and ranges. The Senate increased the amount appropriated by $82,100; $5,000 of the increase was to be used at the United States rifle range and wharf at Pensacola, Fla. By an agreement of the conferees the provision for Pensacola, Fla., was stricken out and the amount of the increased appropriation reduced to $77,100. The House recedes from both amendments and agrees to the same with the amendments above indicated.

Amendment No. 42 provides for storehouses on Corregidor Island; and the House recedes.

Amendment No. 43 relates to disbursements in the Quartermaster's Department and allows the use of the total available balance, under certain conditions, for payments; and the House recedes.

Amendment No. 44 makes all persons admitted to treatment in the Army and Naval Hospital at Hot Springs, Ark., subject to the rules and articles of the Army of the United States; and the House recedes.

Amendment No. 45 is an increase of expense at engineer depots; and the House recedes.

Amendment No. 46 relates to ammunition, targets, and target materials at educational institutions and state soldiers and sailors' orphans homes; and the House recedes.

Amendment No. 47 increases the appropriation $30,000; and the House recedes.

Amendment No. 48 is an increase of the amount for national trophy and medals for rifle contests; and the House recedes.

Amendment No. 49 is simply a reappropriation for the unexpended balance for range finders and other instruments for fire control; and the House recedes.

Amendment No. 50 extends the appropriation for automatic rifles to June 30, 1911; and the House recedes.

Amendment No. 51 relates to ordnance contracts; and the Senate recedes.

Amendment No. 52 relates to sales of ordnance stores; and the Senate recedes.

Amendment No. 53 authorizes the Ordnance Department to use the funds in their hands, under certain restriction, and to apply to the Ordnance Department practically the same rule as provided under amendment No. 43 relating to the Quartermaster's Department; and the House recedes.

Amendment No. 54 simply provides as to the rank detailed officers shall take in the Ordnance Department; and the House recedes.

Amendments Nos. 55 and 62 relate to sales of ordnance stores to officers of the Navy and Marine Corps, and is same as passed by House. The Senate changed the section in the bill only; and the House recedes.

Amendment No. 56 is to authorize the acceptance by the Secretary of War of a strip of land at the Salisbury National Cemetery for sidewalk purposes. On account of the Government being compelled to make a new entrance to the cemetery to escape danger of passing trains, this seems necessary to complete the work heretofore authorized; and the House recedes.

Amendment No. 57 authorizes the Secretary of War to convey certain rights to an unused portion of the military reservation at the city of St. Augustine, Fla., on such terms as may be fixed by the Secretary of War; and the House recedes and agrees to same with an amendment.

Amendment No. 58 provides for the construction of a public road from a point near the southern end of the new Highway Bridge through the Arlington Reservation; and the Senate recedes.

Amendment No. 59 provides for the construction of a national road or highway in St. Louis County, Mo., from the national cemetery to Jefferson Barracks; and the Senate recedes.

Amendment No. 60 authorizes the acceptance of certain lands in Oklahoma for the Fort Sill Military Reservation; and the Senate recedes.

Amendment No. 61 relates to acquiring water rights and necessary land for a proper water supply for Fort William Henry Harrison, in Montana, and reappropriating the sum of $20,000, with an amendment appropriating $40,000 additional. The House recedes from its disagreement, and agrees to the same with an amendment providing that the $40,000 herein appropriated shall be paid out of the amount appropriated by this act for water and sewers at military posts.

J. A. T. HULL,
JAMES HAY,
Conferees on the part of the House.

Mr. HULL of Iowa. Mr. Speaker, I want to call the attention of the House to the items that the Senate receded from in conference. They are as follows:

Contingent expenses at military posts	$2,500.00
Pay of officers of the line	108,800.00
Longevity pay of officers of the line	32,780.00
Private secretary to Chief of Staff	2,400.00
Pay of officers in Medical Department	151,100.00
Pay of retired enlisted men	200,000.00
Encampment and maneuvers, organized militia	175,000.00
Barracks and quarters	500,000.00
Roads, walks, wharves, and drainage	50,000.00
Shooting galleries and ranges	5,000.00
Road from Highway Bridge to Arlington	44,000.00
National road from St. Louis to Jefferson Barracks	127,000.00
Water rights for Fort William Henry Harrison (specific appropriation dropped, but expenditure authorized from total appropriation for water and sewers at military posts)	40,000.00
Total	1,438,580.00
Amount of bill as reported by conferees	101,197,470.34

Mr. LIVINGSTON. You did well.

Mr. HULL of Iowa. I think we did. We eliminated almost entirely all general legislation. The gentleman from New Jersey [Mr. PARKER], Mr. Speaker, did not sign the report on account of a disagreement, in his judgment, with one amendment that we agreed to, and I now yield ten minutes to the gentleman.

Mr. PARKER. Mr. Speaker, I recognize the responsibility of refusing to sign a conference report which in its main features is one of the best that was ever brought to this House. I find myself unable, as a matter of principle, to accede to the amendment of the Senate, No. 14, which creates in the Medical Department a new form of retired list, which is not based upon length of service, is not based upon age, and is not based upon physical disability. The amendment orders that majors in the Medical Corps who have twice failed in their medical examination shall be placed upon the retired list. Those who have failed are five in all. They are probably older than any majors will be hereafter, with the greater chances of promotion provided by the bill passed last year. One has five and one-half years still to serve; another has nine and a half years; another has ten; and the other two have thirteen years to serve before they are eligible for retirement; but if they shall fail to pass the new examination which is provided for them, they will have the right to go immediately upon the retired list. I thought it due to the House, as well as to myself, to bring this matter before them, believing that the House, no matter at what cost in holding up the bill at this stage, will refuse to create that sort of retired list.

I think I have time enough left to explain a little. The medical bill of last year created a system of examinations. It provided that lieutenants on their being promoted to captains—that is, after three years' service—should have an examination, and if they were turned down for mental failure, they were discharged with one year's pay, like all other officers of the army who apply for a promotion. The same was done with the captains. The majors are usually younger than in the line, and were likewise ordered to be examined; but in consideration of their longer service, and it being supposed they might be a little stale at examination, it was enacted that if they failed they should "mark time," so to speak, and remain majors and be debarred from promotion. It was found that some of these majors had been examined as to administration and regulations, rather than medical matters, so as to see if they were quali-

fied for command. They failed on these and asked another examination. I think they ought to have it. It is right they should have a chance, after long service, to be promoted if they pass their examination, and they should have a second chance. But, Mr. Speaker, we now have the proposition that if they should fail the second time they shall then be eligible to retirement that they have not earned by length of service, by age, or by physical disability incurred in service.

Now, the amendment as it appears as number 14 would be easily corrected. It says that they shall be retired without promotion. The House committee reported on the bill in this form that they ought to be discharged with a year's pay. Or we might have left the result just as it was, so that after the second examination they should continue to serve out their time as majors without promotion. I myself thought that would be agreed to. Or we might have arranged that if retired they should be retired on a percentage of their pay, based on length of service; for example, if twenty-five years, at a 2 per cent rate the officer would receive 50 per cent instead of 75 per cent of his last pay. But I can see no reason why we should put a premium upon unwillingness to study or on a desire to get out of the service which will allow an officer to demand retirement at 75 per cent of his pay simply because he shall have refused or failed to pass a second examination. I think it is due to this House to bring this matter before them and to object to the adoption of the conference report. [Applause.]

Mr. HULL of Iowa. I will yield eight minutes to the gentleman from Missouri [Mr. BARTHOLDT]. I think he can give us all the information on the boulevard in eight minutes' time.

Mr. BARTHOLDT. Mr. Speaker, when this bill came back from the Senate it carried a provision for a highway connection between the city of St. Louis and our great national cemetery. That item was stricken out in conference. It had been adopted, after a full and free discussion, by the Senate, and the present is the only opportunity to take the judgment of the House upon it. It can only be reinserted by voting down the conference report, and I trust such action will be taken after the House has listened to my statement.

At an expense of hundreds of thousands of dollars the city of St. Louis is extending its principal boulevard in the direction of Jefferson Barracks and to within a short distance of the very gate of that military reservation; but unless Congress provides for the construction of an additional 3 miles of road, leading up to and through the government reservation to the national cemetery, both the barracks and the cemetery will remain as they are now, practically inaccessible except by rail. From every viewpoint, strategy as well as national obligation, a better and immediate connection between St. Louis and those government reservations is extremely necessary, and now that the municipality is meeting this great necessity to the very limit of its territorial jurisdiction, it would be an unpardonable sin of omission if the Government refused to contribute what is legitimately its share of the needed improvement.

The distinguished chairman of the Committee on Military Affairs will no doubt claim that this item has been cut out in pursuance of a policy. But what kind of a policy is it, Mr. Speaker, that will compel soldiers in marching from the city limits to their reservation or in the opposite direction to use the rail-covered roadway of a private corporation? If this is a policy, it is a bad policy, and one unworthy of our great Government. And let me ask, further, what kind of a newfangled doctrine is it which will make it impossible for the living to pay reverence to the Nation's heroic dead by the Government refusing, on its own territory, to make accessible their last resting place? Let the House answer as, after an extended discussion, the Senate has done, and then the Military Committee will have a policy more in harmony both with the dignity and honor of the Government and the true sentiment of the American people.

From time immemorial it has been the policy of the Government to build roadways leading to national cemeteries. From the immediate vicinity of St. Louis alone I can cite three precedents. The Government built a roadway 4¾ miles in length and at a cost of $125,000 from Mound City, Ill., to the national cemetery; a national road 3 miles long was built from Springfield, Mo., to the national cemetery, at a cost of about $100,000; and the Government, at an expense of $60,000, built a national road, of 1½ miles in length, from Fort Scott, Kans., to the national cemetery. By authority of Congress this policy has never been changed, and on behalf of my constituents I protest against its arbitrary change now.

There are many similar cases, I am told, demanding the attention of Congress, and that was the reason assigned to me why the bill I had introduced for this roadway was not accorded consideration by the Committee on Military Affairs. I know little or nothing of the merits of the other cases, but I venture to say there is none more meritorious than this proposition to provide access of the people of a large city like St. Louis to both a military reservation and a national cemetery at the same time.

The topographical location of Jefferson Barracks and its national cemetery is one of the most ideal of the western country. From their elevation on the bluffs of the Mississippi you look down into the waters of that mighty river washing the rocks which form the indestructible foundation of these government grounds, and as your vision extends farther east, and beyond the river, you can see far into the fertile plains of Illinois, while south and west are stretched the fields and fruit gardens of the thrifty farmers of St. Louis and Jefferson counties. And looking north you behold the great metropolis of Mississippi Valley at your feet stretching out its steadily growing arms toward these reservations. You can almost discern with bare eyes the historic spots where, on the 10th of May, 1861, those great events occurred which saved Missouri to the Union. Three or four regiments, mostly composed of Germans, marched to Camp Jackson, on the outskirts of the city, captured the camp, made all the garrison prisoners, and afterwards took the United States arsenal. It was then the fate of the Nation was hanging in the balance; but on the day after, when the news of these historical events reached the White House, the sad face of Abraham Lincoln was brightened by a ray of hope, and millions of loyal Americans heaved a sigh of relief with him. To-day we know that the valiant moves I have just described have actually contributed very largely toward turning the scales in favor of an undivided country.

The Nation has never expressly recognized the unwavering loyalty and patriotism of those sturdy citizens until to-day we have a fit opportunity to do so. Many of the 12,000 soldiers who have found their last resting place in the national cemetery at Jefferson Barracks were actual participants in the early engagements which saved Missouri to the Union, and while they are beyond the reach of our gratitude, let us at least do honor to the heroic dead by enabling the living generation to pay tribute to their memory on the spot where they sleep their last sleep. True, they wore the blue; but to-day the blue and the gray join hands in asking this consideration from the National Government, and in advocating the action I do I am voicing an appeal of all the living on behalf of those who laid down their lives that the Union might live.

Mr. HULL of Iowa. This bill and amendment simply provides that at the expiration of a year they may take a second examination if they fail, and that instead of being held up marking time they shall be placed on the retired list.

Now, on the road proposition we have before the Committee on Military Affairs roads to the national cemeteries and grounds aggregating in amount over $750,000. For the last eighteen years the policy of that committee has been against building roads outside of the reservation. It is true some roads were built through the Committee on Appropriations putting it on bills without a point of order being made against it. Now it is asked that the Government of the United States assume liabilities of $750,000, which does not include the $147,000 asked for by St. Louis.

I want to call the attention of the House to a telegram I received from the business men of St. Louis on this proposition. It is dated February 25, 1909:

Hon. J. A. T. HULL,
House of Representatives, Washington, D. C.:

The Business Men's League of St. Louis, which represents the merchants, manufacturers, and financial concerns of the city, have worked for two years to secure the congressional approval of Jefferson Barracks road plan. It is part of proposed boulevard system essential to city's improvement. St. Louis itself is to spend large sum of money on the plan. Sincerely hope you will assent to amendment proposed by Senators WARNER and STONE and urged by Mr. BARTHOLDT. We shall be grateful.

JAS. E. SMITH,
President Business Men's League.

There is not a word in the dispatch that claims it is for the best interest of the Federal Government, but that it is a part of the city's plan for the boulevard improvement. This is signed by Gen. James E. Smith, president of the Business Men's League.

Now, if we were to yield to all the propositions connected with national cemeteries in the cities of the United States there is no telling where we would stop. It is not a fair proposition when a great institution is located next to a city to come to Congress and ask us to build a road for people to travel over as a part of any system.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. HULL of Iowa. I will yield for a question.

Mr. BARTHOLDT. The gentleman has read a telegram from the Business Men's League. If he has paid attention to what I said I would like to ask him whether he would believe me or the Business Men's League?

Mr. HULL of Iowa. The gentleman from St. Louis is always honest, is always eloquent, and always earnest when St. Louis is involved. [Laughter.]

Mr. BARTHOLDT. Mr. Speaker, I merely want to call the attention of the House to the fact that we ask a road through the military reservation to the national cemetery.

Mr. HULL of Iowa. Let me call the gentleman's attention to the fact that under the present law we make a large appropriation for roads on our own ground, and if we owned the land to the point that the gentleman wants the road the Quartermaster-General has the power under the law to build it.

Mr. BARTHOLDT. Why does he not build it?

Mr. HULL of Iowa. He says that we do not need it. You have to come to Congress to get a road built outside of the military reservation.

Mr. SLAYDEN. Mr. Speaker, I would like to ask the chairman of the committee with reference to this amendment touching the medical corps made by the Senate. Is it true that if that amendment is adopted and these gentlemen who have served far short of the thirty years or forty years that usually precede retirement should be found deficient on the second examination that then they will be retired and for the balance of their lives, no matter how brief their services may be, they will receive three-quarters pay?

Mr. HULL of Iowa. They would without doubt, but when the gentleman says "far short of thirty years" he is in error. There are only four or five men involved, and one will pass the thirty years' service in the next year.

Mr. SLAYDEN. May there not be more coming?

Mr. HULL of Iowa. Of course, but no man will come up for a lieutenant colonelcy until he has been twenty-five years in the service. A man at thirty years has a right to be put on the retired list. When it was suggested cutting down the amount of the retired list, we were assured that if that was adopted no board would retire a man.

Mr. SLAYDEN. I strongly favored the amendment for the Medical Corps, for it is in the interest of the people and the service. It was a rigid law. It required examinations to develop the skill, the capacity, the fitness of the surgeons of the army. It did what we expected it would do. It developed on the first examinations held after the law was enacted that some gentlemen doing service as medical officers could not meet the requirements. Immediately, as seems to be the case in the operation of all military laws, after these gentlemen had fallen through on the examination and had been found deficient under the requirements of the law, the personal equation came into play, and their friends took steps to have the law repealed. I think that is an unwise thing to do, but I question whether at this hour we can now afford to vote down a conference report, which brings us to an agreement on a bill that on the whole is an excellent one. I strongly disapprove of the Senate amendment in respect to the Medical Corps. Nevertheless, I feel that under the circumstances I should vote for the adoption of the conference report.

Mr. HULL of Iowa. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question now is on the adoption of the conference report.

The question was taken; and on a division, demanded by Mr. BARTHOLDT, there were—ayes 150, noes 32.

So the conference report was agreed to.

BUILDING ASSOCIATIONS IN DISTRICT.

The SPEAKER laid before the House the bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law of the District of Columbia.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked by the Senate.

Mr. SIMS. Mr. Speaker, to what part of the bill does the Senate disagree?

Mr. SMITH of Michigan. As I understand, to the last amendment, to the third amendment.

Mr. SIMS. That is 691?

Mr. SMITH of Michigan. Yes; 691A.

Mr. SIMS. Requiring building associations to make a deposit?

Mr. SMITH of Michigan. Yes.

Mr. SIMS. That was a matter of contention or semicontention in the House.

The SPEAKER. The question is on the motion of the gentleman from Michigan, that the House insist on its amendment and agree to the conference.

The question was taken, and the motion was agreed to.

The SPEAKER announced the following conferees on the part of the House:

Mr. SMITH of Michigan, Mr. MOORE of Pennsylvania, and Mr. BRODHEAD.

PENSIONS.

The SPEAKER laid before the House the bill (H. R. 27049) granting pensions and increase of pensions, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULLOWAY. I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (H. R. 27249) granting pensions and increase of pensions, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (H. R. 27469) granting pensions and increase of pensions, etc., with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (H. R. 27974) granting pensions and increase of pensions, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

CONFERENCE REPORT.

Mr. LOUDENSLAGER. Mr. Speaker, I present a conference report upon the bill S. 8899, an act granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

P. J. MCCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

Statement to accompany report of committee of conference on disagreeing vote of the two Houses on S. 8899, an act granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

This bill as it originally passed the Senate contained a provision granting an increase of pension to Caloway G. Tucker, but said bill was amended in the House by striking out said provision, and the Senate disagreed to said amendment.

After full conference the Senate recedes from its disagreement to the amendment of the House, and agrees to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. LOUDENSLAGER. Mr. Speaker, I move the adoption of the conference report.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 28047. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27974. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27469. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27249. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27049. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I submit the conference report on the legislative, executive, and judicial appropriation bill.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have been unable to agree.

HENRY H. BINGHAM,
F. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.
F. E. WARREN,
J. A. HEMENWAY,
H. M. TELLER,
Managers on the part of the Senate.

Mr. BINGHAM. Mr. Speaker, in order that the House may be fully informed, the Senate has insisted upon every one of their amendments. Your House conferees carried out in perfect faith the instructions of the House. We have disagreed, and the bill comes back to you just as it left the House with your instructions to the conferees. For the better information of the House, without reference to either the report or pages of the bill, I shall move, should there be such a necessity for a detailed number of the amendments, that the House further insist on its disagreement to the amendment numbered 46, increasing the salary of the Speaker of the House; to further insist on its amendments to the amendments of the Senate numbered 60 and 61, fixing the salary of the President at $75,000 instead of $100,000 as proposed by the Senate; that the House further insist on its disagreement to the amendments of the Senate numbered 62 and 63, increasing the salary of the Vice-President; that the House further insist on its disagreement to the amendment of the Senate numbered 64, providing for an Undersecretary of State, at $10,000; that the House further insist on its disagreement to all of the remaining amendments of the Senate which relate to certain additional employees in the State Department and increasing the salaries of the United States judges. I can only say to the House that your conferees are willing, desirous, that the House do act upon every one of those amendments, and in the debate I would suggest a direction in reference to the amendment that the gentleman desires to submit here, and an acceptance of our disagreement.

The statement is made in the report of your conferees that the House has disagreed and that the Senate refuses to accept any proposition from the House.

Mr. LIVINGSTON. Will the gentleman allow me a moment or two?

Mr. BINGHAM. Mr. Speaker, I make this motion: On the first amendment, that the House further insist on its disagreement to amendment No. 46, increasing the salary of the Speaker.

Mr. MANN. Mr. Speaker, will the gentleman yield for a minute?

Mr. BINGHAM. With pleasure.

Mr. MANN. Why is it not a simpler matter for the House to adhere to its disagreement?

Mr. BINGHAM. I would be glad if the House would.

Mr. GILLETT. Will the gentleman allow me?

Mr. MANN. Certainly.

Mr. GILLETT. Mr. Speaker, it seems to me to adhere might delay matters. My impression of the present status is this: I believe it is not proper to reveal anything that transpires in conference, but I have a suspicion that the Senate felt that the House, with a chance to vote again to-day on some of these propositions, might change its mind, and that for that reason the Senate was not willing to yield.

I think if the House now takes one or two votes showing that it is of the same opinion still and then lets the bill go back to conference, I am inclined to think that an agreement will speedily be reached and a complete agreement, and it seems to me it would be wise to adopt that course.

Mr. LIVINGSTON. Will the gentleman yield for a moment?

Mr. BINGHAM. Certainly.

Mr. LIVINGSTON. Mr. Speaker, we have voted on one or two of these amendments and the House has clearly indicated its will. My opinion is that if we let this conference report lie until about Wednesday we will get a settlement that will satisfy perhaps this side of the Capitol.

Mr. HENRY of Texas. Suppose we refuse a conference now, will it not have the effect indicated by the gentleman from Massachusetts?

Mr. LIVINGSTON. I would not ask for a conference again.

Mr. HENRY of Texas. Why not move to refuse?

Mr. HULL of Iowa. If the House votes to adhere, that is notice to the Senate, apparently, that the House will not yield.

Mr. LIVINGSTON. Mr. Speaker, I move as a substitute to the motion of the gentleman from Pennsylvania [Mr. BINGHAM] that the House adhere to its disagreement to all of the amendments.

The SPEAKER. What is the amendment of the gentleman?

Mr. BINGHAM. That the House further insist on its disagreement to amendment No. 46, increasing the salary of the Speaker.

Mr. LIVINGSTON. My substitute is, Mr. Speaker, that the House adhere to its disagreement.

The SPEAKER. The vote would have to be taken, first, on the motion to insist, and, second, on the motion to adhere, if the former motion is voted down.

The question is on the motion of the gentleman from Pennsylvania [Mr. BINGHAM].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 150, noes 8.

So the motion was agreed to.

Mr. LIVINGSTON. A parliamentary inquiry, Mr. Speaker. Does that send it back to the conference without any further legislation here?

The SPEAKER. This is a motion to further insist on the disagreement to the amendment indicated. Several motions remain to be disposed of.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SULZER. What is the amendment, Mr. Speaker?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 11, after "dollars," insert "provided that the salary of the Speaker of the House of Representatives after March 3, 1909, shall be $15,000."

Mr. SULZER. Mr. Speaker, I am in favor of that, and I desire to be recorded as in favor of it.

The SPEAKER. That will make the vote in the affirmative 151.

Mr. BINGHAM. Mr. Speaker, I move that the House insist on its amendment to the amendments of the Senate Nos. 60 and 61, fixing the salary of the President at $75,000 a year instead of $100,000 as proposed by the Senate. I ask for a vote.

The SPEAKER. The gentleman from Pennsylvania moves that the House do further insist on its disagreement to the Senate amendments Nos. 60 and 61. The Clerk will report the two amendments.

The Clerk read as follows:

Amendment numbered sixty: Page 37, line 14, strike out "fifty" and insert "seventy-five."

Amendment numbered sixty-one: Page 37, line 14, after "dollars," insert:

"This sum to include all transportation expenses now otherwise provided for by law, and after the 3d of March, 1909, the compensation of the President of the United States shall be $75,000 per annum."

The SPEAKER. As the Chair understands it, that is a concurrence in the Senate amendment with an amendment?

Mr. MANN. A parliamentary inquiry.

Mr. BINGHAM. The motion is to further insist.

Mr. KEIFER. I think there is some misunderstanding.

Mr. MANN. The Senate has disagreed to the amendment of the House to the Senate amendment, and this is a motion——

The SPEAKER. And the motion is, then, that the House do further insist?

Mr. MANN. Upon its amendment to the Senate amendment.

Mr. BINGHAM. To further insist, taking the instruction of the House.

The SPEAKER. The question is on the motion that the House further insist upon its amendment to the Senate amendments, which House amendment provides that the salary of the President shall be $75,000.

The question was taken, and the motion was agreed to.

Mr. BINGHAM. Mr. Speaker, I move that the House do further insist on its disagreement to the amendments of the Senate Nos. 62 and 63, increasing the salary of the Vice-President. I call for a vote.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amendment No. 62: Page 37, line 16, strike out "twelve" and insert "fifteen."

Amendment No. 63: Page 37, line 16, after "dollars," insert "to take effect on March 4, 1909."

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. BINGHAM].

The question was taken and the motion was agreed to.

Mr. BINGHAM. Mr. Speaker, I have read them to the House, and I made the motion that the House insist upon all the remaining amendments.

The SPEAKER. The gentleman from Pennsylvania moves that the House do insist upon its disagreement to the remaining Senate amendments not already disposed of.

Mr. BINGHAM. And I wish to add to that, Mr. Speaker, also to agree to a conference.

Mr. MANN. Let this motion be by itself. I ask for a division.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House do insist on its disagreement to the remaining Senate amendments not disposed of.

The question was taken, and the motion was agreed to.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided, and there were—ayes 160, noes none.

So the motion was agreed to.

Mr. BINGHAM. Mr. Speaker, I now ask for a further conference.

The SPEAKER. The gentleman from Pennsylvania moves that the House do assent to a further conference with the Senate.

Mr. FITZGERALD. I suggest to the gentleman what is the necessity for a conference?

Mr. GILLETT. I think it would be wise, Mr. Speaker, to have a conference. I think a final agreement will be made after the decisive vote that has been given by the House.

Mr. FITZGERALD. Has the gentleman in mind a compromise on some of these amendments?

Mr. GILLETT. That remains to be seen.

Mr. FITZGERALD. I wish to know if the gentleman can indicate what it is?

Mr. GILLETT. I do not know.

Mr. FITZGERALD. But I think the House ought to know something about it. Has the gentleman a compromise in his mind to make on some of these amendments?

Mr. GILLETT. I have a compromise in my own mind that I should like to see effected.

Mr. FITZGERALD. Does it include those new officers for the Secretary of State?

Mr. GILLETT. I do not think I am called upon to give my opinion as to what can be accomplished.

Mr. FITZGERALD. I am trying to ascertain the views of the conferees. I want to know if it is the purpose to get the Senate to recede on some conditions.

Mr. LIVINGSTON. I want to say to the gentleman from New York that, so far as I am concerned, there is no compromise proposed nor no compromise understood to be acceptable.

Mr. FITZGERALD. I did not understand that the gentleman from Georgia would be taken into the confidence of the managers.

Mr. GILLETT. I think after this pronounced vote, unanimous almost on all the items, that the Senate conferees ought to be prepared to concede a great deal. Now, the gentleman means, I take it, that there is a scheme by the conferees to secure some compromise, but I think if the House will allow it to go into conference this way we can get a final agreement. I do not think we can go there successfully with the blunt assertion that the Senate must back down on practically all the items and that there is no possibility of our yielding anything, but it is our purpose to have a real conference and try to further agree.

Mr. FITZGERALD. As to these three items of the House, I am emphatic, and I wish the position of the House to be maintained. This is the third time that the bill has been in conference.

Mr. BINGHAM. The gentleman should not include the first conference. There we met with what was alleged to be a constitutional disability. There is no disposition, so far as the House conferees are concerned, to yield. We are asking the instruction of the House. In our discussion with the Senate we suppose that we may have to make some concession. I recognize one as to the President.

Mr. FITZGERALD. I wish to be perfectly frank. I am opposed utterly to the creation of the additional places in the office of the Secretary of State at this time, and if it is proposed to have the Senate yield on everything else and to practically purchase their agreement by conceding something to those places, I shall oppose that to the uttermost.

Mr. BINGHAM. The conferees feel that there is no necessity of instruction, after the almost unanimous vote, and we will make an effort to adjust the matter with the Senate.

Mr. FITZGERALD. There seems to be some doubt as to what is in the minds of the conferees.

Mr. PAYNE. I would suggest to my colleague the House already has practically unanimously insisted on disagreement. If he should make the motion to adhere, many Members of the House would vote against that motion, and it seems to me that it would weaken the House's position. Of course, when it comes in again a motion to adhere could be made. It would be better to leave it as it is with the unanimous vote that has been taken by the House.

Mr. MANN. Mr. Speaker, it seems to me the necessity for agreeing to the conference is the fact that the amendment as to the salary of the President is properly in conference. The Senate may accede to the amendment. But we are in a position where the Senate has disagreed and asked for a conference. We can not with due courtesy to the Senate refuse a conference on that item. We might have adhered to the other items, but I take it that the vote here, 160 to 0, disagreeing to all of the amendments relating to the salaries of judges and the additional places of the office of the Secretary of State, that the gentlemen who represent the House will represent the sentiment of the House and under no condition yield on those items. [Cries of "Vote!"]

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. BINGHAM, Mr. GILLETT, and Mr. LIVINGSTON.

PENSIONS OTHER THAN CIVIL WAR.

The SPEAKER laid before the House the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors, with House amendment disagreed to by the Senate.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER. The Chair announces the appointment as conferees on the part of the House Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 28305. An act to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court;

H. R. 28175. An act to amend section 4434 of the Revised Statutes of the United States, and for other purposes;

H. R. 24995. An act for the relief of Nathaniel Huntley;
H. R. 24327. An act to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880;
H. R. 21571. An act for the relief of John T. Freeman;
H. R. 21492. An act to authorize the sale of certain public lands;
H. R. 19655. An act providing for an additional judge for the southern district of New York, and for other purposes;
H. R. 15755. An act for the relief of J. C. Haggard, of White County, Tenn.;
H. R. 13928. An act for the relief of P. H. McDonough, of Bardstown, Ky.;
H. R. 9755. An act for the relief of Charles Lennig & Co.;
H. R. 8947. An act for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis.;
H. R. 8558. An act for the relief of R. J. B. Newcombe;
H. R. 8545. An act for the relief of Jackson Pryor;
H. R. 7048. An act for the relief of Henry A. Tolbert;
H. R. 4521. An act to reorganize and enlist the members of the United States Naval Academy Band; and
H. R. 2911. An act for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by U. S. dredge *Cumberland*.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 96.

Resolved by the Senate (the House of Representatives concurring), That, for a better understanding of the requirements of Alaska in these respects, and to the end that a more systematic plan may be adopted, if found necessary, for the development of its resources, the Secretary of War be, and he is hereby, authorized to cause an examination to be made of the need for further road improvement in Alaska, in connection with the military and post roads, bridges, and trails, now being constructed under War Department supervision, and to report thereupon, with recommendations, at the earliest practicable date.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28059. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and concurrent resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9405. An act to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana—to the Committee on Interstate and Foreign Commerce.

S. 8200. An act for the relief of C. M. Cox—to the Committee on Claims.

Senate concurrent resolution 96.

Resolved by the Senate (the House of Representatives concurring), That for a better understanding of the requirements of Alaska in these respects, and to the end that a more systematic plan may be adopted, if found necessary, for the development of its resources, the Secretary of War be, and he is hereby, authorized to cause an examination to be made of the need for further road improvement in Alaska, in connection with the military and post roads, bridges, and trails, now being constructed under War Department supervision, and to report thereupon, with recommendations, at the earliest practicable date—

to the Committee on the Territories.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 28193. An act to authorize the city of Shreveport to construct a bridge across Red River;
H. R. 16743. An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes;
H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910;
H. R. 23717. An act to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska;
H. R. 5728. An act for the relief of James H. De Coster;
H. R. 27061. An act to provide for the appointment of one additional district judge in and for the western district of Washington and one additional district judge in and for the district of Oregon;
H. R. 28046. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and
H. J. Res. 265. Joint resolution to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8654. An act for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark.;
S. 5729. An act to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof;
S. 8554. An act authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes; and
S. 9242. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910;
H. R. 16743. An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes;
H. R. 4286. An act for the relief of John Shull; and
H. R. 15681. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico.

PENSIONS.

The SPEAKER laid before the House the bill (H. R. 27469) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, with Senate amendments thereto.

Mr. SULLOWAY. I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER also laid before the House the bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain dependent relatives of such soldiers and sailors, with House amendments disagreed to by the Senate.

Mr. LOUDENSLAGER. I move that the House further insist on its amendments, and agree to the conference requested by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

The SPEAKER also laid before the House the bill (H. R. 28047) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors, with Senate amendments thereto.

Mr. LOUDENSLAGER. I move that the House concur in the Senate amendments.

The motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, with Senate amendments thereto.

Mr. HULL of Iowa. I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to, and the Speaker announced as conferees on the part of the House Mr. HULL of Iowa, Mr. CAPRON, and Mr. SULZER.

PUBLIC BUILDINGS.

The SPEAKER also laid before the House the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes, with Senate amendments thereto.

Mr. BARTHOLDT. I move to nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to, and the Speaker appointed as conferees on the part of the House Mr. BARTHOLDT, Mr. BURLEIGH, and Mr. BRANTLEY.

SENATE BILLS ON THE PRIVATE CALENDAR.

Mr. MANN. Mr. Speaker, this morning the House adopted an order making Senate bills on the Private Calendar in order to-day where objection was not made by two Members. I ask unanimous consent that that order extend over to-morrow, the calendar day of Tuesday.

Mr. SHACKLEFORD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Missouri objects. Does the gentleman from Illinois desire to call the calendar now?

Mr. SHACKLEFORD. Mr. Speaker, I withdraw the objection.

The SPEAKER. The gentleman from Missouri withdraws his objection. Is there objection?

There was no objection.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. BANNON, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of William Stokely (H. R. 27159), Sixtieth Congress, no adverse report having been made thereon.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was granted to Mr. DE ARMOND and to Mr. CLARK of Missouri to extend in the RECORD their remarks of this day.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PATTERSON, indefinitely, on account of illness.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11 o'clock to-morrow morning.

The motion was agreed to.

Accordingly (at 5 o'clock and 54 minutes p. m.) the House took a recess until Tuesday, March 2, 1909, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of Commerce and Labor, transmitting a response to the inquiry of the House as to admission of aliens into the United States (H. Doc. 1494), was taken from the Speaker's table, referred to the Committee on Immigration and Naturalization, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 27371) to establish a fish-cultural station in the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 2290), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Delaware, from the Committee on Railways and Canals, to which was referred the bill of the House (H. R. 20775) to provide for the acquisition and improvement of the Chesapeake and Delaware Canal, reported the same with amendments, accompanied by a report (No. 2291), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Expenditures in the Post-Office Department, under authority granted by the House, submitted a report (No. 2294) upon its investigations of the expenditures in the Post-Office Department, which report was ordered printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OVERSTREET: A bill (H. R. 28406) to codify, revise, and amend the postal laws of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOOD: A bill (H. R. 28407) to create a commission to prepare a code of laws for the regulation and control of insurance companies doing business within the District of Columbia—to the Committee on the District of Columbia.

By Mr. McGUIRE: A bill (H. R. 28408) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Pawnee tribe of Indians against the United States—to the Committee on Indian Affairs.

By Mr. LANGLEY: A bill (H. R. 28409) to provide for the erection of a monument on the Middle Creek battle ground, Floyd County, Ky., in memory of the late Gen. James A. Garfield—to the Committee on the Library.

Also, a bill (H. R. 28410) to provide for the erection of a monument over the grave of Willie C. Dills—to the Committee on the Library.

By Mr. COLE: A bill (H. R. 28411) to grant two cannons to Ohio Northern University, at Ada, Ohio—to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: Resolution (H. Res. 606) directing the Secretary of War to cause to be made an examination of the need of further road improvement in Alaska—to the Committee on the Territories.

By Mr. ELLIS of Oregon: Memorial of the legislature of Oregon, in favor of the United States acquiring title to deforested areas—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, asking for the removal of duty on burlap cloth used in the manufacture of grain, hop, and wool bags—to the Committee on Ways and Means.

Also, memorial of the legislature of Oregon, in favor of legislation against shipping intoxicating liquors into territory where its sale is prohibited by local option or prohibition laws—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Oregon, in favor of instruction in forestry in agricultural and mechanical colleges—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, in favor of liberal appropriations in behalf of conservation commission—to the Committee on Appropriations.

By Mr. ESCH: Memorial of the legislature of Wisconsin, asking the Congress of the United States to enact into law H. R. 39—to the Committee on Military Affairs.

By Mr. CARY: Memorial of the legislature of Wisconsin, asking the Congress of the United States to enact into law H. R. 39—to the Committee on Military Affairs.

By Mr. FRENCH: Memorial of the legislature of Idaho, asking federal aid in improvement of navigation at Albany Falls and Pend Oreille River—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNET of New York: A bill (H. R. 28412) granting a pension to Edward Wilson—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 28413) for relief of heirs or estate of Jacob Holbrook, sr., deceased—to the Committee on War Claims.

Also, a bill (H. R. 28414) for the relief of heirs or estate of Jessie R. Northington—to the Committee on War Claims.

Also, a bill (H. R. 28415) for relief of heirs or estate of Dr. R. O. Perrin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 28416) for the relief of heirs or estate of Jessie L. Taylor, deceased—to the Committee on War Claims.

By Mr. HULL of Tennessee: A bill (H. R. 28417) granting an increase of pension to John Reed—to the Committee on Invalid Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 28418) for the relief of George H. Galloway, administrator of the estate of Logan M. Dishman, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 28419) granting an increase of pension to James A. Stamper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28420) granting an increase of pension to Thomas F. Clutts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28421) for the relief of Merida Risner—to the Committee on War Claims.

Also, a bill (H. R. 28422) to correct the military record of Clark Williams—to the Committee on Military Affairs.

By Mr. RAUCH: A bill (H. R. 28423) granting an increase of pension to John Vetor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28424) granting an increase of pension to Christopher U. Rumpp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28425) granting a pension to Clarinda H. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28426) granting a pension to Annie Snyder—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of Harley & Whittaker, of Defiance, Ohio, favoring removal of duty on oilcloth and linoleum—to the Committee on Ways and Means.

By Mr. BELL of Georgia: Petition of E. W. Vance, favoring removal of the duty on hides—to the Committee on Ways and Means.

Also, petition of Jackson A. Watkins and others, favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. BENNET of New York: Paper to accompany bill for relief of Edward Wilson—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of citizens of Maine, favoring parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. BURTON of Delaware: Petition of the Yellow Pine Manufacturers' Association, of Minneapolis, against repeal of tariff on lumber—to the Committee on Ways and Means.

Also, petition of Federation of Jewish Organizations, for an office of Jewish chaplain in the army and navy—to the Committee on Naval Affairs.

By Mr. CANDLER: Paper to accompany bill for relief of R. I. McCalla, heir of J. M. McCalla—to the Committee on War Claims.

By Mr. CHAPMAN: Petition of the Cairo Commercial Club and the Board of Trade of Cairo, Ill., favoring appropriation of not less than $50,000,000 per annum for internal waterway improvement—to the Committee on Rivers and Harbors.

By Mr. DALZELL: Petition of citizens of Swissvale, Pa., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of S. E. Day and other citizens of Iowa, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. DOUGLAS: Petition of Amesville (Ohio) Grange, No. 798, favoring a national highways commission—to the Committee on Agriculture.

By Mr. DUREY: Petition of residents of Fort Hunter, N. Y., for legislation against shipment of alcoholic beverages into prohibition territory—to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIS of Missouri: Paper to accompany bill for relief of estate of Joseph M. Wade (H. R. 19907)—to the Committee on War Claims.

By Mr. ELLIS of Oregon: Petition of P. Jensen and 204 other employees of the Clark & Wilson Lumber Company, of Linnton, Oreg., against removal of the duty on lumber—to the Committee on Ways and Means.

By Mr. ESCH: Petition of the Providence (R. I.) Public Library, against increase of duty on books—to the Committee on Ways and Means.

Also, petition of La Crosse (Wis.) Lodge, No. 300, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. FULLER: Petition of the National Shoe Wholesale Association, against a duty on hides—to the Committee on Ways and Means.

Also, petition of Manufacturers' Association of Indianapolis, favoring the ocean mail bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of F. B. Bodt & Co., of Chicago, Ill., favoring increase of duty on electric-light carbons—to the Committee on Ways and Means.

Also, petition of Local Union No. 169, International Brotherhood of Stationary Firemen, of Rockford, Ill., favoring H. R. 16880, to license firemen and water tenders in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of First National Bank of Ottawa, Ill., opposing parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. B. Fuller, in behalf of the Brotherhood of Locomotive Engineers, Firemen, and Trainmen, in opposition to the Watson bill (H. R. 26725), concerning safety appliances on locomotives—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Pittsburg, Pa., favoring an appropriation of not less than $50,000,000 for inland waterway improvement—to the Committee on Rivers and Harbors.

Also, memorial of the legislature of the State of Wyoming, favoring the Mondell bill, providing for 320-acre homestead—to the Committee on the Public Lands.

Also, petition of the American Lumberman, of Chicago, Ill.; Frederick J. Wright, of St. Joseph, Mo.; the Vredenburgh Saw Mill Company, of Pine Hill, Ala.; and the Yellow Pine Manufacturers' Association, of St. Louis, Mo., against removal of the duty on lumber—to the Committee on Ways and Means.

Also, petition of Engineers' Society of Western Pennsylvania, favoring an appropriation to establish a bureau of mines—to the Committee on Mines and Mining.

Also, petition of the Louisiana Purchase Exposition department of press and publicity, favoring proposition before the Committee on Appropriations for a monument to Thomas Jefferson—to the Committee on Appropriations.

Also, petition of the National Lime Manufacturers' Association, for an appropriation to enable the Geological Survey to investigate lime manufacture—to the Committee on Appropriations.

Also, petitions of La Salle Lodge, No. 584, and Ottawa Lodge, No. 588, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. FULTON: Papers to accompany bills for relief of Priscilla McCarty (H. R. 27097), William Hardenbrook (H. R. 25621), Henry H. Brunsteter (H. R. 24383), and William E. Woodward (H. R. 19908)—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 20516—to the Committee on Public Buildings and Grounds.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Miss J. A. Elliott, heir of Thomas A. Elliott and Adaline Elliott—to the Committee on War Claims.

By Mr. GARDNER of New Jersey: Petitions of citizens of Risley, N. J.; Medford Grange, No. 36; and Vineland Grange, No. 11, favoring a national highways commission and appropriation for federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of the Vineland (N. J.) Grape Juice Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petitions of Atlantic City (N. J.) Lodge, No. 276; Bridgeton (N. J.) Lodge, No. 733; Millville (N. J.) Lodge, No. 580; Burlington (N. J.) Lodge, No. 996; and Mount Holly (N. J.) Lodge, No. 848, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. GILHAMS: Petition of citizens of Tremont, Ind., favoring legislation to give $1 per day pension to all Union soldiers of the civil war and Mexican war—to the Committee on Invalid Pensions.

By Mr. GRONNA: Petition of citizens of Kenmare, N. Dak., against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of citizens of Cass County, N. Dak., against reduction of the import duties on grains—to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of Charles E. Weld and 60 others, of Hadley, Minn., against removal of tax on oleomargarine—to the Committee on Agriculture.

Also, petition of L. T. Tillmoney and 6 others, of Iona Lake, Minn., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL of Connecticut: Petition of citizens of Danbury, for appropriation to suppress tuberculosis (S. 5117 and H. R. 18445)—to the Committee on Appropriations.

Also, petition of the men's class of the United Church of New Haven, Conn., favoring H. R. 24148, to provide for a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. HOBSON: Paper to accompany bill for relief of Mrs. F. E. Holbrook—to the Committee on War Claims.

By Mr. HUFF: Petition of Latrobe (Pa.) Lodge, No. 907, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. ADDISON D. JAMES: Papers to accompany bills for relief of George H. Galloway, administrator of the estate of Logan M. Dishman; A. C. Johnson, heir of A. W. Slemmons; and James Lucas, heir of F. F. Lucas—to the Committee on War Claims.

By Mr. JONES of Washington: Petition on behalf of laborers of the "Inland Empire," State of Washington, protesting against removal of the duty on lumber—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of the New York Lime Company, of Natural Bridge, N. Y., for legislation providing for an investigation by the United States Geological Survey on the subject of lime—to the Committee on Agriculture.

By Mr. LANGLEY: Papers to accompany bills for relief of Harrison Swango, William H. Nolcini, and B. G. Swango, administrator of the estate of Stephen Swango—to the Committee on War Claims.

By Mr. LINDSAY: Petition of the National Child Labor Commission, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of the United Confederate Veterans, favoring amendment of the Hepburn law so as to give free transportation to the Grand Army of the Republic and the United Confederate Veterans—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Merchant Marine League, favoring the ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Pocahontas Memorial Association, of New York City, protesting against S. 4453, for monument to Pocahontas at Jamestown—to the Committee on the Library.

Also, petition of the National Business League of America, against the creation of a national consular school—to the Committee on Foreign Affairs.

Also, petition of the Consumers' League of the State of New York, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of the Providence (R. I.) Public Library, against an increase of duty on books—to the Committee on Ways and Means.

By Mr. LONGWORTH: Petition of Montgomery Council, No. 62, Junior Order United American Mechanics, of Montgomery, Hamilton County, Ohio, favoring an Asiatic exclusion law—to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of merchants of Standish, Mich., against establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. McHENRY: Petition of Mount Carmel (Pa.) Lodge, No. 356, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

Also, petition of citizens of Lopez, Pa., favoring enactment of the Davis bill (H. R. 24841) for promotion of industrial education—to the Committee on Agriculture.

Also, petition of voters of Millville, Pa., against increasing the navy—to the Committee on Naval Affairs.

By Mr. MARSHALL: Petition of many citizens of North Dakota, against parcels-post and postal savings bank legislation (S. 5122 and S. 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of the First Methodist Episcopal Church of Redlands, Cal., favoring the Tirrell bill (H. R. 12405), prohibiting sale of intoxicants in all ships and buildings of the United States Government—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Sacramento Valley Development Association, favoring increase of duty on hops from 12 cents to 24 cents per pound—to the Committee on Ways and Means.

Also, petition of the Sacramento Valley Development Association, favoring plan to issue $500,000,000 in bonds for improvement of rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. NICHOLLS: Petition of Connolly & Wallace, of Scranton, Pa., against an increase of the duty on kid gloves—to the Committee on Ways and Means.

By Mr. PRAY: Petition of citizens of Glasgow, Mont., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Whitehall, Mont., against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. PRINCE: Petition of Long Brothers and others, of Kewanee, Ill., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. ROBINSON: Petition of C. A. Kline and others, for appropriation of $102,500 for improvement of the port of Velasco, Tex.—to the Committee on Rivers and Harbors.

By Mr. RYAN: Petition of the board of directors of the National Business League of America, against establishment of a national consular school—to the Committee on Foreign Affairs.

Also, petition of the Consumers' League of New York, favoring a children's federal bureau—to the Committee on Expenditures in the Interior Department.

By Mr. SABATH: Petition of the Providence Public Library, against a duty on books—to the Committee on Ways and Means.

Also, petition of Chicago (Ill.) Lodge, No. 4, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

By Mr. SMITH of Iowa: Petition of residents of Audubon County, Iowa, against the passage of S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of the National Business League of America, against a national consular school—to the Committee on Foreign Affairs.

Also, petition of the United Confederate Veterans of New Orleans, La., for amendment to the Hepburn rate bill, giving free transportation to members of Grand Army of the Republic posts and United Confederate Veterans camps—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Providence (R. I.) Public Library, against a duty on books—to the Committee on Ways and Means.

Also, petition of the Consumers' League of New York City, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

Also, petition of the George Washington University, favoring H. R. 28176, amending the Morrill or land-grant acts so as to admit the District of Columbia to the benefits thereof—to the Committee on Agriculture.

By Mr. THOMAS of Ohio: Petition of C. F. Cram and others, favoring a national highways commission and federal aid in construction of public highways—to the Committee on Agriculture.

By Mr. TOU VELLE: Petition of the Henry St. Clair Company, of Greenville, Ohio, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of G. W. Hirst Council, No. 132, Junior Order United American Mechanics, favoring an exclusion law against Asiatics, save merchants, students, and travelers—to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *March 2, 1909.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SALARIES OF DISTRICT JUDGES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting an estimate of appropriation for the salaries of additional district judges for the western district of Pennsylvania, the western district of Washington, and the district of Oregon (S. Doc. No. 750), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

THE POSTAL SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of deficiency in appropriations for postal services payable from the postal revenues, as allowed and submitted by the Auditor for the Post-Office Department, $123,189,20 (S. Doc. No. 749), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

C. F. SUGG.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of appropriations to enable the Secretary of the Treasury to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95 for damages inflicted upon gasoline steamer *Clyde* by light-house tender *Oleander*, etc. (S. Doc. No. 751), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th ultimo, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases not heretofore reported (S. Doc. No. 747), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 1st instant, a list of judgments rendered by the Court of Claims, amounting to $56,866, which have not been heretofore presented to Congress (S. Doc. No. 745), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 1st instant, a schedule of claims allowed by the accounting officers of the Treasury under appropriations of balances which have been exhausted or carried to the surplus under the provisions of section 5 of the act of June 30, 1874, $96,573.34 (S. Doc. No. 746), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ESTIMATES OF APPROPRIATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting additional estimates of appropriations for salaries, etc., for court, Territory of Hawaii; salaries governor, etc., Territory of Alaska; salaries governor, etc., Territory of New Mexico, etc. (S. Doc. No. 748), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 27049. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27249. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors;

H. R. 27469. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27974. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 28047. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the House insists upon its amendments to the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House insists upon its amendments to the bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Michigan, Mr. MOORE of Pennsylvania, and Mr. BRODHEAD managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARTHOLDT, Mr. BURLEIGH, and Mr. BRANTLEY managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. CAPRON, and Mr. SULZER managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, still further insists upon its disagreement to the amendments of the Senate upon which the committee of conference have been unable to agree, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BINGHAM, Mr. GILLETT, and Mr. LIVINGSTON managers at the conference on the part of the Senate.

RICHMOND LIGHT INFANTRY BLUES.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (H. R. 8661) for the relief of Richmond Light Infantry Blues, of Virginia.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the Richmond Light Infantry Blues, of the State of Virginia, $1,788.48, in full settlement for their claim for clothing and other quartermaster supplies which were taken by the members thereof into the service of the United States in 1898 during the war with Spain, and worn-out or lost or destroyed therein through no fault of their own.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of New York Division, Sons of Veterans, of Mount Vernon, N. Y., remonstrating against any appropriation being made for the erection of monuments to the memory of men who were connected with the confederate army, which was referred to the Committee on Military Affairs.

He also presented a memorial of Shingle Weavers' Union, No. 61, American Federation of Labor, of Raymond, Wash., remonstrating against the decision of the supreme court of the District of Columbia in imposing a jail sentence on Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Allied Printing Trades Council, of Sacramento, Cal., remonstrating against the printing in connection with the Census Office being given to private concerns, which was referred to the Committee on the Census.

Mr. BRANDEGEE presented a petition of Local Lodge No. 1010, Benevolent and Protective Order of Elks, of Bristol, Conn., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BULKELEY presented a petition of Local Lodge No. 899, Benevolent and Protective Order of Elks, of Stamford, Conn., and a petition of Local Lodge No. 1010, Benevolent and Protective Order of Elks, of Bristol, Conn., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GALLINGER presented a petition of Local Lodge No. 184, Benevolent and Protective Order of Elks, of Dover, N. H., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Christian Endeavor Union, of Washington, D. C., praying for the enactment of legislation to regulate the sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the New Hampshire Federation of Women's Clubs, of Plymouth, N. H., praying for the passage of the so-called "children's bureau" bill, which was ordered to lie on the table.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, which was referred to the

Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas the employment of children in shops and factories and for long hours is detrimental to the general health and welfare; and

Whereas the most progressive and enlightened nations have enacted child-labor laws preventing and prohibiting such employment; and

Whereas the United States of America has taken a stand in the vanguard of reform legislation and progress: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States be memorialized and earnestly urged to pass the most progressive and advanced laws upon this subject, and that our Representatives in Congress be requested and instructed to work for and support such national legislation on this subject as will best protect the interests of the children and the home; and be it further

Resolved, That a duly certified copy of this memorial be by the secretary of the senate forwarded to each member of the North Dakota delegation in Congress.

I hereby certify that the above resolution originated in the senate and was concurred in by the house of representatives of the eleventh legislative assembly of the State of North Dakota.

JAMES W. FOLEY, *Secretary*.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, which was referred to the Committee on Commerce and ordered to the printed in the RECORD, as follows:

Concurrent resolution.

A concurrent resolution memorializing the Congress of the United States to provide by law for the improvement of the rivers, harbors, and waterways, and the issuance of bonds therefor.

Whereas the United States Government should immediately take into hand the improvement of the rivers, harbors, and waterways of the country, and that a large sum of money should be appropriated for that purpose; and

Whereas it seems fair and right that future generations who will reap the great benefits should share a portion of the expense; and

Whereas the 2 per cent bonds of the Government sell readily at a premium and at the same time afford an attractive investment to certain classes of people who would otherwise hoard their money and keep it out of circulation; and

Whereas the National Rivers and Harbors Congress, which convened at Washington in December, 1908, composed of more than 3,000 representatives from all sections of the country, indorsed and recommended the expenditure of $500,000,000 by the General Government for these purposes and the issuance of 2 per cent bonds therefor, and similar action has been taken by other representative bodies: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States be memorialized and earnestly urged to provide by law for the issuance by the Government of its 2 per cent bonds to the extent of $500,000,000 or more to carry forward the work which has already been approved by the engineers of the army and the Committee on Rivers and Harbors of the House of Representatives in the matter of the improvement of the rivers, harbors, and waterways of the country, and to carry forward such other new work as may be approved by the engineering department and Congress; be it further

Resolved, That a duly certified copy of this memorial be by the secretary of the senate forwarded to each Member of the North Dakota delegation in Congress.

I hereby certify that the above resolution originated in the senate and was concurred in by the house of the eleventh legislative assembly of the State of North Dakota.

JAMES W. FOLEY, *Secretary*.

Mr. PLATT presented a memorial of the Graphic Arts Company, of Buffalo, N. Y., remonstrating against the adoption of certain proposed amendments to the copyright law relating to lithographic and photo-engraving processes, which was referred to the Committee on Patents.

He also presented a petition of Local Lodge No. 474, Benevolent and Protective Order of Elks, of Auburn, N. Y., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Edwin H. Davis, of Robert R. Reed, and Henry C. Wright, all of New York City; of F. Bissell, of Barnard College, New York, and of the American Civic Association of Harrisburg, Pa., praying for the enactment of legislation extending the operation of an act for the control and regulation of the waters of Niagara River and the preservation of Niagara Falls, which were ordered to lie on the table.

Mr. KNOX presented petitions of Local Union No. 825, of Ginter; Local Union No. 2246, of Moss Creek; Local Union No. 2297, of Brockwayville; Local Union No. 89, Shank Town; Local Union No. 1736, Rossiter; Local Union No. 2552, Pardus; Local Union No. 1848, Greenwich; Local Union No. 2003, Carrolltown; Local Union No. 2010, of Cymbria; Local Union No. 570, Portage; Local Union No. 1280, of Smokerun; Local Union No. 1139, of Grampian; Local Union No. 95, of Defiance; Local Union No. 1792, of Osceola Mills; Local Union No. 144, of Spangler; Local Union No. 2085, of Langdondale; Local Union No. 480, of Chambersville; Local Union No. 2306, of Masgrove; Local Union No. 865, of Arnot; Local Union No. 1784, of Dubois; Local Union No. 2484, Jefferson Line; Local Union No. 1798, of Ramsaytown; Local Union No. 2303, Monterey; Local Union No. 2310, of Shawmut; Local Union No. 145, of Hopewell; Local Union No. 908, of Lilly; Local Union No. 140, of Arcadia; Local Union No. 1186, of Fredell; Local Union No. 2722, of Dubois; Local Union No. 801, Munson Station; Local Union No. 1515, of Dixonville; Local Union No. 1269, of Elmora; Local Union No. 1859, of Sarah-Furnace; Local Union No. 2739, of Gipsy; Local Union No. 1445, of Broadtop City; Local Union No. 1633, of Ehrenfield; Local Union No. 472, of South Fork; Local Union No. 1370, of Morris Run; Local Union No. 837, of Fairmount City; Local Union No. 2034, of Osceola Mills; Local Union No. 150, of Portage; Local Union No. 2699, of Drain; Local Union No. 378, Glen Richey; Local Union No. 1489, of Clymer; Local Union No. 616, of Hastings; all of the United Mine Workers of America, in the State of Pennsylvania, praying for the enactment of legislation to create a bureau of mines and mining, which were ordered to lie on the table.

Mr. DOLLIVER presented petitions of Local Lodges Nos. 297, 106, 1122, 84, and 605, of Dubuque, Keokuk, Shenandoah, Burlington, and Creston, all of the Benevolent and Protective Order of Elks, in the State of Iowa, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the First Parish of Hingham, Mass., praying for the passage of the so-called "children's bureau bill," which was ordered to lie on the table.

He also presented a memorial of the Retail Hardware Association of Des Moines, Iowa, and a memorial of sundry business firms of Kellerton, Iowa, remonstrating against the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Iowa, praying for the enactment of legislation providing for the continuation of the powers of the Bureau of Chemistry, Department of Agriculture, which were referred to the Committee on Agriculture and Forestry.

Mr. BRIGGS presented a memorial of the Cumberland Manufacturing Company, of Bridgeton, N. J., remonstrating against any further legislation inimical to the present pure-food law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Consumers' League of the Food Committee of the United States, praying for a continuation of the authority vested in the Bureau of Chemistry, relative to the present pure-food law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of the Currie Company, of Atlantic City; of the Hammonton Trust Company, of Hammonton; of the board of directors of the First National Bank, of Seabright; and of the board of directors of the Fifth Ward Savings Bank, of Jersey City, all in the State of New Jersey, remonstrating against the passage of the so-called "postal savings banks bill," which were ordered to lie on the table.

He also presented a petition of Haddon Grange, No. 88, Patrons of Husbandry, of Haddonfield, N. J., praying for the passage of the so-called "postal savings banks bill," which was ordered to lie on the table.

He also presented a petition of the state board of agriculture, of Trenton, N. J., and a petition of the State Horticultural Society, of Trenton, N. J., praying for the enactment of legislation to prohibit the manufacture and sale of adulterated fungicides and insecticides, which were ordered to lie on the table.

He also presented a petition of the Essex County Teachers' Guild, of Newark, N. J., praying for the enactment of legislation to conserve the Hetch Hetchy Valley, in the State of California, which was referred to the Committee on Public Lands.

He also presented a petition of the Manufacturing Jewelers' Association of Newark, N. J., praying for the appointment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented memorials of the United Trades and Labor Council of Paterson; of Typographical Union No. 94, of Bayonne; of Local Lodge No. 248, American Federation of Mechanics, of Paterson; and of Typographical Union No. 103, of Newark, all in the State of New Jersey, remonstrating against authorizing the printing in connection with the Census Office being given to private concerns, which were referred to the Committee on the Census.

He also presented petitions of sundry citizens of New Jersey, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of the Men's Club of Hightstown; of Rev. F. B. Pullan, of East Orange; of H. C. Higbie, of Elizabeth; and of the congregation of the First Presbyterian Church

of Oceanic, all in the State of New Jersey, praying for the passage of the so-called "Burkett-Foelker antigambling race bill," which were referred to the Committee on the Judiciary.

He also presented memorials of the Elizabeth Nursery Company, of Elizabeth; of H. T. Jones, of Elizabeth; and of Bobbink & Atkins, of Rutherford, all in the State of New Jersey, remonstrating against the enactment of legislation providing for the inspection of nursery stock at the port of entry, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the West India Steamship Company, of New York City, N. Y., remonstrating against the enactment of legislation imposing a tax on vessels of foreign registry transporting merchandise between the ports of the United States and its insular possessions, which was referred to the Committee on Commerce.

He also presented the petition of W. N. Baron, of Jersey City, N. J., praying for the enactment of legislation providing for radio apparatus, instead of a radio-telegraph apparatus, to be used on vessels, which was ordered to lie on the table.

He also presented a petition of the New Jersey Editorial Association, of Newton, N. J., praying that an appropriation be made for the completion of the Garfield Monument at Long Branch, in that State, which was referred to the Committee on the Library.

Mr. CURTIS presented a concurrent resolution of the legislature of Kansas, which was ordered to lie on the table and be printed in the RECORD, as follows:

House concurrent resolution 21.

Whereas the National House of Representatives have declined to make any appropriation for the maintenance of the several pension agencies of the United States, and by this action on their part are making a strong effort to consolidate the eighteen agencies into one, to be located in the city of Washington; and

Whereas there are many pensioners on the rolls of the Topeka agency that are almost wholly dependent upon their pensions for their support and maintenance, and by such consolidation it would cause a delay of ten to fifteen days longer than it does now in receiving their pension checks from Washington, thereby, in a measure, working a hardship upon them; and

Whereas the Topeka (Kans.) agency is more nearly the center of the veteran population of the United States, and in consequence thereof the largest agency, and that the records will show transacts the business of the office at a less ratio of expense than other agencies, with less employees; and

Whereas a number of the clerks at said agency are veterans of the civil war, a large percentage of whom own their homes, and a removal of said agency to Washington would work a pecuniary loss to them should they be assigned to accompany the agency; and if not, work an injustice upon men well qualified and fitted by reason of their experience to perform any of the clerical labor assigned them, by reason of throwing them in competition with younger applicants for clerical positions in business life; and

Whereas should such contemplated consolidation take place and some or all of the veteran employees be thrown out of employment, it would work a hardship upon them in this, that owing to their advancing in age it would be impossible for them to embark or engage in any business for themselves or to obtain employment in any other capacity: Therefore be it

Resolved by the house of representatives of the State of Kansas (the Senate concurring therein), That we hereby earnestly protest against the consolidation of all the agencies into one, and that we urge and request our delegation in Congress to use all honorable means to defeat such a measure.

Resolved, That a copy of this resolution be transmitted to each of our Members of Congress and Senators, the President of the Senate, the Speaker of the House, and to the Senate and House Committees on Appropriations.

I hereby certify that the above concurrent resolution originated in the house, and passed that body February 4, 1909.

J. N. DOLLEY,
Speaker of the House.

W. T. BECK,
Chief Clerk of the House.

Passed the senate February 17, 1909.

W. J. FITZGERALD,
President of the Senate.

Z. E. WYANT,
Secretary of the Senate.

Approved February 23, 1909.

W. R. STUBBS,
Governor.

STATE OF KANSAS,
OFFICE OF THE SECRETARY OF STATE.

I, C. E. Denton, secretary of state of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal this 24th day of February, 1909.

C. E. DENTON,
Secretary of State.

Mr. DEPEW presented a petition of the Men's Club of the St. John's Methodist Episcopal Church of New Rochelle, N. Y., praying for the passage of the so-called "Burkett-Foelker antigambling race bill," which was referred to the Committee on the Judiciary.

He also presented a memorial of Long Island Division, No. 266, Brotherhood of Locomotive Engineers, of Long Island City, N. Y., remonstrating against the appointment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the J. Hungerford Smith Company, of Rochester, N. Y., praying for a reduction of the duty on raw and refined sugar, which was referred to the Committee on Finance.

He also presented a petition of the Consumers' League, of New York City, N. Y., praying for the passage of the so-called "Children's bureau bill," which was ordered to lie on the table.

Mr. NIXON. I present a concurrent resolution of the legislaure of Nevada, of a telegram, relative to the payments of the annual installments by persons for water rights under the provisions of the reclamation act of June 17, 1902. I ask that the concurrent resolution be printed in the RECORD and referred to the Committee on Irrigation.

There being no objection, the concurrent resolution was referred to the Committee on Irrigation and ordered to be printed in the RECORD, as follows:

[Telegram.]

CARSON, NEV., *March 1, 1909.*

Hon. GEO. S. NIXON, *Washington, D. C.:*

Joint and concurrent resolution relative to a proposed act of Congress affording relief to settlers upon arid lands approved February 26, 1909.

Whereas the reclamation of the arid regions of the West by the Federal Government is bringing to the attention of the people of the United States the possibility of agricultural development under the irrigation system; and

Whereas conditions of which the settlers upon these lands have had no previous experience are constantly arising; and

Whereas many of these settlers are persons of limited means, and in many instances all their available resources have been expended in the erection of suitable buildings and in the purchase of teams, farming implements, and supplies; and

Whereas it is a well-known fact that more time, expense, and attention is required in the fitting of land for crops under a system of irrigation than under the natural conditions of rainfall; and

Whereas the Hon. GEORGE S. NIXON has introduced in the Senate of the United States a bill authorizing the Secretary of the Interior to grant extension of time for payments of the annual installments to any person who has made application for water rights under the provisions of the reclamation act of June 17, 1902, and to provide for graduated payments of such annual installments: Therefore be it

Resolved by the assembly (the senate concurring), That we urge upon our Representatives in Congress the importance and necessity of using all honorable means to secure the passage of this act; and be it further

Resolved, That copies of this resolution be wired by the secretary of state to Senators NEWLAND and NIXON and Representative BARTLETT.

W. G. DOUGLASS, *Secretary of State.*

Mr. LA FOLLETTE presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Joint resolution asking Congress of the United States to enact into law H. R. 39.

Whereas it has come to the knowledge of the legislature of the State of Wisconsin that a measure is pending before the Congress of the United States (H. R. 39) intending to extend the limits of the Shiloh National Military Park for the purpose of showing, by appropriate markers, the movements of the confederate army in its approach to Shiloh and the movements of the Union Army, under General Halleck, in its advance from Shiloh to Corinth, and for making the said park accessible at all times to those who desire to visit it; and

Whereas this State, as well as the Government of the United States, the States of Illinois, Indiana, Iowa, Minnesota, Pennsylvania, Ohio, Alabama, and Tennessee, have expended large sums of money by erecting monuments therein and otherwise beautifying the same: It is therefore

Resolved, That the legislature of the State of Wisconsin respectfully asks and urges the Congress of the United States to enact at the earliest moment practicable said bill (H. R. 39) into law, so as to enable as many people as possible to visit this beautiful park, made historic by one of the most sanguinary battles fought during the civil war.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

JOSEPHINE DRAPER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 239, submitted by Mr. TELLER on the 4th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Josephine Draper, widow of Charles S. Draper, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

TENNESSEE COAL AND IRON COMPANY.

Mr. CLARK of Wyoming. The Committee on the Judiciary was directed by the Senate (S. Res. 243) to report "whether, in the opinion of the committee, the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, as is shown by the message of the President (S. Doc. No. 762) in response to Senate resolution No. 240, this session."

I am instructed by that committee to say that they have been unable to agree upon any particular form of a report. The resolution is therefore reported back to the Senate without recommendation. I am further directed to ask that the individual members of that committee be allowed to submit their individual views later to the Senate, either individually or jointly with others.

The VICE-PRESIDENT. Does the Senator desire to have the resolution read or shall it go at once to the calendar?

Mr. CLARK of Wyoming. I do not think it is necessary to read it. I ask that permission be granted to individual members of the committee to present their views.

The VICE-PRESIDENT. Without objection, permission is granted. The resolution will be placed on the calendar.

Mr. CULBERSON subsequently said: From the Committee on the Judiciary, I submit the individual views of seven members of the committee on Senate resolution No. 243 reported this morning from the Committee on the Judiciary by the Senator from Wyoming [Mr. CLARK]. I ask that the views may be printed in the RECORD. Later on, when the other members of the committee have filed their views on the subject, I shall ask that the whole may be printed as a Senate document, but for the present I only ask that it be printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, that order will be made.

The views referred to are as follows:

UNITED STATES SENATE,
Washington, D. C., March 2, 1909.

The undersigned members of the Committee on the Judiciary submit the following as their views, in answer to Senate resolution No. 243, Sixtieth Congress, second session, which is as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to the Senate, as early as may be practicable, whether, in the opinion of the committee, the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, as is shown by the message of the President in response to Senate resolution No. 240, this session.

The message of the President which is referred to in the resolution under consideration is as follows:

To the Senate:

In connection with the following resolution of the Senate, passed January 4, 1909—

"*Resolved*, That the Attorney-General be, and he is hereby, directed to inform the Senate—

"1. Whether legal proceedings under the act of July 2, 1890, have been instituted by him or by his authority against the United States Steel Corporation on account of the absorption by it, in the year 1907, of the Tennessee Coal and Iron Company, and if no such proceedings have been instituted, state the reason for such nonaction.

"2. Whether an opinion was rendered by him or under his authority as to the legality of such absorption; and if so, attach a copy if in writing, and if verbal state the substance of it"—

I transmit herewith the following letter from the Attorney-General:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, January 6, 1909.

SIR: In accordance with your instructions, I have the honor to inclose you a certified copy of the resolution adopted by the Senate, wherein I am directed to inform the Senate whether legal proceedings under the act of July 2, 1890, have been instituted by me or by my authority against the United States Steel Corporation on account of the absorption by it, in the year 1907, of the Tennessee Coal and Iron Company. As you are aware, no such proceedings have been instituted.

I remain,
Yours, most respectfully and truly,
CHARLES J. BONAPARTE,
Attorney-General.

THE PRESIDENT,
The White House.

As to the transaction in question, I was personally cognizant of and responsible for its every detail. For the information of the Senate I transmit a copy of a letter sent by me to the Attorney-General on November 4, 1907, as follows:

THE WHITE HOUSE,
Washington, November 4, 1907.

MY DEAR MR. ATTORNEY-GENERAL: Judge E. H. Gary and Mr. H. C. Frick, on behalf of the Steel Corporation, have just called upon me. They state that there is a certain business firm (the name of which I have not been told, but which is of real importance in New York business circles) which will undoubtedly fail this week if help is not given. Among its assets are a majority of the securities of the Tennessee Coal Company. Application has been urgently made to the Steel Corporation to purchase this stock as the only means of avoiding a failure. Judge Gary and Mr. Frick inform me that as a mere business transaction they do not care to purchase the stock; that under ordinary circumstances they would not consider purchasing the stock, because but little benefit will come to the Steel Corporation from the purchase; that they are aware that the purchase will be used as a handle for attack upon them on the ground that they are striving to secure a monopoly of the business and prevent competition—not that this would represent what could honestly be said, but what might recklessly and untruthfully be said.

They further inform me that as a matter of fact the policy of the company has been to decline to acquire more than 60 per cent of the steel properties, and that this purpose has been persevered in for several years past, with the object of preventing these accusations, and as a matter of fact their proportion of steel properties has slightly decreased, so that it is below this 60 per cent, and the acquisition of the property in question will not raise it above 60 per cent. But they feel that it is immensely to their interest, as to the interest of every responsible business man, to try to prevent a panic and general industrial smash-up at this time, and that they are willing to go into this transaction, which they would not otherwise go into, because it seems the opinion of those best fitted to express judgment in New York that it will be an important factor in preventing a break that might be ruinous; and that this has been urged upon them by the combination of the most responsible bankers in New York who are now thus engaged in endeavoring to save the situation. But they asserted they did not wish to do this if I stated that it ought not to be done. I answered that while of course I could not advise them to take the action proposed, I felt it no public duty of mine to interpose any objection.

Sincerely, yours,
THEODORE ROOSEVELT.

Hon. CHARLES J. BONAPARTE,
Attorney-General.

After sending this letter I was advised orally by the Attorney-General that, in his opinion, no sufficient ground existed for legal proceedings against the Steel Corporation, and that the situation had been in no way changed by its acquisition of the Tennessee Coal and Iron Company.

I have thus given to the Senate all the information in the possession of the executive department which appears to me to be material or relevant on the subject of the resolution. I feel bound, however, to add that I have instructed the Attorney-General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department or demand from him reasons for his action. Heads of the executive departments are subject to the Constitution, and to the laws passed by the Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *January 6, 1909.*

Besides the message above set forth, the committee has had the benefit of certain annual reports of the United States Steel Corporation and of the Tennessee Coal, Iron and Railroad Company; well-considered articles in standard magazines; testimony taken before the Committee on Ways and Means of the House of Representatives in 1908; daily market quotations of stock of the Tennessee Coal, Iron and Railroad Company and of the bonds of the United States Steel Corporation for the year 1907; the Statistical Abstracts of the United States, particularly that for 1907; and the testimony of several witnesses taken by the subcommittee. From these sources we think the following facts are established:

1. That on or about November 5, 1907, the United States Steel Corporation purchased all of the stock of the Tennessee Coal, Iron and Railroad Company except $220,160, the amount of stock acquired being $30,375,825, and absorbed the latter company. 2. Both companies were at the time of the absorption engaged in manufacturing and in interstate commerce. The Steel Corporation paid for the stock of the Tennessee Company $632,655 in cash (the cash payment being made December 15, 1907) and $34,684,977.64 in bonds of the Steel Corporation, aggregating $35,317,632.62, or nearly $5,000,000 in excess of the par value of the Tennessee Company stock purchased. As between the Steel Corporation and Moore & Schley or their customers no cash whatever passed. At the time this stock was acquired it was quoted around 80 on the stock exchange, while steel bonds of the kind given in exchange were quoted at 85 and 86, so that the price paid for the Tennessee Company stock was about 20 per cent more than its market quotation.

3. In his message to the Senate January 6, 1909, on this subject, referring to the acquisition of the stock and the absorption of the Tennessee Company by the Steel Corporation, the President said: "As to the transaction in question I was personally cognizant of and responsible for its every detail." In his letter of November 4, 1907, to the Attorney-General, which is incorporated in the message, after reciting that representatives of the United States Steel Corporation had called upon him in Washington that day and stated that, for reasons set forth in his letter, it had been suggested that the Steel Corporation should purchase a majority of the securities of the Tennessee Company represented to have been then held by "a certain business firm" in New York City, but that they did not wish to do this if the President "stated it ought not to be done," the President said: "I answered that while of course I could not advise them to take the action proposed, I felt it no public duty of mine to interpose any objection." As the letter of the President was addressed to the Attorney-General, who is expressly and exclusively charged with the duty of enforcing the act of July 2, 1890, on behalf of the public, known as the "Sherman antitrust law," we think it was, in effect, a direction to the

Attorney-General not to interfere, but to permit the proposed purchase and absorption to be consummated if the parties interested desired to do so. Moreover, the letter to the Attorney-General shows that the legality of the merger was discussed and that the President gave the representatives of the Steel Corporation who visited him to understand that the action proposed could be taken if desired. It was not until this understanding was telephoned from Washington to New York City by one of the representatives of the Steel Corporation to another representative there that the purchase and absorption were made. In our opinion the President permitted and sanctioned the acquisition and merger.

4. In his letter to the Attorney-General of November 4, 1907, already referred to, the President said: "Judge E. H. Gary and Mr. H. C. Frick, on behalf of the Steel Corporation, have just called upon me. They state that there is a certain business firm (the name of which I have not been told, but which is of real importance in New York business circles) which will undoubtedly fail this week if help is not given. Among its assets are a majority of the securities of the Tennessee Coal Company. Application has been urgently made to the Steel Corporation to purchase this stock as the only means of avoiding a failure."

The firm referred to in this letter is that of Moore & Schley, stock brokers of New York City. This firm did not hold as assets, as represented to the President by officials of the Steel Corporation, any portion whatever of the stock of the Tennessee Company. This is shown positively by Grant B. Schley, a member of the firm, in his testimony before the subcommittee:

Senator CULBERSON. You have already stated that your firm did not hold as assets of the firm a single dollar of this stock?

Mr. SCHLEY. No; they were not subscribers and they did not buy any of the stock.

Senator CULBERSON. They did not, therefore, hold it as a part of their assets?

Mr. SCHLEY. They did not own it. It could not be their assets without they owned it. (Hearings, p. 71.)

It is also stated by this witness, without contradiction from any source, that this firm was not borrowing for its customers on a majority of the stock of the Tennessee Company:

Senator CULBERSON. In November, 1907, was the majority of this stock in hock anywhere?

Mr. SCHLEY. I can't tell that. I know what we were loaning, but other people had taken their stocks away.

Senator CULBERSON. Was the majority of the stock represented by the list you have furnished this committee, in November, 1907, in hock anywhere, so far as you know?

Mr. SCHLEY. I can't tell.

Senator CULBERSON. So far as you know?

Mr. SCHLEY. As far as I know, I can't tell. I know what we were borrowing. I can't tell what others were borrowing.

Senator CULBERSON. You were not borrowing on a majority of the stock?

Mr. SCHLEY. No. (Hearings, p. 80.)

5. While the firm of Moore & Schley did not own any of the stock of the Tennessee Company, and had not as brokers borrowed money for themselves or their customers on a majority of the stock of that company, it may be useful to state concisely the situation as to this stock in so far as it was developed before the subcommittee. In 1905 a number of persons, at the suggestion of Grant B. Schley, purchased a controlling interest in the Tennessee Coal, Iron and Railroad Company, the names and individual shares of stock being as follows:

[Original revised.]	Shares.
O. H. Payne	10,300
L. C. Hanna	10,300
G. B. Schley	10,300
J. B. Duke	10,300
E. J. Berwind	10,300
J. W. Gates	10,300
A. N. Brady	10,300
G. A. Kessler	10,300
O. Thorne	10,300
E. W. Oglebay	5,150
H. S. Black	5,150
F. D. Stout	5,150
J. W. Simpson	5,150
G. W. French	2,500
S. G. Cooper	1,500
J. A. Topping	1,000
Total	118,300

Each of these persons in 1905 was very strong financially, some of them being men of great wealth, and this financial status continued during their holding of this stock. In order to raise money to improve, enlarge, and develop the property, additional stock was issued until the total issue of stock amounted to $30,375,825. With the exception of small amounts to others, the syndicate or group of persons which bought the controlling interest in 1905 took the additional issue of stock. Each of that group paid for all his stock in full, some of them taking their stock to other places and some leaving it with Moore & Schley for safe-keeping. Grant B. Schley, a member of the firm of Moore & Schley, owned individually, in 1907, about 25,000 shares of the stock, of the par value of $2,500,000. Improvements amounting to about $6,500,000 were made in the property of the company after control was obtained by the group of persons named, out of the proceeds of the new issue of stock.

At the time of the panic, in the fall of 1907, the only outstanding loans, with the stock of the Tennessee Company as collateral, in banks and trust companies, so far as careful inquiry has disclosed, were $482,700 in the Trust Company of America, on stock at 60 as collateral and between $5,000,000 and $6,000,000 on 90,000 to 105,000 shares of the stock in several banks in New York, among them the First National Bank and the Chase National Bank. Moore & Schley had no connection with the loans in the Trust Company of America, but they negotiated the other loans for themselves or their customers. In the course of their brokerage business Moore & Schley made loans to some of the holders of the Tennessee Company stock, on their stock, and reimbursed themselves by borrowing from banks on the stock to the extent they could, but the amount they loaned has not been shown. The loans in the Trust Company of America were paid in November, 1907, and January, 1908, in due course of business, the merger of the Tennessee Company having no effect upon them. It was known, however, that Oakleigh Thorne, president of the Trust Company, was a member of the Tennessee Company syndicate, and his trust company, which was supposed to be interested in the Tennessee stock, was viciously attacked during the panic, through which it nevertheless safely passed. Besides the $5,000,000 or $6,000,000 Moore & Schley had borrowed, with the Tennessee stock as collateral, as hertofore pointed out, that firm had borrowed perhaps $27,000,000 on other securities. The formation and existence of the syndicate holding control of the Tennessee Company stock, organized by Grant B. Schley, was well known in Wall street. Banks in New York, some of them known as Morgan banks, carrying Moore & Schley loans with the Tennessee Company stock as collateral, pressed these loans vigorously. This firm continued to meet successfully all demands upon it, but finally, fearful of the result of persistent and terrific pounding, it sought and made terms with the Steel Corporation. The syndicate did not desire to sell the stock, but was forced to do so. When the Steel Corporation purchased the stock and absorbed the Tennessee Company the pressure ceased and general conditions decidedly improved on the stock exchange. Grant B. Schley thus describes the final squeeze and the surrender:

Senator OVERMAN. So you approached Mr. Ledyard, who was attorney for Morgan, was he not?

Mr. SCHLEY. I don't know that he was attorney for him; he was a friend.

Senator OVERMAN. I want to ask you whether or not you had any interest in the United States Steel Company yourself?

Mr. SCHLEY. Not a dollar.

Senator OVERMAN. Did any of these gentlemen named here?

Mr. SCHLEY. I don't think so. They may have.

Senator OVERMAN. Were they interested as stockholders or otherwise, do you know?

Mr. SCHLEY. I doubt it. I don't think so.

Senator CULBERSON. Mr. Schley, I understand you to say that although calls had been made upon your firm, you had always responded up to the 4th of November, 1907?

Mr. SCHLEY. Yes. When it developed, everyone I talked to in connection with his holdings was willing, under the pressure that was brought upon all, to sell that stock at par, and when I went to Mr. Ledyard and asked him to make these negotiations, it began. Then Mr. Frick and Mr. Gary came to me in the course of it, and it developed so that in the following days it was known to the public. I can't tell what would have happened to Moore & Schley or to anybody else in that street, because we were oppressed by rumors, some of them untrue, but Moore & Schley were the subject of attack, serious attack, and their credit, which is the life of the business, was being destroyed. It was a matter of serious import. It had to be disposed of if it could be. I don't mean for Moore & Schley, but for people about them, others interested, not those particular individuals of great wealth.

Senator DILLINGHAM. What was the effect of the purchase of the stock by the Steel Company upon the market?

Mr. SCHLEY. It relieved the situation most decidedly, not only with M. and S. but with everybody about. The rumors were flying tremendously about, and nobody can escape those, you know. They may be true or untrue, and they affect the credit of this institution or that. It was especially so with us at that time, after this negotiation started, and it took a week. Why, there was $7,000,000 of loans called on us in three days.

Senator CULBERSON. Was it generally known on the street, as you call it, that your firm, in the relationship that you have suggested, was dealing in the Tennessee Coal and Iron?

Mr. SCHLEY. Yes; for some time it had been talked that Moore & Schley were holding that stock—a wrongly based rumor, because these facts I tell you are absolutely true. But the pressure was there, and I don't know of any panic in a great many years when they have not been pounded a little, and other houses that have real basis behind them.

Senator CULBERSON. You say your relationship to this stock was generally known in the street?

Mr. SCHLEY. Yes.

Senator CULBERSON. And you say there was special pressure, as I remember your testimony, on your firm?

Mr. SCHLEY. Yes. (Hearings, pp. 77, 78.)

That the Tennessee Company stock was singled out appears, further, from the testimony of George W. Perkins, of the Steel Corporation:

Senator OVERMAN. Why were these special securities mentioned? That was only a drop in the bucket. There were a tremendous amount of securities up.

Mr. PERKINS. Yes, sir.

Senator OVERMAN. Why were those securities mentioned?
Mr. PERKINS. Why does a man call "fire" in a theater?
Senator OVERMAN. I do not know any special reason why these stocks were mentioned.
Mr. PERKINS. I have not the slightest idea. You never can tell why such things occur.
Senator OVERMAN. Were these specially mentioned more than any others?
Mr. PERKINS. At this period of the panic?
Senator OVERMAN. Yes; these particular stocks.
Mr. PERKINS. Yes; it became centered at that particular stage of the panic, which covered three weeks. (Hearings, p. 50.)

No bank or important banking concern or business house was saved by the transaction. It appears from the testimony of Grant B. Schley that if the $5,000,000 or $6,000,000 loans which Moore & Schley had with the several banks, with Tennessee Company stock as collateral, had been cared for it would have relieved that firm, but it seems nothing less than control of the Tennessee Company was considered by the Steel Corporation. (Hearings, pp. 72, 73.)

As said by a well-known writer, referring to the supposed unselfishness of the Steel Corporation in purchasing the stock of the Tennessee Company, "if they checked the panic by this transaction, they did it by taking a few dollars out of one pocket and putting millions into another."

6. In his letter of November 4, 1907, to the Attorney-General, the President further said: "Judge Gary and Mr. Frick inform me that * * * but little benefit will come to the Steel Corporation from the purchase." On the contrary the property purchased is very valuable and the transaction highly beneficial to the Steel Corporation. Some of the evidence and publications upon which this conclusion is based will be stated.

Grant B. Schley testified that the facts set forth in the forty-seventh annual report of the Tennessee Company for the year ending December 31, 1906, are true. The following statement from that report, except where credited to the sixth annual report of the Steel Corporation, made after the merger, is indicative of the income, sales, and earnings, improvements, output, and potential capacity of the company:

THE TENNESSEE COAL, IRON AND RAILROAD COMPANY.

Comparative statement of income (p. 20).

Gross profits—	
For 1904	$1, 862, 631. 21
For 1905	2, 484, 139. 26
For 1906	2, 753, 159. 85
For 1907 (p. 27, U. S. S. C. Rept.)	2, 749, 903. 73
Gross sales and earnings (p. 19)—	
For 1904	9, 607, 578. 74
For 1905	10, 951, 979. 02
For 1906	13, 265, 970. 66

New construction and development of land (pp. 24, 25).

For 1906	$1, 355, 632. 28
For 1907 (p. 27, U. S. S. C., 6th Ann. Rept.)	6, 589, 116. 99

In this connection, note that the total cost of the plants of the Tennessee Company, excluding land, was on the date of this report (p. 21) $11,211,872.30, and that of the $6,589,116.99 expended for new construction in 1907 only about $72,000 was expended for land, leaving the balance of over $6,500,000 expended for enlargement of its manufacturing capacity, or an increase of about 60 per cent.

Actual and proposed increase of output.

As compared with previous years, your earnings may be favorably regarded, with operating profits in excess of 20 per cent on your volume of business. This result, considering the almost unlimited tonnage of your mineral reserves and their great potential value, should suggest no delay in providing the necessary facilities to meet your income opportunity. Your executive committee, recognizing the inadequacy of your present facilities, has authorized substantial expenditures to increase your volume of business and income, but further expenditures could be advantageously made (p. 7).

But, as heretofore stated, the maximum possibilities with your present manufacturing and mining facilities are not sufficient for the most favorable results. The extensive improvements now under way, both in your mining and manufacturing departments, will greatly strengthen your operations, when completed and in running order (p. 18).

The physical condition of your mills during the past year (steel works and rolling mills) has been improved by liberal expenditures (p. 28).

While a general rehabilitation of old equipment has been taken care of by liberal maintenance, your executive committee have realized the necessity of increased steel and rail productive capacity, and have authorized the construction of a modern steel works and rail mill. These extensive improvements are expected to double your steel output and rail capacity and radically reduce your cost of production. The benefits expected from these additions to plant will not be operative until the last half of 1907 (p. 28).

The same policy as applied to your steel works and rolling mills, in respect to betterments and maintenance, has also been applied in building up your blast-furnace department (p. 29).

These extensions (iron mines and quarries) are all under way and substantially increased production will be realized during the year 1907 (p. 30).

UNFILLED ORDERS.

The unfilled orders now on your books represent the largest tonnage in the history of your company. The business is well distributed and indicates broadening markets for all products. This is particularly true of coal and coke. The prospects for the future, as suggested by business on hand, show no sign of business recession, and the outlook for the year 1907 is most encouraging (p. 37).

Memorandum of unfilled orders as of January 1, 1907.

	Tons.
Manufactured iron and steel products	467, 114
Coal	1, 200, 000
Coke	201, 000

(p. 37.)

COMPARATIVE PRODUCTION.

Rails, billets, steel bars, and plates (p. 28):	Tons.
For 1904	155, 266
For 1905	402, 318
For 1906	401, 882
For 1907 (p. 27, U. S. S. C., 6th Ann. Rept.)	477, 624
Pig iron (p. 29):	
For 1904	475, 314
For 1905	529, 036
For 1906	641, 887
For 1907 (p. 27, U. S. S. C., 6th Ann. Rept.)	602, 827
Iron ore (p. 30):	
For 1904	1, 208, 038
For 1905	1, 436, 282
For 1906	1, 483, 476
For 1907 (p. 27, U. S. S. C., 6th Ann. Rept.)	1, 576, 757

POTENTIAL CAPACITY (p. 32).

The knowledge that your executive committee has acquired as to the tonnage and character of the iron ore, coal, and limestone owned in fee simple by your company, satisfies them that, in wealth of raw materials required for the manufacture of iron and steel, your company ranks as second to only one in the world, and is far in advance of any other iron or steel producer in cost of assembling its raw materials for manufacture.

The mineral reserves of coal and iron contained in your lands, as computed by competent authorities, are estimated to be 700,000,000 tons of iron ore and 2,000,000,000 tons of coal. Approximately one-half of your coal supply is of a superior coking quality, and your iron ore is largely of a self-fluxing character, analyzing approximately 38 per cent metallic iron. This ore is well suited to the manufacture of high-grade foundry pig and to the production of basic pig iron for use in the manufacture of basic open-hearth steel (p. 32).

The financial statement shows your company to be in a sound financial condition, with current assets of $3,004,480.09 in excess of your current liabilities (p. 9).

Grant B. Schley also testified that the acquisition of the Tennessee Company "added materially to the value of the Steel (Corporation) securities" (Hearings, p. 73), and that in 1907 E. H. Harriman, or the Harriman railway lines, gave a large order to the Tennessee Company for steel rails on account of a preference for rails of the open-hearth process of that company over rails of the Bessemer process of the Steel Corporation. (Hearings, p. 68.)

Oakleigh Thorne testified that the Tennessee Company was paying a dividend of 4 per cent per annum. (Hearings, p. 38.)

George W. Perkins, a member of the finance committee of the Steel Corporation, testified that the Tennessee Company property "is a very valuable property. Nobody has ever questioned that, so far as I know." (Hearings, p. 56.)

John W. Gates, a member of the Tennessee Company syndicate, on November 7, 1907, gave out an interview to the daily papers in which he said: "As to the purchase of the Tennessee Coal, Iron and Railroad Company by the United States Steel Corporation, the steel men got the best property in the country and at a bargain price. I regard it as a sacrifice of stock worth a great deal more than the purchase price. I did not want to sell my stock, but had to follow the crowd. Had Tennessee stock been thrown on the market I would have been better off, as I could have increased my holdings at a low price. The iron ore and coal deposits of the Tennessee Company are worth many times more than the entire cost of the property to the Steel Corporation."

The New York Press, of November 7, 1907, said: "The Tennessee is one of the two steel companies in the United States which manufactures open-hearth rails, now so greatly in favor with the railroads. When Harriman bought 160,000 tons of rails of the Tennessee Company, a few months ago, it brought the steel company to a realization that it had a strong competitor in the steel-rail field."

The New York Sun, November 7, 1907, said: "The acquisition of the (Tennessee) company is particularly advantageous to the Steel Corporation, because of the iron ore and coal properties that go with it. With the Great Northern and Northern Pacific ore lands acquired last year, together with the previous holdings, the Steel Corporation now has iron-ore deposits estimated at approximately 2,400,000,000 tons, of which approximately 700,000,000 tons come with Tennessee Coal and Iron."

John Moody, in an article in Moody's Magazine for January, 1909, said:

But the most fortunate business stroke of the Steel Corporation, from the view point of its owners, since its organization in 1901, was the acquisition last year of the Tennessee Coal, Iron and Railroad property. The acquisition of this organization has added great potential value to the steel organization and has increased the tangible equity of its common-stock issue to a far greater extent than is commonly realized. The Tennessee Coal and Iron properties embrace, besides important manufacturing plants, nearly 450,000 acres of mineral lands in the Birmingham section of Alabama. As shown in the report of the Tennessee Company in 1904, when an appraisal was made by outside parties, these lands contain approximately 400,000,000 tons of

first-class low-grade ore, and more than 1,200,000,000 tons of coal, of which about one-half is coking coal. This estimate indicates that the deposits embraced are even in excess of those of the great Lake Superior properties controlled by the corporation, including the Great Northern ore bodies. This entire property was acquired, as is well known, on very favorable terms for the Steel Corporation, and of course puts it in a position where now it need have no concern regarding a possible future shortage of supply of either iron ore, coal, or coke. Added to this is the fact that the deposits are more favorably located than those of the Lake Superior district and will enable the company to carry on in the years to come a vast economic development of production and manufacture in this section of the country. The Tennessee ore is of a grade which is better for the making of ordinary pig iron than that of any other known deposits in this country.

The same writer, in The Public, October 16, 1908, said:

This Tennessee Coal and Iron property embraces not only about 450,000 acres of mineral lands, but includes 41 developed and active iron-ore and coal mines, 16 large blast furnaces, the ownership of several land companies holding extensive tracts of land adjoining the several developed properties of the company, and also the Birmingham Southern Railroad Company, a terminal property of great value connecting the various mines and plants in the Birmingham district with all the diverging trunk lines.

The capacity of the company's blast furnaces a year ago was about 850,000 tons per annum and that of the developed coal and ore mines about 20,000 tons per day. If we compare this capacity with that of the actual production of all the other properties owned by the Steel Corporation, outside of the Tennessee Coal and Iron Company, for the year 1907, we will get the following results: "Blast-furnace products, 10,819,968 tons; ore and coal mined and limestone quarried, 39,576,161 tons." In other words, the capacity of the new properties acquired, according to the figures above, is about 15 per cent of the total production of mining products of the entire corporation for last year, and about 8 per cent of the blast-furnace products.

Based on those figures alone, therefore, the purchase was an exceedingly advantageous one for the Steel Corporation, as the purchase price was only about 3 per cent of the entire present capitalization of the Steel Corporation; or, if we regard all the common stock of the Steel Corporation as water, it was but 4½ per cent of the balance of capitalization.

But that would be only a superficial comparison.

The possibilities of the Tennessee property and the value of its raw materials are so gigantic that even if it were producing nothing at the present time it would have been the best bargain at $45,000,000 that the Steel Corporation or any other concern or individual ever made in the purchase of a piece of property.

The Steel Corporation, fifteen months ago, entered into a lease with the Great Northern Railway interests whereby it has the right to mine at so much per ton the vast ore deposits of the Great Northern properties. The Steel Corporation agreed to pay to the Great Northern people $1.65 per ton for this ore, and transport a portion of the ore over the Great Northern tracks at a specified rate. The Great Northern ore bodies are estimated to contain about 500,000,000 tons of good ore, which, if all mined and taken by the Steel Corporation at $1.65 per ton, would make an ultimate cost to the Steel Corporation of about $850,000,000, without considering cost of transportation, etc. As stated in the Steel Corporation report for the year 1906, this contract was looked upon as a good one from the standpoint of the Steel Corporation.

The object in giving the foregoing details is to bring out a vivid comparison of this Great Northern deal with that made last winter in the acquisition of the Tennessee Coal and Iron Company. The Great Northern properties, containing probably 500,000,000 tons of ore, will ultimately cost the Steel Corporation about $850,000,000; but the Tennessee Coal and Iron properties, which are of far more value than the Great Northern properties probably ever can be, cost the Steel Corporation only $45,000,000.

To demonstrate the foregoing statements, let reference be had to the following from the annual report of the Tennessee Coal and Iron Company for the year ending December 31, 1904. In that report Mr. Bacon, the chairman of the board, said:

"Early in the summer of 1904 a committee of appraisers was appointed, representing the Sloss-Sheffield Steel and Iron Company, the Republic Iron and Steel Company, and this company, to estimate the amount and quality of the coal and iron ore owned by each company. An examination covering several months was conducted, as the result of which a report signed by every member of the committee was submitted, showing that this company owns in fee over 395,000,000 tons of red ore, of which 381,000,000 tons are graded as first class, 10,177,000 tons of brown ore, and over 1,623,000,000 tons of coal, of which 809,112,000 tons are coking coal. In the coking coal is included 300,000,000 tons of Cahaba coal, which is unexcelled in the South for steam and domestic purposes, and commands the highest market price of any grade of coal in the district. The men in charge of our iron mines estimate the holdings of iron ore of the company to be still larger, viz, of first-class red ore, over 450,000,000 tons; of second-class red ore, over 95,000,000 tons; and of brown ore, 16,900,000 tons."

From the above it will be seen, figuring the first-class ore at as low an amount as $1 per ton, that the valuation for that alone is $395,000,000. If we disregard the aggregate estimate of coal and simply take the estimate for coking coal at as low a figure as 50 cents per ton, we get a valuation of $400,000,000 more. A very conservative estimate of the values of the ore and coal deposits of the Tennessee Coal and Iron Company at the present time is hardly less, in all probability, than $1,000,000,000.

Now, as far back as 1901, Mr. Schwab made the statement that the coking coal deposits of the Steel Corporation were of vast value, because of the fact that coking coal of the kind needed for blast furnaces was rapidly growing scarce, and that in a few years there would probably be no more. He disregarded the Tennessee properties, undoubtedly, but by this great acquisition the Steel Corporation has been put in a position where it need have no concern for the future as far as coking coal is concerned. In fact, the acquisition of the Tennessee Coal and Iron Company, aside from being a business stroke of enormous direct profit, has had the effect of rounding out and completing the control by the corporation of the ore and coking-coal supplies of the country.

That acquisition is of more value to the steel trust, and will be in the future in many ways, than its holdings of Lake Superior ores, both because of location and because of general character and quality of the deposits.

It is well known that the Tennessee iron-ore deposits are the best in the world for making pig iron; and the cost of production and manufacture of iron products in that section is considerably less than is the case in the Great Northern ore bodies. Therefore, it can be easily demonstrated that the acquisition of this property for $45,000,000 added an almost unheard-of value to the equity back of the Steel Corporation stocks.

Many people have wondered and are still wondering why, in the face of temporarily poor earnings and in the face of tariff agitation, the Steel Corporation stocks, both common and preferred, have been steadily rising since last December, and are now almost at the highest figures of their history. The foregoing demonstration certainly accounts for it.

If it were not for the danger involved in tariff agitation, the Steel Corporation common stock would probably be selling to-day at nearly double its present value. In other words, instead of having a market price of $45 per share, a total market value of about $220,000,000, it would be selling in the neighborhood of $90 per share, with a total market value of $450,000,000. It could easily reach this point in spite of the fact that the corporation may not pay any larger dividends for several years to come.

The appraised value in 1904 of the Tennessee Company's properties, as quoted above, was that of a thoroughly impartial and unanimous board. This appraisal must have been known to Mr. Morgan and the rest of his party when the property was taken over by the steel trust at the absurdly low price they paid. If they checked the panic by this transaction, they did it by taking a few dollars out of one pocket and putting millions into another.

Frank A. Munsey, in an article in Munsey's Magazine for June, 1908, who stated that the inventory was compiled through the courtesy and with the assistance of the Steel Corporation, said:

The Tennessee Coal and Iron Company is entered as a separate item in this inventory. Its ore and coal and mills and furnaces and other properties are not included in the other classifications. This company is put in at an estimated value of $50,000,000, which is somewhat more than the Steel Corporation paid for it, but probably a much smaller sum than it is worth to the Steel Corporation. Its chief value lies in its coal and ore properties. Its ore is estimated at 700,000,000 tons. It is not as high-grade ore as the northern ore, but assuming that it is worth 15 cents per ton, it alone would amount to $105,000,000. Its coal is estimated at about a billion tons, which at 10 cents a ton would be $100,000,000. From the fact that the known supply of ore in the country is limited, it may be worth two or three times this price. There is no way of telling just what it is worth. But as a guide to the value of ores, we may take the price fixed upon for the Great Northern ores between James J. Hill and the Steel Corporation. The Great Northern Railroad and the Northern Pacific had vast holdings of iron ore in the Mesabi Range, and after many months of negotiation the Steel Corporation entered into a contract a year ago to take all this ore at a certain price per ton, the price to be advanced each year over the preceding year 3.4 cents. The first year's price, which covered the year 1907, was 85 cents a ton. This year it is 88.4 cents a ton. On this basis the price will soon be over a dollar a ton, and the average cost for the entire supply will be considerably in excess of that figure. And this ore is supposed to be of a lower grade, as a whole, than the ore owned by the United States Steel Corporation, which in this inventory has been conservatively—ultraconservatively—figured at 60 cents a ton. If the Hill ore is worth over a dollar a ton, the ore of the Steel Corporation is worth quite as much, and even more, as it is of a better grade. And these prices of this Northern Pacific ore have an important bearing on the ore properties of the Tennessee Coal and Iron Company. I should think that Mr. Charles M. Schwab is as good an authority as there is in the world on the value of iron ore. He said to me two or three days ago that the ore holdings of the Steel Corporation were easily worth a dollar a ton, and, in fact, might safely and conservatively be regarded as worth still more, for the reason that they can not be duplicated.

Judge E. H. Gary, of the Steel Corporation, in his testimony before the Ways and Means Committee of the House of Representatives in 1908, thus referred to this Munsey article:

This is the result of an independent examination by Mr. Munsey concerning the value of our properties. He gives the properties in detail, and his valuation, and if anything I would say that it is a little too high, but it is not very much too high, and certainly properties could not be reproduced for anything like that; in fact, it would be impossible to reproduce them at any price perhaps, some of them. (Tariff Hearings, p. 5496.)

But the Steel Corporation, in its corporate capacity, is on record as to this property. In the Sixth Annual Report of the United States Steel Corporation, for the year ending December 31, 1907, the holdings of the Tennessee Company which were acquired are given as follows (pp. 26, 27):

Surface and mineral rights acreage of iron ore, coal, and limestone property, owned in fee, 447,423, distributed as follows: In Alabama, 340,263 acres; in Tennessee, 105,740 acres; in Georgia, 1,420 acres. Upon this property there were in operation in the State of Alabama, near Birmingham, 13 active iron-ore mines, with 2 under construction; and at Greeley, 3 active iron-ore mines. In Georgia there were 2 active iron-ore mines in operation.

In Alabama there were in operation 22 active coal mines and 2,800 coke ovens; in Tennessee, 1 coal mine and 174 coke ovens.

There were 2 active quarries, 1 inactive, and 1 in course of development, all in Alabama.

There were 14 active blast furnaces in Alabama; 2 in Tennessee.

All mills, foundries, machine shops, etc., were located at Ensley and Bessemer, Ala., near Birmingham.

The Tennessee Company owned the capital stock of the Birmingham Southern Railway Company, a terminal railroad connecting the various mines and plants of the company in the Birmingham district, consisting of 31.16 miles of main and branch lines, 1 mile second track, 67.78 miles yard and siding tracks, 35 locomotives, and 725 cars of all descriptions.

The Tennessee Company owned the entire issued capital stock of the Tennessee Land Company, the Booker Land Company, and a controlling interest of the stock of the Ensley Land Company, these companies owning various tracts of land adjoining the several properties of the Tennessee Company.

The net profits of the Tennessee Company for the year 1907, after charging off $437,666.84 for depreciation and extraordinary replacements, and $885,552.31 for net interest charge on bonded and floating debt, were $1,426,684.58 (a little more than 4½ per cent on the capital stock).

The company spent, during 1907, for extensions, additions, and betterments, the sum of $6,589,116.99.

At page 29 of this report the following is found:

In November, 1907, the corporation acquired a majority of the common stock of the Tennessee Coal, Iron and Railroad Company, as is set forth in detail on page 25 of this report. The purchase was made during the financial panic of October, 1907. The parties owning or controlling a majority of the Tennessee Company's stock offered the same to the corporation on terms which were satisfactory, both as to price and manner of payment. The purchase of the property promises benefit to the corporation and also aided promptly and materially in relieving the financial stress at the time existing. The Tennessee property is very valuable. Its mineral resources are large. The location of the iron ore and coal deposits in the immediate proximity of the manufacturing plants enables the production of iron at reasonable cost. It is believed the lines of business of the Tennessee Company can be materially extended. During the last two years about $6,250,000 were expended in rehabilitating, modernizing, and enlarging the furnaces and steel plant. Additional expenditures of considerable magnitude in 1908 are contemplated to complete the plans for improvements which were under way when the corporation acquired the property. It is believed that when these improvements and extensions shall have been completed and the operating management perfected, the business of the company will be profitable.

In this connection it is appropriate to invite attention to the testimony of Mr. Charles M. Schwab, ex-president of the Steel Corporation, before the Ways and Means Committee of the House of Representatives in 1908. In substance, Mr. Schwab testified (Tariff Hearings, p. 4915) that in Germany pig iron could be produced at from $9.50 to $12 per ton as against $14 to $14.50 in the United States; that in England it could be produced a little cheaper than in Germany; and that he was positive the cost of pig iron in Birmingham was less than the cost in England; and that the cost of converting pig iron into steel rails was about the same in Germany, England, and Birmingham. If this be true, and Mr. Schwab's testimony is clear and emphatic, the Tennessee Company has a natural advantage of from $4.50 to $5 a ton in the production of steel rails over any other portion of the United States, since the proximity at Birmingham of all the elements for the production of pig iron justifies the inference that the average cost there is no more than the minimum cost in Germany or England, viz, $9.50 per ton.

Mr. Schwab, in the course of his examination before the House committee, said:

For example, I know that pig iron can be produced in different parts of Germany at from $9.50 to $12 a ton to-day, depending upon the location and character of the pig.

The CHAIRMAN. Against $14 here?

Mr. SCHWAB. About $14 to $14.50 here.

* * * * * * *

The CHAIRMAN. That is in Germany. How about England?

Mr. SCHWAB. England is probably a little cheaper, though it is not widely different.

The CHAIRMAN. What is the main reason for the additional cost of the pig iron here?

Mr. SCHWAB. Raw material and freights being higher.

The CHAIRMAN. Their iron is nearer the coal mines?

Mr. SCHWAB. Yes. They assemble it cheaper than we do.

The CHAIRMAN. I do not suppose they do it any cheaper than we can at Birmingham?

Mr. SCHWAB. No; we do it cheaper in Birmingham than they do in England.

The CHAIRMAN. You think the cost of pig iron in Birmingham would be less than the cost in England?

Mr. SCHWAB. I know it would be.

The CHAIRMAN. The cost of converting the steel is about the same?

Mr. SCHWAB. In Birmingham it is about the same.

At page 4899 of the hearings Mr. Schwab testified that iron ore in the ground was worth $1 per ton. He said:

I would call attention to the fact that since that time (1901 or 1902) ores have not only been sold at a loss at a dollar a ton, but the lowest grade we have.

Another important factor entering into the potential capacity of the Tennessee Company is the proximity of the iron ore, coal, and limestone holdings to each other and to the plants, and the consequent saving of transportation charges. The bulk of these holdings is in the State of Alabama (p. 26, 6th Ann. Rep. U. S. Steel Corp.) within a radius of 30 miles, and Judge Gary, in reference to this, testified before the Ways and Means Committee in 1908 (pp. 5471, 5472):

Mr. RANDELL. Is it not a fact that iron and coal are well situated with reference to each other in the United States in comparison to other countries?

Mr. GARY. So far as the Birmingham district is concerned, yes; but not so far as the other districts are concerned. They are remote one from another as compared with England and Germany.

* * * * * * *

Mr. RANDELL. You have your furnaces where there is neither coke, coal, nor iron ore?

Mr. GARY. That is right.

Mr. RANDELL. Everything has to be hauled to you?

Mr. GARY. I am not speaking of the Birmingham district.

The report of the National Conservation Commission, attached to the President's message of January 22, 1909 (Cong. Rec., 60th Cong., 2d sess., p. 1297), under the head of "Minerals," contains the following:

The known supply of high-grade iron ores in the United States approximates 3,840,000,000 tons, which at the present increasing rate of consumption can not be expected to last beyond the middle of the present century.

If, then, the United States Steel Corporation now owns and controls 2,400,000,000 tons of high-grade iron ore, as has been estimated, it has 62½ per cent of the total supply of the country. If this corporation acquired 700,000,000 tons of iron ore with the Tennessee Company, it added to its then estimated holdings of 44 per cent of the iron-ore supply 18½ per cent, giving it, as stated, control of 62½ per cent of the iron-ore supply of the United States.

The purchase of this 700,000,000 tons of iron ore from the Tennessee Company, increasing the Steel Corporation's holdings of ore more than 40 per cent, created that "future monopoly" in ore and "commanding position in trade" to which Judge Gary testified before the Ways and Means Committee.

The Steel Corporation, it is admitted, now practically controls the ultimate ore supply of the United States. In the tariff hearings before the Ways and Means Committee of the House in 1908, Judge Gary, of the Steel Corporation, testified:

Mr. COCKRAN. You practically do control the ore supply of the country?

Mr. GARY. No; not now; not for the immediate future.

Mr. COCKRAN. Well, the ultimate supply?

Mr. GARY. Yes; I think so; that is, pretty nearly. It is not absolute control. (Hearings, p. 5515.)

To sum the matter up briefly, we think the property is very valuable, worth probably several hundred million dollars, and that among the larger benefits which the Steel Corporation derives from the merger are the control of the open-hearth output of steel rails, the ultimate control of the iron-ore supply of the country, the practical monopoly of the iron and steel trade of the South, and the elimination of a strong and growing competitor.

The following conclusions of law are submitted:

1. Unless the merger under consideration contravened some federal law it is a private affair or a matter for the States in which the companies were chartered. Assuming, therefore, for the present purposes, that the absorption of the Tennessee Company by the United States Steel Corporation was in violation of the act of Congress approved July 2, 1890, commonly known as the "Sherman antitrust law," we are of the opinion that the President was not authorized to permit the absorption. The proposition is self-evident, needing neither argument nor judicial authority to support it, for manifestly the President is without authority to annul or suspend a law or to direct its nonenforcement either generally or in a particular case. The principle involved, in its broadest sense, is inherent in our form of government and is essential to the preservation of the rights and liberties of the people. This view is strengthened, if such were necessary, by the fact that the President is the one official who is by the Federal Constitution expressly enjoined to "take care that the laws be faithfully executed." Whatever may be the supposed emergency, no discretion is lodged in the President as to the enforcement of the law. This is a government of law and not of men, of law universal in its application, as to which none are immune. It is imperative that this principle be preserved in such a case as this, lest in time we revive the despotic prerogative of kings to create and license monopolies.

(See Senator Nelson's report, No. 848, on the antitrust law, 60th Cong., 2d sess., pp. 5, 9 et seq.)

No man is above the law and no man is below it; nor do we ask any man permission when we require him to obey it.

Obedience to the law is demanded as a right, not asked as a favor. (The President's message of December 7, 1903.)

In our judgment the President was equally unauthorized to direct the Attorney-General, as we believe he did in effect, not to interfere and not to enforce the law in this instance. Section 4 of the antitrust act of 1890 provides:

The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to restrain and prevent such violations.

As construed by the Supreme Court of the United States, the entire authority to execute the antitrust statute in the interest of the public is vested in the Attorney-General. (Minnesota *v.* Northern Securities Co., 194 U. S., 71.)

The duty of that official in this respect is the creation of the statute, of the law, and the President can not subtract from it. When a case falls within the condemnation of the antitrust act, as is believed this case does, it is made the duty of the Attorney-

General to institute proceedings, and the President can not absolve him from its performance.

The general proposition was thus expressed by Attorney-General Crittenden in 1851:

As a general proposition, it appears to me most judicious for the President, as well as more consistent with the form and spirit of our institutions, to forbear from interference with the functions of subordinate public officers, and to leave them to the discharge of their proper duties under all their legal responsibilities, and subject also to removal from office for neglect or abuse of their official trust. (5 Ops. Atty. Gen., 587.)

Far more specific are other authorities. In 1854 Attorney-General Cushing said:

When the laws define what is to be done by a given head of department, and how he is to do it, there the President's discretion stops. (6 Ops. Atty. Gen., 341.)

In 1890 Attorney-General Miller stated the rule clearly and strongly:

In short, the statutes do not contain any such provision as would authorize or justify the President in making such an order as is asked. Nor does any such authority inhere in the executive office. The President has, under the Constitution and laws, certain duties to perform, among them being to take care that the laws be faithfully executed; that is, that the other executive and administrative officers of the Government faithfully perform their duties, and he has no more power to add to, or subtract from, the duties imposed upon subordinate executive and administrative officers by the law than those officers have to add to or subtract from his duties. (19 Ops. Atty. Gen., 686.)

Chief Justice Marshall, speaking for the Supreme Court of the United States in a celebrated case, announced the same doctrine:

He is to affix the seal of the United States to the commission and is to record it. This is not a proceeding which may be varied if the judgment of the Executive suggests one more eligible, but it is a precise course marked out by law and is to be strictly pursued. It is the duty of the Secretary of State to conform to the law, and in this he is an officer of the United States, bound to obey the laws. He acts in this respect, as has been very properly stated at the bar, under the authority of law and not by the instructions of the President. * * * But where he [the head of a department] is directed by law to do a certain act affecting the absolute rights of individuals, in the performance of which he is not placed under the particular direction of the President, and the performance of which the President can not lawfully forbid, * * * it is not perceived on what ground the courts of the country are further excused from the duty of giving judgment that right be done to an injured individual. (Marbury *v.* Madison, 1 Cranch, 158, 171.)

Kendall *v.* United States (12 Pets., 524) was an action for mandamus against the Postmaster-General to compel the payment of an award made under an act of Congress by the Solicitor of the Treasury to the petitioners, payment having been refused by the Postmaster-General. Before instituting the action for mandamus the petitioners presented a memorial to Congress regarding the nonpayment, which was investigated by the Judiciary Committee of the Senate, who found that the law compelling the payment was plain and recommended the adoption of the following resolution by the Senate: "That the Postmaster-General is fully warranted in paying, and ought to pay," etc., "the amount of the award of the Solicitor of the Treasury," which was unanimously adopted by the Senate. Upon a further refusal of payment by the Postmaster-General, this action was brought. Mr. Justice Thompson, for the court, in the course of the opinion, said (p. 610):

The executive power is vested in the President; and as far as his powers are derived from the Constitution, he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power. But it by no means follows that every officer in every branch of that department is under the exclusive direction of the President. * * * But it would be an alarming doctrine that Congress can not impose upon any executive officer any duty they may think proper which is not repugnant to any rights secured and protected by the Constitution; and in such cases the duty and responsibility grow out of and are subject to the control of the law and not to the direction of the President.

After citing the report of the Judiciary Committee of the Senate upon its investigation of the refusal to pay, and the passage of the resolution quoted above as evincing the plain intent of Congress in the passage of the act, the court say further (p. 612):

It is urged at the bar that the Postmaster-General was alone subject to the control and direction of the President, with respect to the execution of the duty imposed upon him by this law; and this right of the President is claimed as growing out of the obligation imposed upon him by the Constitution to take care that the laws be faithfully executed. This is a doctrine that can not receive the sanction of this court. It would be vesting in the President a dispensing power, which has no countenance for its support in any part of the Constitution, and is asserting a principle which, if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress and paralyze the administration of justice.

To contend that the obligation imposed on the President to see the laws faithfully executed implies a power to forbid their execution is a novel construction of the Constitution and entirely inadmissible.

Mr. Justice Miller, speaking for the Supreme Court, said:

We have no officers in this Government, from the President down to the most subordinate agent, who does not hold office under the law with prescribed duties and limited authority. (The Floyd's acceptances, 7 Wallace, 676.)

2. The absorption of the Tennessee Coal, Iron and Railroad Company by the United States Steel Corporation, in our opinion, was in violation of the act of Congress approved July 2, 1890, well known as the "Sherman antitrust law."

The United States Steel Corporation is the greatest combination of capital in the country. It was organized in 1901 by combining the following companies, with the respective amount of stock and bonds of each company:

The Carnegie Steel Company	$320,000,000
The Federal Steel Company	126,600,000
National Tube Company	80,000,000
American Bridge Company	61,000,000
Lake Superior Consolidated Mines	34,700,000
American Steel and Wire Company	95,700,000
National Steel Company	63,400,000
American Steel Hoop Company	33,000,000
American Tin Plate Company	46,300,000
American Sheet Steel Company	51,000,000
Total stock and bonds acquired	911,700,000

These figures are taken from circulars issued by J. P. Morgan & Co., the syndicate managers of the organization.

In exchange for these stocks and bonds there were issued stocks and bonds of the United States Steel Corporation as follows:

Preferred stock	$497,400,000
Common stock	495,800,000
Bonds	304,000,000
Or a total of	1,297,200,000
Leaving in the hands of the syndicate	106,800,000
Or a total capitalization of	1,404,000,000

In 1908 Judge Gary, in his testimony before the Ways and Means Committee, admits that there were issued $400,000,000 more of stocks and bonds than the selling price of the stocks and bonds acquired (Tariff Hearings, p. 5520).

At the time of the consolidation of the above properties in 1901 their total stocks and bonds were $954,000,00 and their total annual products 11,431,000 tons. The capital stock and bonds of their competitors aggregated about $454,500,000 and annual products about 9,663,000 tons. (Compiled from data in Iron Age of December 27, 1900.) Since that date it is known the Steel Corporation has absorbed of these competitors the Union-Sharon Steel Company, with capitalization of $45,000,000 (1st Ann. Rep., p. 19); the Shelby Steel Tube Company, with capitalization of $15,000,000; and the Tennessee Coal, Iron and Railroad Company, with capitalization of $30,000,000.

The total capitalization of the Steel Corporation and the fact of combination in the original organization are shown by the following:

Judge Gary testified before the Ways and Means Committee in 1908 (Tariff Hearings, p. 5500):

The capitalization would be $480,199,000 of bonds of all classes, $360,381,100 of preferred stock, and $508,302,500 of common stock. * * * And then the subsidiary companies have bonded indebtedness, $125,346.000 (total, $1,474,028,000).

Further (Tariff Hearings, p. 5509):

Mr. COCKRAN. That company (United States Steel Corporation) was a combination of several other companies?
Mr. GARY. That company acquired by purchase properties belonging to these other corporations at a certain price, namely, the amount of their stock and bonds.
Mr. COCKRAN. And those companies which it purchased were themselves consolidations of several other companies, were they not?
Mr. GARY. Some of them were at least.
Mr. COCKRAN. The Federal Steel Company was?
Mr. GARY. Yes.
Mr. COCKRAN. The American Bridge Company was?
Mr. GARY. Yes.

Pursuing this line of examination, Mr. COCKRAN drew admissions from the witness that besides the companies mentioned in the testimony quoted above the following companies were also absorbed: The Steel and Wire Company, The National Tube Company, The Tin Plate Company, The Illinois Steel Company, The Lorraine Steel Company, The Minnesota Iron Company.

Figures compiled from data given in the Iron Age, The Age of Steel, and other trade journals, as well as testimony before the Industrial Commission, indicate that the companies included in the new corporation produced of the total amount manufactured each year in the United States 52 per cent of iron ore, 54 per cent of coke, 49 per cent of pig iron, 60 per cent of steel, 67 per cent of steel rails, 60 per cent of finished iron and steel products, 63 per cent of wire rods, 94 per cent of wire, 95 per cent of wire nails, 94 per cent of tubes and pipes, 95 per cent

of tin plate, 85 per cent of bridges, all woven and barbed wire (because owners of patents), and 66 per cent of the copperas.

It appears that at the time of the merger of the Tennessee Company in 1907 this percentage of the total output of the Steel Corporation had been lessened by the growth and operation of independent companies, among them the Tennessee Company. George W. Perkins testified before the subcommittee:

The CHAIRMAN. Do you know what relative proportion of the total output going into the commerce of the country and in its lines was then being produced by the United States Steel Corporation?

Mr. PERKINS. You mean what percentage, say, of 100 per cent of the total output?

The CHAIRMAN. Yes.

Mr. PERKINS. No, sir; but my belief is that it was a smaller percentage of the total than the percentage that existed at the time the Steel Corporation was organized.

The CHAIRMAN. You think, then, relatively, the independent producers at that time had increased their output?

Mr. PERKINS. That is my impression. (Hearings, p. 43.)

This general fact is also stated in the letter of the President to the Attorney-General, November 4, 1907, and when considered in connection with the whole situation, particularly the wealth of raw materials of the Tennessee Company, its advantage over every other company in assembling them for manufacture and distribution, and the doubling of its steel-producing capacity, it assists in explaining the willingness of the Steel Corporation to pay 20 per cent more than the market quotation for the Tennessee Company stock. It was shown by testimony before the subcommittee that the improvements contemplated and authorized by the Tennessee Company would double its steel output and rail capacity; that in wealth of raw materials required in the manufacture of iron and steel the company was second only to the Steel Corporation; and that it was far in advance of any other iron or steel producer in cost of assembling its raw materials for manufacture.

The monopolistic powers of the Steel Corporation, which greatly enhanced by this merger, are indicated by the following testimony before the Ways and Means Committee in 1908:

Power of United States Steel Corporation to fix prices of steel and drive competitors out of the market.

Tariff Hearings, 1908, page 5470:

Mr. GARY. I think, with reductions in the tariff, the United States Steel Corporation would endeavor to take care of itself; but I think many, if not most, of our competitors would soon be out of business, and we would have the field.

Tariff Hearings, page 5491:

Mr. CLARK. If you want to; that is, if the United States Steel Corporation wants to fix the price of steel rails in this country at a given figure, have you not such a hold on these independent operators that not a single solitary one of them would dare to mark under your price?

Mr. GARY. I think, as applied to steel rails, that is probably true.

Tariff Hearings, page 5492:

Mr. CLARK. Have you not such a hold on the American market that you could immediately mark yours down to $20 or $25 long enough to put that fellow clear out of business, and then mark yours up again to where you wanted it?

Mr. GARY. Quite likely; that may be true. I will not say that is not true. I will not say that in the competition we could not drive a good many of our competitors out of business.

Tariff Hearings, page 5515:

Mr. GARY. We have competitors, you know, who are just as able to take care of themselves as we are, perhaps, particularly in some lines; but I do believe large numbers would be driven out of business if we were willing to drive them out, either because we thought it was right to do so or good policy to do so.

* * * * * * *

Mr. GARY. I think we have the commanding position in the trade, and I believe we recognize our responsibility to all on account of that position.

* * * * * * *

Mr. COCKRAN. You practically do control the ore supply of the country?

Mr. GARY. No; not now; not for the immediate future.

Mr. COCKRAN. Well, the ultimate supply?

Mr. GARY. Yes; I think so—that is, pretty nearly. It is not absolute control.

Capacity of United States Steel Corporation to manufacture iron and steel cheaper than any of its competitors.

Tariff Hearings, page 5452:

The CHAIRMAN. State whether you can produce it cheaper than your rivals in business.

Mr. GARY. Yes; I think we can. We certainly can at a large number of our furnaces. I think there is no doubt that we can produce iron and steel materially cheaper than most of our competitors.

The CHAIRMAN. Materially? How much? Take pig iron, for instance.

* * * * * * *

Mr. GARY. I think on the average. Of course anyone hesitates to speak about a competitor, but I would not hesitate to say, in my opinion, at least $1 a ton.

The CHAIRMAN. Cheaper than your competitors?

Mr. GARY. Yes, sir.

Further examined along this line, he said (Tariff Hearings, p. 5453):

The CHAIRMAN. Give us your best judgment, Judge. You say not less than a dollar?

Mr. GARY. I would rather not guess any further than that.

The CHAIRMAN. Would it be safe to say $2?

Mr. GARY. Not on the basis of manufacturing cost, I think. Of course, I am not speaking from the standpoint of the corporation, Mr. Chairman—from the standpoint of the corporation, which has a decided advantage in the quantity and quality of its ores and in owning its transportation companies to carry the ores to the Lakes, and its transportation facilities on the Lakes, and all that sort of thing. The advantage to the corporation is very much more; very much more than that.

The CHAIRMAN. Very much more than a dollar?

Mr. GARY. Oh, yes; very much more.

The CHAIRMAN. Is the entire difference more than $2?

Mr. GARY. Take an item of rails, for instance——

The CHAIRMAN. No; let us keep to pig iron.

Mr. GARY. All right. I think it is possibly more than $2, Mr. Chairman.

The CHAIRMAN. You think it is more than $2?

Mr. GARY. Yes; I think it is. I think there is no doubt it is more than that.

The CHAIRMAN. You think there is no doubt it is more than $2?

Mr. GARY. Yes.

Under the facts set out in this report, the absorption appears to have been contrary to the provisions of the antitrust law. Both companies, as we have said, were engaged in interstate commerce. They not only manufactured iron and steel, but sold, transported, and distributed their products among the several States of the United States. The transaction appears to be within the prohibition of the federal statute.

Addyston Pipe Company *v.* United States, 175 U. S., 211; Northern Securities Co. *v.* United States, 193 U. S., 197; Swift *v.* United States, 196 U. S., 375; Loewe *v.* Lawler, 208 U. S., 274; Pennsylvania Sugar Refining Co. *v.* American Sugar Refining Co., circuit court of appeals, second circuit (Dec. 15, 1908); United States *v.* American Tobacco Co. (S. Doc. 646, 60th Cong., 2d sess.): Continental Wall Paper Co. *v.* Voight (Sup. Ct. U. S., Feb. 1, 1909).

Among other things, the effect and purpose of the purchase and absorption of the Tennessee Company were to monopolize the iron-ore supply of the country for manufacture, sale, and distribution among the several States, and generally to eliminate the Tennessee Company as a competitor in the manufacture, sale, and distribution of iron and steel products among the several States. But complete monopoly of the iron and steel business is not necessary to bring the case within the condemnation of the statute. The general principle is thus stated by Chief Justice Fuller:

Again, all the authorities agree that, in order to vitiate a contract or combination, it is not essential that its result should be a complete monopoly. It is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition. (United States *v.* Knight, 156 U. S., 1.)

In the case of the Waters-Pierce Oil Company *v.* The State of Texas, decided January 18, 1909, the Supreme Court of the United States, in an able opinion of Mr. Justice Day, reaffirmed this principle:

In United States *v.* Knight (156 U. S., 1) this court said: "Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that its result be a complete monopoly. It is sufficient if it really tends to that end and to deprive the public of the advantages which flow from a free competition." This language was quoted with approval in the Addyston Pipe Company case (175 U. S., 237). And in the Northern Securities case (193 U. S., 197), while the the Sherman Act directly condemned conspiracies and combinations in restraint of trade or monopolizing or attempting to monopolize the same, this court said (p. 332):

"That to vitiate a combination such as the act of Congress condemns, it need not be shown that the combination in fact results, or will result in a total suppression of trade or in a complete monopoly, but it is only essential to show that by its necessary operation it tends to restrain interstate or international trade or commerce, or tends to create a monopoly in such trade or commerce, and to deprive the public of the advantages that flow from free competition."

Special attention is invited to the case of the United States *v.* The American Tobacco Company, supra. It involved the validity of the absorption of various independent companies by the American Tobacco Company and was tried before four circuit judges on the certificate of the Attorney-General under the act of February 11, 1903. The case was decided November 7, 1908, three of the judges, in separate opinions, declaring the absorption illegal. All of these opinions are interesting and able, but it will suffice to quote from that of Circuit Judge Lacombe:

Lacombe, C. J.: The act of July 2, 1890, in its first section declares to be illegal "every contract, combination in the form of trust, or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations." That declaration, ambiguous when enacted, is, as the writer conceives, no longer open to construction in the inferior federal courts. Disregarding various dicta and following the several propositions which have been approved by successive majorities of the Supreme Court, this language is to be construed as prohibiting any contract or combination whose direct effect is to prevent the free play of competition, and thus tend to deprive the country of the services of any number of independent dealers, however small. As thus construed the statute is revolutionary. By this it is not intended to

imply that the construction is incorrect. When we remember the circumstances under which the act was passed, the popular prejudice against large aggregations of capital, and the loud outcry against combinations which might in one way or another interfere to suppress or check the full, free, and wholly unrestrained competition which was assumed, rightly or wrongly, to be the very "life of trade," it would not be surprising to find that Congress had responded to what seemed to be the wishes of a large part, if not the majority, of the community, and that it intended to secure such competition against the operation of natural laws.

The act may be termed revolutionary because before its passage the courts had recognized a "restraint of trade," which was held not to be unfair, but permissible, although it operated in some measure to restrict competition. By insensible degrees, under the operation of many causes, business, manufacturing and trading alike, has more and more developed a tendency toward larger and larger aggregations of capital and more extensive combinations of individual enterprise. It is contended that under existing conditions, in that way only can production be increased and cheapened, new markets opened and developed, stability in reasonable prices secured, and industrial progress assured. But every aggregation of individuals or corporations, formerly independent, immediately upon its formation terminates an existing competition, whether or not some other competition may subsequently arise. The act, as above construed, prohibits every contract or combination in restraint of competition. Size is not made the test. Two individuals who have been driving rival express wagons between villages in two contiguous States, who enter into a combination to join forces and operate a single line, restrain an existing competition, and it would seem to make little difference whether they make such combination more effective by forming a partnership or not.

Accepting this construction of the statute, as it would seem this court must accept it, there can be little doubt that it has been violated in this case. The formation of the original American Tobacco Company, which antedated the Sherman Act, may be disregarded. But the present American Tobacco Company was formed by subsequent merger of the original company with the Continental Tobacco Company and the Consolidated Tobacco Company, and when that merger became complete two of its existing competitors in the tobacco business were eliminated.

What benefits may have come from this combination or from the others complained of it is not material to inquire, nor need subsequent business methods be considered nor the effects on production or prices. The record in this case does not indicate that there has been any increase in the price of tobacco products to the consumer. There is an absence of persuasive evidence that by unfair competition or improper practices independent dealers have been dragooned into giving up their individual enterprises and selling out to the principal defendant. In this connection interesting testimony is given by one of the Government's witnesses. The deponent was for many years an independent dealer and secretary of the Independent Tobacco Manufacturers' Association. He testified:

"My business was conducted by me alone; I had no partner, no corporation. It had got to be a large business, and if anything happened to me there was no one there to continue it. The value of the business was in a brand, and I became fearsome what would happen to it if I would be disabled in any way. It would not be much value to my estate unless some one had a knowledge of the business and knew how to manage it, and then I believed there was a maximum business beyond which you can not conduct it profitably personally. It will get so big that it requires an organization. And then, too, I was only identified as a scrap tobacco manufacturer, and going by precedent the consuming public of tobacco changes every ten, twelve, or fifteen years, and I have figured that might happen again, and it wouldn't use scrap tobacco and might use something else, and then I would not have much business, I thought. Whereas the American Tobacco Company had been in conference with me, I knew the officers, and I made up my mind when a proper proposition was made to me, such as was satisfactory to me, I would be very anxious to affiliate myself with a good, big tobacco organization, large enough and strong enough to take care of all conditions that might come up. I was not induced to sell out by a decrease of profits or by any unfair competition. I never had any fear they could drive me out of business."

During the existence of the American Tobacco Company new enterprises have been started—some with small capital—in competition with it and have thriven. The price of leaf tobacco—the raw material—except for one brief period of abnormal conditions, has steadily increased until it has nearly doubled, while at the same time 150,000 additional acres have been devoted to tobacco crops and the consumption of the leaf has greatly increased. Through the enterprise of defendant and at large expense new markets for American tobacco have been opened or developed in India, China, and elsewhere. But all this is immaterial; each one of these purchases of existing concerns, complained of in the petition, was a contract and combination in restraint of a competition existing when it was entered into, and that is sufficient to bring it within the ban of this drastic statute.

A large part of the record is taken up with testimony as to concealment of the relations existing between some of the defendants. It is difficult to see what bearing this has on the question in controversy. If an agreement by a corporation to acquire a majority of the stock of a competing corporation is obnoxious to the statute, its vice is certainly not eradicated by the promptest publicity. If, on the other hand, such an agreement is innocent, it does not become guilty merely because the parties to it keep their own counsel about their mutual transactions.

It is contended that the case at bar is not within the statute since the various combinations complained of deal primarily with manufacture, and United States *v.* Knight (156 U. S., 1) is cited in support of that proposition. It seems to the writer, however, that subsequent decisions of the Supreme Court have modified the opinion in that case, and that the one at bar is as much within the statute as was the combination condemned in Loewe *v.* Lawler (208 U. S., 274).

It follows from what has been said that we think the resolution should be answered that, in the judgment of the committee, the President was not authorized to permit the absorption of the Tennessee Company by the Steel Corporation.

A. B. KITTREDGE.
LEE S. OVERMAN.
ISIDOR RAYNER.
C. A. CULBERSON.

VIEWS OF MR. BACON.

Under the facts narrated and the authorities cited in the foregoing report, it is my opinion that the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation was in violation of the existing laws of the United States, and no officer of the United States has authority to countenance or to even negatively sanction such violation of law.

In view, however, of the fact that the Constitution devolves upon the Senate the duty of hearing and determining any charges alleged against the President, which may be preferred in the manner prescribed by the Constitution, it is my opinion that, while the Senate might commend or approve any act of the President, it would be improper for the Senate in the absence of charges thus preferred and a legal trial thereon to express by resolution or otherwise its judgment of condemnation relative to any alleged official misconduct on the part of the President.

For this reason my view is that the expression of the opinion of the commitee to the Senate should be limited to the above statement.

A. O. BACON.

VIEWS OF MR. NELSON.

In my opinion, the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation was clearly in violation of the antitrust law. I am further of the opinion that such absorption ought not to have been tolerated by the Government, but I believe the President was misled into taking the course he did take by the representations made to him, that the absorption was necessary in order to stay and allay the financial panic then prevailing, and that but for his belief in the truth of such representations he would not have acquiesced in the absorption.

KNUTE NELSON.

VIEWS OF MR. FORAKER.

I do not think it necessary for the committee to consider whether or not the transaction under investigation was a violation of the Sherman antitrust law.

On that point I express no opinion, except that, in my judgment, it more properly belongs to a court of competent jurisdiction in an appropriate proceeding, with all the parties before it, to determine that question than for this committee to pass upon it.

As I understand the resolution of the Senate directing this proceeding, it involves two assumptions:

1. That the merger was a violation of the Sherman antitrust law; and

2. That the letter of the President to the Attorney-General, dated November 4, 1907, was in effect an attempt to authorize the Attorney-General to take no steps to enforce the law that was being violated.

These same assumptions were also involved in the conference between Messrs. Gary and Frick and the President, and in the action of the President in writing his letter of November 4, 1907, to the Attorney-General. Unless the parties to that conference were of the impression that the transaction would be in violation of the statute, or at least that it might be so construed, there was no reason for such a conference, and all they did was without any intelligent purpose.

If they were correct in their impressions and assumptions, the only question remaining is that which the Senate directed this committee to answer, namely, whether or not the President had authority to permit the merger.

If the law did not apply to the transaction, there was no occasion for the President or any other official to be consulted or to give any expression on the subject, for manifestly he had no authority in the premises.

If, on the other hand, the law did apply, it is plain beyond the necessity of argument that the President had no power to suspend it or to authorize or even permit its nonenforcement, for it is his duty to execute the law. This has been well settled ever since the Marbury case (1 Cranch, 158).

Entertaining this view, I am of the opinion that the question directed to this committee by the Senate, "whether the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation," should be answered in the negative.

J. B. FORAKER.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I ask that the conference report on Senate bill 2982 be laid before the Senate pursuant to the agreement yesterday.

Mr. CLARKE or Arkansas. The report relates to a matter of some importance, and I think there should be a quorum of the

Senate present when it is being considered. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beveridge	Cullom	Hemenway	Perkins
Borah	Daniel	Heyburn	Piles
Brandegee	Dick	Johnston	Scott
Briggs	Dillingham	Kean	Simmons
Brown	Dolliver	Kittredge	Smith, Md.
Burkett	Flint	La Follette	Smith, Mich.
Burnham	Foster	Lodge	Stone
Burrows	Fulton	McCumber	Sutherland
Carter	Gallinger	Martin	Teller
Clapp	Gamble	Money	Tillman
Clark, Wyo.	Gary	Overman	Warner
Clarke, Ark.	Gore	Owen	Warren
Clay	Guggenheim	Page	
Crane	Hale	Paynter	
Culberson	Hansbrough	Penrose	

Mr. CLAY. I desire to state that my colleague [Mr. BACON] has been detained at home since Saturday on account of sickness. He is unable to be in attendance on the Senate.

The VICE-PRESIDENT. Fifty-seven Senators have answered to their names. A quorum of the Senate is present.

Mr. CULLOM. Will the Senator from Idaho yield to me to have a little bill passed that I think will take no time?

Mr. HEYBURN. I ask first that the conference report be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the conference report on Senate bill 2982. The report will be read.

Mr. CLARKE of Arkansas. The report relates to a matter of difference between the two Houses and an agreement relating to what is known as the "criminal code."

Mr. HEYBURN. Has the report been laid before the Senate?

The VICE-PRESIDENT. It has been laid before the Senate.

Mr. HEYBURN. I want the RECORD to show that it was laid before the Senate.

The VICE-PRESIDENT. It has been laid before the Senate.

Mr. CULLOM. I believe the Senator from Idaho agrees to yield to me to have a little measure passed.

Mr. HEYBURN. I will yield to the Senator from Illinois, if I may do so under the rule.

SURFACE RIGHTS OF ENTRYMEN.

Mr. CLARK of Wyoming. When the absence of a quorum was suggested I was about to present a small conference report. I ask the indulgence of the Senator from Idaho for its present consideration.

Mr. HEYBURN. Very well.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24834) for the protection of the surface rights of entrymen, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its agreement to amendment numbered 1, striking out the word "heretofore," on line 3, page 1, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same with an amendment as follows:

Strike out the semicolon at the end of line 12, page 2, and insert a period. Strike out all of lines 13, 14, 15, and 16, on page 2, and insert the following: "Such locator, selector, or entryman who has heretofore made or shall hereafter make final proof showing good faith and satisfactory compliance with the law under which his land is claimed shall be entitled to a patent without reservation unless at the time of such final proof and entry it shall be shown that the land is chiefly valuable for coal."

And that the Senate agree to the same.

C. D. CLARK,
JOS. M. DIXON,
J. H. BANKHEAD,
Managers on the part of the Senate.

F. W. MONDELL,
A. J. VOLSTEAD,
JOS. T. ROBINSON,
Managers on the part of the House.

The report was agreed to.

WATERS OF THE NIAGARA RIVER.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. J. Res. 262) extending the operation of an act for the control and regulation of the waters of the Niagara River, for the preservation of Niagara Falls, and for other purposes, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. MARTIN introduced a bill (S. 9530) for the relief of Grace Evangelical Lutheran Church, of Winchester, Va., which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 9531) for the relief of Alfred Richardson and others, heirs of John Richardson, deceased, of Franklin County, N. C., which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. PILES introduced a bill (S. 9532) granting an increase of pension to Hiram S. Stevens, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 9533) granting an increase of pension to Charles Rogers, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. TALIAFERRO introduced a bill (S. 9534) for the relief of the heirs of John Starke, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 9535) for the relief of the Presbyterian Church at Greenville, Miss., which was read twice by its title and referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 9536) for the relief of Shelby Lodge, No. 162, Ancient Free and Accepted Masons, Bristol, Va., which was read twice by its title and referred to the Committee on Claims.

Mr. KNOX introduced a bill (S. 9537) for the relief of Joseph Roberts and certain other army officers and their heirs or legal representatives, which was read twice by its title and referred to the Committee on Claims.

RECLAMATION OF ARID LANDS.

Mr. CARTER submitted the following resolution (S. Res. 319), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Irrigation be, and it is hereby, authorized and directed, by subcommittee or otherwise, to visit, during the recess of the Senate, such reclamation works of the United States Reclamation Service as in the committee's judgment should be examined, in order to ascertain existing conditions therewith connected and secure information deemed useful in the consideration of future proposed legislation affecting the reclamation of arid lands. And the committee is further authorized to send for persons and papers, to administer oaths, to employ a stenographer, and to have such printing done as the committee may require; the expenses incurred to be paid out of the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

YELLOWSTONE NATIONAL PARK.

Mr. CARTER. I present a paper, being notes, historical and descriptive, of the Yellowstone National Park, compiled and prepared by Mr. John H. Raftery, under the direction and supervision of Lieut. Gen. S. M. B. Young, U. S. Army, retired, superintendent. Later I shall present illustrations to accompany the paper. I move that it be printed as a document (S. Doc. No. 752).

The motion was agreed to.

Mr. HEYBURN. I ask that the conference report which was laid before the Senate shall be read.

The VICE-PRESIDENT. Before doing that, if the Senator will yield, the Chair will lay before the Senate messages from the House of Representatives.

PUBLIC BUILDINGS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes, and request-

ing a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SCOTT. I move that the Senate adhere to its amendments and agree to the request of the House for a conference, and that the President of the Senate appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. SCOTT, Mr. MCCUMBER, and Mr. CULBERSON conferees on the part of the Senate.

MILITARY ACADEMY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SCOTT. I move that the Senate insist on its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. SCOTT, Mr. HEMENWAY, and Mr. FOSTER conferees on the part of the Senate.

PEACE OFFICERS IN ALASKA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 8058) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior.

The amendment of the House was to strike out all after the enacting clause of the bill, and to insert:

That the Attorney-General shall have power to appoint, in his discretion, any person employed in the Alaska school service who may be designated by the Secretary of the Interior as a special peace officer of the division of the district of Alaska in which such person resides; and such special peace officer shall have authority to arrest, upon warrant duly issued, any native of the district of Alaska charged with the violation of any of the provisions of the criminal code of Alaska (act Mar. 3, 1899, 2d Supp. Rev. Stat., 1003) or any amendment thereof, or any white man charged with the violation of any of said provisions to the detriment of any native of the district of Alaska; and such peace officer shall also have authority to make such arrests, without warrant, for a crime committed or attempted in his presence, or when the person arrested has committed a felony, although not in his presence, or when a felony has in fact been committed and he has reasonable cause for believing the person arrested to have committed it; and any person so arrested shall be taken, in accordance with such rules and regulations as may be prescribed by the Attorney-General, and without unnecessary delay, before a United States commissioner or other judicial officer for trial: *Provided, however,* That no person so appointed shall be entitled to any fees or emoluments of any character whatsoever for performing any of the services herein mentioned, but may be allowed, in the discretion of the Attorney-General, expenses actually and necessarily incurred in connection with such services.

Mr. BEVERIDGE. I move that the Senate agree to the House amendment.

The motion was agreed to.

ESTATE OF WILLIAM J. CUSSEN.

Mr. MARTIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Virginia?

Mr. HEYBURN. I do. I desire to give notice that I do not wish to yield further.

Mr. MARTIN. I ask the Senate to proceed to the bill (H. R. 1622) for the relief of the estate of William J. Cussen.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that a judgment recovered in favor of the United States against William J. Cussen and Nicholas A. Cullen in the circuit court for the eastern district of Virginia on the 31st day of January, 1870, for the sum of $1,968, and $40.40 costs, be, and the same is hereby, declared to be released and satisfied as to the estate of the said William J. Cussen, now deceased, and as to any estate, real or personal, acquired by the said Cussen subsequent to the date of the said judgment and aliened by him to others during his lifetime or owned by him at the time of his death; and the United States attorney for the eastern district of Virginia is hereby authorized and directed to mark on the order book of the court where the said judgment is recovered that the same has been satisfied.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I ask that the report of the conference committee on Senate bill 2982 be read.

The Secretary proceeded to read the conference report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 2982, being a bill to codify, revise, and amend the penal laws of the United States, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate agree to the House amendment, with amendments to sections 7, 19, 20, 37, 51, 95, 125, 126, 140, 187, 200, 226, 227, 243, 253, 254, 255, 256, 257, 262, 263, 276, 295, 300, 321, 322, 323, and 349.

That the House agree to the amendments proposed by the Senate conferees, as follows:

Section 7. On page 4, in line 21, after the words "United States," insert the words "or in any place subject to the jurisdiction thereof."

Section 19. On page 12, line 13, substitute a semicolon for the period, and add the following: "and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States."

Section 20. On page 12 strike out section 20.

Section 37. On page 22, in line 11, substitute a comma for the semicolon, strike out the remainder of the section, and in lieu thereof insert the following: "shall be fined not more than five thousand dollars or imprisoned not more than five years, or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or person under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars and imprisoned not more than two years."

Section 51. On page 28, at the end of the section, add the following: "And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands."

Section 95. On page 48, at the end of line 21, add the words "prima facie."

Section 105. On page 53, in line 1, after the word "or," strike out the word "be."

Section 125. On page 63, in lines 3 to 7, amend the proviso so as to read as follows: "*Provided*, That no person shall be deemed guilty of a violation of any such rule unless prior to such alleged violation he shall have had actual knowledge thereof."

Section 126. On page 63, in line 13, strike out the word "and" and insert in lieu thereof the word "or;" and in line 14 substitute a comma for the period at the end of the section and add the words "or both."

Section 140. On page 70 strike out section 140.

Section 142. On page 71, in line 1, strike out the word "now" before the word "provided."

Section 187. On page 98, in line 17, after the word "vessel," insert the words "to the current business of the carrier."

Section 194. On page 100, in line 18, strike out the word "or" before the word "embezzling."

Section 200. On page 104, in line 14, substitute a semicolon for the comma, strike out the remainder of the section, and in lieu thereof insert the following: "and if in effecting or attemping to effect such robbery he shall wound the person having custody of such mail, or put his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned twenty-five years."

Section 226. On page 123, in line 6, before the word "submit," insert the word "knowingly."

Section 227. On page 123, in line 22, before the word "misstate," insert the word "or;" and in line 23, before the word "conceal," insert "for the purpose aforesaid shall knowingly and willfully."

Sections 241, 242, 243. On pages 132 and 133, strike out the word "That" at the beginning of each section and begin the first word of each section with a capital letter.

Section 243. On page 133, in line 13, after the word "shall," insert the word "knowingly."

Section 248. On page 136, in line 19, substitute for the words "and every" the words "or any."

Section 253. On page 140, in lines 9 and 10, strike out the words "being a citizen or other person resident."

Section 254. On page 140, in line 17, strike out the word "American;" and in line 18 substitute for the words "jurisdictional limits" the word "jurisdiction."

Section 255. On page 141, in line 1, strike out the word "American."

Section 256. On page 141, strike out section 256.

Section 257. On page 141, in line 12, strike out the words "State, Territory, or District" and in lieu thereof insert the words "place subject to the jurisdiction."

In line 13 strike out the words "a foreign country, state, or" and in lieu thereof insert the words "any other."

In lines 14 and 15 strike out the words "State, Territory, or District" and in lieu thereof insert the words "place subject to the jurisdiction."

Section 262. On page 143, in lines 13 and 14, strike out the words "jurisdictional limits" and in lieu thereof insert the word "jurisdiction."

Section 263. On page 143, in line 21, before the word "directly," insert the words "or under the jurisdiction thereof."

Section 270. On page 146, in line 11, strike out the word "other" before the word "foreign."

Section 276. On page 150, in line 8, strike out all after the period, and also all of lines 9 and 10.

Section 279. On page 151, in line 20, strike out the word "be" before the word "fined."

Section 295. On page 158 transpose the language of line 10 so that it will read "United States, beats, wounds, or without justifiable cause, im-."

Section 300. On page 161, in line 3, strike out the word "and" at the end of the line and in lieu thereof insert the word "or."

Section 321. On page 169, in line 15, strike out the words "in any Territory."

Section 322. On page 169, in line 19, strike out the words "in any Territory."

Section 323. On page 169, in line 23, strike out the words "in any Territory."

Section 349. On page 198, in line 1, strike out the word "from" and in lieu thereof insert the word "on;" in line 2 strike out the word "July" and in lieu thereof insert the word "January;" also in line 2 strike out the word "nine" and in lieu thereof insert the word "ten."

W. B. HEYBURN,
GEO. SUTHERLAND,
Managers on the part of the Senate.

R. O. MOON,
HERBERT PARSONS,
SWAGAR SHERLEY,
Managers on the part of the House.

DEFICIENCY APPROPRIATION BILL.

During the reading of the conference report,

Mr. HALE. I wish to make a report from the Committee on Appropriations.

Mr. CLARKE of Arkansas. Is that report in order under the unanimous-consent agreement to proceed to the consideration of the conferenee report now before the Senate?

Mr. HALE. The reservation was made not to interfere with appropriation bills.

Mr. ALDRICH. Mr. President, I can not let the remark of the Senator from Arkansas go unchallenged. There was no agreement to proceed with the consideration of the conference report at all, except to take it up at this time.

Mr. CLARKE of Arkansas. Very well.

Mr. HALE. I report back from the Committee on Appropriations, with amendments, the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes (S. Rept. No. 1109).

This is the last general appropriation bill, and I want to say to the Senate that I shall, with the concurrence of the Senate, take the same course that was taken yesterday on the sundry civil appropriation bill. The bill will go to the printer and will be there prepared in full for the Senate, so that all the provisions and all the amendments will be ready for examination by Senators. I shall then—and I have already attended to that—follow the course suggested by the Senator from Wisconsin [Mr. LA FOLLETTE] of having the bill sent at once to the Senate and placed on Senators' tables so that they can get such information as it is possible for any one to get by examination.

Then later I shall ask the Senate to take up the bill, as we took up the sundry civil appropriation bill yesterday, and I should hope, as this is a much smaller and shorter and less important bill, that we shall finish it in the afternoon, and thereby again save a night session. But I wish to say that if we do not finish it I shall ask the Senate to remain for a night session after a recess. However, the bill is not long. It is not important, compared with the other bill, and I hope that we can pass it and not have a night session, all the more because conferences on bills already passed will have to take place to-night and through to-morrow.

Mr. HEYBURN. I ask that pending the making of this report the conference report on Senate bill 2982 be temporarily laid aside, to be resumed after the report is made.

The VICE-PRESIDENT. The Senator from Idaho asks that the pending conference report be temporarily laid aside. Is there objection?

Mr. CLARKE of Arkansas. May I ask the Senator from Idaho for what length of time he desires to lay the report aside, if for any definite time in the day?

Mr. HEYBURN. Only until this report is received; probably for a minute.

The VICE-PRESIDENT. Without objection, it is so ordered. The bill will be placed on the calendar.

REVISION OF THE PENAL LAWS.

The Secretary resumed and concluded the reading of the report of the committee of conference on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. Mr. President, I move the adoption of the conference report.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

Mr. CLARKE of Arkansas. Mr. President, the report arises on this parliamentary condition: A joint committee was raised for the purpose of suggesting a codification of the criminal laws. The committee made a report to the respective Houses. The Senate passed the bill introduced here with sundry amendments. It went to the House. The House either amended the bill introduced in that branch or did not—I am not sufficiently advised as to what action was taken—but when the Senate bill was considered in the House the House bill was substituted in toto for the Senate bill.

The House bill has never been presented in the Senate. We do not know what the House has done, except so far as by reading we may have ascertained the facts. I ask that the House bill shall be read.

Mr. HEYBURN. Mr. President, in order that there may be no misunderstanding, I understand the Senator from Arkansas to state that the House struck out the Senate bill and inserted a new bill. If I am correct in that——

Mr. CLARKE of Arkansas. The House amended the same bill.

Mr. HEYBURN. In order that the RECORD may show the facts with perfect candor, I will state that instead of substituting a new bill they substituted a bill in exactly the same phraseology and language as that passed by the Senate, with the exception——

Mr. CLARKE of Arkansas. We will ask for the reading of the bill passed by the House of Representatives, and see just exactly what they did do.

Mr. HEYBURN. I am addressing myself to the request for the reading of the bill. Mr. President, I would have no objection to the reading of the bill, but it is obvious at this time that we are entering upon a filibuster on the part of the minority against the passage of this measure, and the reading of the substitute bill of the House can accomplish no good purpose itself.

There is no question on the part of anyone but what it is the same language and phraseology as the bill that was passed through the Senate, with the exception of 35 trifling amendments, very brief in form, all of which are numbered and set out in distinctive type in the bill which is on the desk of every Senator.

I merely protest against the taking of the time of the Senate to read this entire bill, it not being calculated to enlighten anyone desiring to consider it.

Mr. President, the question is on the adoption of the conference report. The conference is as to the controverted questions between the two bodies. They are set out in full, not only in the report, but upon the reprint of the bill which is before every Senator, with an explanation as to the meaning to be attached to the signals or marks printed in the bill.

Mr. CLARKE of Arkansas. Mr. President, the Senator is hardly authorized to make a statement that we are setting out upon a filibuster when a Member of the Senate asks that a proposed measure of legislation shall be presented at one time before the body. The Constitution contemplates the reading of a bill, that it shall be in writing or printing, and when we ask

that a measure upon which we are expected to vote, which it is proposed to enact into law, shall be read at the desk, the very words and phrases that are to constitute the law, we are well within the rights of any Member here.

The Senator from Idaho is not authorized to say that because we ask for that obvious and proper right in all cases we are engaged in some improper obstruction of legislative work.

Mr. SUTHERLAND. Will the Senator yield to me?

Mr. CLARKE of Arkansas. Certainly.

Mr. SUTHERLAND. The Senator from Arkansas is a member of this Joint Committee on the Revision of the Laws?

Mr. CLARKE of Arkansas. Yes, sir.

Mr. SUTHERLAND. Therefore he is entirely familiar with the history——

Mr. CLARKE of Arkansas. Therefore he is not entirely familiar, because he never attended a single session of the committee and knows nothing about the provisions of the law except as he has learned them in his capacity as a Member of the Senate, after the matter was presented to the Senate.

Mr. SUTHERLAND. The Senator has been paying a great deal of attention to it during the past few days, at any rate.

Mr. CLARKE of Arkansas. Yes, sir; to some features of it.

Mr. SUTHERLAND. The Senator has been furnished with a copy of the bill as it passed the House with the various suggested amendments, and he has had that information for two or three days.

Mr. CLARKE of Arkansas. That might be a very good reason for having some information on the subject, but it does not quite answer the objection that any Member of the Senate is entitled to know what he is voting on and having it made known to him from the desk.

Mr. SUTHERLAND. What I was saying to the Senator was preliminary to a question which I desire to ask him. I desire to ask the Senator if it is not true that the House amendment substituting a bill for the Senate bill is in the exact language, word for word, line for line, and letter for letter from end to end with the bill as passed by the Senate, with the exception of certain amendments, which are, in the main, mere changes in phraseology, which were put upon the bill by the other House?

I want to ask the Senator, further, if it is not true that every one of those amendments is clearly indicated upon the bill which Senators now have before them on their desks?

Mr. CLARKE of Arkansas. I can only say that I do not know. I am unable to answer the inquiry of the Senator from Utah. I assume that, if I were to ask him, he might tell me so, and it would doubtless be true; but we are not required to legislate upon any such basis as that. We are entitled to have presented to this Senate the particular matters that we are to pass upon in our investigation as Senators. It may be that this was a work of diligence, a commendable work of accommodation for the Senator from Utah to inform himself sufficiently to ask questions of that kind and to expect answers. I have not found time in which to do it. If I should say I knew that that was true, I should have no authority for making that statement, except the confidence I have in the statement made by the Senator from Utah.

I am entitled to have this bill proceeded with in an orderly way and in accordance with the precedents of parliamentary law, by which all legislation is enacted, and there is no reason why there should be an exception on this occasion. If the object of it is merely to delay, I can read the bill, but I think I am entitled to have it read at the desk, and I think every other Senator is entitled to have it read at the desk, because that pertains to the established method of legislation.

Mr. SUTHERLAND. Let me ask the Senator——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. CLARKE of Arkansas. Yes; cheerfully.

Mr. SUTHERLAND. Does not the Senator from Arkansas understand that we are now simply considering a conference report and that we are not considering the original bill?

Mr. CLARKE of Arkansas. We are considering the propriety of adopting the House amendment in substitution of the Senate bill. That is what we are considering. Conferees have no power to legislate. They simply recommend; and we advise ourselves and adopt or reject their reports as in our judgment is necessary.

Mr. SUTHERLAND. Yes; but we are considering the report of the conference committee.

Mr. CLARKE of Arkansas. If the Senator is making that inquiry for the purpose of shutting out from the Senate a personal knowledge of the contents of this document and requiring us to accept his statement of what it contains, rather than our own judgment and our own knowledge of what it contains——

Mr. SUTHERLAND. The report shows for itself what it contains.

Mr. CLARKE of Arkansas. That is all right. We understand exactly all about the particular documents that go to make up the record in any given legislative proposal, but we are entitled to have the rules of the Senate observed, and we are entitled to have the knowledge, which the Constitution guarantees we shall have, as to the contents of every law that is proposed here for adoption.

I ask for the reading of the House amendment.

The VICE-PRESIDENT. The Secretary will read, as requested.

Mr. HEYBURN. Mr. President, I think we will raise an objection against the reading of this bill for the purpose for which it is proposed to read it—merely to take time.

The VICE-PRESIDENT. The Chair is of the opinion that the request of the Senator from Arkansas [Mr. CLARKE] is in order. The Secretary will read, as requested.

Mr. HEYBURN. If in order, is it subject to objection?

The VICE-PRESIDENT. It is not subject to objection. The Secretary will read.

The SECRETARY. In section 6, page 4, line 22, after the words "United States," it is proposed to strike out——

Mr. CLARKE of Arkansas. I ask that the whole amendment of the House be read, starting at the beginning. The whole thing is an amendment.

The VICE-PRESIDENT. The Secretary will read, as requested.

The SECRETARY. It is proposed to strike out the following words:

Or in any place subject to the jurisdiction thereof.

Mr. HEYBURN. Mr. President, I suppose we shall be obliged to submit to the reading of this bill for the destruction of time. I am going to take the liberty of being very candid in regard to this matter, so that it may go out with the record of the proceedings of this body to the country, with its true meaning apparent on the face of it.

I am advised—and I am subject to interruption right now if I am mistaken—that the objection to the adoption of this report is based upon a contention on the part of the minority that the Congress of the United States shall abandon all legislation dealing with offenses against the elective franchise—the civil rights of citizens. It is given to me by a member of our own joint committee in this body—speaking, as I am advised he does speak, for the minority of this body—that as a condition precedent to the consideration and adoption of the report of this committee of conference the Senate of the United States and the other House shall recede from all reconstruction legislation that was enacted for the purpose of making effective the fourteenth and fifteenth amendments to the Constitution of the United States; and that unless Congress does recede, and by omission from this codification and revision of the laws repeal the reconstruction legislation that was made for the purpose of making effective the fourteenth and fifteenth amendments to the Constitution, no legislation shall be had at this time. I have submitted that question to a Senator who speaks for the minority, and who is not only a member of the Joint Committee for the Revision of the Laws, but who is a member—well, he was not a member of the conference committee, but he was a member of the committee that considered this matter in preparing it for presentation to the Senate, and was present and participated in the Senate deliberations when the Senate passed the bill.

Now, I will not say under the pretense, but a reason is given for asking that this bill be read, that Senators are not familiar with it. It does not come with good grace from a Senator who is a member of a committee charged with the responsibility of reporting a measure to this House for its consideration, or a Senator who was present and voted upon this measure after the Senate had reached an agreement and sent the measure to the other House—it does not come with a very good grace to claim at this time such a lack of knowledge as to the contents of the bill as would require it to be read.

We might as well come to an understanding this morning in the beginning, because, of course, we know that at this period in the session this measure can be talked out of existence. I prefer that it be voted out of existence. I prefer that the vote of every Senator upon the question as to whether we are to obtain a repeal of the reconstruction acts passed after the close of the war of the rebellion or whether we are not to repeal them shall be determined, and that every man's vote and responsibility shall be behind it. It is upon that point that I intend to insist.

Mr. DANIEL. Mr. President, if the Senator from Idaho tries to push his bill in contempt of the laws of this body, I, at least,

will say that I never heard of the objection which he has announced; and I belong to the minority. I only wish to hear the bill read so that I may be informed of it. I was on the Committee on Revision, but the revision was put into other hands. Consequently I have had no opportunity to attend to this bill in these closing hours of this session.

Mr. HEYBURN. I can not hear the Senator from Virginia.

The VICE-PRESIDENT. The Senator from Virginia is not heard by the Senator from Idaho.

Mr. DANIEL. I wish to say that I had not heard of any such interpretation of this measure as the Senator from Idaho puts upon it, and I am one of the minority; and I object to it not on any grounds which the Senator alleges. I want to hear those grounds now that the Senator has pointed out.

Mr. HEYBURN. If the Senator will pardon me for an interruption——

Mr. DANIEL. Certainly.

Mr. HEYBURN. I am, of course, very glad to understand that the Senator from Virginia does not share in the views of other Senators on that side of the Chamber. I was speaking of a conversation with the Senator in charge of the opposition fresh in my mind, and I think he will not contend that I did not correctly state the position which he stated to me was that of the opposition.

Mr. DANIEL. The Senator from Idaho did not state to what Senator he referred, and I know of no such views of any of the opposition. I do not think that this is the place to relate private conversation between members of committees.

Mr. HEYBURN. Mr. President, I had consent to do it. I went to that Senator for information, and I stated to him, as I marked the bill, that I desired to make the statement.

Mr. DANIEL. On account of the Senate, as well as on account of the Senators, I make objection to any such irregular and inappropriate method of presenting a case in the Senate. Every Senator here has the same rights. If he wishes to exercise those rights, it is nobody else's business. He is entitled to do it upon his honor as a man and upon his status as a co-Senator, which is, at least, as high as that of anyone who urges this body to break its own laws.

In this connection, I desire to submit some references in relation to the matter referred to by the Senator from Idaho.

Statement relative to sections 5506 to 5532, inclusive, of Revised Statutes, and known as the "civil-rights sections."

Section 5506, repealed in 1894, and not in code bill.

Section 5507, unconstitutional, and not in code bill.

Section 5508 is carried into code bill without change. It is a general-conspiracy section; has been repeatedly held constitutional and relates to conspiracy against any right of a citizen, and has in recent years been invoked for many offenses having no relation to any race question. It is section 19 in the penal-code bill.

Section 5509 undertakes to make liable any person engaged in a conspiracy punishable in section 5508 for any offense committed in pursuance of such conspiracy, and makes such person liable to any punishment provided by a state law for a similar offense. This section is left out by the conference agreement.

Section 5510 is carried in the penal code bill with a change made by the insertion of the word "wilfully," thus making it less severe. The section punishes discriminations on account of race, etc. It is found as modified as section 21 of the penal code bill.

Sections 5511, 5512, 5513, 5514, 5515, 5520, 5521, 5522, and 5523 were repealed in 1894, and are not restored.

Section 5516 punishes any person who interferes with an officer serving a warrant, etc., or aids in the escape of a person under arrest. It is carried in substantial form in the penal code bill as section 140.

Section 5517 relates to a fine of a marshal for failure to serve papers and is not carried in this code, but will be in the revision of the civil laws, to be made subsequently.

Section 5518 relates to conspiracy against a person holding an office, etc., and is carried without change in the penal code bill as section 22.

Section 5519 is unconstitutional and not in penal code bill.

Sections 5524 and 5525 relate to slave trade and are carried without material change into penal code bill as part of sections relating to slave trade.

Sections 5526 and 5527 relate to peonage. Are carried without change as sections 263 and 264.

Sections 5528, 5529, 5530, 5531, and 5532 punish officers of the army and navy for interfering with an election, and are carried without change as sections 24, 25, 26, 27, and 28 in the penal code bill.

The VICE-PRESIDENT. The Secretary will resume the reading.

The Secretary resumed the reading of the amendment of the House of Representatives and read to the end of section 1.

Mr. TILLMAN. Mr. President, is the document, which is now being read, in print, so that Senators can get a copy of it and follow the reading?

Mr. SUTHERLAND. Mr. President, the bill is in print and the Senator from South Carolina can obtain a copy of it from the Secretary.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The Secretary resumed the reading and read to the end of section 5.

Mr. MONEY. Mr. President, I do not think there is a quorum present, and I ask for a call of the Senate.

The VICE-PRESIDENT. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Cullom	Gore	Owen
Bankhead	Cummins	Hansbrough	Page
Beveridge	Curtis	Heyburn	Perkins
Borah	Daniel	Hopkins	Piles
Brandegee	Depew	Johnston	Rayner
Brown	Dick	Kean	Richardson
Bulkeley	Dixon	Kittredge	Scott
Burkett	Dolliver	Knox	Simmons
Burnham	Elkins	La Follette	Smith, Mich.
Burrows	Flint	Long	Smoot
Carter	Foraker	McCumber	Stephenson
Clapp	Foster	McLaurin	Stone
Clark, Wyo.	Frazier	Martin	Sutherland
Clarke, Ark.	Frye	Money	Teller
Clay	Fulton	Nelson	Tillman
Crane	Gallinger	Nixon	Warner
Culberson	Gamble	Overman	Warren

The VICE-PRESIDENT. Sixty-eight Senators have answered to their names. A quorum of the Senate is present.

The Secretary resumed and continued the reading of the amendments of the House of Representatives to the end of section 9.

Mr. CLARKE of Arkansas. I ask what section the Secretary is now reading?

The VICE-PRESIDENT. The Secretary has just read section 9.

The Secretary resumed and continued the reading to the beginning of chapter 3, "Offenses against the elective franchise and civil rights of citizens."

Mr. CLARKE of Arkansas. I ask that the Secretary read the next chapter—chapter 3—slowly and distinctly.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary resumed and continued the reading of the House amendment to the end of section 19.

Mr. CLARKE of Arkansas. Let me inquire of the Senator from Utah as to the significance of the lines stricken out at the bottom of section 19, succeeding the figure "2." What does that indicate? The copy of the amendment I have, beginning in line 13, reads:

(2) and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

Mr. SUTHERLAND. The language to which the Senator calls attention is in existing law. It was left in by the Senate. The House struck it out. The Senate conferees restored it. So that the section now reads precisely as it does in the existing law.

Mr. CLARKE of Arkansas. That particular language indicated in the print from which the Senator reads by a line drawn across the face of the type indicates that it is to be restored?

Mr. SUTHERLAND. No; that does not indicate that it is to be restored. That indicates that it is a Senate provision to which the House disagreed. The House struck it out. That was one of the items in conference. The conferees agreed to restore it.

The reading of the amendment was resumed.

Mr. CLARKE of Arkansas. I think probably the Clerk did not read section 49 as it is printed in the copy of the bill I have. I ask him to read it as it is printed here.

The VICE-PRESIDENT. The Secretary read the section precisely as it is printed.

Mr. CLARKE of Arkansas. In the print we have section 50 reads this way:

Whoever shall cut, or cause or procure to be cut, or who shall wantonly destroy.

The numbering of the sections is not exactly as the Clerk is announcing it at the desk.

The VICE-PRESIDENT. The Secretary is reading from the House print.

Mr. HEYBURN. The Senator from Arkansas will observe that the numbers of the sections in the print of the Senate bill and in the House print vary one or two sometimes because of amendments, but anyone accustomed to it can follow it.

Mr. CLARKE of Arkansas. Is there a print of the bill that corresponds exactly with the print the Clerk is reading?

Mr. HEYBURN. The Clerk is reading from the bill itself, and the Senator has access to that bill, as others have. The print that was made showing the amendments, with appropriate numbers, was made for the convenience of Senators, and there is no difficulty in identifying the sections with the official print. We could not follow the official print, inasmuch as the sections of the bill as it passed the Senate and the House, because of amendments, were shifted backward and forward.

Mr. CLARKE of Arkansas. The earnestness of the Senator does not supply the information I sought. I ask if there has been printed an exact copy of the bill the Clerk is now reading?

Mr. HEYBURN. I understand the Senator called for the reading of the bill, and the bill is being read.

Mr. CLARKE of Arkansas. I am not objecting to that. That is entirely proper. I ask the question whether or not there is a print of the exact matter the Clerk is now reading?

The VICE-PRESIDENT. The Chair has no information upon the subject. The Secretary will read the official bill he has in his hand.

Mr. SUTHERLAND. I will say for the information of the Senator from Arkansas that there is no exact reprint of this bill. There is a reprint of the bill as it passed the House, with the amendments added. So the Senator has before him the bill as it passed the House with the amendments indicated.

Mr. CLARKE of Arkansas. But there is not any print by which we can identify with absolute certainty the particular legislation that we will enact if we vote for this bill.

Mr. SUTHERLAND. The Senator is mistaken; there is.

Mr. CLARKE of Arkansas. Where will I find one?

Mr. SUTHERLAND. The Senator has it before him.

Mr. CLARKE of Arkansas. I have before me a print which gives as section 50 an entirely different section from the one the Clerk is now reading.

Mr. SUTHERLAND. There is some confusion in numbering.

Mr. CLARKE of Arkansas. I know that, of course, now that the Senator from Utah has explained it, but I might have assumed that it was an error in the print. There is no way by which we can identify the matter as read by the Clerk except to assume that the official print from the House will be the one we will vote upon.

Mr. SUTHERLAND. The only way is to follow the sections consecutively.

Mr. CLARKE of Arkansas. I have been undertaking to do that, and I found that I could not do so.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The reading of the amendment was resumed.

Mr. CLARKE of Arkansas. Mr. President, in view of the fact that there is a discrepancy between the printed bill and the bill being read at the desk, I think Senators should be present while it is being read, as it furnishes the only information as to what we will be called upon to vote on. I therefore suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Crane	Gamble	Paynter
Bailey	Culberson	Gary	Penrose
Bankhead	Cummins	Gore	Perkins
Beveridge	Curtis	Guggenheim	Piles
Borah	Daniel	Heyburn	Platt
Bourne	Depew	Johnston	Richardson
Brandegee	Dick	Kean	Simmons
Briggs	Dixon	Kittredge	Smoot
Brown	Dolliver	Knox	Stephenson
Bulkeley	du Pont	Lodge	Stone
Burkett	Elkins	McLaurin	Sutherland
Burnham	Flint	Milton	Taylor
Burrows	Foraker	Money	Teller
Carter	Foster	Nelson	Warner
Clapp	Frazier	Nixon	Warren
Clark, Wyo.	Frye	Overman	Wetmore
Clarke, Ark.	Fulton	Owen	
Clay	Gallinger	Page	

The VICE-PRESIDENT. Seventy Senators have answered to their names. A quorum of the Senate is present. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the amendment.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask the Senator from Idaho if he will suspend a moment until I submit a conference report?

Mr. HEYBURN. Very well.

The VICE-PRESIDENT. The Senator from Wyoming submits a conference report on the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

Mr. WARREN. As this is a full agreement, except one item in regard to which we shall have to go into conference again, I ask that the report may be adopted.

Mr. CLARKE of Arkansas. I have no objection to the adoption of the report, but I should like to know what we are going to adopt when we do adopt it. Let the report be read.

Mr. HEYBURN. Mr. President, I yielded for the purpose of allowing the report to be made and conferees appointed, but to interject another element of delay in this matter I will not agree.

Mr. BAILEY. I am under the impression that a conference report is always in order.

Mr. HEYBURN. No; nothing is in order as against the measure now under consideration.

Mr. BAILEY. My impression is that a conference report is always in order.

The VICE-PRESIDENT. The presentation of a conference report is always in order. Its consideration is for the determination of the Senate. The Senate now has under consideration a conference report.

Mr. ALDRICH. That may be true, but the presentation of a conference report is in order at any time, under any circumstances.

The VICE-PRESIDENT. That is correct; that is what the Chair stated.

Mr. HEYBURN. The report has been presented.

Mr. LODGE. The presentation is in order, but I think no action is in order.

Mr. BAILEY. The conference report is presented and is read. It can not be disposed of probably until afterwards, but it is not presented until it has been read.

The VICE-PRESIDENT. The presentation includes its reading.

Mr. ALDRICH. Undoubtedly.

The VICE-PRESIDENT. But the consideration of the report is a matter for the subsequent determination of the Senate. The Secretary will read the conference report.

The Secretary proceeded to read the report.

Mr. CLARKE of Arkansas. Let the report be intelligibly read so that we may know what the Senate conferees receded from and what amendments were concurred in.

The VICE-PRESIDENT. The Secretary is reading the report precisely as it is made.

The Secretary resumed and concluded the reading of the report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 18, 20, 31, 40, 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 12, 14, 15, 16, 17, 21, 22, 23, 24, 27, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 59, 60, 61; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment, insert "six hundred and twenty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment, insert "one million two hundred and sixty-three thousand seven hundred and sixty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one million four hundred and twenty-seven thousand eight hundred and sixty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out the word "carry," in line 25, page 15, and insert in lieu thereof the words "for carrying;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum inserted by the

amendment insert "two hundred and twenty-five thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum inserted by the amendment insert "one million one hundred and eighty thousand seven hundred and ninety-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "two hundred and sixty-two thousand three hundred and twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "ten thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum inserted by the amendment insert "one million seven hundred and nine thousand two hundred and sixty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of sum inserted by said amendment insert "one hundred and seventy-three thousand four hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of sum inserted by said amendment insert "two hundred and six thousand four hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "twelve million nine hundred and eighty-five thousand and thirty-six;" and the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 58.

F. E. WARREN,
J. P. DOLLIVER,
H. D. MONEY,
Managers on the part of the Senate.

CHARLES F. SCOTT,
JOHN LAMB,
GILBERT N. HAUGEN,
Managers on the part of the House.

The report was agreed to.

Mr. WARREN. I move the adoption of the report.

The report was agreed to.

Mr. WARREN. In view of the disagreement and the acceptance of the report I move that the Senate further insist upon its amendment numbered 58, that we invite the House to a further conference, and that the Vice-President appoint the managers on the part of the Senate, using the same names that were on the conference before.

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. DOLLIVER, and Mr. MONEY conferees on the part of the Senate at the further conference.

REVISION OF THE PENAL LAWS.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States, and read to section 127.

Mr. CLARKE of Arkansas. The hour of 12 o'clock having arrived, I move that the pending bill be temporarily laid aside for the consideration of morning business.

Mr. HEYBURN. I object.

Mr. CLARKE of Arkansas. I make the motion that that be done.

The VICE-PRESIDENT. The Senator from Arkansas moves that the consideration of the pending conference report be temporarily laid aside for the consideration of morning business.

Mr. HEYBURN. Is the motion debatable?

The VICE-PRESIDENT. The Senator from Idaho.

Mr. HEYBURN. Mr. President, I sincerely hope the motion of the Senator from Arkansas will not prevail. I object to laying the bill aside, temporarily or otherwise, and I will let the motion be put.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Arkansas. [Putting the question.] By the sound, the noes have it.

Mr. CLARKE of Arkansas. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. CLAY. I desire to announce that my colleague [Mr. BACON] is detained at home on account of sickness.

The result was announced—yeas 18, nays 60, as follows:

YEAS—18.

Bailey	Foster	Milton	Simmons
Bankhead	Gore	Money	Stone
Clarke, Ark.	Johnston	Overman	Taliaferro
Culberson	McLaurin	Paynter	
Daniel	Martin	Rayner	

NAYS—60.

Beveridge	Cullom	Gallinger	Nelson
Borah	Cummins	Gamble	Page
Bourne	Curtis	Gary	Penrose
Brandegee	Depew	Guggenheim	Perkins
Briggs	Dick	Hansbrough	Piles
Brown	Dillingham	Hemenway	Richardson
Bulkeley	Dixon	Heyburn	Scott
Burkett	Dolliver	Hopkins	Smith, Mich.
Burnham	du Pont	Kean	Stephenson
Burrows	Elkins	Kittredge	Sutherland
Carter	Flint	Knox	Taylor
Clapp	Foraker	La Follette	Teller
Clark, Wyo.	Frazier	Lodge	Warner
Clay	Frye	Long	Warren
Crane	Fulton	McCumber	Wetmore

NOT VOTING—14.

Aldrich	Hale	Nixon	Smoot
Ankeny	McCreary	Owen	Tillman
Bacon	McEnery	Platt	
Davis	Newlands	Smith, Md.	

So the Senate refused to lay aside the conference report.

Mr. CULBERSON. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas will state his parliamentary inquiry.

Mr. CULBERSON. It has been stated several times recently by the Senator from Rhode Island [Mr. ALDRICH] that the present measure is before the Senate by unanimous consent. I call the attention of the Chair to Rule VII, which provides:

After the Journal is read the presiding officer shall lay before the Senate messages from the President.

* * * * * * *

The presiding officer shall then call for, in the following order—

Certain matters that are to be presented.

In subdivision 3 of Rule VII it is provided:

3. Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the presiding officer, unless by unanimous consent; and if such consent be given the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.

I read that for the benefit of the Chair, and then ask what is the present status of the business of the Senate?

The VICE-PRESIDENT. The pending conference report is before the Senate under the following order of the Senate made last evening:

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the further consideration of the conference report on what is known as the "penal-code bill" shall now cease, and that the consideration of it be resumed at 10 o'clock to-morrow morning. Is there objection? The Chair hears none, and it is so ordered.

Mr. CULBERSON. Does the Chair construe what he has read to be unanimous consent?

The VICE-PRESIDENT. The Chair so construes it.

Mr. CLARKE of Arkansas. Before we pass by that particular question I desire to recall to the Senator a colloquy that took place between the senior Senator from Rhode Island [Mr. ALDRICH] and myself, in which the Senator from Rhode Island said: "I can not permit the suggestion of the Senator that this bill is before the Senate by unanimous consent to pass unchallenged. It is here by an affirmative vote of the Senate and can be displaced at any time if the rules and regulations and votes of the Senate shall see proper to displace it."

It was not the intention, so announced, to give it any privilege beyond that which was conferred upon it by the vote. Of course, the further consideration of it was dispensed with at the particular hour when the entry was made which the Chair has just read; but there was nothing said, and nothing manifested by not being said, which indicated that the standing rules of the Senate were to be modified, suspended, or repealed in favor of this bill. It had all the rights of any other bill, as a bill, to be considered at times that had not been definitely set apart for the consideration of other matters. When the Senator from Idaho asked unanimous consent that the further consideration of it might be suspended, of course, we all understood that

to be taken in connection with and interpreted by what had transpired when the Senator from Rhode Island had the floor.

I do not believe it was the intention of the Senate to give this bill a privilege that would displace every other order that the Senate prescribed by its rules. I think the Senator from Rhode Island would agree with me now, if he were present. I know he stated that opinion distinctly. That is his opinion now, and he made the statement this morning that the bill was before the Senate as the result of a vote, and not as the result of unanimous consent.

The VICE-PRESIDENT. The Chair is governed in his interpretation not by the understanding of any Senator, but by his own interpretation of the order made by the Senate itself.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. NELSON. Mr. President, I ask leave to make a conference report on the river and harbor bill (H. R. 28243), and ask for its immediate consideration.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. I yield for that purpose, but not for the discussion of any report.

Mr. NELSON. I do not think it will lead to any debate.

Mr. CULBERSON. I do not understand that the Senator from Idaho can limit the rights of a conference report. He says now that he yields "for that purpose, but not for discussion." If the conference report is before the Senate, it is here for all purposes, as I understand.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. CULBERSON. I do.

Mr. HEYBURN. If that were to be held, then I would be constrained not to yield for any report; and I have yielded already this morning to two or more conference reports, about which there was no controversy, always with the understanding, which amounts to unanimous consent in the absence of objection. If there is any controversy about it, then I will yield no further.

Mr. NELSON. I think there will be no controversy about the report I submit.

Mr. CULBERSON. I am not advised as to whether there is any controversy over this report or not, but I protest against the Senator from Idaho limiting the purpose for which he yields to the presentation of this report.

Mr. HEYBURN. I think that that is entirely within my rights. I am not obliged to yield at all. I may yield for the presentation of a conference report, reserving the right to have it laid over, this being business of the same character. We are considering another conference report, and I am not obliged to yield the floor on the consideration of this report.

Mr. CULBERSON. I insist that if the conference report presented by the Senator from Minnesota [Mr. NELSON] is presented it is presented for all purposes. That is my only object in rising.

Mr. HEYBURN. Then, I shall object to the report being presented.

The VICE-PRESIDENT. Objection is made to the presentation of the report. The Secretary will resume the reading.

Mr. NELSON. I think the conference report is in order, Mr. President.

The VICE-PRESIDENT. The presentation of the conference report is in order, but its consideration may not be proceeded with except by order of the Senate.

Mr. NELSON. Then, I shall move for its consideration.

The VICE-PRESIDENT. This is the first presentation of the report. The Chair is of opinion that the presentation is in order, but its consideration is a matter for the further determination of the Senate.

Mr. CULBERSON. I ask that the report be read, then.

The VICE-PRESIDENT. The Secretary will read the conference report.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, 7, 12, 13, 14, 15, 16, 19, 21, 25, 26, 45, 52, 58, 69, 73, 82, 83, and 84.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 9, 18, 20, 23, 24, 29, 30, 33, 36, 37, 38, 39, 41, 42, 44, 46, 47, 48, 51, 53, 54, 57, 63, 66, 70, 71, 74, 75, 76, 77, 78, and 79; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Hingham Harbor, Massachusetts: The balance remaining from appropriations heretofore made for this improvement may be diverted and made available for redredging and improving the channel;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: At the end of the language proposed to be inserted strike out the period and insert the following: "now or heretofore improved by the United States;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out and at the end thereof strike out the period and insert a colon and the following words: "*Provided*, That such survey shall in no way delay or interfere with the plans for construction already under way;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted, insert, at the end of section 10, the following: "The Secretary of War is also authorized, in his discretion, to permit any corporation or association of persons in King County, Wash., at their own expense and without cost to the United States Government, to widen, deepen, and straighten the Duwamish River in said King County: *Provided*, That the work so done shall be in accordance with plans approved by the Chief of Engineers of the War Department;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the number of the section as in the House bill, and in lieu of the language of the section in the House bill insert the following:

"SEC. 12. That part of the act entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved June thirteenth, nineteen hundred and two, in section one, relating to the Michigan-Lake Superior Power Company, is hereby amended by adding the following:

"The right to the flow of water, and riparian, water power, and other rights, now or hereafter owned by the United States in the St. Marys River, in Michigan, shall be forever conserved for the benefit of the Government of the United States, primarily for the purposes of navigation and incidentally for the purpose of having the water power developed, either for the direct use of the United States, or by lease or other agreement, through the Secretary of War, who is hereby authorized to make such leases or agreements: *Provided*, That a just and reasonable compensation shall be paid for the use of all waters or water power now or hereafter owned in said St. Marys River by the United States, whether utilized in said river or in any lateral canal, said compensation to be fixed by the Secretary of War: *Provided further*, That under no circumstances shall any rights be granted in said river which will interfere with the needs and uses of navigation or which will limit the absolute control of said land and waters when desired for purposes of navigation by the United States, or for a longer period than thirty years, and the Secretary of War, in his discretion, may provide for readjustment of compensation at periods of ten years, nor shall any such rights be granted without just and adequate compensation. It is intended that any excess of water in the St. Marys River at Sault Ste. Marie over and above the amount now or hereafter required for the uses of navigation shall be leased for power purposes by the Secretary of War upon such terms and conditions as shall be best calculated, in his judgment, to insure the development thereof. The Secretary of War may, as often as necessary, make such regulations as in his judgment are reasonable and just and best calculated to carry out the purposes of this section."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the word "eight" insert the word "seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Arkansas River, between Little Rock and Ozark,

with a view to improving the navigation by locks and dams or otherwise;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "to protect government property" and the semicolon; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: "Mosquito Inlet to New Smyrna;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In the language proposed strike out "nine" and insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: At the end of the language proposed, strike out the period and insert the following: "from the mouth to Burnt Fort;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: "Clearwater River, from its mouth to Kamiah, with a view to a maximum depth of six feet;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: "Missouri River, at the city of Atchison, with a view to retaining said river in its proper channel;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In addition to striking out the language as proposed, strike out also the following language immediately preceding it: "with a view to its improvement for navigation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "White Lake Harbor, with a view to providing an entrance channel with a depth of twenty feet and a turning basin;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Yellowstone River, from its mouth to Billings, with a view to a four-foot stage of water and the building of a lock at the United States government dam;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "with a view to dredging the channel and providing a harbor on the east side;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the word "Stantonburg" insert the word "Stantonsburg;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Neuse River from Pamlico Sound to Newbern; Trent River up to Quaker Bridge; Pasquotank River up to Elizabeth City, with a view to providing channels to conform with the depth of the authorized waterway to connect the waters of Pamlico Sound with the ocean at Beaufort;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out the words "on said Swift Creek;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: Strike out the words "on said Smiths Creek;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "North and South Dakota, Montana, and Missouri.—The Missouri River, from Sioux City, Iowa, to Fort Benton, Mont.; also at or near Lake Contrary, Missouri, with a view to preventing a diversion of the channel;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: After the word "Twenty-nine" inserted by the amendment, insert the words "including the last-named lock;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "The North Canadian River, with a view to the diversion of a portion of its waters into the Cimarron River for improving the navigation of the latter river;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out from the text of the bill the words "to mouth of the Grand River" immediately preceding the language proposed to be inserted, and in lieu of the language proposed insert the following: "to Tulsa;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Newport Harbor, with a view to the modification and enlargement of the existing projects as indicated in plans 'B' and 'C,' contained in House Document Numbered Four hundred and thirty-eight, Fifty-ninth Congress, second session;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In the language proposed, after the word "Pond," insert the words "and the entrance thereto;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "forming the Tennessee River;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "including a waterway from the protected waters of Narragansett Bay through the ponds and lagoons lying along the southern coast of Rhode Island to Watch Hill and Fishers Island;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Survey for the construction of a continuous inland waterway in the State of California, between suitable points on Humboldt Bay and Eel River, with a view to obtaining a channel of suitable width and a maximum depth of nine feet, or such lesser depths along any section or sections of said waterway as may be found desirable. Such survey shall include an examination of all practicable routes;" and the Senate agree to the same.

KNUTE NELSON,
J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.
THEODORE E. BURTON,
D. S. ALEXANDER,
S. M. SPARKMAN,
Managers on the part of the House.

REVISION OF THE PENAL LAWS.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will resume the reading of the amendment.

The Secretary read section 128.

Mr. OVERMAN. I think if the Senator from Idaho [Mr. HEYBURN] would consent to a re-reference of this matter to the committee of conference probably we could agree. I ask if he will not agree to a re-reference, and bring in the matter again this evening or this afternoon. I believe we can agree.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. OVERMAN. Certainly.

Mr. HEYBURN. I could not consent to a re-reference without a very definite understanding that would be equivalent to a disposition of the whole question.

Mr. OVERMAN. It is not my purpose to have any delay except to gain time. That is my purpose. I repeat that I believe we can gain time by the course I suggest. I do not know all the differences between other Senators and the Senator from Idaho, but there are two or three words here in one section that I think——

Mr. HEYBURN. Mr. President——

Mr. OVERMAN. I have no authority to speak for anybody but myself, but I believe an agreement can be reached——

Mr. HEYBURN. No; I can not consent to that.

Mr. OVERMAN. An arrangement satisfactory to all parties.

Mr. HEYBURN. It must come by authority and with the terms of objection and agreement stated. Otherwise I can not agree to a rereference. It would have to be very definite.

The VICE-PRESIDENT. The Secretary will resume the reading of the amendment.

The Secretary resumed the reading of the amendment and read section 129.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. NELSON. I inquire what became of the conference report I presented?

The VICE-PRESIDENT. The conference report has been presented and its consideration has been objected to.

Mr. NELSON. I move the adoption of the report. For that purpose I ask that the pending matter be temporarily laid aside while we can act on this conference report. That does not displace the pending conference report.

Mr. HEYBURN. I can not take any parliamentary chances on that.

Mr. NELSON. That does not displace the pending conference report. I ask unanimous consent that the criminal-code conference report be temporarily laid aside until we can act on the river and harbor conference report.

Mr. HEYBURN. I can not yield unanimous consent for that purpose.

Mr. NELSON. That does not affect the Senator's status in the least. It does not affect his conference report or displace it. I ask unanimous consent that conference report on the criminal-code bill be temporarily laid aside until we can act on the conference report on the river and harbor bill.

Mr. HEYBURN. I object to that.

Mr. NELSON. I will submit the question to the President of the Senate if such a motion would displace the pending conference report?

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent that the consideration of the pending conference report be temporarily laid aside and that the Senate consider the report of the committee of conference on the river and harbor bill.

Mr. NELSON. Would that displace the criminal code conference report, Mr. President?

The VICE-PRESIDENT. It would not if that agreement were made.

Mr. HEYBURN. Mr. President, I know a request for unanimous consent is not debatable, but I will make this suggestion to the Senator, who is as interested as I am in the measure under consideration. It simply opens the door to a discussion of the river and harbor bill which might be prolonged.

Mr. NELSON. There will be no discussion of the report, I think.

Mr. HEYBURN. River and harbor bills have occasioned much discussion heretofore.

Mr. NELSON. I do not think in this case there will be any discussion.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota [Mr. NELSON]? The Chair hears none, and it is so ordered. The question is on agreeing to the conference report on the river and harbor bill.

Mr. CLARKE of Arkansas. Has the report been read, Mr. President?

The VICE-PRESIDENT. It has been read. The question is on agreeing to the conference report.

Mr. CLARKE of Arkansas. Before that question is put, have the items to which the House agreed or to which they disagreed been indicated? Have the particular features of the report been indicated to the Senate, naming the amendments of the Senate to which the House agreed, those to which the House disagreed, and those where it was necessary for the conferees to insert independent or new provisions?

Mr. NELSON. We have not inserted any new provision. Most of our amendments have been agreed upon. Some we have slightly modified, but there are no new provisions in the bill of any kind. We have modified some of the provisions of the bill; but, as I have said, not a new provision has been put in it.

Mr. MILTON. Mr. President, I should like to state to the Senator that I did not hear the report read. I have some amendments in which I am interested, and I should like to know what disposition has been made of them.

The VICE-PRESIDENT. The question is on agreeing to the report.

Mr. STONE. The Senator from Florida [Mr. MILTON] has asked to have the report read.

Mr. BEVERIDGE. It has been read.

The VICE-PRESIDENT. It has been read.

Mr. STONE. I ask that it be read again.

Mr. OVERMAN. I do not think the various items were read. The Senator from Florida says that there are some amendments in which he is interested. He does not know how they were disposed of, and he wants to hear. It seems he does not know whether they were agreed to or not.

The VICE-PRESIDENT. The Secretary will again read the report.

The Secretary proceeded to again read the conference report submitted by Mr. NELSON.

Mr. NELSON. Mr. President, the report has already been read. I want to say to the Senator from Florida that all the amendments relating to surveys in Florida were incorporated. Two of them were slightly modified, but otherwise all the provisions for surveys are in the bill.

Mr. MILTON. That is perfectly satisfactory, so far as I am concerned.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

REVISION OF PENAL LAWS.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will resume the reading of the amendment.

The Secretary resumed the reading of the amendment and read sections 130, 131, and 132.

SENATOR FROM WISCONSIN.

Mr. NELSON. I rise to a question of privilege. At the request of the junior Senator from Wisconsin [Mr. STEPHENSON], I present his credentials as a Senator from that State and ask that they may be read, printed, and lie on the table.

The VICE-PRESIDENT. The Senator from Minnesota presents the credentials of the junior Senator from Wisconsin, which will be read.

The credentials were read.

Mr. NELSON. I ask that the credentials be printed and lie on the table.

Mr. LA FOLLETTE. Mr. President——

Mr. HEYBURN. Is that debatable, Mr. President?

Mr. LA FOLLETTE. I believe it proper to say just a word here, with the consent of the Senate.

Mr. HEYBURN. It is not debatable. If it is debated, I will ask that it go over.

Mr. LA FOLLETTE. I desire to say that the statement I have to make will take but a moment of time. I trust that the Senator will not object.

Mr. HEYBURN. I will have to insist on the rule being observed.

The VICE-PRESIDENT. The Senator from Idaho objects.

Mr. LA FOLLETTE. Then I will make the statement at some convenient time later——

Mr. CLARKE of Arkansas. Mr. President, it seems to me the presentation of the credentials of a Senator is a matter of the very highest privilege. It seems to me the Senator from Wisconsin is entirely within his rights.

The VICE-PRESIDENT. The presentation of credentials is in order at any time under the rules of the Senate.

Mr. CLARKE of Arkansas. That is very true——

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. LA FOLLETTE] asked to make a brief statement. The Chair is of the opinion that, the objection to the contrary, he has the right to make the statement.

Mr. HEYBURN. There was a motion made to lay the credentials on the table.

The VICE-PRESIDENT. The Chair did not so understand.

Mr. HEYBURN. That was stated.

Mr. LA FOLLETTE. It was a request that they lie upon the table.

The VICE-PRESIDENT. The Chair thinks the Senator from Wisconsin is within his rights.

The Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, all that I desire to say in this connection is that I am informed that the purported certified copy of the proceedings in the Wisconsin legislature with relation to the election of a United States Senator to succeed the junior Senator from Wisconsin, which has just been presented by the Senator from Minnesota, does not contain all of the proceedings of the legislature with respect to that matter, and that in due course the full proceedings of the legislature of Wisconsin, and of each branch of the legislature, will be presented to this body for its consideration.

I deem it proper to add that it is claimed that no election has yet transpired to choose a United States Senator to succeed the junior Senator from Wisconsin.

Mr. President, I deem it pertinent to add that I offered to present the papers presented by the Senator from Minnesota [Mr. NELSON], but stated to my colleague [Mr. STEPHENSON] that, in presenting them, I should add this brief statement. It manifestly was not satisfactory that this statement should be made in connection with the presentation of the papers. I deem it just to both branches of the legislature of the State of Wisconsin that the statement which I have submitted should be made in this connection.

Mr. BURROWS. I hope the request of the Senator from Minnesota will be complied with and that the papers will be printed in the RECORD in extenso.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. BAILEY. If it is possible that the additional statements or documents to which the senior Senator from Wisconsin refers will be presented to the Senate immediately, I should like all of them printed at the same time and in the same copy of the RECORD; and with a view of having them all before us at one time, I ask the Senator from Wisconsin if in his opinion those papers will reach here to-day?

Mr. LA FOLLETTE. I am not fully advised, Mr. President, with respect to that. A certified copy of the action of one branch of the legislature may reach here to-day, and if so I shall present it. However, it is proper to say, in full reply to the Senator from Texas, that the legislature is still meeting, as I understand, at 12 o'clock of each day and voting upon the election of a United States Senator; an investigation is in progress in that body upon specific charges made, and a full report of the proceedings can not be transmitted until the investigation is concluded and such action as the legislature may take upon it completed.

Mr. BAILEY. I suggest to the Senator from Wisconsin that what immediately concerns us now is the complete proceedings of the day on which this purported election took place, as represented by the credentials presented, and if we could have the supplement or additional documents bearing on that day it would be desirable to have it all printed in the RECORD of the same day, so that we may have it before us at once.

I merely rose to suggest to the Senator from Wisconsin that if it should reach him during the day, I hope he will present it, and then further to suggest to the stenographers that when it is presented the entire matter be printed in sequence.

Mr. LA FOLLETTE. Should such report reach me during the day I shall present it, and should it reach me at any other time during the present session I will present it.

Mr. CULBERSON. I understand that this certificate or paper is simply presented to the Senate and lies on the table, and that is the extent to which the Senate at this time sees proper to go.

The VICE-PRESIDENT. And it has been ordered to be printed.

Mr. NELSON. It is to be printed.

The VICE-PRESIDENT. It is to be printed and lie on the table. That is correct.

Mr. NELSON. That is all.

The VICE-PRESIDENT. The papers will be printed in the RECORD.

The papers referred to are as follows (S. Doc. No. 753):

Mr. NELSON presented the following certificate of the governor of Wisconsin, with certified copies of the proceedings of the senate and the house of representatives of said State of Wisconsin, relative to the election of ISAAC STEPHENSON as a Senator from that State in the Senate of the United States, commencing March 4, 1909.

I hereby certify that by the statute of the State of Wisconsin the regular session for the legislature thereof is fixed to commence at 12 o'clock m. on the second Wednesday of January, 1909; that the legislature of the State of Wisconsin met on said second Wednesday of January 1909, to wit: On January 13, 1909, at 12 o'clock m., and was organized pursuant to law; that F. E. Andrews was elected chief clerk of the senate branch of said legislature and C. E. Shaffer, chief clerk of the assembly branch thereof; that on the second Tuesday after the meeting and the organization of said legislature, to wit: On Tuesday, January 26, 1909, said legislature met for the purpose of electing a Senator in Congress of the United States from the State of Wisconsin; and that on said date the two houses of said legislature did separately vote for a Senator in Congress of the United States according to the transcripts of the journals of said houses hereto annexed, which transcripts of the journals are certified to by the chief clerk of the respective houses.

I do further certify that at 12 o'clock meridian of the day following, to wit, on January 27, 1909, the members of the two houses convened in joint assembly and proceedings were had according to the transcript of the senate journal annexed hereto, which is duly certified by F. E. Andrews, its chief clerk.

In witness whereof I have hereunto set my hand and caused the great seal of the State of Wisconsin to be affixed hereto this 25th day of February, A. D. 1909.

By the governor:

[SEAL.]

J. O. DAVIDSON,
Governor of the State of Wisconsin.

J. A. FREAR, *Secretary of State.*

STATE OF WISCONSIN, *Dane County, ss:*

I, F. E. Andrews, chief clerk of the senate branch of the legislature of the State of Wisconsin, the officer who, under the laws of the State of Wisconsin, is required to keep a journal of the proceedings of the state senate when in session and in whose custody the original journal of said senate is required to be kept, do hereby certify that the annexed copy of the journal of the senate branch of the legislature of Wisconsin for Tuesday, the 26th day of January, A. D. 1909, has been compared by me with the original journal of the proceedings of said senate on said Tuesday, January 26, 1909, filed in my office and now on file therein, and is a true copy thereof.

In witness whereof I have hereunto set my hand this 1st day of February, A. D. 1909.

F. E. ANDREWS,
Chief Clerk of the Senate Branch of the Legislature of the State of Wisconsin.

[State of Wisconsin. Senate Journal. Forty-ninth session.]

TUESDAY, JANUARY 26, 1909—9 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by Rev. E. A. Gilmore.

The roll was called and the following senators answered to their names:

Senators Barker, Bird, Bishop, Blaine, Bodenstab, Brazeau, Browne, Burke, Donald, Fairchild, Fridd, Gaylord, Hazelwood, Hudnall, Husting, James, Kleczka, Krumrey, Lehr, Lockney, Lyons, Marsh, Martin, Morris, Owen, Page, Pearson, Randolph, Sanborn, Stout, Thomas, Whitehead, and Wright—33.

The journal of Wednesday, January 20, was approved.

BILLS INTRODUCED.

Read first and second times and referred.

No. 12 (senate). By Senator Thomas. To committee on towns and counties.

RESOLUTIONS CONSIDERED.

Resolution 3 (senate) was adopted.

Joint resolution 3 (senate).

The motion by Senator Page, that the vote by which joint resolution 3 (senate) was refused adoption be reconsidered and that the motion lie over until January 26, 1909, was considered.

The question was: Shall the vote by which the resolution was refused adoption be reconsidered?

The ayes and noes being requested, it was decided in the affirmative—ayes 22, noes 11, absent or not voting 0.

The vote was as follows:

Ayes—Senators Barker, Bishop, Blaine, Brazeau, Browne, Burke, Donald, Fridd, Gaylord, Hazelwood, Husting, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, Pearson, Randolph, and Sanborn—22.

Noes—Senators Bird, Bodenstab, Fairchild, Hudnall, James, Lehr, Page, Stout, Thomas, Whitehead, and Wright—11.

Absent or not voting—none.

RECESS.

Upon motion of Senator Burke,

The Senate took a recess until 3 o'clock p. m.

AFTERNOON SESSION.

3 O'CLOCK P. M.

The senate was called to order by the president.

RESOLUTIONS CONSIDERED.

Joint resolution 3 (senate).

The following substitute was introduced:

Substitute senate amendment No. 1 to senate joint resolution No. 3.

Providing for a legislative investigation of certain specific charges of the improper and illegal use of money and other violations of law at the last primary election.

Whereas specific charges have been made and herewith transmitted relating to the improper, unlawful, and illegal use of money by a candidate for the nomination to the office of United States Senator: Now, therefore, be it

Resolved by the senate (the assembly concurring), That a committee of three senators and three members of the assembly be appointed fully, fairly, thoroughly, and impartially to investigate such charges, and the manner, means, and method by which the last primary campaign and primary election were conducted so far as the same relates directly or indirectly to the nomination of candidates for the United States Senate, and members of the senate and assembly who would be called on to vote upon the election of such Senator. Be it further

Resolved, That the permanent presiding officer of the senate and assembly shall appoint the members of such committee from their respective bodies. Be it further

Resolved, That in the exercise of the power conferred upon them, the said committee, by subpœna issued over the signature of the chairman or acting chairman of the committee and served in the manner that a circuit court subpœna is served, the said committee may summon and compel the attendance of witnesses and the production of books, papers, documents, and records necessary or convenient to be examined or used by them as witnesses, and may do all things which may to them appear to be necessary or convenient to a full examination and investigation as directed herein.

The committee shall have power to employ stenographers, clerks, and assistants and such other persons as they may deem necessary to a full and complete examination and investigation as herein directed. The committee shall have power by any member thereof to administer to persons produced or appearing before them as witnesses all necessary oaths and also to punish for contempt as provided by law. Be it further

Resolved, That any person appearing and testifying under oath before such committee, such evidence so given shall not be used as evidence in any criminal prosecution against him in any court, except in a prosecution for perjury committed in giving such testimony. Be it further

Resolved, That such committee shall report to the senate and assembly in full upon such matters with the evidence and their recommendations thereon on or before the 1st day of April, 1909.

By Senator Blaine.

SPECIFIC CHARGES.

To the honorable senate and assembly of the State of Wisconsin:

I, John J. Blaine, an elector of the State of Wisconsin and a member of the state senate, upon information and belief, do hereby specifically charge and allege:

1. That ISAAC STEPHENSON, of Marinette, Wis., now United States Senator and a candidate for reelection, did, as such candidate for such reelection, give to one E. A. Edmonds, of the city of Appleton, Wis., an elector of the State of Wisconsin and said city of Appleton, a valuable thing, to wit, a sum of money in excess of $106,000, and approximating the sum of $250,000, as a consideration for some act to be done by said E. A. Edmonds in relation to the primary election held on the 1st day of September, 1908, which consideration was paid prior to said primary election; and that said ISAAC STEPHENSON was at the time of such payment a candidate for the Republican nomination for United States Senator at such primary, and did by such acts as above set forth violate section 4542b of the statutes.

2. That said ISAAC STEPHENSON did prior to said primary pay to said Edmonds above mentioned sums with the design that said Edmonds should pay to other electors of this State out of said sums above mentioned and other sums of money received by said Edmonds from said ISAAC STEPHENSON prior to said primary, sums ranging from $5 per day to $1,000, in bulk, as a consideration for some act to be done in relation to said primary by said electors for said ISAAC STEPHENSON as such candidate, in violation of said section.

3. That with full knowledge and with instructions from said ISAAC STEPHENSON as to how and for what purposes said sums were to be expended, said sums were so paid as above stated to said Edmonds by said ISAAC STEPHENSON, and that said sums were paid as above stated for the purposes above stated and also for the purpose of bribing and corrupting a sufficient number of the electors of the State of Wisconsin to encompass the nomination of said ISAAC STEPHENSON at said primary for the office of United States Senator.

4. That in pursuance of the purposes and design above stated, said ISAAC STEPHENSON did, by and through his agents, prior to said primary, pay to one U. C. Keller, of Sauk County, an elector of this State, the sum of $300 as a consideration for some act to be done by said Keller for said STEPHENSON preliminary to said primary, corruptly and unlawfully.

5. That in further pursuance of such purposes and design, said ISAAC STEPHENSON, by and through his agents, prior to said primary, paid to one Hambright, of Racine, Wis., large sums of money as a consideration for some act to be done by said Hambright for said STEPHENSON preliminary to said primary, said Hambright being then an elector of this State, corruptly and unlawfully.

6. That in further pursuance of the purposes and design above stated, said ISAAC STEPHENSON did, by and through his agents, prior to said primary, pay to one Roy Morse, of Fond du Lac, Wis., then an elector of this State, the sum of $1,000 as a consideration for some act to be done by said Morse for said ISAAC STEPHENSON preliminary to said primary, and corruptly and unlawfully.

7. That in further pursuance of such purposes and design, said ISAAC STEPHENSON, by and through his agents, prior to said primary, paid to divers persons, then electors of the county of Grant, Wis., ranging from $5 per day and upward, as a consideration for some act to be done by said several electors for said ISAAC STEPHENSON preliminary to said primary, corruptly and unlawfully.

8. That in further pursuance of such purposes and design, said ISAAC STEPHENSON, by and through his agents, prior to said primary, paid to divers persons who were at such time electors in this State a consideration for some act to be done for said ISAAC STEPHENSON by such electors preliminary to such primary, corruptly and unlawfully.

9. That in further pursuance of such purposes and designs, said ISAAC STEPHENSON, by and through his agents, prior to said primary, did pay to electors of this State, who were of a different political opinion and who held to other political principles than that of the Republican party, more particularly Democrats, sums of money as a consideration for some act to be done by such electors for said ISAAC STEPHENSON preliminary to said primary, corruptly and unlawfully.

10. That in further pursuance of such purposes and design, said ISAAC STEPHENSON, by and through his agents, prior to such primary, did offer to pay to Edward Pollock, of Lancaster, Wis., certain sums of money, as editor of the Teller, a newspaper published in said city of Lancaster, Wis., and to other editors of newspapers who were at such time electors of this State, for the purpose of purchasing the editorial support of such editors and as a consideration of something to be done relating to such primary, corruptly and unlawfully.

11. That said ISAAC STEPHENSON did, prior to such primary, by and through his agents, promise and agree to pay to one Lester Tilton, a then resident and elector of this State, and residing at the city of Neillsville, Wis., a sum in excess of $500 to procure or aid in procuring the nomination of said Lester Tilton to the assembly of this State from Clark County, and did offer to give to said Lester Tilton a sum in excess of $500 if said Lester Tilton would become a candidate for the assembly from said Clark County if said Lester Tilton would support said ISAAC STEPHENSON for the office of United States Senator, all of which is in violation of sections 4542b and 4543b of the statutes.

12. That said ISAAC STEPHENSON did, by and through his agents, give and promise and pay or agree to pay to other electors of this State sums of money to procure or aid in procuring the nomination of such electors to the senate and assembly of this State other than those electors residing in the district where said ISAAC STEPHENSON resides.

13. That E. M. Heyzer and Max Sells, prior to said primary, being at such time employees of the Chicago and Northwestern Railway Company, a corporation doing business in this State, did contribute and agree to contribute free services as such employees for the purpose to defeat the candidacy of former Assemblyman E. F. Nelson, from the district embracing Florence, Forest, and Langlade counties, for the nomination for assemblyman from said district, all of which was done with the knowledge and consent and under the direction of said ISAAC STEPHENSON, his agents, and employees, contrary to chapter 492, laws of 1905.

14. That in further pursuance of the purposes and design above set forth, said ISAAC STEPHENSON, by and through his agents, did, in addition to paying certain sums as above set forth, offer and agree to pay to electors of this State prior to said primary a premium or bonus to those who in his employ carried their respective precincts in such primary for said ISAAC STEPHENSON as such candidate.

15. That said ISAAC STEPHENSON, if claiming an election by virtue of receiving a plurality of votes at such primary, then said ISAAC STEPHENSON has violated chapter 562 of the laws of 1905, by failing and neglecting to file his expense account as provided by said chapter.

16. Charging generally, the primary nomination or election of said ISAAC STEPHENSON was obtained by the use of large sums of money corruptly and illegally, by the violation of sections 4542b, 4543b, and 4678 of the statutes relating to illegal voting, bribery, and corruption, and other laws above set forth relating to elections and primary elections.

Dated January 26, 1909.

Respectfully submitted.

JOHN J. BLAINE,
State Senator, Sixteenth District.

The following amendment to substitute amendment No. 1 (senate), to joint resolution 3 (senate), was offered:

Amendment No. 1 (senate), to substitute amendment No. 1 (senate) to joint resolution 3 (senate). By Senator Page.

That said investigation shall extend to the election of all United States Senators, and all state officers elected in the State of Wisconsin any time during the past ten years.

The question was, Shall amendment No. 1 (senate) to substitute amendment No. 1 (senate) to joint resolution 3 (senate) be adopted?

The ayes and noes being requested, it was decided in the negative—ayes 9, noes 24, absent or not voting none.

The vote was as follows:

Ayes—Senators Bird, Bodenstab, Burke, Hudnall, Lehr, Page, Stout, Whitehead, and Wright—9.

Noes—Senators Barker, Bishop, Blaine, Brazeau, Browne, Donald, Fairchild, Fridd, Gaylord, Hazelwood, Husting, James, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, Pearson, Randolph, Sanborn, and Thomas—24.

Absent or not voting—none.

The question then was, Shall substitute amendment No. 1 (senate) to joint resolution 3 (senate) be adopted?

The ayes and noes being requested, it was decided in the affirmative—ayes 23, noes 10, absent or not voting none.

The vote was as follows:

Ayes—Senators Barker, Bishop, Blaine, Brazeau, Browne, Burke, Donald, Fairchild, Fridd, Gaylord, Hazelwood, Husting, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, Pearson, Randolph, and Sanborn—23.

Noes—Senators Bird, Bodenstab, Hudnall, James, Lehr, Page, Stout, Thomas, Whitehead, and Wright—10.

Absent or not voting—none.

The question then was, Shall joint resolution 3 (senate), as amended, be adopted?

The ayes and noes being requested, it was decided in the affirmative—ayes 23, noes 10, absent or not voting none.

The vote was as follows:

Ayes—Senators Barker, Bishop, Blaine, Brazeau, Browne, Burke, Donald, Fairchild, Fridd, Gaylord, Hazelwood, Husting, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, Pearson, Randolph, and Sanborn—23.

Noes—Senators Bird, Bodenstab, Hudnall, James, Lehr, Page, Stout, Thomas, Whitehead, and Wright—10.

Absent or not voting—none.

ELECTION OF UNITED STATES SENATOR.

Senator Burke moved that the senate proceed to the election of a United States Senator.

Motion prevailed.

Senator Martin moved that during the pendency of the investigation provided for by joint resolution 3 (senate) any senator who does not wish to vote for a candidate may vote by answering "present."

Motion prevailed unanimously.

The roll was called and the following senators voted for Hon. ISAAC STEPHENSON:

Senators Bird, Bodenstab, Burke, Fairchild, Hudnall, James, Lehr, Page, Stout, Thomas, Whitehead, and Wright—12.

The following senators voted for Hon. Neal Brown:

Senators Hazelwood, Husting, Pearson, and Randolph—4.

The following senator voted for Hon. Jacob Rummel:

Senator Gaylord—1.

The following senators voted "present:"

Senators Barker, Bishop, Blaine, Brazeau, Browne, Donald, Fridd, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, and Sanborn—16.

BILLS INTRODUCED.

Read first and second times and referred:

S. 13. By Senator Lockney. To committee on judiciary.
S. 14. By Senator Blaine. To committee on education.
S. 15. By Senator Whitehead. To committee on manufactures and labor.
S. 16. By Senator Brazeau. To committee on state affairs.
S. 17. By Senator Fairchild. To committee on judiciary.
S. 18. By Senator Page. To committee on judiciary.
S. 19. By Senator Brazeau. To committee on state affairs.
S. 20. By Senator Brazeau. To committee on state affairs.

ADJOURNMENT.

Upon motion of Senator Burke,

The senate adjourned.

STATE OF WISCONSIN, *Dane County, ss:*

I, C. E. Shaffer, chief clerk of the assembly branch of the legislature of the State of Wisconsin, the officer who, under the laws of the State of Wisconsin, is required to keep a journal of the proceedings of the state assembly when in session, do hereby certify that the annexed copy of the daily journal of the assembly branch of the legislature of Wisconsin for Tuesday, the 26th day of January, A. D. 1909, has been compared by me with the original daily journal of the proceedings of said assembly on said Tuesday, January 26, 1909, now in my custody, and is a true copy thereof.

In witness whereof I have hereunto set my hand this 1st day of February, A. D. 1909.

C. E. SHAFFER,
Chief Clerk of the Assembly Branch of the Legislature of the State of Wisconsin.

[State of Wisconsin. Assembly journal. Forty-ninth regular session—thirteenth biennial session.]

TUESDAY, JANUARY 26, 1909—9 A. M.

The assembly met.
The speaker in the chair.
Prayer was offered by Rev. George E. Hunt.
The roll was called, and the following members answered to their names:

Messrs. Atwood, Ballard, Barnett, Berner, Bichler, Bradford, Bray, Brew, Brockhausen, Busacker, Buslett, Benjamin A. Cady, Virgil H. Cady, Chapple, Chinnock, Cleary, Comstock, Coolidge, Crowell, Culbertson, Curtiss, Daub, Disch, Domachowski, Dorner, Egan, Erickson, Estabrook, Farrell, Fenelon, Fisher, Georgi, Grosse, Haight, Hambrecht, Hammill, Harras, Hoyt, Hughes, Hull, Ingalls, Ingram, Irvine, Johnson, Jones, Kalaher, Kamper, Kay, Kempf, Keup, Keyes, Kimball, Kindlin, Kneen, Kubasta, Kull, Laycock, Ledvina, Lentz, LeRoy, Leuch, Mains, Marquardt, McConnell, Mortensen, Neitzel, Nelson, Onstad, Peterson, Philipps, Pickart, Ramsey, Reader, Reynolds, Roethe, Rollmann, Schmidt, Schwalbach, Scott, Shaw, Frank Smith, Simon Smith, Stack, Stevens, Stewart, Thomas, Towers, Towne, Twesme, Urquhart, Viebahn, Webre, Wehrwein, Wellensgard, Wells, Whitman, Whittet, Wittig, Zimmerman, and Mr. Speaker—100.

The journal of January 21 was approved.
The speaker announced the appointment of Mr. Hambrecht in place of Mr. Culbertson on the committee on elections, and of Mr. Ballard in place of Mr. Nelson on the committee on federal relations.

RESOLUTIONS INTRODUCED.

Joint resolution 12 (assembly). By Mr. Johnson. Read and referred to the committee on roads and bridges.

Resolution 6 (assembly). By Mr. Whittet. Requesting the superintendent of public property to supply the members and officers of the assembly with stationery.

Resolved, That the superintendent of public property be, and he is hereby, requested to furnish 500 sheets of letter-head paper (ruled or unruled, as requested by each member or officer) and 350 envelopes, with return card thereon, and with name, address, and district of member on the paper; to be furnished for each member, desk force, postmaster, and sergeant-at-arms, the speaker to be furnished 500 additional sheets of letter paper and 150 additional envelopes, and the chief clerk to be furnished 1,000 sheets of letter-head paper and 500 envelopes.

Privileged, by unanimous consent.
Read and adopted.

BILLS INTRODUCED.

Read first and second times and referred.

No. 28 (assembly). By Mr. Ingalls. To committee on education.
No. 29 (assembly). By Mr. Kamper. To committee on towns and counties.
No. 30 (assembly). By Mr. V. H. Cady. To committee on state affairs.
No. 31 (assembly). By Mr. Wells. To committee on towns and counties.
No. 32 (assembly). By Mr. Harras. To committee on transportation.
No. 33 (assembly). By Mr. Hull. To committee on roads and bridges.
No. 34 (assembly). By Mr. Erickson. To committee on towns and counties.
No. 35 (assembly). By Mr. Erickson. To committee on roads and bridges.
No. 36 (assembly). By Mr. Berner. To committee on manufactures and labor.
No. 37 (assembly). By Mr. Barnett. To committee on cities.
No. 38 (assembly). By Mr. Cleary.

Mr. Cleary moved that all rules interfering with immediate consideration of the bill be suspended, and that it be placed upon its passage at this time.

The motion prevailed, and the rules were suspended by unanimous consent.

The rules were suspended by unanimous consent, and the bill was ordered engrossed and read a third time.

The rules were suspended by unanimous consent, and No. 38 (assembly) was read a third time and passed.

Mr. Hughes moved that No. 2 (senate) be recalled from the committee on cities.

Motion prevailed.
So ordered.

On motion of Mr. Hughes, the rules were suspended, and the bill was ordered to a third reading.

The rules were suspended, and No. 2 (senate) was read a third time and concurred in.

RESOLUTIONS CONSIDERED.

Mr. Kindlin moved that joint resolution 4 (assembly) be recalled from the committee on elections.

The question was upon the motion of Mr. Kindlin to recall joint resolution 4 (assembly).

Joint resolution providing for a legislative investigation of the last primary election.

The ayes and noes being demanded, it was decided in the negative—ayes 29, noes 59, absent or not voting 12.

The vote was as follows:

Ayes—Messrs. Barnett, Bichler, Bradford, Brockhausen, Busacker, Cady Virgil, Curtiss, Daub, Estabrook, Farrell, Hull, Johnson, Kamper, Kindlin, Kneen, Lentz, Leuch, McConnell, Pickart, Ramsey, Roethe, Rollmann, Schmidt, Schwalbach, Smith Simon, Stewart, Towne, Viebahn, and Wells—29.

Noes—Messrs. Atwood, Ballard, Bray, Buslett, Cady Benjamin A., Chapple, Chinnock, Cleary, Comstock, Coolidge, Crowell, Culbertson, Disch, Egan, Erickson, Fenelon, Fisher, Grosse, Haight, Hambrecht, Hammill, Hoyt, Hughes, Ingalls, Ingram, Irvine, Jones, Kay, Keup, Keyes, Kimball, Kull, Laycock, Ledvina, Le Roy, Mains, Marquardt, Mortensen, Neitzel, Nelson, Onstad, Peterson, Philipps, Reader, Reynolds, Scott, Shaw, Stack, Stevens, Thomas, Towers, Twesme, Urquhart, Wellensgard, Whitman, Whittet, Wittig, Zimmerman, and Mr. Speaker—59.

Absent or not voting—Messrs. Berner, Brew, Domachowski, Dorner, Georgi, Harras, Kalaher, Kempf, Kubasta, Smith Frank, Weber, and Wehrwein—12.

Mr. Hambrecht moved the reconsideration of the motion to reconsider joint resolution 4 (assembly).

The ayes and noes being demanded, the question was decided in the negative—ayes 7, noes 81, absent or not voting 12.

The vote was as follows:

Ayes—Messrs. Barnett, Bradford, Cady Virgil, Curtiss, Estabrook, Hull, and McConnell—7.

Noes—Messrs. Atwood, Ballard, Bichler, Bray, Brockhausen, Busacker, Buslett, Cady Benjamin A., Chapple, Chinnock, Cleary, Comstock, Coolidge, Crowell, Culbertson, Daub, Disch, Egan, Erickson, Farrell, Fenelon, Fisher, Grosse, Haight, Hambrecht, Hammill, Hoyt, Hughes, Ingalls, Ingram, Irvine, Johnson, Jones, Kamper, Kay, Keup, Keyes, Kimball, Kindlin, Kneen, Kull, Laycock, Ledvina, Lentz, Le Roy, Leuch, Mains, Marquardt, Mortensen, Neitzel, Nelson, Onstad, Peterson, Philipps, Pickart, Ramsey, Reader, Reynolds, Roethe, Rollmann, Schmidt, Schwalbach, Scott, Shaw, Smith Simon, Stack, Stevens, Stewart, Thomas, Towers, Towne, Twesme, Urquhart, Viebahn, Wellensgard, Wells, Whitman, Whittet, Wittig, Zimmerman, and Mr. Speaker—81.

Absent or not voting—Messrs. Berner, Brew, Domachowski, Dorner, Georgi, Harras, Kalaher, Kempf, Kubasta, Smith Frank, Weber, and Wehrwein—12.

On motion of Mr. Ledvina,
The assembly took a recess until 11.55 a. m.

RECESS.

11.55 A. M.

The assembly was called to order by the speaker.

12 O'CLOCK M.

On motion of Mr. Ledvina, the assembly proceeded to—

VOTE FOR A UNITED STATES SENATOR.

Chief Clerk C. E. Shaffer called the roll, and the vote was as follows:

ISAAC STEPHENSON, 60.
Neal Brown, 16.
Jacob Rummel, 3.
S. A. Cook, 2.
H. A. COOPER, 1.
J. H. Stout, 1.
JOHN J. ESCH, 1.
Blank, 15.
Absent, 1.

The following voted for ISAAC STEPHENSON:

Messrs. Atwood, Ballard (under protest), Bray, Brew, Buslett, Benjamin A. Cady, Chapple, Chinnock, Cleary, Comstock, Crowell, Culbertson, Disch, Dorner, Egan, Erickson, Estabrook, Fenelon, Fisher, Georgi (under protest), Grosse, Haight, Hambrecht, Hammill, Harras, Hoyt, Hull, Ingalls, Irvine, Jones, Kempf, Kubasta, Kull, Laycock, Ledvina, Le Roy, Mains (under protest), Marquardt, McConnell, Mortensen, Nelson, Peterson, Philipps, Reader, Reynolds, Shaw, Frank Smith, Simon Smith, (under protest), Stack, Stevens, Thomas, Towers, Twesme, Urquhart, Wellensgard, Wells, Whitman, Whittet, Wittig, and Mr. Speaker—60.

The following voted for NEAL BROWN:

Messrs. Bichler, Virgil Cady, Domachowski, Farrell, Hughes, Kalaher, Kindlin, Kneen, Lentz, Pickart, Ramsey, Rollmann, Schmidt, Schwalbach, Stewart, and Viebahn—16.

The following voted for Jacob Rummel:

Messrs. Berner, Brockhausen, and Weber—3.

The following voted for S. A. Cook:

Messrs. Barnett and Neitzel—2.

The following voted for Mr. COOPER:

Mr. Zimmerman—1.

The following voted for Mr. Stout:

Mr. Daub—1.

The following voted for Mr. ESCH:

Mr. Bradford—1.

The following voted blank:

Messrs. Busacker, Coolidge, Curtiss, Ingram, Kamper, Kay, Keup, Keyes, Kimball, Leuch, Onstad, Roethe, Scott, Towne, and Wehrwein—15.

Absent or not voting:

Mr. Johnson—1.

Before the vote was announced,

Mr. Ledvina moved that the sergeant-at-arms be directed to call into the chamber all absentees who might be in the capitol.

Motion prevailed.
So ordered.

The speaker then announced the result of the vote, as hereinbefore recorded.

RETURN TO THE FOURTH ORDER OF BUSINESS.

Joint resolution 13 (assembly). By Mr. Frank Smith.

Joint resolution on the life and services of Judge Romanzo Bunn.

Whereas the legislature of Wisconsin, learning with profound sorrow of the death at his home in Madison, January 25, 1909, of Judge Romanzo Bunn, respectfully desires to record a tribute to his memory.

Judge Bunn was a strong type of our best citizenship, and his life was largely given to the cause of the public. In 1860 he served with force and fidelity as a member of the assembly, and later for nearly forty years on the state and federal bench where he acquired the distinction of being a just, upright, and able judge: Therefore be it

Resolved by the assembly (the senate concurring), That this expression of the sentiment of the legislature be incorporated with the official proceedings of this day, and that an engrossed copy hereof be transmitted to the family.

Privileged, by unanimous consent.
Read, and
Unanimously adopted by a rising vote.

On motion of Mr. Hughes the assembly adjourned.

STATE OF WISCONSIN, *Dane County, ss:*

I, F. E. Andrews, chief clerk of the senate branch of the legislature of the State of Wisconsin, the officer who, under the laws of the State of Wisconsin, is required to keep a journal of the proceedings of the state senate when in session and in whose custody the original journal of said senate is required to be kept, do hereby certify that the annexed copy of the journal of the senate branch of the legislature of

Wisconsin for Wednesday, the 27th day of January, A. D. 1909, has been compared by me with the original journal of the proceedings of said senate on said Wednesday, January 27, 1909, filed in my office and now on file therein, and is a true copy thereof.

In witness whereof I have hereunto set my hand this 1st day of February, A. D. 1909.

F. E. ANDREWS,
Chief Clerk of the Senate Branch of the Legislature of the State of Wisconsin.

[State of Wisconsin, senate journal, forty-ninth session.]

WEDNESDAY, JANUARY 27, 1909—10 O'CLOCK A. M.

The senate met.

The president in the chair.

Prayer was offered by Rev. E. A. Gilmore.

The roll was called, and the following senators answered to their names:

Senators Barker, Bird, Bishop, Blaine, Bodenstab, Brazeau, Browne, Burke, Donald, Fairchild, Fridd, Gaylord, Hudnall, Husting, Kleczka, Krumrey, Lehr, Lockney, Lyons, Marsh, Martin, Morris, Owen, Page, Pearson, Randolph, Sanborn, Stout, Thomas, Whitehead, and Wright—31.

Absent: Senators Hazelwood and James—2.

LEAVE OF ABSENCE.

Upon request of Senator Bird,

Leave of absence was granted to Senator James, for this session.

Upon request,

Leave of absence was granted to Senator Whitehead, for the rest of the week after this session.

Upon request of Senator Husting,

Indefinite leave of absence was granted to Senator Hazelwood, on account of illness.

CORRECTION OF THE JOURNAL.

Senator Hudnall moved that the journal of January 26, 1909, be corrected, on page 79, by striking out the motion of Senator Martin, and inserting in lieu thereof the following:

PROCEEDINGS OF THE SENATE.

3 P. M., JANUARY 26, 1909.

Senator Randolph inquired if nominations were to be made.

Senator Page replied: "Our candidate was nominated by the people."

The president then ordered the roll to be called. The clerk then began to call the roll, calling the name of Senator Barker.

Senator Barker arose and answered "Blank."

Senator Hudnall arose to a point of order and read from Rule 113: "Each house shall openly, by a viva voce vote of each member present, name one person for senator in congress," and said that Senator Barker's vote for "Blank" was not for a person. The president ruled the point of order well taken, and said that Senator Barker would have to vote for some person.

Senator Barker then voted for "Mr. Blank."

The president, after some discussion, ruled that Mr. Blank was not a person, and stated that Senator Barker would have to vote for some person.

Senator Barker then asked to be excused from voting.

Senator Randolph then moved that the senator (Barker) be excused from voting.

The president then put the question: "Does the senate excuse Senator Barker from voting?"

On a viva voce vote (the roll not being called nor requested) the president announced the motion lost and that the senate declined to excuse Senator Barker from voting.

Senator Gaylord moved that we have a roll call on the motion of Senator Randolph.

Senator Hudnall raised the point of order that the request for a roll call came too late, as the result of the vote had been announced.

The president ruled the point well taken, but stated that he had no desire to be technical and would allow a roll call.

Senator Hudnall then raised the point of order that under rule 67 the senate could not excuse senators from voting at that time, as "the house had commenced voting."

The president ruled the point well taken, and that the motion of Senator Gaylord was out of order.

Senator Martin then moved "that every senator in this body be excused from voting for anyone else except Mr. Blank during the pendency of this investigation, if he so desires."

The president stated: "The chair believes that the votes must be for eligible candidates for the United States Senate."

Senator Page moved that "the senator from the thirty-third be granted a leave of absence from this session."

Senator Owen moved "that rule 67 be suspended."

After some discussion Senator Owen moved "that rule 67 be suspended, so far as it relates to this election of United States Senator, until after this investigation is concluded."

Senator Hudnall then withdrew his point of order, stating that he had no objection to senators answering "present" as their names were called, if they did not desire to vote for any person for United States Senator.

Senator Martin moved that, "Any senator may simply answer 'present,' and not vote during the pendency of this investigation if he so desires, when his name is called."

Senator Gaylord moved an amendment that it is the sense of the senate that the journal record shows substantially the intention of the senate in the matter of the vote on the United States Senator.

A point of order was made by Senator Hudnall that the motion was out of order.

The president ruled that the point was well taken and that the motion was out of order.

Senator Fairchild moved that the motion to correct the journal be amended by adding to the last paragraph as a new paragraph the following:

"The president then stated that the motion of Senator Martin is, 'That senators be allowed to vote "present" instead of for an eligible individual or candidate.'"

Which amendment was accepted by Senator Hudnall.

The question was, Shall the journal be corrected as stated in motion by Senator Hudnall as amended?

The ayes and noes being requested, it was decided in the negative—ayes 13, noes 18, absent or not voting 2.

The vote was as follows:

Ayes: Senators Bird, Bodenstab, Brazeau, Burke, Fairchild, Hudnall, Lehr Lyons, Page, Stout, Thomas, Whitehead, and Wright—13.

Noes: Senators Barker, Bishop, Blaine, Browne, Donald, Fridd, Gaylord, Husting, Kleczka, Krumrey, Lockney, Marsh, Martin, Morris, Owen, Pearson, Randolph, and Sanborn—18.

Absent or not voting: Senators Hazlewood and James—2.

The question then was, Shall the journal as printed be approved?

The ayes and noes being requested, it was decided in the affirmative—ayes 18, noes 13, absent or not voting 2.

The vote was as follows:

Ayes: Senators Barker, Bishop, Blaine, Browne, Donald, Fridd, Gaylord, Husting, Kleczka, Krumrey, Lockney, Marsh, Martin, Morris, Owen, Pearson, Randolph, and Sanborn—18.

Noes: Senators Bird, Bodenstab, Brazeau, Burke, Fairchild, Hudnall, Lehr, Lyons, Page, Stout, Thomas, Whitehead, and Wright—13.

Absent or not voting: Senators Hazelwood and James—2.

And the journal of Tuesday, January 26, 1909, was declared approved.

Senator Whitehead moved that the clerk record in the journal hereafter all points of order made and the rulings of the Chair thereon.

Motion prevailed.

Senator Sanborn moved that the charge against the journal clerk and that question of having official stenographer to take daily proceedings be referred to the committee on legislative expenditures and employees.

Motion prevailed.

LETTERS, PETITIONS, ETC.

Petition No. 4 (senate). By Senator Hudnall. To committee on roads and bridges.

Petition No. 5 (senate). By Senator Hudnall. To committee on judiciary.

Petition No. 6 (senate). By Senator Hudnall. To committee on judiciary.

Petition No. 7 (senate). By Senator Hudnall. To committee on judiciary.

Petition No. 8 (senate). By Senator Hudnall. To committee on judiciary.

Petition No. 9 (senate). By Senator Hudnall. To committee on judiciary.

Petition No. 10 (senate). By Senator Hudnall. To committee on judiciary.

RESOLUTIONS INTRODUCED.

Joint resolution No. 5 (senate). Relating to the nationalization of trusts and monopolies.

Whereas so long as machinery is simple and easily handled by one man its owner can not dominate the sources of life of others; and, conversely, when machinery becomes more complex and expensive and requires for its effective operation the organized efforts of many workers, its influence reaches over wide circles of life, and the owners of such machinery become the dominant class; and

Whereas electricity, steam, and great water powers used in connection with the multitude of modern inventions have struck the death blow to manufacturing on a small scale, and manufacturing on a large scale makes monopoly an inevitable condition of the proper use of modern machinery, thus creating trusts and monopolies in the nature of the present industrial and commercial process, and producing a situation in which fully nine-tenths of the business transactions of the United States are handled by corporations; and

Whereas twenty-five years of attempted regulation of these corporations has resulted in a confession by the President of the United States of the impotence of the present state and federal governments in the presence of these titanic industrial and commercial forces; and

Whereas it is impossible to control the property of one man for the benefit of other men, or to control the property of one part of society for the benefit of the whole of society without violating the very meaning of property and private ownership; and

Whereas the private ownership of the great monopolies and trusts interferes with the proper use of these necessary social utilities, producing coal famines, railroad wrecks, insanitary and deadly industrial conditions, and a chronic state of unemployment among the useful workers: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the State of Wisconsin do hereby instruct its Representatives in the National House of Representatives and in the United States Senate to introduce such measures and to take such action as shall be calculated to bring about the collective ownership of all industries which are organized on a national scale and in which competition has virtually ceased to exist, to the end that the property involved in these industries may be freely used for the advantage and benefit of the whole people.

By Senator Gaylord; to committee on manufactures and labor.

Joint resolution 6 (senate). Relating to the abrogation of extradition treaty with Russia.

Whereas the present extradition treaty now existing between the United States of America and the private government of the Czar of Russia is being used for the purpose of persecuting political refugees from that land of oppression; and

Whereas the United States has always been, and of right ought to be, forever an asylum for those oppressed by the despots of all lands: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the legislature of Wisconsin hereby requests that the Wisconsin Members of the United States Senate take such action at once as shall lead to the abrogation of the treaty under which these persecutions are being carried forward, and the drafting of a new treaty under which political crimes shall not be made the motive for persecuting those who are seeking to escape from the darkness and despotism of other lands; and be it also

Resolved, That the secretary of state be instructed to transmit a copy of these resolutions to each of the Members of the United States Senate from Wisconsin and to the President of the United States.

By Senator Gaylord; to committee on federal relations.

Joint resolution 7 (senate). Relating to national constitutional convention.

Whereas the present Constitution of the United States was conceived and drafted under conditions which existed over one hundred years ago, which conditions no longer exist, for the greater part; and

Whereas it was never adopted by popular vote of the citizens of this Nation, but by a restricted suffrage indirectly expressed; and

Whereas the growing needs and powers of the people of the land are compelling Congress and the federal and other courts to seek authority for new duties and remedies for new ills in forced constructions of passages which when framed could not possibly have had the meaning now ascribed to them; and

Whereas abuses of property and other rights, as well as friction between the various departments of the Government have inevitably arisen and must increase under these conditions: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the legislature of Wisconsin appeal to the other state governments of the United

States that they shall unite with this State in calling a national constitutional convention, as prescribed by Article V of the Constitution of the United States; and be it also

Resolved, That a copy of this resolution shall be transmitted by the secretary of state of Wisconsin to the governors and legislatures of the various States of the Union.

By Senator Gaylord; to committee on federal relations.

Joint resolution 8 (senate), relating to the abolition of United States Senate.

Whereas the United States Senate has been proven by the history of this Nation to be not a proper organ of democratic, or even of representative, government, because of the following facts:

(*a*) Its members can not be impeached;

(*b*) Its powers are extraordinary, giving it, together with the President, control over the appointing and treaty-making power, the latter enabling it to repeal a law enacted with the concurrence of the House of Representatives without the consent of the latter being given to such repeal;

(*c*) It is so constituted as to give equal representation to unequal elements, since smaller States like Nevada and Rhode Island have equal representation therein with New York and Pennsylvania;

Whereas the effort of large corporate and property interests to control the United States compels them to seek the control also of the state legislatures, by which the Members of the Senate are chosen, thus furnishing a fruitful incentive to political corruption, and compelling Members of the Senate who wish to retain their seats to exert an influence upon state politics which has most often been baneful in its nature; and

Whereas even the attempt to correct some of these evils by the nomination of Senators by direct vote of the people in the primary election is believed to have been the means of causing the corruption of the primaries; and

Whereas the long term of the Members of the United States Senate gives to that body an overwhelming control not only upon legislation, but also upon the political action of the Nation, removing it so much the more from the influence of the popular will; and

Whereas the Constitution of the United States offers no convenient means of a reform of these abuses so long as the United States Senate exists: Now therefore be it

Resolved by the senate (*the assembly concurring*), That the legislature of the State of Wisconsin does hereby appeal to the great sisterhood of States constituting this Nation that they present to the Congress of the United States the mandate of at least two-thirds of the sisterhood of States, to the end that an amendment to the Federal Constitution shall be adopted abolishing the United States Senate, and make such other changes as may be necessary to conform the Government to that change.

By Senator Gaylord; to committee on federal relations.

Joint resolution 9 (senate), relating to the unemployed.

Whereas the people of the United States are at this moment in the midst of one of those industrial breakdowns which periodically paralyze the life of this and other nations; and

Whereas in the nature of the industrial and commercial system now prevailing this unemployment of useful workers tends to become increasingly chronic, producing inevitably among the workers that habit of idleness and loss of self-respect which is found in the slum dweller and the tramp; and

Whereas the Nation is now suffering under the burden of an increase in crime the like of which is known in no other civilized land, due, in this land and time, as in others recorded in history, to the failure to provide a proper and legitimate field for the activity of its people: Therefore be it

Resolved by the senate (*the assembly concurring*), That the senate of the State of Wisconsin (the assembly concurring) do hereby instruct its elected Members of the National House of Representatives and in the United States Senate to introduce and forward by all proper means within their power such measures as shall be calculated to bring about—

1. The immediate government relief for the unemployed workers by the building of schools, by reforesting of cut-over and waste lands, by reclamation of arid tracts, by the building of canals, and by the extension of all other useful public works; all persons employed on such works to be employed directly by the Government under an eight-hour workday and at the prevailing union wages.

2. The loan by the Government of money to States and municipalities, without interest, for the purpose of carrying on public works.

3. Immediate contributions by the Government to the funds of labor organizations for the purpose of assisting their unemployed members, as is done in other civilized countries.

4. The establishment of a government policy which shall promote such other measures within its power as will tend to lessen the widespread misery of the workers caused by the impotence or negligence and misrule of the irresponsible owners of the sources and means of national wealth.

By Senator Gaylord; to committee on manufactures and labor.

Joint resolution 10 (senate), relating to the liquor traffic.

Whereas the liquor traffic constitutes a social and economic problem that requires the most careful study on the part of all who are interested in the common welfare, and especially on the part of those who are attempting to legislate with reference to the matter; and

Whereas practically every measure so far advanced upon the subject has entirely overlooked the tremendous effect of economic conditions upon the working class, the poor wages, the long hours, the insanitary and physically depressing conditions in the places of employment, the cheap adulterated food, and, above all, the housing of the working class in unhealthy, cheerless, comfortless hovels; and

Whereas these conditions, taken together, constitute, according to all scientific students of the subject, the most constant and powerful influence in creating and extending the evils of intemperance; and

Whereas it has been proven that where these conditions have been bettered by the increase in wages, shortening of hours, and improvement of conditions of labor, intemperance and the evil of the saloon have been lessened in that proportion; and

Whereas under the present economic conditions it is admitted and emphasized by every scientific and legislative investigation made that the saloon serves a very important and vital social function in our present society, especially in the cities, by offering to the working class a center of sociability, of warmth and cheer, of music and games, where they may read the papers and join in discussions, where they may even secure free food and some of the conveniences denied them in their homes, all at a price within their reach; and

Whereas this social function constitutes an absolute necessity and a positive right of the common people, which can not and ought not to be destroyed until either the municipality or the State shall find some way of separating this function from the private control of the saloon and establishing other centers of social life and amusement for the people that shall be in every way equal to and, if possible, superior in value and attractiveness; and

Whereas it is conceded that the adulteration of liquors and the use of the strongly alcoholic drinks constitutes the most serious evil of the liquor traffic; and

Whereas several methods of dealing with the liquor traffic are being urged in different directions, all of which fail in one or another respect to go to the root of the matter. For example, the public ownership and control of the wholesale and manufacturing part of the business by the government in Switzerland fails to properly regulate the retailing of liquor, thus leaving the evil effects of private management at that point; or, again, the state dispensary system in South Carolina, which is urged by some, provided that the 384 officials of the system in that State should all be appointed, thus creating a most dangerous political machine in connection with one of the most dangerous monopolies; or, again, the Gothenburg system of Norway and Sweden provides for the assumption of the retail or distributing business of the saloon by private companies, which in itself is objectionable and, besides, leaves the wholesale and the manufacturing part of the business in the hands of a great monopoly, whose evil influence is constantly operating against the good purposes of the system: Therefore be it

Resolved by the senate (*the assembly concurring*), That a special committee, consisting of two senators appointed by the president of the senate and three assemblymen appointed by the speaker of the house, shall be selected for the purpose of investigating all the different forms of public ownership, control, and regulation now in use in any part of the world and report to the next legislature some method of public ownership and regulation that will be best adapted to the social conditions and needs of the people of our State.

By Senator Gaylord; to committee on state affairs.

Joint resolution 11 (senate), asking Congress of the United States to enact into law H. R. 39.

Whereas it has come to the knowledge of the legislature of the State of Wisconsin that a measure is pending before the Congress of the United States (H. R. 39), intending to extend the limits of the Shiloh National Military Park for the purpose of showing, by appropriate markers, the movements of the confederate army in its approach to Shiloh and the movements of the Union Army, under General Halleck, in its advance from Shiloh to Corinth, and for making the said park accessible at all times to those who desire to visit it; and

Whereas this State, as well as the Government of the United States, the States of Illinois, Indiana, Iowa, Minnesota, Pennsylvania, Ohio, Alabama, and Tennessee have expended large sums of money by erecting monuments therein and otherwise beautifying the same: It is therefore

Resolved, That the legislature of the State of Wisconsin respectfully asks and urges the Congress of the United States to, at the earliest moment practicable, enact said H. R. bill 39 into law, so as to enable as many people as possible to visit this beautiful park, made historic by one of the most sanguinary battles fought during the civil war.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

By Senator James; to committee on military affairs.

Joint resolution 12 (senate) asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies.

Whereas it has come to the notice of the legislature of the State of Wisconsin that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 951,687, June 30, 1908), and as this number is likely to further increase, owing to legislation affecting widows enacted April 19, 1909; and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies, as inimical to their interest and convenience: It is therefore

Resolved by the senate (*the assembly concurring*), That the legislature of the State of Wisconsin respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of this vast body of pensioners who, owing to their services to the country as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

By Senator James; to committee on military affairs.

Joint resolution 13 (senate), to amend section 1 of Article IV of the constitution relating to legislative power.

Resolved by the senate (*the assembly concurring*), That section 1 of Article IV of the constitution be amended by striking out said section 1 and inserting in lieu thereof the following, so that when so amended the said section shall read as follows:

"SECTION 1. The legislative power shall be vested in a senate and assembly, but the people reserve to themselves power to propose laws and to enact or reject the same at the polls independent of the legislature; and also reserve power at their own option to approve or reject at the polls any act of the legislature. The first power reserved by the people is the initiative, and not more than 10 per cent of the legal voters shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. The initiative petition shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety or public emergency) by petition signed by at least 5 per cent of the legal voters. The referendum shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislature which passed the bill on which the referendum is demanded. All elections on measures

referred to the people shall be had at the biennial regular general elections and at such other elections as the legislature may prescribe. Any measure referred to the people shall take effect and become the law when it is approved by the majority of the votes cast thereon, and not otherwise.

"The style of all measures proposed by initiative shall be: 'Be it enacted by the people of the State of Wisconsin.' This section shall not be construed to deprive any member of the legislature of the right to introduce any measure, or to deprive the legislature of the right to repeal any law, propose or pass any measure which may be consistent with the constitution of the State or the Constitution of the United States. The whole number of votes cast for governor at the regular biennial election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. The powers herein reserved to the people for the State at large are hereby further reserved to the legal voters of every locality as to all local legislation or action for the respective localities. The powers herein reserved to the people to propose laws and to enact or reject the same are hereby further reserved to the legal voters of the State, the power to propose amendments to the constitution in the same manner as herein provided for the initiative and referendum. The veto power of the governor shall not extend to measures referred to the people as herein provided. The legislature shall, at the session of the legislature immediately following the adoption of the above constitutional amendment, enact laws carrying into effect the provisions of this section and facilitating its operation, and in the event of the failure of the legislature to enact such laws, the governor, by the executive order, shall make such rules and regulations as may be necessary for carrying these provisions into effect."

By Senator Blaine. To committee on judiciary.

Joint resolution 14 (senate), to amend section 6 of Article V of the constitution relating to reprieves and pardons and creating a board of pardons.

Resolved by the senate, the assembly concurring, That section 6 of Article V of the constitution be amended by striking out all of said section 6 and inserting in lieu thereof the following section, so that when so amended the said section shall read as follows:

"SEC. 6. The legislature shall establish a board of pardons, to consist of the governor, the attorney-general, and the chief justice of the supreme court of the State of Wisconsin, and two qualified electors who shall be appointed by the governor with the consent of the senate, to remit fines and forfeitures, to grant reprieves, commutations, and pardons after conviction or on a plea of guilty for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Not more than three of such board of pardons shall belong to the same political party. Upon conviction for treason, the governor shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next regular meeting, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. The governor shall annually communicate to the legislature at each regular session each case of remission of fine, reprieve, commutation, or pardon granted by the board of pardons, stating the name of the convict, the crime for which he is convicted, the sentence, and its date, and the date of the remission, commutation, pardon, or reprieve, with the reasons of the board for granting the same. The legislature shall by law establish rules and regulations governing the remissions of fines and forfeitures and the granting of reprieves, commutations, and pardons, and until such rules and regulations are established, the constitutional provision and laws relating to reprieves and pardons shall be operative."

By Senator Blaine. To committee on judiciary.

BILLS INTRODUCED.

No. 21 (senate).	By Senator Gaylord.	To committee on state affairs.
No. 22 (senate).	By Senator Gaylord.	To committee on taxation.
No. 23 (senate).	By Senator Gaylord.	To committee on state affairs.
No. 24 (senate).	By Senator Gaylord.	To committee on state affairs.
No. 25 (senate).	By Senator Gaylord.	To committee on transportation.
No. 26 (senate).	By Senator Gaylord.	To committee on state affairs.
No. 27 (senate).	By Senator Gaylord.	To committee on villages and cities.

RECESS.

Upon motion of Senator Sanborn, the senate took a recess until 12 o'clock m.

12 O'CLOCK M.

The senate was called to order by the president.

The senate repaired to the assembly chamber.

ELECTION OF UNITED STATES SENATOR.

(In joint convention.)

Lieutenant-Governor John Strange, president of the senate, called the joint convention to order and said:

"Gentlemen of the joint convention: You are assembled here for the purpose of expressing your choice for a United States Senator. In order to comply with the federal law, the clerk of the senate and the clerk of the assembly will read from the journal of each house, respectively, the proceedings of the preceding day with reference to the election of a United States Senator."

The chief clerk of the senate read the journal of the senate of January 26, 1909.

And the chief clerk of the assembly read the journal of the assembly of January 26, 1909.

The president then said:

"The clerk will call the roll, and as your names are called you will arise from your seats and announce the candidate of your choice."

Senator HUDNALL. I rise to protest against any other proceeding being taken in this joint assemblage at this time except the announcement of the presiding officer that Hon. ISAAC STEPHENSON is elected to the United States Senate for the term commencing March 4, 1909. I do that for the reason that it appears from the journal of the senate that the total number of votes cast for persons was 17, of which ISAAC STEPHENSON received 12, Neal Brown 4, and Jacob Rummel 1, and the journal of the assembly shows that of the members who voted for persons there were 60 for ISAAC STEEPHENSON, 16 for Neal Brown, and 3 for Jacob Rummel, and therefore, it appearing from the journals of both senate and assembly that ISAAC STEPHENSON received a majority of all of the votes cast in each house, it devolves then upon the president of this joint assembly to declare ISAAC STEPHENSON duly elected to the United States Senate, and then the duty devolves upon the president of the senate and the speaker of the assembly to certify his election to the governor and to the secretary of state, and they to certify his election to the United States Senate. Any other proceeding is out of order and nugatory.

PRESIDENT. Does the senator raise that as a point of order?

Senator HUDNALL. As a protest and as a point of order.

PRESIDENT. As a point of order, if the chair decided it, he would hold it not well taken.

Senator HUDNALL. May I inquire what is done with it as a protest?

PRESIDENT. The chair is a little more familiar with a protest of commercial paper than with a protest of that character. The chair will be obliged to hold that the senator is out of order in his protest, and out of order——

Senator HUDNALL. The gentleman whose name appears upon the back of this paper is a millionaire.

PRESIDENT. Well, he probably does not know anything about protests. Nominating speeches for candidates for the United States Senatorship will be now in order.

Senator OWEN. I move that the joint session do now proceed to ballot for United States Senator.

PRESIDENT. The clerk will call the roll, upon motion made by the senator from the tenth. The question will then be upon the motion made by the senator from the tenth, that we now proceed to a ballot for United States Senator.

Senator HUDNALL. I call for the ayes and noes on that question. That would be in accordance with my protest and my point of order, and I desire simply to have the record show it.

PRESIDENT. Under the rule, it requires that one-sixth to favor the motion. Sufficient number have arisen.

Senator BLAINE. I rise to a point of order. The proceeding under which the election of United States Senator takes place is prescribed by law, and provides that we shall proceed to elect a United States Senator. Therefore the motion to proceed to the election of Senator is not necessary, and is out of order.

PRESIDENT. The point of order is well taken.

Senator OWEN. I withdraw my motion.

SENATOR FROM THE SEVENTH. I rise to another point of order: I not believe that the gentleman has a right to withdraw his motion without the consent of the assembly, having been placed before the assembly.

PRESIDENT. The point of the senator from the seventh is well taken. The question, then, is upon the adoption of the motion made by the senator from the tenth.

Senator BLAINE. I would like a ruling upon my point of order.

PRESIDENT. The Chair was disposed to say the point of order was not well taken, but the Chair wants everything possible to develop to indicate the sentiment, and it is not the purpose of the Chair to be technical. The Chair will rule that the point of order is not well taken.

Senator OWEN. I have withdrawn my motion.

Mr. INGRAM. I will say I understood there was no second to the motion of the gentleman, and secondly, he is entitled to withdraw his motion according to parliamentary practice.

Senator HUDNALL. It does not require any second.

Senator PAGE. I would say that the fact that a sufficient number rose to demand an aye-and-no vote is at any time a sufficient second to any motion.

Mr. HAMBRECHT. I would like to answer the gentleman who made the remark that a second was required for the withdrawal, that when the Chair entertains the motion a second is not required.

Mr. LEDVINA. I call your attention to rule 64, page 91, which covers the point: "Any motion may be withdrawn by consent of the house before division or amendment."

Senator HUSTING. I rise to a point of order. The senator should be permitted to withdraw his motion for the reason that his motion was out of order. The statute prescribes the method by which a United States Senator should be elected. For instance, suppose this house, in joint assembly, should vote it down; that we should not proceed to the election of Senator; there would be a plain violation of the statute. The statute prescribes the order of proceeding, and nothing intervenes between the convening of the joint assembly and the taking of the vote. Everything else is out of order.

PRESIDENT. The Chair is inclined to agree with the senator from the thirteenth, as right, and will so rule. It is in order now that we proceed to the balloting for United States Senator. Members will rise and express their choice as their names are called.

Chief Clerk C. E. Shaffer, of the assembly, called the roll of the joint convention, and the vote for United States Senator was as follows:

Total number of votes cast, 131.

Of which ISAAC STEPHENSON received 65; Neal Brown, 21; Jacob Rummel, 4; John S. Donald, 1; H. A. COOPER, 11; JOHN J. ESCH, 7; W. D. Hoard, 2; John Strange, 1; J. H. Davidson, 2; Walter Owen, 3; Henry Lockney, 1; S. A. Cook, 4; J. H. Stout, 2; E. A. Edmunds, 1; L. H. Bancroft, 1; C. E. Estabrook, 1; C. M. Webb, 1; I. L Lenroot, 1; F E. McGovern, 1; and M. J. Cleary, 1.

The following voted for ISAAC STEPHENSON:

Senators Bird, Bodenstab, Burke, Fairchild, Hudnall, Lehr, Lyons, Page, Stout, Thomas, Whitehead, and Wright.

Messrs. Atwood, Ballard, Bancroft, Bray, Brew, Buslett, Benjamin A. Cady, Chapple, Chinnock, Cleary, Culbertson, Disch, Egan, Erickson, Fenelon, Fisher, Georgi (under protest), Grosse, Hambrecht, Hammill, Harras, Hoyt, Hull, Ingalls, Irvine, Jones, Kempf, Kubasta, Kull, Laycock, Ledvina, Le Roy, Mains, Marquardt, Nelson, Peterson, Philipps, Reader, Reynolds, Shaw, Frank Smith, Simon Smith (under protest), Stack, Stevens, Thomas, Towers, Twesme, Urquhart, Wehrwein, Wellensgard, Whitman, Whittet, and Wittig—65.

The following voted for Neal Brown:

Senators Husting, Pearson, and Randolph.

Messrs. Bichler, Virgil Cady, Domachowski, Farrel, Hughes, Kalaher, Kindlin, Kneen, Lentz, Pickart, Ramsey, Rollmann, Schmidt, Schwalbach, Stewart, Towne, and Viebahn—21.

The following voted for Jacob Rummel:

Senator Gaylord, and Messrs. Berner, Brockhausen, and Weber—4.

The following voted for John S. Donald:

Senator Barker—1.

The following voted for H. A. COOPER:

Senators Bishop, Blaine, Kleczka, Krumrey, and Martin.

Messrs. Comstock, Coolidge, Curtiss, Kamper, Wells, and Zimmerman—11.

The following voted for JOHN J. ESCH:

Senators Brazeau, Marsh, and Morris.

Messrs. Bradford, Busacker, Leuch, and McConnell—7.

The following voted for W. D. Hoard:

Senator Browne and Mr. Onstad—2.

The following voted for John Strange:

Senator Donald—1.

The following voted for J. H. DAVIDSON:
Senator Fridd and Mr. Crowell—2.
The following voted for Walter Owen:
Senator Lockney and Messrs. Kay and Keyes—3.
The following voted for Henry Lockney:
Senator Owen—1.
The following voted for E. A. MORSE:
Senator Sanborn—1.
The following voted for S. A. Cook:
Messrs. Barnett, Kimball, Mortensen, and Neitzel—4.
The following voted for J. H. Stout:
Messrs. Daub and Dorner—2.
The following voted for E. A. Edmunds:
Mr. Estabrook—1.
The following voted for L. H. Bancroft:
Mr. Haight—1.
The following voted for C. E. Estabrook:
Mr. Ingram—1.
The following voted for C. M. Webb:
Mr. Keup—1.
The following voted for I. L. Lenroot:
Mr. Johnson—1.
The following voted for F. E. McGovern:
Mr. Roethe—1.
The following voted for M. J. Cleary:
Mr. Scott—1.

The following remarks were made as the roll was called:

Senator BARKER. Mr. President, owing to the senatorial investigation, I to-day cast my vote for John S. Donald, of Madison.

Senator BISHOP. Pending the investigation now before the Wisconsin legislature, I cast my vote for the Hon. HENRY ALLEN COOPER.

Senator BLAINE. Mr. President, awaiting the result of the investigation as proposed by the state senate, I to-day cast my vote for the Hon. HENRY ALLEN COOPER.

Senator LYONS. Owing to the promise to my constituency, ISAAC STEPHENSON.

Mr. BALLARD. In view of the fact of the action taken by the members of the assembly this morning in regard to the resolution for investigation, I vote at this time for GUSTAV KÜSTERMANN.

Mr. COMSTOCK. Owing to the investigation at this time, I vote for the Hon. HENRY ALLEN COOPER.

Mr. DORNER. Pending the investigation, I vote for Hon. James H. Stout, of Menominee.

Mr. GEORGI. Mr. President, having due regard for the primary election law, and not knowing of any candidate otherwise than the one elected at the primary election, I feel bound, contrary to my own opinion, to vote for ISAAC STEPHENSON, but I do so under protest.

Mr. HAMBRECHT. Mr. President, owing to the fact that the people of the State of Wisconsin have placed in nomination at their primary election a man, I feel in duty bound to recognize that and vote for ISAAC STEPHENSON.

Mr. INGRAM. Mr. President, pending the investigation, I desire at this time to cast my vote for Gen. Charles E. Estabrook, of Milwaukee.

Mr. JOHNSON. Pending the investigation of this matter, I wish to cast my vote for the Hon. Irvine Lenroot.

Mr. KAMPER. Mr. President, pending the investigation at this time, I desire to vote for Henry Allen Cooper.

Mr. KUBASTA. In conformity with the primary-election law and wishes of my constituency and those in Wisconsin, I vote for ISAAC STEPHENSON.

Mr. LEDVINA. Mr. President, in conformity with the primary-election law, I vote for ISAAC STEPHENSON.

Mr. LEUCH. Mr. President, I came down here yesterday morning with a firm conviction of voting for ISAAC STEPHENSON for United States Senator, but I had also pledged my constituents in my district that if any specific charges were preferred against Mr. STEPHENSON, I would not vote for him until that investigation was disposed of. I am therefore bound to vote for JOHN J. ESCH at this time.

Mr. MAINS. ISAAC STEPHENSON, under protest.

Mr. MORTENSON. Mr. President, yesterday I unqualifiedly cast my vote for ISAAC STEPHENSON. In the light of attendant circumstances and the resolution pending before this assembly at the present time, I request that my vote at this time be cast for Samuel A. Cook.

Mr. ROETHE. Mr. President, I cast my vote for the man that carried my district in the primaries, Hon. Francis E. McGovern, of Milwaukee.

Mr. FRANK SMITH. Mr. President, owing to the fact that we have a primary-election law in this State, and under that law ISAAC STEPHENSON received the plurality of all votes cast for the office of United States Senator, and that Dane County was one of those counties that helped to roll up that plurality, I feel it my duty in carrying out the wishes of my constituents to vote for Hon. ISAAC STEPHENSON.

Mr. SIMON SMITH. Mr. President, having still in mind the vote of my district and having great respect for the primary-election law, I vote for ISAAC STEPHENSON under protest.

Mr. WEHRWEIN. ISAAC STEPHENSON, under protest.

Mr. WHITMAN. ISAAC STEPHENSON, no protest.

Mr. ZIMMERMAN. Mr. Speaker, permit me, to-day, as I did yesterday, to vote for the Hon. Henry Allen Cooper.

Mr. BALLARD. Mr. President, I wish to change my vote, under protest, for ISAAC STEPHENSON.

The president said:

It appears from the records of the joint convention that no person has received a majority of the votes cast for United States Senator.

Gentlemen, what is your further pleasure?

Senator Randolph moved that the joint convention be now dissolved.

The ayes and noes being demanded, it was decided in the affirmative—ayes 75, noes 55, absent or not voting 3.

The vote was as follows:

Ayes—Senators Barker, Bishop, Blaine, Browne, Donald, Fridd, Gaylord, Husting, Kleczka, Krumrey, Lockney, Lyons, Marsh, Martin, Morris, Owen, Pearson, Randolph, Sanborn, and Messrs. Ballard, Barnett, Berner, Bichler, Bradford, Brew, Brockhausen, Busacker, Chinnock, Comstock, Coolidge, Crowell, Curtiss, Doub, Domachowski, Dorner, Estabrook, Farrell, Fenelon, Georgi, Grosse, Haight, Hoyt, Hughes, Hull, Ingram, Johnson, Kalaher, Kamper, Kay, Kempf, Keup, Keyes, Kimball, Kindlin, Kneen, Lentz, Leuch, McConnell, Mortensen, Neitzel, Onstad, Roethe, Rollmann, Schmidt, Schwalbach, Scott, Simon Smith, Stewart, Towers, Towne, Viebahn, Weber, Wehrwein, Wells, and Zimmerman—75.

Noes—Senators Bird, Bodenstab, Brazeau, Burke, Fairchild, Hudnall, Lehr, Page, Stout, Thomas, Whitehead, Wright, and Messrs. Atwood, Bray, Buslett, Benjamin A. Cady, Virgil Cady, Chapple, Cleary, Culbertson, Disch, Egan, Erickson, Fisher, Hambrecht, Hammill, Harras, Ingalls, Irvine, Jones, Kubasta, Kull, Laycock, Ledvina, Le Roy, Marquardt, Nelson, Peterson, Philipps, Pickart, Ramsey, Reader, Reynolds, Shaw, Frank Smith, Stack, Stevens, Thomas, Twesme, Urquhart, Wellensgard, Whitman, Whittet, Wittig, and the speaker—55.

Absent or not voting—Senators Hazelwood, James, and Mr. Mains—3.

The senate retired and returned to the senate chamber.

ADJOURNMENT.

Upon motion of Senator Stout, the senate adjourned.

REVISION OF THE PENAL LAWS.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. OVERMAN. I believe the matter can be settled; that time can be saved and the code can become a law, as it ought, at this session, with certain amendments, and the differences can be settled. Therefore, I move that the matter be recommitted to the committee of conference with instructions to report back to-day.

The VICE-PRESIDENT. The motion is not in order. The Secretary will resume the reading of the amendment.

The Secretary resumed the reading of the amendment.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I ask the Senator from Utah to yield to me for the purpose of presenting a conference report.

The VICE-PRESIDENT. The Senator from North Dakota presents a conference report, which will be read.

The Secretary proceeded to read the report.

Mr. CLARKE of Arkansas. Is the report being read by unanimous consent?

The VICE-PRESIDENT. The right to present does not depend upon consent.

The Secretary resumed and concluded the reading of the report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

P. J. McCUMBER,
N. B. SCOTT,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. McCUMBER. If the Senator from Utah will yield to me for the purpose, I will ask that the report be adopted.

The VICE-PRESIDENT. Does the Senator from Utah yield for the purpose of having the Senate act upon the conference report?

Mr. CLARKE of Arkansas. There has been so much uncertainty about the right of conference reports that I think it is a good time to settle it by a vote of the Senate. I do not desire that those reports shall be acted upon exclusively at the option of the distinguished Senators from Idaho and Utah. If it is the will of the Senate that that shall be the rule, a vote to that effect will silence future opposition, and we will understand what we are entitled to.

Mr. McCUMBER. I am not claiming that we have any right to consider the report.

Mr. CLARKE of Arkansas. I think you have. I think an affirmative vote of the Senate will give you the right to consider the report. So far as I am concerned, I am not disposed to deny the right, but I should like to have it understood that there exists some power to deal with the question outside of the consent of the two distinguished Senators named.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SUTHERLAND. I yield.

Mr. LODGE. I merely wish to say that under the rules of the Senate the presentation of a conference report is in order at any time, and when it is presented there is only one question that can be raised, and that is the question of consideration, which must be decided without debate.

Mr. SUTHERLAND. As I understand the situation, the Senate is now considering a conference report.

The VICE-PRESIDENT. That is correct.

Mr. SUTHERLAND. It would not be in order, it appears to me, to consider another conference report without displacing this one.

Mr. LODGE. I suggest that it is just as much in order to make a motion to proceed to the consideration of a conference report when another report is under consideration as it is to move to take up a bill against the bill which is the first order of business at 2 o'clock—the unfinished business.

The VICE-PRESIDENT. That is correct.

Mr. LODGE. Not that I desire to set the conference report aside, but the report of the Senator from North Dakota can be disposed of in a moment.

Mr. ALDRICH. Mr. President, it is perfectly competent for the Senator from Utah or the Senator from Idaho, after this report is disposed of, to move to proceed to the consideration of the other report. It is always within the control of a majority of the Senate, and it ought to be.

Mr. SUTHERLAND. I ask unanimous consent that the conference report now under consideration be laid aside, to be resumed after the disposition of the conference report in charge of the Senator from North Dakota.

The VICE-PRESIDENT. The Senator from Utah asks unanimous consent that the consideration of the pending conference report be temporarily suspended; that the Senate may act upon the conference report submitted by the Senator from North Dakota; and that the consideration of the pending conference report be resumed at the conclusion of the consideration of the other report.

Mr. CLARKE of Arkansas. I object to that, although I am entirely favorable to a vote in accordance with the motion made by the Senator from North Dakota. I do not desire to interpose any objection to the consideration of the matter contained in his report, but as I said a moment ago, and now repeat, I am not willing that the matter of the consideration of conference reports shall reside with the distinguished Senators from Idaho and Utah.

I think that is a matter exclusively under the control of the Senate. Whenever it is desirable to exercise it, I think the Senate has the power and can give or withhold it. If it be lodged with the Senators from Idaho and Utah in the matter of unanimous consent, they may arbitrarily withhold it or arbitrarily grant it. I do not believe in the present condition of business in the Senate it is wise to allow any such power to reside with any individual Senator, no matter how fair-minded he may be, and no matter how trustworthy he may be.

I am entirely willing that the Senator from North Dakota should move to take up the conference report, and in order to do so the pending bill should be laid aside; and I shall vote with him in support of such a motion. Then if the Senate desires to resume the consideration of the report in charge of the Senator from Idaho, as the Senator from Rhode Island has suggested, it may do so, it being a matter entirely within the control of a majority of the Senate at all times.

Mr. McCUMBER. I should not make a motion to act upon the conference report against the wish of the Senator having in charge the bill under consideration. I moved it at this time because it is a long bill and it will take some time to engross and enroll it, and to facilitate the business I thought we might as well dispose of it at this time. With the consent of both Senators, I move the adoption of the report of the committee of conference.

The VICE-PRESIDENT. The Senator from North Dakota moves the adoption of the report of the committee of conference.

Mr. CLARKE of Arkansas. The report can not be adopted, I take it, until the other report has been temporarily laid aside.

The VICE-PRESIDENT. Is there objection?

Mr. CLARKE of Arkansas. I object.

The VICE-PRESIDENT. It would have the effect of displacing the pending conference report. Is there objection to the request to temporarily lay aside the pending conference report for the consideration of the conference report submitted by the Senator from North Dakota?

Mr. CLARKE of Arkansas. I object. I want it disposed of by a vote of the Senate.

The VICE-PRESIDENT. The Senator from North Dakota moves that the Senate proceed to the consideration of the conference report submitted by him.

Mr. CLARKE of Arkansas. On that I call for the yeas. There is not a quorum of the Senate present at this time.

The VICE-PRESIDENT. The Senator from Arkansas demands the yeas and nays. Is there a second?

Mr. BEVERIDGE. Has there been a second?

Mr. CLARKE of Arkansas. I suggest the absence of a quorum, Mr. President, and then we will ask for the yeas and nays.

The VICE-PRESIDENT. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Daniel	Hopkins	Paynter
Beveridge	Depew	Johnston	Penrose
Borah	Dick	Kean	Perkins
Bourne	Dillingham	Kittredge	Piles
Brandegee	Dixon	Knox	Rayner
Briggs	Dolliver	La Follette	Smoot
Brown	du Pont	Lodge	Stephenson
Bulkeley	Flint	Long	Sutherland
Burkett	Foraker	McCreary	Taliaferro
Burrows	Frazier	McCumber	Teller
Carter	Fulton	McLaurin	Tillman
Clapp	Gamble	Martin	Warner
Clarke, Ark.	Gary	Money	Warren
Clay	Guggenheim	Newlands	Wetmore
Crane	Hale	Overman	
Cullom	Hemenway	Owen	
Cummins	Heyburn	Page	

The VICE-PRESIDENT. Sixty-five Senators have responded to their names. A quorum of the Senate is present. The Senator from Arkansas demands the yeas and nays upon the question of agreeing to the motion made by the Senator from North Dakota. Is there a second? In the opinion of the Chair, there is not. The question is on agreeing to the motion of the Senator from North Dakota.

Mr. CLARKE of Arkansas. I ask the Chair to put that request again.

The VICE-PRESIDENT. Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered.

Mr. BORAH. What is the motion, Mr. President?

The VICE-PRESIDENT. The Senator from North Dakota moves that the Senate proceed to the consideration of the conference report presented by him. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). In the absence of the Senator from North Carolina [Mr. SIMMONS], with whom I have a general pair, I will withhold my vote. If he were here, I should vote "yea."

The roll call was concluded.

Mr. FULTON. I wish to make an announcement in regard to my general pair with the junior Senator from Arkansas [Mr. DAVIS], which I have transferred to the senior Senator from Washington [Mr. ANKENY]. It is understood, I think, that that may stand for the remainder of this session. I will not again make the announcement. I vote "yea."

Mr. SIMMONS. Has the junior Senator from Minnesota [Mr. CLAPP] voted?

The VICE-PRESIDENT. The junior Senator from Minnesota has not voted.

The result was announced—yeas 53, nays 7, as follows:

YEAS—53.

Aldrich	Cummins	Hansbrough	Perkins
Borah	Daniel	Hopkins	Piles
Bourne	Depew	Kean	Richardson
Brandegee	Dick	Kittredge	Scott
Briggs	Dillingham	La Follette	Stephenson
Brown	Dolliver	Long	Sutherland
Bulkeley	du Pont	McCreary	Taliaferro
Burkett	Flint	McCumber	Taylor
Burrows	Foraker	McLaurin	Tillman
Carter	Fulton	Martin	Warner
Clark, Wyo.	Gallinger	Money	Wetmore
Clarke, Ark.	Gamble	Nixon	
Crane	Gary	Page	
Cullom	Guggenheim	Penrose	

NAYS—7.

Clay	Johnston	Rayner	Warren
Heyburn	Paynter	Teller	

NOT VOTING—32.

Ankeny	Curtis	Hale	Overman
Bacon	Davis	Hemenway	Owen
Bailey	Dixon	Knox	Platt
Bankhead	Elkins	Lodge	Simmons
Beveridge	Foster	McEnery	Smith, Md.
Burnham	Frazier	Milton	Smith, Mich.
Clapp	Frye	Nelson	Smoot
Culberson	Gore	Newlands	Stone

So the motion was agreed to, and the Senate proceeded to the consideration of the conference report.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24835) authorizing the necessary resurvey of public lands.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 6074. An act to provide for holding sessions of the United States circuit and district courts at Springfield, Mass.;

S. 9006. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, approved February 18, 1907;

S. 9373. An act to provide for the sale of isolated tracts of public land in Imperial County, Cal.;

H. R. 1622. An act for the relief of the estate of William J. Cussen;

H. R. 26915. An act making appropriation for the support of the army for the fiscal year ending June 30, 1910;

H. R. 27469. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27926. An act to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana; and

H. R. 28047. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 263. Joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I move that the Senate proceed to the consideration of the report of the committee of conference on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. BAILEY. Mr. President, there is an agreement to renew the consideration to-day of the resolution which I offered yesterday. My understanding is that that resolution went over——

Mr. HEYBURN. I have moved to take up the conference report. I have made a motion.

The VICE-PRESIDENT. The Senator from Idaho moves to proceed to the consideration of the conference report on Senate bill 2982.

Mr. BAILEY. Is it competent for the Senator to make that motion against a unanimous-consent agreement?

The VICE-PRESIDENT. The motion is in order under the rules, and it is not debatable.

Mr. BAILEY. I wish to make a parliamentary inquiry. The suggestion was made to me that it was not a unanimous-consent agreement. It was a unanimous-consent agreement, and the RECORD will show it.

The VICE-PRESIDENT. The Chair will state the parliamentary situation as it is. The Senator from North Dakota [Mr. MCCUMBER] moved to proceed to the consideration of the conference report submitted by him. That motion, upon a vote of the Senate, prevailed. The effect of that vote was to displace the conference report which was before the Senate in charge of the Senator from Idaho. The Senator from Idaho now moves to proceed to the consideration of the conference report. That motion is in order, and it is not debatable.

Mr. BAILEY. I understand, Mr. President, but the parliamentary inquiry which I desire to make is whether it is permissible, under the rule and under the practice of the Senate, to move to take up any order of business against a previous order made by unanimous consent.

The VICE-PRESIDENT. The Chair is of the opinion that it is in order. In the case of a unanimous-consent agreement it is for the Senate to determine whether it will violate its agreement.

Mr. BAILEY. I believe I have never known that done since I have been in the Senate, and I suggest that the Senator from Idaho will make more progress not to attempt it.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho.

Mr. BEVERIDGE. Mr. President, a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Indiana rises to a parliamentary inquiry.

Mr. BEVERIDGE. Did I understand the Chair to rule that the Senate might vote to displace a unanimous-consent agreement of the Senate?

The VICE-PRESIDENT. The Chair stated that it is in the power of the Senate to violate its unanimous-consent agreement by a vote.

Mr. BEVERIDGE. By a majority vote?

The VICE-PRESIDENT. It is not usual, but the Senate has the power to do it. The only question now before the Senate is the motion of the Senator from Idaho. The question is on agreeing to the motion of the Senator from Idaho to proceed to the consideration of the conference report.

Mr. CLARKE of Arkansas. Mr. President, there is no quorum present, and that motion we might want to amend. I make the point that there is no quorum, and I do it for the definite purpose of taking the sense of the Senate as to whether, with other matters pending——

The VICE-PRESIDENT. No debate is in order. The Senator from Arkansas raises the point of the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Cullom	Johnston	Paynter
Bailey	Daniel	Kean	Perkins
Bankhead	Dick	Kittredge	Piles
Beveridge	Dolliver	La Follette	Richardson
Borah	du Pont	Long	Simmons
Brandegee	Flint	McCreary	Smith, Md.
Briggs	Foraker	McCumber	Smoot
Brown	Frazier	McLaurin	Stephenson
Bulkeley	Frye	Martin	Stone
Burkett	Fulton	Milton	Sutherland
Burrows	Gallinger	Money	Taylor
Carter	Gamble	Nelson	Teller
Clapp	Gary	Nixon	Tillman
Clarke, Ark.	Guggenheim	Overman	Warner
Clay	Hansbrough	Owen	
Crane	Heyburn	Page	

The VICE-PRESIDENT. Sixty-two Senators have answered to their names. A quorum of the Senate is present. The question is on the motion of the Senator from Idaho to proceed to the consideration of the conference report submitted by him.

Mr. CLARKE of Arkansas. On that motion I call for the yeas and nays.

The yeas and nays were not ordered.

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the House substitute.

Mr. TELLER. Mr. President, now that this matter is properly before the Senate——

The VICE-PRESIDENT. It is properly before the Senate.

Mr. TELLER. I suppose it is subject to consideration. I do not care about discussing the question before the Senate properly, but I want to say a few words about the unanimous-consent agreement, assuming that there was a unanimous-consent agreement, a point upon which I do not pass.

Mr. BAILEY. Let me, then, if the Senator will permit me, call his attention to what occurred; and I think I may be permitted to say that this is the first time within my experience or within my knowledge that a unanimous-consent agreement has ever been set aside by a vote of the Senate. If a majority think they can dispose of that measure in this way they have made a grave mistake.

Mr. ALDRICH. Mr. President——

Mr. BAILEY. Let me finish what I want to call the attention of the Senator from Colorado to.

Mr. ALDRICH. I am sure that the Senator from Texas desires to state the question accurately.

Mr. BAILEY. I not only desire to do it, but I did it.

Mr. ALDRICH. There was no unanimous-consent agreement made.

Mr. BAILEY. That is a question to be determined by the RECORD, and I will read the RECORD.

Mr. GALLINGER. Let the RECORD be read.

Mr. BAILEY. I will read the RECORD. It was the Senator from Rhode Island who said he would not object to the course I proposed.

Mr. ALDRICH. Read the RECORD.

Mr. BAILEY (reading)—

If the Senator from Rhode Island is willing that this matter shall go over until to-morrow with his motion to refer it to the Judiciary Committee pending, I am perfectly willing that the matter shall take that course.

The Senator from Rhode Island replied:

I have no objection whatever to that course being taken, but I desire to remind the Senator from Texas and the Senate that at this stage

of the session, with the public business in the condition in which it now is, it will be utterly impossible for the Senate to enter upon a discussion of this grave question of the comity which is due from one great department of the Government to another without imperiling the public business. I shall feel bound to resist any lengthy discussion of this question if it is within my power to do so.

To which I rejoined:

Let me say to the Senator from Rhode Island that if the departments had respected the comity that ought to exist between the two branches of the Government this question would never have been here. But let the resolution go over until to-morrow.

The VICE-PRESIDENT. The resolution will lie on the table, with the motion of the Senator from Rhode Island to refer pending.

Mr. ALDRICH. Yes.

Mr. BAILEY. "Subject to call to-morrow," I added.

Mr. President, there was no other way for us to take that course except by unanimous consent. The Senator from Rhode Island had a motion to refer pending, and that motion was left in the air and could only have been left there by unanimous consent. The matter could only have remained on the table in that state of the parliamentary case by unanimous consent, and it is the barest quibble to say that there was no unanimous consent because Senators did not think it necessary to have the RECORD specify in so many words that the arrangement was one under unanimous consent.

Mr. TELLER. Mr. President, it is quite immaterial to me whether there was unanimous consent or not. I want to speak about the force and effect of a unanimous-consent agreement, because there has been some controversy here within a few minutes as to what is a unanimous-consent agreement.

Ever since I have been in the Senate there have been some Members of this body who have been in favor of what we call a "cloture rule," or what is termed in another place the "previous question." I wish to state what has been the custom of the Senate, in which I think Senators who have served a long time here will agree with me. We have resisted, and especially those Senators who have served a long time, the efforts for a previous question or a cloture rule. Recently, perhaps in the last five or six years, perhaps for ten years, no such effort has been made; but there grew up a system of treating public questions here in the Senate that probably does not exist in any other body in the world. I think it is as old perhaps as the Senate itself. I do not know when it originated, but I know when I came here it was the rule, and that is the unanimous-consent agreement. I should like the attention of the Chair as well as the Senate. This is a subject that I think should be considered carefully.

Mr. President, if it were ten days before adjournment I would make some remarks on the value of the rules and customs of this body; but as it is I shall not waste any time in that way. Unanimous consent is simply an honorable obligation on the membership of this body. It has no force or effect if any Senator on certain occasions, when he has the opportunity, should decline to accept it. When we agree to vote on a certain day we agree that debate shall end and a vote be taken. It is in the power of a Senator, without a violation of any written rule of the Senate, to say: "I decline to recognize this unanimous consent, and I want to proceed to discuss the question." If he does so, the President of the Senate has no power to prevent such discussion. But, Mr. President, in the nearly thirty years that I have been here, I have never known that rule to be violated except by accident, as it was last week, perhaps.

I have heard a great many Senators declare that as they were not present when the unanimous consent was entered into it was not binding on them, but on reflection I believe in every case they have concluded, whether they were present or absent, that they were honorably bound to respect that which was agreed to by the Senate. There is no rule, written or unwritten, which governs this body that is so important and so valuable as unanimous-consent agreements.

It has been charged against the Senate again and again that we have no way to stop debate and that we ought to have a rule such as I have stated. Magazine articles have been written about the time wasted in the Senate in debate, and the country has been sometimes stirred up by statements made in the public press that we lost time here in needless debate. I recall no great question that has ever been considered in the history of the Senate since I have been a Member of it that was not ultimately brought, and that, too, with the consent of the Senate, to a determination. It is the duty of the Members of this body to consider, when a question has been presented, whether or not it has been sufficiently debated, and when some friend of a measure usually would get up and say, "Now, I want a unanimous-consent agreement that the vote shall be taken next Thursday, or next Friday, or next week, or on a day fixed," that has been considered, and usually an amicable arrangement has been made. If the time asked was too short, Senators who wished to debate longer would arrange that there should be an extension of time. Then the request to vote would be agreed to, and we could vote on such a day on the bill and on the pending amendments.

That brings me, Mr. President, to something which occurred on Friday last, if I recollect correctly, when we had agreed that we would vote on a bill and the pending amendments to it, in my judgment. I do not hesitate to say that has been the practice of the Senate. To vote on a bill and pending amendments meant to vote on the bill and on the amendments. It did not mean that any Senator would have a right to get up and raise a question of order, but that we should vote on the amendments, the purpose being to bring the Senate to a vote. So we provide that that shall be done without debate either on the main question or on the amendments.

I have sometimes known a unanimous-consent agreement to be accompanied with some regulations or restrictions as to a vote, but that is not the usual method. We usually say we will vote on the bill and on the pending amendments. The other day the question of order was raised. The Chair held that the question was a pertinent and proper one, and very properly so, because, as I say, no Senator was obliged to observe that agreement unless he saw fit to do so. It was not in the power of the Senate to say to the presiding officer, "We will enforce this regulation," for it is not an enforceable regulation, except by the honorable obligation which every Senator must feel after such an agreement has been entered into.

The very thing that occurred the other day, Mr. President, will, I think, if Senators will give their attention to it for a moment, show the value of this rule and the danger of its infringement. The Senator who was taken off the floor and his amendment, properly, I suppose—I have no doubt of that—declared out of order, said that if he had known this was to be the rule or the regulation of proceedings he would not have consented to the agreement. Mr. President, you will have no unanimous-consent agreements unless we observe such agreements when made and in the terms in which they are made.

I want to say that I believe, as a rule, Senators mean to observe unanimous-consent agreements. While there were two violations of the unanimous-consent agreement, as I thought, on Friday last, I do not charge either of the Senators with the intention to violate that rule. I think that is the rule. I believe—and I want to emphasize it—a vote upon a bill and its pending amendments means a vote upon a bill and upon every amendment that is on the table, whether it be in order or out of order.

There was also on that occasion a motion to lay an amendment on the table. That, I think, comes within the rule, because then the Senate has a vote on the amendment, and it is just as much a vote on an amendment when you vote on a motion to lay it on the table as it is when you vote directly on the amendment.

I heard a Senator say the other day that he thought we ought to have a rule of the Senate to enforce unanimous-consent agreements. Mr. President, I do not believe the time will ever come, in this body, when it will be necessary to have a written rule on this subject. It has never been necessary in the past, and it will, in my judgment, never be necessary in the future to have such a rule.

I want to say that in all the years of my active service in the Senate, when great questions were presented and when there were a great many more political differences and much more of political bitterness than now prevails, we succeeded in ultimately bringing all of those questions to a proper determination by the Senate, or at least the Senate determined for itself what should be the decision. I trust that this unanimous-consent unwritten rule of the Senate will always be observed.

Mr. President, I believe this is so important that I have felt it my duty to discuss this subject. I apologize to the Senate for appearing to have lectured the Senate or to have presented a matter with which probably most Senators are as familiar, at least, as I am.

Mr. BEVERIDGE. Mr. President, certainly at this late hour in the session, and in the present congestion of public business, I should not take even a moment to discuss this or anything else, were it not for the fact, so well stated by the veteran Senator from Colorado [Mr. TELLER], that the particular point under discussion is, at least, as important as any possible matter of legislation.

On every occasion when the subject has been raised, I have stated on the floor—because I want it to be on record as many times as possible—that I, for one, am always against any possible form of cloture; that I have viewed with some alarm the rulings of the Senate itself within the last two years, which, taken together, might effectively involve cloture.

At the next session I hope that that matter will be brought up so that that important method of the Senate's procedure can be more definitely settled when men's minds are freed from the exigencies of particular occasions.

The only form in which we come to any suggestion of cloture, even, is the unanimous consent; and, of course, that is not cloture at all, because it merely means that when all Senators are through, when they have voiced their views, and the whole subject has been thrashed out, it is the judgment of the entire Senate that the whole matter ought to be brought to a conclusion by a vote.

So solemnly binding have I thought that such unanimous consent was, that I have, I frankly confess—as I think a great many other Senators in the Chamber, not only young Senators, but old Senators as well—thought that it was the actual law of the Senate. I see now that it is not; that it rests solely upon custom, and that that custom rests upon honor. That being the case, it can not be too earnestly and repeatedly stated in this body that a unanimous-consent agreement under no circumstances should be violated, and that, if possible, it should have more than the effect of a written rule of the Senate.

If the reverse were true, then when the Senate has come to an agreement that public business should be finally disposed of, and some Senator at the end, for some reason of passion or irritation, should take the floor, he could absolutely interrupt the business of the Senate, which the whole Senate, including himself, had agreed to conclude.

For example, take the contest that occurred in the Senate last year—which is only a type of many others—over the amendment to the naval appropriation bill involving the number of battle ships. It was agreed at a certain day, at a certain hour, the general debate should close, and that after that hour Senators might speak for ten minutes each. During that day there was a great deal of speaking before the hour of 4 o'clock arrived.

It happened to be my fortune to have participated in that debate in such manner that I was expected to close what was said on one side; but I had to do that under what we called the "ten-minute rule." In that ten minutes I was compelled to answer speeches of very able and very well informed Senators, lasting, altogether, some hours. When the end of that ten minutes was up, the Chair very properly rapped on his desk and said, "The time of the Senator from Indiana has expired," and I took my seat. I would have had the power, unless unanimous-consent agreements be sacredly observed, to have kept the floor as long as I could speak. I would have had the power to have defied the Chair, and the Chair's ruling would have amounted only to merely a suggestion reminding me of my honorable engagement with the Senate and the Senate's honorable engagement. Therefore, Mr. President, I say—and I am led to say so because, as the Senator from Colorado [Mr. TELLER] has said, this is a custom immemorial—that now that the suggestion is brought to the minds of a great many Senators, and I think the majority, that unanimous consent is not at all the law of the Senate, but only a custom resting upon honor, we had better bring this clearly to the minds of all of us.

It seems to me that the only concrete thing to do, now that the Senate is face to face with this situation, is to suggest to the Committee on Rules that at a convenient day in the future they report a rule which will state our custom in the form of an absolute rule; otherwise the Senate is at the mercy of any capricious man who for any reason sees fit to disregard the honorable engagements of the Senate.

Now, I will say to the Senator from Texas that if I considered what appears in the RECORD as a unanimous-consent agreement, I never would have voted to violate it by taking up this bill; but as unanimous consent itself is a question of custom, so the form of the unanimous consent is a question of custom. For that reason I do not think, from my brief experience in the Senate, that what the Senator read amounted to a unanimous-consent agreement. First of all, it was not stated in the form of words; second, it was not put by the Chair; third, the question was not asked, "Is there any objection?" which is the method we have of registering unanimous consent. I looked immediately upon the calendar, because, when the suggestion was made that there had been unanimous consent, I would have considered it a matter of dishonor to have violated it by a vote, and I do not find it here. My point is—and I think Senators will recognize it, now that it is clearly stated both by the Chair and the Senator from Colorado—that unanimous consent is purely a matter of custom, and yet the most binding law upon the Senate. In the same way the form of the unanimous consent is a matter of custom, and all the more important because it is not a rule of the Senate, but rests upon our honorable engagements. Therefore the form of unanimous consent has been, "I ask unanimous consent for such and such a thing." The Secretary takes it down. The Chair states the request for unanimous consent, so that every Senator may understand what he is consenting to, and the Chair puts formally the question, "Is there any objection?" and after waiting until all Senators can understand and agree, or disagree, no person objecting, the Chair says, "It is so ordered." Thereupon it becomes what we call "unanimous-consent agreement."

For that reason it seems to me that the colloquy between the Senator from Texas and the Senator from Rhode Island is what occurs every day on similar matters—merely a colloquy and not a unanimous consent—which is as well defined in form as the custom itself is well defined in practice.

Mr. BAILEY. Mr. President, I have no care about form; it is substance that appeals to me. I believe, and the Senate believes, that when the colloquy occurred and no objection was made, that gave me the right to have a vote on the motion made by the Senator from Rhode Island to-day, and without hesitation I assert here and now that except by unanimous consent the matter could not have taken the course it did take.

I believed that it was a unanimous-consent agreement. I acted on that belief; but I will make no mistake about such matters hereafter, and until this Congress adjourns there will not be another unanimous consent given. Now, if you think you can get along that way, proceed.

Mr. ALDRICH. Mr. President, in my long service in the Senate I have never known a unanimous-consent agreement to be violated.

Mr. BAILEY. Will the Senator tell me what this was if not a unanimous-consent agreement?

Mr. ALDRICH. The agreement was an agreement of a character that takes place constantly in the Senate. The Senator——

Mr. BAILEY. Can two Senators agree?

Mr. ALDRICH. I was only agreeing for myself. If the Senator will now allow me to make a statement as to just what occurred, in my own way, I will be much obliged to him.

The Senator offered a resolution in the course of the day to which nobody objected. Any Senator could have objected to the introduction of the resolution.

The Senator offered the resolution, and it was discusssed. I could have asked, or any Senator could have asked, that the resolution go over until to-day. The rules of the Senate require unanimous consent to have a resolution or a motion considered upon the same day that it is offered. Its introduction was out of order; its consideration was out of order, if any objection had been made; but it was introduced, considered, and went over.

Mr. BAILEY. By unanimous consent.

Mr. ALDRICH. Yes. It went over by unanimous consent, of course, as resolutions do every day. Went over until when? No time was fixed. If morning business had been reached this morning, this resolution would have been submitted to the Senate. It would then have been in order undoubtedly, and it could have been disposed of by a majority vote of the Senate by reference to a committee or otherwise, as business is ordinarily disposed of. It went over with an agreement that it should lie upon the table, according to the statement of the President of the Senate.

Mr. BAILEY. Will the Senator tell me what kind of an agreement?

Mr. ALDRICH. The agreement was stated by the President; it can be read again.

Mr. BAILEY. I am trying to ascertain whether or not the Senator from Rhode Island and myself can make an agreement, and whether it is not for the Senate either to ratify it by its silence or by its expressed consent.

Mr. ALDRICH. At what time does the Senator from Texas understand that this resolution will come up to-day for action?

Mr. BAILEY. I understood that it would come up whenever I called it, for I said "subject to call;" and there was no objection. Any Senator was in honor bound, according to my view of it, if he was not willing for that order to be made, to say so then, and thus advise me that I would not be permitted to call it up.

Mr. ALDRICH. Resolutions go over subject to call constantly in the course of the business of the Senate.

Mr. BAILEY. Under any rule?

Mr. ALDRICH. By unanimous consent, in the ordinary custom of the Senate.

Mr. BAILEY. By unanimous consent——

Mr. ALDRICH. By unanimous consent they go over subject to call. What does "subject to call" mean?

Mr. HEYBURN. I rise to a point of order.

Mr. ALDRICH. Does it mean that the Senate can take up a matter upon the call of a Senator to the exclusion of all other business at any time that he sees fit?

Mr. HEYBURN. I rise to a point of order.

Mr. ALDRICH. That surrenders the business of the Senate to one Senator. There was never any such construction placed upon a unanimous-consent agreement.

Mr. BAILEY. One Senator could have prevented it by saying "I object;" but he did not say so.

Mr. ALDRICH. Mr. President——

Mr. HEYBURN. I desire to state the point of order.

The VICE-PRESIDENT. The Senator from Idaho rises to a point of order.

Mr. HEYBURN. I assume that this discussion must be proceeding by unanimous consent. The Senate had already, before the matter was suggested, voted to take up the conference report. That business is before the Senate in pursuance of the vote. Now, the question as to the resolution introduced by the Senator from Texas arose after the Senate had voted to take up the conference report, and I think the discussion is proceeding out of order. Of course, if we are discussing——

Mr. BEVERIDGE. There is no such thing as a point of order on whether a Senator's remarks are germane in this body.

Mr. HEYBURN. I understand that.

Mr. BEVERIDGE. Mr. President——

Mr. HEYBURN. I think I have the floor.

The VICE-PRESIDENT. The gentleman from Idaho will state his point of order.

Mr. HEYBURN. I was beginning to state it when interrupted. My point of order is that the Senate has voted to take up the conference report. Of course Senators may discuss anything, and I am not objecting to their discussing the academic question as to whether or not there was a unanimous-consent agreement. I only wanted to suggest the point of order, so that we might be recalled to the fact that the matter before the Senate is not the resolution of the Senator from Texas, but is the conference report.

Mr. TELLER. Mr. President, a conference report, like any other subject before the Senate, is a debatable question.

Mr. HEYBURN. I realize that.

Mr. TELLER. And in this body, Mr. President, we have not a rule compelling one to speak germane to the question. We never have had such a rule. That is one of the rules that sometimes a majority adopts in order to keep a minority in check.

Mr. HEYBURN. Mr. President, will the Senator permit me to interrupt him a moment?

Mr. TELLER. Let me finish. I could just as well address the Senate on the Panama Canal as address it on this matter, and be clearly within the rules of the Senate.

Mr. HEYBURN. Will the Senator permit me to interrupt him a moment?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. Certainly.

Mr. HEYBURN. I would not want it to be thought for a moment that I was not fully aware of that, or that I made the point of order because of the subject being discussed not being germane or otherwise. I made it to recall the Senate's attention to the order of business.

Mr. TELLER. Mr. President, the suggestion of the Senator from Idaho in rising to a point of order was certainly a declaration that I had been out of order in speaking.

Mr. HEYBURN. I would say——

Mr. TELLER. I stated distinctly that I was to address the Senate on this subject. Now, Mr. President, I want the Senator from Idaho to understand, if he does not—and I think he does—that he can not raise a question of order as to the character of speech that a Senator makes in this body. He may say that it is foolish; he may say that it is unwise; he may say that it is false logic, and all that, when he gets the floor, but he can not interfere with the discretion of a Senator in discussing any question when there is a bill before the Senate.

Mr. HEYBURN. Mr. President, I am somewhat taken by surprise, because I was unfortunate enough not to be in the Senate Chamber during any part of the time that the Senator from Colorado was addressing the Senate on this question. I had no reference whatever to his remarks. I was elsewhere at that time. My remarks were drawn by the discussion that was proceeding between the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Texas [Mr. BAILEY], and I was not intending for a moment to suggest even that the discussion must proceed germane to the question.

Mr. BAILEY. If the Senator from Idaho will permit me, he did suggest that he rose to a point or order and declared that the conference report was before the Senate, and the Senator from Rhode Island and myself were not addressing ourselves to the question.

Mr. HEYBURN. Mr. President——

Mr. BAILEY (continuing). Which raised the very point as to whether or not we must make our remarks germane. If that rule prevailed in the Senate——

Mr. HEYBURN. Mr. President, I can not submit to any such interpretation——

Mr. BAILEY. The Senator will have to.

Mr. HEYBURN. No; I will not.

Mr. BAILEY. But he will.

Mr. HEYBURN. I will not have to submit, and the Senator was never more mistaken than when he claims that I have to submit.

Mr. BAILEY. The Senator has to submit to what I have said, because I spoke well within the record.

Mr. HEYBURN. Now, Mr. President, I will put something in the RECORD that will probably make my position plain. I came in the Chamber when the question was being discussed between the Senator from Texas and the Senator from Rhode Island as to the effect of the language used by the Chair yesterday at the time the resolution of the Senator from Texas was laid aside. As I left the Chamber that question was coming up. I merely rose to a point of order, which was as appropriate as any other action, not for the purpose of suggesting that the discussion was not germane to any question, but for the purpose of establishing the status of the measure before the Senate, in order to call attention to the fact that the vote of the Senate directing that the conference report under consideration be taken up was the order of business, because my mind was in some doubt as to what might have transpired during my brief absence. I am perfectly well aware of the fact that a Senator may discuss any question upon this floor.

Mr. ALDRICH. I think I have the floor. I was taken off by the point of order, and I take it for granted that I have now a right to the floor again.

Mr. HEYBURN. I did not suppose I was speaking in the time of the Senator from Rhode Island at all. He had resumed his seat and other Senators had spoken.

Mr. ALDRICH. I beg the Senator's pardon.

The VICE-PRESIDENT. The Senator from Rhode Island is entitled to the floor.

Mr. HEYBURN. Now, if the Senator from Rhode Island has the floor and desires to keep it, no one will more cheerfully yield it to him than myself, because I think I know how to get it when I want it. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair must admonish occupants of the galleries that applause is not allowed under the rules of the Senate.

Mr. ALDRICH. Has the point of order been disposed of?

Mr. HEYBURN. I withdraw the point of order.

The VICE-PRESIDENT. The Senator from Idaho withdraws the point of order.

Mr. ALDRICH. I was stating what I understood to be the status of the resolution of the Senator from Texas. It went over, as resolutions go over constantly—it went over subject to call, if you please, and it was undoubtedly expected that it would come up to-day in the morning hour.

But the Senate subsequently practically abolished the morning hour by agreeing, by unanimous consent, to take up the proposition of the Senator from Idaho at 10 o'clock. We all understood that the resolution of the Senator from Texas was to come up to-day for consideration.

I have no objection to its being taken up now or at any other time. I want to avoid any misunderstanding about it, but certainly the proceedings which took place in the Senate yesterday upon the resolution of the Senator from Texas did not constitute a unanimous-consent agreement that the proposition should be considered at any time, except it went over by general consent until to-day, subject to disposition by the majority of the Senate.

Mr. BAILEY. I desire to ask the Senator from Rhode Island to define for my benefit the difference between "general consent" and "unanimous consent."

Mr. ALDRICH. There is no difference.

Mr. BAILEY. The Senator just this moment declared that the resolution went over by general consent.

Mr. ALDRICH. It did.

Mr. BAILEY. What is the difference between "general consent" and "unanimous consent?"

Mr. ALDRICH. None whatever.

Mr. BAILEY. Then the resolution must have gone over by unanimous consent.

Mr. ALDRICH. Of course it went over by unanimous consent. The only question is whether the resolution has any status for consideration agreed to by unanimous consent.

I am perfectly willing to ask that the resolution be taken up, or to move that it be taken up, if the Senator has any feeling about it; and my motion to refer it is in order. I am perfectly willing that the matter shall be taken up at any time.

Mr. BAILEY. All I want is a vote on it.

Mr. CARTER. I ask the Senator to yield to me for a moment.

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Montana?

Mr. CARTER. I understood the Senator from Rhode Island had the floor.

Mr. ALDRICH. I have the floor; I yield.

The VICE-PRESIDENT. The Senator from Rhode Island yields to the Senator from Montana.

Mr. CARTER. Mr. President, the statement of the Senator from Rhode Island that general consent, acquiescence in a situation——

Mr. ALDRICH. Yes.

Mr. BEVERIDGE. That is it.

Mr. CARTER (continuing). Is the equivalent of unanimous consent, as that term is used in this Chamber, seems to me to require modification.

Mr. ALDRICH. Unanimous consent or general consent to postpone a question is a different thing from definitely fixing a time for a vote or consideration by unanimous consent or by general consent.

Mr. CARTER. The record upon which this controversy arises is very brief. I will inquire whether it has been read in connection with the discussion?

Mr. BEVERIDGE. It has been.

Mr. CARTER. It has been read?

Mr. ALDRICH. It had better be read again.

Mr. CARTER. A resolution came up in the regular course of business, I believe, presented by the Senator from Texas, [Mr. BAILEY]. The Senator from Rhode Island [Mr. ALDRICH] made a motion to refer the resolution to a committee. The Senator from Texas was insistent upon immediate action on the resolution. A colloquy occurred——

Mr. BAILEY. Will the Senator permit me?

Mr. CARTER. Certainly.

Mr. BAILEY. I know the Senator wants to be accurate. I asked unanimous consent for the present consideration of the resolution. No objection was made, though consent was not expressly given, and the Senator from Rhode Island moved to refer. That seemed to me then to grant, if that be necessary, unanimous consent.

Mr. CARTER. O Mr. President, that would be wholly incompatible with admitting unanimous consent, because a reference to a committee would be the very opposite of present consideration.

Mr. BAILEY. Let us see if we understand the parliamentary rule in the same way. As I understand, the matter could not have been before the Senate at that time for motion or consideration except by unanimous consent. As I understand the rule, the resolutions must have gone over for a day except unanimous consent was given for their immediate consideration. That was my understanding when I asked unanimous consent for the present consideration.

Mr. CARTER. Mr. President, there should not be any doubt left as to what constitutes unanimous consent in this Chamber, because on all hands it will be conceded that momentous events may hang upon the unanimous consent. The phraseology or the language of this line of conversation, parliamentary, it is true, between the Senator from Rhode Island and the Senator from Texas was with a view to mutual accommodation as to the disposition of a matter concerning which they were not in agreement at the time. The Senator from Texas desired immediate consideration; the Senator from Rhode Island desired to refer the subject-matter to a committee. That formed an issue. The colloquy continued for a considerable length of time, and finally this language was used by the Senator from Texas in concluding his statement:

> Now, if the Senator from Rhode Island is willing that this matter shall go over until to-morrow with his motion to refer it to the Judiciary Committee pending, I am perfectly willing that the matter shall take that course.

Mark you, there was no consultation with the Senate. There was no appeal to the Chair to state the unanimous-consent agreement, as is the uniform practice. But the Senator from Rhode Island then said:

> I have no objection whatever to that course being taken, but I desire to remind the Senator from Texas and the Senate that at this stage of the session, with the public business in the condition in which it now is, it will be utterly impossible for the Senate to enter upon a discussion of this grave question of the comity which is due from one great department of the Government to another without imperiling the public business. I shall feel bound to resist any lengthy discussion of this question if it is within my power to do so.
>
> Mr. BAILEY. Let me say to the Senator from Rhode Island that if the departments had respected the comity that ought to exist between the two branches of the Government this question would never have been here. But let the resolution go over until to-morrow.
>
> The VICE-PRESIDENT. The resolution will lie on the table, with the motion of the Senator from Rhode Island to refer pending.
>
> Mr. BAILEY. Subject to call to-morrow.

Mr. BAILEY. Let me ask the Senator from Montana——

Mr. CARTER. Let us see if we understand each other. I think proper regard for a unanimous-consent agreement of this body is as important a question as can be presented to it. My observation, and without any exception, too, has been that when Senators seek to have the consent of the Senate to a given course of action in the future, they state in specific terms the thing to which consent is solicited. Thereupon the presiding officer of the body proceeds to state clearly and distinctly to the Senate the unanimous consent sought.

Mr. BAILEY. Now will the Senator permit me?

Mr. CARTER. Senators frequently suggest amendments, and the party asking the unanimous-consent agreement sometimes accepts. But nothing of that kind occurred here.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. Certainly.

Mr. BAILEY. I wish to call the attention of the Senator from Montana to the fact that the presiding officer of the Senate did state substantially what was the understanding which the Senator from Rhode Island and I reached in the presence of the Senate.

Now, a moment ago the Senator from Montana said that this was merely an interchange of views between the Senator from Rhode Island and myself, and that the Senate was not consulted. He forgets this occurred in the presence of the Senate, and the silence of Senators assented to the arrangement which he and I were making; and then the Senator proceeded to say—in the beginning, I mean—that there was no statement of this by the presiding officer. But he finds at the conclusion of it that the presiding officer did state to the Senate substantially what the agreement between the Senator from Rhode Island and myself had been. Then, to make it more manifest, at least what my understanding of it was, I added to the statement of the presiding officer this qualification—that the resolution should go over, subject to call.

I do not profess to know very much about the rules. I believe it was the younger Pitt who said that he generally found that a man who knew much about parliamentary law seldom knew much about anything else. I do not profess to know much, although I believe it my duty, and the duty of every other Senator, to understand the rules of the body under which he must proceed; and I am perfectly willing, if I have misled myself, to take the consequences. But I am not willing to take the consequences if somebody else has misled me, and I undoubtedly have been misled, because I thought under this order I would have the right to call up the resolution to-day.

Mr. CARTER. I think the Senator has the right to call up the resolution right now.

Mr. ALDRICH. Yes.

Mr. BAILEY. If I can do it——

Mr. CARTER. Will the Senator answer me this question?

Mr. BAILEY. If I can.

Mr. CARTER. Does the Senator think that the business of the Senate could be safely guarded if subjected to this informal kind of method of reaching a unanimous-consent agreement instead of having the proposition stated by the Chair, as is our custom?

I do not recall a single instance in this Chamber where anything approximating or pretending to be unanimous consent has ever been arrived at except after a clear and specific statement by the presiding officer of the Senate, followed by the question, "Is there objection?"—and if there is no objection, it is announced, "The Chair hears none," and the agreement is thus consummated for unanimous consent.

Mr. BAILEY. I will answer the Senator very cheerfully, first, by saying he is mistaken when he states that that is always done. I have repeatedly seen Senators reach agreements, and the Chair would not restate them, but "without objection," the Chair would say, "such and such is the order." I think the better practice would be such as the Senator states. I think it would be the safer one if we are not to respect the spirit of the understanding as well as the letter. But this is the first time I have ever heard Senators quibble about the form of a unanimous consent.

Mr. CARTER. I ask the Senator in all candor to tell us if he feels that in the presence of the language I have just read any kind of agreement or prospect of agreement on action on the resolution had been reached. The Senator from Rhode Island concluded his statement with the words:

I shall feel bound to resist any lengthy discussion of this question if it is in my power to do so.

Mr. BAILEY. The Senator could do that by moving to lay on the table. That could have been reached.

Now, Mr. President, I want to call the attention of the Senator to the rule, the fifth paragraph of Rule XIV, reading as follows:

All resolutions shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

I had believed that a matter affecting the privileges of this body was not subject to the ordinary rules. I had believed, until my attention was called to it, that at any time a Senator had a right to rise in his place and direct the attention of the body to a matter affecting its privileges. It might affect its safety, and whatever affects its privilege does in some degree affect its safety. It does not seem to me consistent with the common sense of men that if I were to rise in my place here and offer a resolution that involved the very safety of the body, the lives of the Members, with regard to some defect in the building, that the resolution would have to lie over until to-morrow, because if it did the Senators would perhaps lie under for all time. It had not occurred to me that the rule was ever intended to fix the procedure with respect to questions affecting the privileges of the body. But I yield that point, and I accept the construction of the rule that it is as broad as its language imports and that every resolution, although it be a resolution touching the approach of an enemy or the falling of the building, under the rule must lie over for a day.

If that is true, then the Senator from Rhode Island could not have moved to refer the resolution to a committee, because it must have been before the Senate for action before it could be referred. How could the Senator make his motion unless the resolution was before the body? And the resolution could not have been before the body under the rules, except by unanimous consent.

Mr. ALDRICH. The resolution, once before the body by unanimous consent, a motion to refer would clearly be in order under the rule.

Mr. BAILEY. Mr. President, I have the Senator from Rhode Island and the Senator from Montana. The Senator from Montana has just stated, and the Senator from Rhode Island preceded him, that these orders were always made in solemn fashion. I challenge the Senator to find where it was stated that the resolution was before the Senate by unanimous consent. The only reference to unanimous consent in the whole debate is my own request for unanimous consent to proceed at once with the consideration of my resolution.

Mr. CARTER. At this point, will the Senator permit me to make an observation?

Mr. BAILEY. Certainly.

Mr. CARTER. Discussions have proceeded here times without number by unanimous consent, and no one mentions the fact. But if the point of order is raised, then the discussion ceases, because, proceeding by unanimous consent, the discussion can be terminated by objection.

I think the Senator may well consider this construction of the rule: His resolution had gone over regularly on the objection that might have been interposed to its consideration at the time. The next day it would have been laid before the Senate in orderly fashion and as a resolution coming over from the previous day. But the Senator by the language employed by him prevented the laying of the resolution before the Senate, because he specified that it was to go over subject to call rather than to be taken up in the regular order of business.

Mr. BAILEY. There was another difference arising out of the motion of the Senator from Rhode Island to refer. That differentiated the case from the ordinary one.

Mr. President, I desire to get out of this without any trouble to my friends on the other side, but I am going to make trouble for them unless I do get out of it in a proper way. I do not want to object to unanimous consent; that is not gracious; it is not even genteel; but if they deny the agreement as I understand it, I am going to retaliate——

Mr. ALDRICH. I have no objection——

Mr. BAILEY. Wait. I do not make that as a threat. I make that as an excuse for the request I am about to prefer. I am in an amiable mood about it, and if the Senate will agree that to-morrow at 1 o'clock this matter shall be taken up for a vote, I shall be content.

Mr. ALDRICH. I am willing to have it taken up now.

Mr. BEVERIDGE. For a vote?

Mr. ALDRICH. Yes; I am willing. I think the Senate is ready to proceed to the consideration of it now.

Mr. CULLOM. Get it out of the way.

Mr. ALDRICH. It has to be disposed of at some time, and we may as well dispose of it now as at any other time.

Mr. BAILEY. I only said to-morrow because I did not want to appear to be filibustering against the present business before the Senate.

Mr. ALDRICH. I think the resolution might as well be disposed of at one time as another.

Mr. BAILEY. Well.

Mr. HEYBURN. We would have to lay aside the pending business.

Mr. ALDRICH. Temporarily.

Mr. HOPKINS. What is to be voted on—the motion to refer?

Mr. ALDRICH. Yes.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the consideration of the pending conference report be temporarily laid aside, and that the Senate proceed to the consideration of the resolution submitted by the Senator from Texas.

Mr. CLARKE of Arkansas. I object to its being temporarily laid aside. I am not opposed to its being laid aside by a vote. Then it can be restored to consideration by another vote.

The VICE-PRESIDENT. Objection is made.

Mr. CLARKE of Arkansas. If the Senator wants the resolution to be before the Senate, he can move to take it up and have a vote.

Mr. ALDRICH. I do not like to be involved in the complications——

Mr. CLARKE of Arkansas. It is no complication whatever.

Mr. ALDRICH (continuing). That arise under the discussion of the pending conference report, nor do I have any disposition to help the Senator from Arkansas to delay the consideration of it by various ways.

Mr. CLARKE of Arkansas. I have no disposition to help the Senators from Idaho and Rhode Island to take possession of the business of the Senate without the consent of the Senate.

Mr. ALDRICH. I am perfectly willing to make the motion now.

Mr. CLARKE of Arkansas. Well, make it.

Mr. ALDRICH. Or to ask for the consideration of the resolution of the Senator from Texas.

Mr. CLARKE of Arkansas. I shall be very glad to have the Senator make the motion, and I shall vote for it.

The VICE-PRESIDENT. The Chair calls the attention of Senators to the fact that they must address the Chair before they proceed.

Mr. ALDRICH. I think Senators ought to agree that no unnecessary time should be taken in the consideration of the resolution.

Mr. BAILEY. I want to say this——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. BAILEY. I have not myself yielded the floor.

The VICE-PRESIDENT. The Senator from Texas.

Mr. BAILEY. I will say to the Senator from Rhode Island that I shall not consume any further time. I have said all I care to say about it unless I intended to discuss it elaborately. But the Senator from Maryland [Mr. RAYNER] at one time had it in his mind to address himself to the question at some length, and I do not know whether he has changed his purpose or not. I should like to fix the vote on the resolution at a time when, if the Senator from Maryland should desire to address the Senate, he would not be precluded from doing so. The only thing I shall do before the matter is concluded is to put into the RECORD extracts from both the majority and the minority reports made to the Senate by the Judiciary Committee on the occasion to which I very briefly adverted yesterday morning; and when I shall have done that, I shall have occupied all the time and all the attention of the Senate that I desire.

Mr. ALDRICH. Then I make the request for unanimous consent that the resolution be taken up now for present consideration; that a vote be taken without further discussion——

Mr. BEVERIDGE. Immediately.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent——

Mr. CLARKE of Arkansas. I object to the latter part of the request.

The VICE-PRESIDENT. The Chair will state the request. The Senator from Rhode Island asks unanimous consent that the resolution be taken up immediately for consideration——

Mr. ALDRICH. And that the pending motion be voted on, without further discussion.

The VICE-PRESIDENT. And that the motion of the Senator from Rhode Island be voted on without further debate.

Mr. BAILEY. Of course, the Senator from Rhode Island makes that request in the face of the statement I have made with reference to the Senator from Maryland [Mr. RAYNER]. It seems to me that he wants to force an objection——

Mr. ALDRICH. Oh, no.

Mr. BAILEY. From me or some other Senator on this side.

Mr. ALDRICH. No. I expected to get an objection from the Senator from Arkansas.

Mr. BAILEY. That is the reason the Senator preferred the request?

Mr. ALDRICH. No; I beg the Senator's pardon. I intended to follow it up with the statement that I would move to take up the resolution at any time that would suit the convenience of the Senator from Texas, not to interfere with any conference report or any appropriation bill.

Mr. BAILEY. Then we can reach an agreement. A parliamentary inquiry, Mr. President.

Mr. ALDRICH. I have no desire to object, other than is necessary from a proper regard for the public service. I am quite willing to have the resolution disposed of now or at any other time.

The VICE-PRESIDENT. The Senator from Texas will state his parliamentary inquiry.

Mr. BAILEY. I respected the limitations upon the time so much yesterday that I occupied less than three minutes on the matter.

Mr. ALDRICH. I understand that.

Mr. BAILEY. We can reach an understanding this way: I am going to take the judgment of the Chair on a parliamentary question first. If it is permissible for the Chair to answer the inquiry, I should like to know if it will be in order to-morrow at 1 o'clock for any Senator to move that the Senate proceed to the consideration of the resolution.

The VICE-PRESIDENT. The Chair is of the opinion that it would be.

Mr. BAILEY. Then, I will accept the assurance of the Senator from Rhode Island that he will make that motion; and of course if he does not, I can.

Mr. ALDRICH. I now ask unanimous consent that the resolution may be taken up at 1 o'clock to-morrow, the discussion to continue for thirty minutes.

Mr. HEYBURN. I object.

The VICE-PRESIDENT. The Chair will put the request. The Senator from Rhode Island asks unanimous consent that the resolution be taken up for consideration at 1 o'clock to-morrow, and that the discussion proceed for thirty minutes. Is there objection?

Mr. HEYBURN. I object.

The VICE-PRESIDENT. Objection is made. The Senator from Idaho objects.

Mr. ALDRICH. I give notice that at some convenient time to-morrow I shall move that the Senate proceed to the consideration of the resolution.

Mr. BAILEY. In order that every Senator may know exactly the time and be here to vote, I suggest that the Senator from Rhode Island say he will make it at 1 o'clock, or as near that time as practicable.

Mr. ALDRICH. I will make it at 1 o'clock, or as near that hour as possible.

Mr. LODGE. I desire to make an inquiry. Does the question come on the motion to refer?

Mr. ALDRICH. Yes.

Mr. BEVERIDGE. Certainly.

The VICE-PRESIDENT. That is the pending question.

Mr. HEYBURN. I do not want the RECORD to show that it comes up on the motion to refer, because the resolution is not under consideration. It is being discussed in connection with the penal-code bill, and to have the RECORD show that we had another matter under consideration at this time would not be appropriate.

Mr. BEVERIDGE. May I state to the Senator from Idaho that is not the motion the Senator from Rhode Island gave notice he would make to-morrow? His motion merely is to proceed to the consideration of the resolution. Then if we reach a vote and the resolution is taken up the question will come up on the motion of the Senator from Rhode Island to refer.

Mr. HEYBURN. I do not desire that to-morrow any claim shall be made that there was given consent, unanimous or otherwise, that to-morrow at any time we will proceed to the consideration of the resolution of the Senator from Texas. I do not care to-morrow to have repeated the controversy of to-day as to what constitutes unanimous consent. I give notice now that I shall resist it when it comes up.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Agriculture and Forestry and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of Agriculture, submitting a report of the operations of the Bureau of Animal Industry of the United States Department of Agriculture for the fiscal year ended June 30, 1908, prepared in compliance with the requirements of section 11 of the act approved May 29, 1884.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 2, 1909.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910; further insists upon its disagreement to the amendment of the Senate No. 58; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. SCOTT, Mr. HAUGEN, and Mr. LAMB managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. FITZGERALD managers at the conference on the part of the House.

REVISION OF THE PENAL LAWS.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The Secretary will resume the reading of the House substitute.

Mr. CLARKE of Arkansas. Mr. President, as I stated on former occasions, the sectionizing of the bill being read by the Secretary is not coincident with the printed copy. I therefore suggest the absence of a quorum, as I desire to have all Senators afforded an opportunity to hear what is being read.

The VICE-PRESIDENT. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Cullom	Hale	Paynter
Bailey	Cummins	Heyburn	Penrose
Bankhead	Curtis	Hopkins	Perkins
Borah	Daniel	Johnston	Piles
Bourne	Depew	Kean	Richardson
Brandegee	Dick	Kittredge	Scott
Briggs	Dixon	Knox	Simmons
Brown	Dolliver	La Follette	Smith, Md.
Bulkeley	du Pont	Lodge	Smith, Mich.
Burkett	Elkins	Long	Smoot
Burnham	Flint	McCreary	Stephenson
Burrows	Foster	McCumber	Stone
Carter	Frazier	Martin	Sutherland
Clapp	Frye	Milton	Taliaferro
Clarke, Ark.	Gallinger	Money	Taylor
Clay	Gamble	Overman	Teller
Crane	Gary	Owen	Warner
Culberson	Gore	Page	Wetmore

The VICE-PRESIDENT. Seventy-two Senators have answered to their names. A quorum of the Senate is present.

SUNDRY CIVIL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments and agree to the conference asked by the House, the conferees to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. TELLER conferees on the part of the Senate.

Mr. HALE. I should like to give notice that I hope shortly to get the deficiency appropriation bill from the Printing Office, and I shall then ask the Senate to proceed to its consideration.

PUBLIC BUILDINGS.

Mr. SCOTT. Will the Senator from Maine allow me to present a conference report?

Mr. HALE. I have nothing at present.

Mr. SCOTT. I present a conference report on House bill 28167.

The VICE-PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 8, 9, 10, 11, 13, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 5 and 7 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, so that said amendment shall read as follows:

"SEC. 3. That of the amount heretofore authorized for the United States government building at Boise, Idaho, so much thereof as may be necessary shall be available for the acquisition of additional land: *Provided*, That the limit of cost heretofore fixed shall not be exceeded."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, so that the same shall read as follows:

"SEC. 7. That the Secretary of the Treasury may, in his discretion, disregard the provision requiring sites to be bounded upon at least two sides by streets in so far as the same shall apply to the village of Penn Yan, N. Y."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Change "Sec. 14" to "Sec. 13;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Change "Sec. 15" to "Sec. 14;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment so that said amendment shall read as follows:

"SEC. 15. That the item contained in section five of the act of Congress entitled 'An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes,' approved May thirtieth, nineteen hundred and eight, for 'United States post-office at Washington, District of Columbia, five hundred thousand dollars,' be, and the same is hereby, amended so as to add to the same the following provision: 'That if any balance remains within said limit after acquiring the site herein authorized, the Secretary of the Treasury be, and he is hereby, authorized to expend so much thereof as may be necessary in the preparation of the plans for said United States post-office building on said site.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, so that said amendment shall read as follows:

"SEC. 16. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, a site for a federal building in the city of Lawton, Oklahoma, and he is authorized to expend for such purpose the proceeds arising from the sale of lots thirty-one and thirty-two of block forty-one of the official plat of the city of Lawton, Oklahoma, as provided for by section 33 of the so-called public building act, approved May 30, 1908."

And the Senate agree to the same.

On page 2 of the bill strike out all of section 3, being lines 8 to 12, both inclusive.

On page 6 of the bill strike out section 13, being lines 3 to 12, both inclusive.

The committee of conference further reports that they have been unable to come to an agreement on Senate amendment numbered 12, same being a provision fixing the limit of cost for the erection of a United States custom-house building at Boston, Mass.

N. B. SCOTT,
P. J. MCCUMBER,
Managers on the part of the Senate.

RICHARD BARTHOLDT,
EDWIN C. BURLEIGH,
WILLIAM G. BRANTLEY,
Managers on the part of the House.

Mr. SCOTT. I ask for the adoption of the report.

The VICE-PRESIDENT. The Senator from West Virginia asks that the Senate consider the report. Is there objection?

Mr. CLARKE of Arkansas. I object. I have no objection to voting on a motion to proceed to the consideration of the report, but I decline to give unanimous consent. That is the procedure we have adopted to-day. I will state to the Senator from West Virginia that in the result he will get all he wants, and it is consistent with what we have heretofore done.

Mr. SCOTT. I have been out on conference committees to-day trying to earn my salary. I was not aware that we were engaged on a filibuster. I move that the report be taken up for action.

Mr. CLARKE of Arkansas. I do not think the Senator from West Virginia——

The VICE-PRESIDENT. The motion is not debatable. The Senator from West Virginia moves that the Senate proceed to the consideration of the conference report.

Mr. CLARKE of Arkansas. I call for the yeas and nays on the motion.

The yeas and nays were not ordered.

Mr. CLARKE of Arkansas. I wish to give notice in this connection that if that occurs again I shall abandon the matter now under consideration. If the Democrats are not sufficiently interested in the measure before the Senate to stay here and exercise their constitutional rights they must adopt some other method of getting what I conceive to be justice for their section and their cause.

The VICE-PRESIDENT. The Chair will again put the question. Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered; and, being taken, resulted—yeas 66, as follows:

YEAS—66.

Bailey	Depew	Hopkins	Piles
Bankhead	Dick	Johnston	Rayner
Beveridge	Dillingham	Kean	Richardson
Bourne	Dolliver	Kittredge	Scott
Briggs	du Pont	Knox	Simmons
Brown	Elkins	La Follette	Smith, Md.
Bulkeley	Flint	Lodge	Smith, Mich.
Burkett	Frazier	Long	Stephenson
Burrows	Frye	McCreary	Stone
Carter	Fulton	McCumber	Sutherland
Clapp	Gallinger	Money	Taylor
Clarke, Ark.	Gamble	Nelson	Teller
Clay	Gary	Overman	Warner
Crane	Guggenheim	Page	Warren
Culberson	Hansbrough	Paynter	Wetmore
Cullom	Hemenway	Penrose	
Cummins	Heyburn	Perkins	

NOT VOTING—26.

Aldrich	Curtis	Hale	Owen
Ankeny	Daniel	McEnery	Platt
Bacon	Davis	McLaurin	Smoot
Borah	Dixon	Martin	Taliaferro
Brandegee	Foraker	Milton	Tillman
Burnham	Foster	Newlands	
Clark, Wyo.	Gore	Nixon	

So the motion was agreed to; and the Senate proceeded to the consideration of the conference report.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. SCOTT. I move that the Senate further insist upon its amendments in disagreement and ask for a further conference with the House thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. SCOTT, Mr. MCCUMBER, and Mr. CULBERSON.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I move that the Senate proceed to the consideration of the conference report on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. CLARKE of Arkansas. On that motion I call for a division.

The VICE-PRESIDENT. On the motion of the Senator from Idaho [Mr. HEYBURN], the Senator from Arkansas [Mr. CLARKE] demands a division.

Mr. CULBERSON. Mr. President, what is the motion of the Senator from Idaho?

Mr. HEYBURN. To proceed to the consideration of the conference report which we have had under consideration—on the criminal-code bill.

Mr. CULBERSON. Is it on motion? Are we proceeding now on motion or by unanimous consent?

The VICE-PRESIDENT. On motion. The Senator from Idaho has moved that the Senate proceed to the consideration of the conference report.

Mr. CULBERSON. I submit, under subdivision 3 of Rule VII, the question of whether or not that motion is in order.

The VICE-PRESIDENT. The Chair is of the opinion that the motion is in order under Rule XXVII.

Mr. CULBERSON. We have had no morning business, Mr. President.

The VICE-PRESIDENT. The Chair is of the opinion that the consideration of a conference report is in order. The motion is not debatable.

Mr. BEVERIDGE. A division has been called for.

The question being put; there were, on division—ayes 33, noes, 0.

Mr. CLARKE of Arkansas. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich	Clay	Johnston	Piles
Bailey	Cullom	Kean	Rayner
Bankhead	Cummins	Kittredge	Richardson
Beveridge	Depew	La Follette	Scott
Bourne	Dolliver	Lodge	Smith, Md.
Brandegee	du Pont	McCreary	Smith, Mich.
Briggs	Flint	McCumber	Smoot
Brown	Foraker	Money	Stephenson
Bulkeley	Fulton	Nelson	Sutherland
Burkett	Gamble	Owen	Teller
Burrows	Gary	Page	Warner
Carter	Guggenheim	Paynter	Wetmore
Clapp	Heyburn	Penrose	
Clarke, Ark.	Hopkins	Perkins	

The VICE-PRESIDENT. Fifty-four Senators have answered to their names. A quorum is present.

Mr. HEYBURN. I now renew my motion, that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The motion was agreed to.

The VICE-PRESIDENT. The Secretary will resume the reading of the conference report.

The Secretary resumed the reading of the conference report, and proceeded to read section 219.

Mr. CLARKE of Arkansas. Mr. President, may I not inquire if the Secretary has not made a mistake in starting at section 219 instead of section 209? That section is found on page 109 of the printed bill.

The VICE-PRESIDENT. The Secretary will resume the reading of the amendment at section 209.

Mr. TELLER obtained the floor.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Rhode Island?

Mr. TELLER. Certainly.

COMPENSATION OF CUSTOM-HOUSE OFFICIALS.

Mr. ALDRICH. I present a conference report.

The VICE-PRESIDENT. The Senator from Rhode Island presents a conference report, which will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21003) fixing the compensation of certain officials in the customs service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of laborers in the customs service, as he may think advisable, to a rate not exceeding eight hundred and forty dollars per annum.

"SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of inspectors of customs, as he may think advisable, not to exceed in any case the rate of six dollars per diem, and in all cases where the maximum compensation is paid no allowance shall be made for meals or other expenses incurred by inspectors when required to work at unusual hours.

"SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of deputy collectors, assistant appraisers, and examiners of merchandise, examiners of tea, and examiners and special examiners of drugs, in the customs service, as he may think advisable, not to exceed in any case three thousand five hundred dollars per annum.

"SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of deputy naval officers and deputy surveyors of customs, as he may think advisable, not to exceed in any case three thousand dollars per annum.

"SEC. 5. That section 2746 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows, to wit:

"'SEC. 2746. An additional compensation of 25 per centum may be continued, at the discretion of the Secretary of the Treasury, to the appraisers, deputy collectors, deputy surveyors, deputy naval officers, and weighers at the port of San Francisco: *Provided, however*, That the compensation so fixed shall not exceed the maximum amounts fixed by law.'

"SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of assistant weighers in the customs service as he may think advisable, not to exceed in any case the rate of $4 per diem.

"SEC. 7. That hereafter the salary of the Treasurer of the United States shall be $8,000 per annum.

"SEC. 8. That all laws and parts of laws inconsistent with this act are hereby repealed."

And the Senate agree to the same.

NELSON W. ALDRICH,
EUGENE HALE,
H. M. TELLER,
Managers on the part of the Senate.

SERENO E. PAYNE,
JOHN W. DALZELL,
Managers on the part of the House.

Mr. ALDRICH. I ask for the adoption of the conference report.

The report was agreed to.

REVISION OF THE PENAL LAWS.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. TELLER. Mr. President, it seems that there will be no pressing business before the Senate for a day or two, except the pending matter, and it is quite apparent that for an hour or two great progress is not to be made with the present order. I am therefore going to avail myself of the universal privilege of the Senate to make some remarks on this bill, but not about the bill. I want to submit very briefly some ideas and questions concerning the Panama Canal, of which we hear so much of late. I am inclined to do this because of the message that the President of the United States sent us a few days ago.

When the President-elect returned from Panama a few days since the President of the United States sent us a message, accompanied by the report of the engineers whom he had sent down to investigate, or, more properly speaking, whom he had sent down there to report in favor of the system that is at present in operation.

I am not going to say anything very interesting, I know, but I am going to say what I have to say, because I shall have no opportunity to say it after a few days. I am going to say it so as to put on record my judgment and my opinion as to this project. I have been familiar with it for many years, and I believe we have reached a point where every American citizen, who has any influence at home or abroad, in his own neighborhood or in national affairs, ought to do whatever he can to right what I think is a great mistake of the Government of the United States.

I have not the time to expatiate on the importance of this work, nor have I the time to take up its history, although it is an exceedingly interesting one, and to consider it as I would

if we were in the first part of the session. I feel constrained to make my remarks as simple, plain, and limited as possible.

The President in his message of February 17 says, speaking of this report:

> In fact, this report not only determines definitely the type of canal—

I supposed Congress had done that—

> but makes it evident that hereafter attack on this type—the lock type—is in reality merely attack upon the policy of building any canal at all. The board of engineers who signed this report are, of all the men in their profession, within or without the United States, the men who are, on the whole, best qualified to pass upon these very questions which they examined. I commend to you the most careful consideration of their report. They show that the only criticism that can be made of the work on the Isthmus is that there has sometimes been almost an excess of caution in providing against possible trouble. As to the Gatun dam itself, they show that not only is the dam safe, but that, on the whole, the plan already adopted would make it needlessly high and strong, and, accordingly, they recommend that the height be reduced by 20 feet, which change in the plans I have accordingly directed. Every American citizen should feel not merely gratification, but a very keen sense of pride in the statement made by this distinguished body of engineers as to the way in which the work has been done and in which it is now proceeding. The American people are to be heartily congratulated on everything of importance that has been done in connection with the building of the Panama Canal.

Mr. President, that is a challenge to every man who has not been in favor of the lock type of canal. If I had the time to take up the history of this work under the present administration I probably would consume a couple of hours or more. I have not so much time, but I shall touch upon the subject generally.

We all know that the world has long entertained the project of a waterway connecting the Pacific and the Atlantic oceans. Soon after the discovery of America the proposition was made, and later—possibly in 1815, or thereabouts—had there not been a revolution in the Spanish-American colonies in South America such a canal would have been attempted.

I think I may say that there never was a project to construct any other kind of a canal across the Panama Isthmus than a sea-level canal. There was a project for a canal at Darien, which was to be a sea-level canal. There was a project for a Nicaraguan canal, which was to be not a sea-level canal, but a lock canal. On various occasions I have expressed my opinion in this Senate on the propriety of constructing a lock canal on the Nicaraguan route, and, for fear I may forget it, I want to say now that if the first bill that came into the Senate providing for an interoceanic canal had been adopted and there had been a canal constructed such as I have described, there would not be one-half of the battle ships of the world that could get through it and a very considerable number of commercial ships would be in the same position.

In 1879, the most distinguished engineer then living, and so recognized in the world, Ferdinand de Lesseps, called a general convention of engineers from all parts of the world. I think he had in the neighborhood of a hundred engineers present at Paris, of which the largest number were those from the various countries of Europe. Some of them were Americans. They discussed for several days the character of the canal which should be constructed. I think it was generally conceded that it should be at Panama. The European engineers practically unanimously agreed that it should be a sea-level canal. I have not looked at the proceedings in twenty years, but I have a very distinct recollection that when the American engineers passed upon it they favored a lock canal simply on the question of expense. They said the lock canal was the cheaper canal of the two, which is yet to be determined, but that the sea-level canal would be so expensive that it could not be built.

Practically all the European engineers voted for the sea-level canal, and on the 1st day of January, 1880, Ferdinand De Lesseps, having landed a day or two before on the shores, opened the work on the canal. He brought with him some of the most distinguished engineers of Europe. He brought with him his family. It was a great affair. We were promised then that the canal would be speedily built.

I desire to say with all respect to these great engineers, that very few of them had ever seen the canal; very few of them knew what it would cost; very few of them knew how much work there was; and they estimated the entire cost of the canal as a sea-level canal at $140,000,000.

It was being built by a French corporation, of which Mr. De Lesseps was the head. They called on the French people mainly for their support. They worked it until 1889. I believe they calculated that the time would be somewhere between twelve and fifteen years. At that time, 1889, the corporation went into bankruptcy, and the work was discontinued. It was discovered that they had expended two hundred and sixty-two millions, I think, to be accurate, on the canal. The report of the engineers was that one-fifth of it had been completed. You can see that if one-fifth of it had been completed and had cost $260,000,000, it would practically be a prohibitory canal. But they had not spent all their money on the canal. They had spent much of it in a way that was not creditable to them; it ended in a great scandal; and the great engineer became a convict under the laws of France, and his last days were covered with darkness and disgrace.

Early in the history of this country we had people who went to Panama and made an examination of the line, and made an examination of the Darien line and the Nicaragua line, and their reports came here frequently. I am not able to give the exact date, but after I came into the Senate I remember very well the Maritime Canal Company, of New York, was organized, with a former Member of this body as its president, and prominent men connected with it; and they commenced work on the canal.

From that time on I have been pretty familiar with the project of a canal. On various occasions the canal proposition came before the Senate, and I believe every time it came before the Senate and there was a vote on it, it was in favor of it. There was the Nicaragua route. We had the estimate of a certain engineer who was very active at that time that the expense of the canal would be $62,000,000. This estimate was submitted to a board of American engineers, and they determined that they would add about $14,000,000 to that estimate. Subsequently another board passed upon it, and they added something to the estimate. Finally the canal company gave out to the public that it would probably cost in the neighborhood of $100,000,000 to build a lock canal, with locks 650 feet long and about 80 feet wide. It can be readily seen if we had built that kind of a canal there would not have been very much profit in it.

Before I pass to some other question, for fear I may forget it, I desire to call the attention of the Senate to the character of the canal now building. I can prove that it has been one kind of a canal one day and another kind of canal another. I believe they have now determined that the locks shall be 1,000 feet long and 110 feet wide. A man does not need to be an engineer to realize that the locks control the capacity of a canal. If the locks are too small for ships, ships can not get through, and I suppose I need not say that when the locks are once established they must remain until at least there shall be a change in the ideas about this matter, and we shall perhaps abandon the work already done. But I do not suppose that will be done for many years.

The Suez Canal to-day is double the capacity both in its width and in its depth nearly, that it was when it was first started. That is a canal without locks, the capacity of which they could increase without detriment to the commerce going through it. When you have a canal once established with locks, that governs the capacity of the canal.

Now, I wish to come back to the change of attitude on the part of the Government of the United States as to the canal. Every measure we passed through the Senate was for the Nicaragua Canal. Those bills never got through the House, and it was fortunate for us they did not. Possibly it may be unfortunate, for while we might have wasted a good deal of money on the Nicaragua route, perhaps we would not have wasted as much money as we shall waste at Panama; and if we are to have a lock canal it would be just as well to have it at Nicaragua as at Panama, practically.

Within the last year some time—less than a year ago—the Naval Board of the United States concluded that the canal was not being built big enough; that the locks ought to be longer and wider; and the Canal Commission concluded that, although they said most emphatically they did not think it was necessary to make them any longer or wider, they would make them longer and wider, and the President accordingly made the order that they should be made longer and wider—one a thousand feet long and 110 feet wide. We were told when they did that it was the last plan, and it was not necessary to make them any bigger.

The White Star Line to-day is building a ship at Belfast that is to be 1,000 feet long and a hundred feet wide. The White Star Company has determined to build a commercial ship of that type every year until it gets such a fleet as it wants. Does anybody here suppose that a ship a thousand feet long can pass through these locks? It is utterly impossible for it to do so. You must have some lee room at the end going in. You can not put a ship a thousand feet long into a thousand-foot lock.

Mr. President, I do not remember the exact date, but we passed a bill through this body which has been called the "Spooner Act" for the taking of this property from the French company. I presume the Senator from South Dakota can give me the date.

Mr. KITTREDGE. The date of the approval of the act was June 28, 1902.

Mr. TELLER. That act provided that the locks and the canal should be big enough to accomodate the commerce of the world.

If I may be allowed to stop for just a moment on that, I want to say that when the French company failed the Government of France proposed to take up this question and build the canal. I state what I know when I say that this Government then in a diplomatic way notified France that the company which had failed or any other private corporation might build the canal, but that no nation would be allowed to do it.

Mr. MONEY. Will the Senator from Colorado permit me?

Mr. TELLER. Certainly.

Mr. MONEY. Did not the Secretary of State also announce at that period to the courts of France and England that whoever built it, the canal would be considered a part of the coastline of the United States?

Mr. TELLER. Yes; he did that beyond question. We said to the world, when the greatest corporation ever formed at that time in Europe had failed and gone into bankruptcy, "You may build the canal by a corporation, but no nation shall build it. If it is to be built by any nation, we reserve the right to build it ourselves."

That put an obligation upon us to build a canal that would accommodate the commerce of the world. There was not a man in the Senate, in my judgment, who voted for the Spooner amendment who expected that he was voting for a lock canal—not one. I made some remarks, to be found in the RECORD, and I stated before voting on the bill that the world demanded, if we had a waterway across the continent, that it should be capacious enough to do the business of the world, and that I believed the only canal that would do that was a sea-level canal, and therefore I voted for the purchase of the Panama Canal, or the place to put a canal, because it was not much of a canal.

Everybody was for a sea-level canal. The present Executive was for a sea-level canal. The Senate was for a sea-level canal. The President-elect was for a sea-level canal, and so expressed himself on various occasions. The present Executive made a call, through the diplomatic branch of the Government, upon England, Germany, France, and Holland. He said to those governments, through the State Department, send us the main, the best, the most prominent and able engineers in your country. They sent over here four of those men, one from each country. They had the reputation, at home, of being the greatest engineers in that section of the world. One other man came with them. Just how he came I have never known. But he was a man who had been the chief operator and the chief constructor of the enlarged Suez Canal. He came, too.

The President of the United States assembled a lot of American engineers, to the extent so that the board, on which there were 5 foreigners, had on it 13 engineers. Some of them were noted engineers, but not all of them. I speak of the American engineers. After they had considered the question 8 of them determined that the only canal that ought to be constructed was a sea-level canal. The President of the United States set aside the majority and took the minority report, which was made by five members. Two of those members had been open and public advocates of a lock canal for many years. It was still to be left to the Senate and the House of Representatives what should be the character of the canal.

The bill passed the House of Representatives and came to this body. I do not make any mistake when I say that the bill as it came to this body had the support for a sea-level canal of a very decided majority of the Senate. We expected to amend the bill by making it a sea-level and not a lock canal. The Senator from South Dakota [Mr. KITTREDGE] was the acting chairman of the committee on this matter. I do not know but that he was the actual chairman at that time. At all events, the committee took much testimony of engineers, of shipping men, and the great majority of the engineers who came before the committee were in favor of a sea-level canal. Every single shipping man, I venture to say, declared for a sea-level canal and not a lock canal. If I am wrong about that, any Senator can correct me, because I have always understood that the unanimous voice of the shipping men of this country was for a sea-level canal.

In some way and somehow—I am not going into that matter—the Senate, by a bare, meager majority, voted, to the surprise of a great many, for a lock canal. We entered upon the lock-canal business. We made the time in which the canal should be built very short, and the cry was "Make the dirt fly."

This is an undertaking such as the world never saw before. There were more engineering difficulties to contend with than in any other enterprise ever undertaken by the human race. While there have been other canals built—like the Suez Canal, the Corinth Canal, the Manchester Canal, and the Kiel Canal—they were insignificant and of no consequence as compared with this canal. The Suez Canal was a dirt canal. Neither was it the first canal built across that country. More than five hundred years before Christ the Egyptians had built a canal from the Nile to the Red Sea, and it was kept up until at least the early part of the tenth century. Nebuchadnezzar is supposed to be the person who built a canal from somewhere in the vicinity of Babylon to the Persian Gulf, 500 miles, four or five hundred years before Christ. So canals are not new. Canals are probably about as old as the race.

We very strangely said that we would turn this whole thing over to the Executive; that he should build such a canal as he wanted. But we specified that it should be a canal that would meet the requirements of commerce, and such a canal was provided in the Spooner Act.

Now, what was done, Mr. President, when these engineers and when the Executive changed the type of the canal and when the Senate of the United States charged what should be the character of the canal? The other day the Senator from South Dakota [Mr. KITTREDGE] prepared and handed in to the Senate a small report on this canal, and to save time I am going to have it put in my remarks without reading.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. TELLER. I would rather have it put in at the end of my remarks, as I have some other papers of the same character that I wish to present.

The VICE-PRESIDENT. Without objection permission is granted.

Mr. TELLER. Mr. President, I can not state how many times this canal system has been changed, but I will say that on an average it has been changed every six months since we started to build it. We have had locks at this place and locks at the other place, dams at this place and dams at the other place. Every time the engineers told us, and the President backed up their report, that this was the favorite and proper place to build the canal. Six months afterwards, and sometimes there were not six months between the changes, they changed some part of the canal. If they did not change the locks, they changed the dams. They started the canal with the idea that there must be at Colon a breakwater that should cost $5,000,000. They abandoned that. They were to have a dam at Bohio. They abandoned that. They were to have locks at La Boca, and said there was no question about it; that that was the place to put the locks. They have abandoned that also. The advocates of the change said that it was best to change it, because the locks were too near the Pacific coast and there was danger from a hostile fleet. Mr. President, they ought to have thought of that when they were first determining that it should be there. I will show by the statement of the head of the department down there, Mr. Goethals, that he found it was not a place where a dam could be put and he abandoned it, not because he was afraid of Japan or some other country, but because he knew that a dam at that point would be a failure.

They were to have a canal with a few locks; I do not know how many. The last time I looked over the report of the Isthmian Canal Commission they had 16 locks at one place and another on the canal. I suppose they went upon the theory that the more locks there are in a canal the better the canal is.

We had a man in charge of the canal heralded as a great engineer. I believe he had been a railroad man some time in his day. He had probably run a railroad across the prairies in the West. He came before the committee. I state what I have seen in the record. When he said they ought to have a lock canal, and it was said to him, "I suppose you favor that on the ground of economy," he said:

> No, no; I would rather have a lock canal if it cost the same as a sea-level canal than to have a sea-level canal.

That is the class of men the President of the United States relies upon to expend at least six or eight hundred million dollars of our money.

As to the changes in the canal, I will read only a part of the paper I will put in in connection with the report. This is the Canal Record that I have before me, the official publication of the Government of the United States. I am going to read only an extract, and then I will ask to have it all put in. This is what Mr. Goethals said December 9, 1907:

> The adopted plan for the building of the Panama Canal contemplates the formation of a lake on the Pacific side by the construction of three earth dams (Sosa-Corozal, Sosa-San Juan, and Corozal Diablo), the differences of level between the lake and the Pacific being overcome by a flight of two locks projecting into the Pacific on the west side of Sosa Hill.

That has been abandoned since, and they have built one on the other side.

> The board of consulting engineers that accompanied you to the Isthmus in April last—

Remember that this was in 1907.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. TELLER. Certainly.

Mr. KITTREDGE. Before they finally abandoned the dam at La Boca and the other dams mentioned, they had changed their plans from 3 dams on the Pacific side to 2 dams, and then they finally abandoned the La Boca dam altogether and dropped back in the interior to dams at Corozal and Pedro Miguel.

Mr. TELLER. That is a fact. I have not had time to go into the details of their changes. Any Senator who chooses to look over the records of the Canal Commission will find, as I said, that they changed every six months, and sometimes as often as every three months, in some feature of the canal, and after they had pronounced the original canal they planned as a faultless canal.

The board of consulting engineers that accompanied you to the Isthmus in April last, inspected the sites of the dams, as finally located, with the view to outlining a detailed description of the preparation of the foundations for the structures to be erected, reporting thereon as follows:

The borings showed so-called "mud" in the swampy portion having a depth of 8 or 10 feet. This material is firmer than we had expected—

They are almost always finding something better than they expected and then later they find it is a little worse than they expected.

And at the time of our visit, about two days after it had been flooded by spring tides, it could be walked on in most places.

I think a man does not have to be an engineer to know that that is a very unstable structure upon which to put a dam.

For the dam construction * * * we do not think it will be necessary—

This is the report of the engineers, "Special report of the chairman of the commission to the Secretary of War, recommending locks and dams at Miraflores instead of at La Boca"—

to remove the soft material at either of the places (Sosa-Corozal, Sosa-San Juan). The very softest material will either be displaced or consolidated by the material disposed on it. We do not think the amount displaced beneath the impervious portion of the embankment will be great, and if compressed in place the material will be impervious.

As regards the character of the material that should compose the body of the structures, the same board reported:

For the Sosa-Corozal and La Boca dams the bottom width of the impervious portion should not be less than would result from a top width of 80 to 100 feet at 15 to 20 feet above the water level in the lake, with slopes not steeper than 1 on 4 to 1 on 5. The resulting width at sea level would be 640 feet or more. The comparatively small cross section suggested for the impervious portion of each of the Pacific dams is permissible only if it is reenforced by wide and heavy rock embankments on both sides * * *. On account of the nature of the bottom on which this rock fill will be deposited for the dams on the Pacific side, it should extend a long distance outside of the impervious portion, in accordance with the principle adopted for the La Boca dam by the minority of the board of consulting engineers in 1905–6 of spreading the base on soft bottom so that the change in weight imposed on the foundations from the toe toward the crown will be gradual. This protection at the Sosa-Corozal and La Boca dams may be given great width with economy, since they will afford convenient dumps for the Culebra material.

I will put it all in the RECORD. I do not intend to say very much, but I wish to call attention to what already happened. This is Mr. Goethals's report:

To construct the dams in accordance with these views, trestles were built along the toes of the Sosa-Corozal dam, from which to dump material from the Culebra cut. The trestles failed, after the dumping of the material from them began, and the material overlying the rock moved laterally, carrying the superimposed mass with it, the dumps flattening out until the side slopes were about 1 on 12 and even less. In places this lateral motion continued for two weeks after dumping had stopped. The ground on either side of and at some distance from the dump was forced up, forming mounds of mud, the crests of which gradually approached the level of the top of the dump proper. After an equilibrium was established between the dump and the adjacent mounds the hump or wave would again move out when the track was shifted toward it, accompanied by a sudden vertical settling of the track of 6 to 10 feet when loaded trains were applied. It was thought that if the trestle were lower better results might obtain; but with the west trestle only 8 feet above the surface of the ground and the piles driven to rock, similar failures followed.

They did not drive it to rock; that was the trouble.

When the difficulties on the east trestle developed, an investigation, by boring and test pits, was made to determine the character of the material overlying the rock. It was found to be for the greater part an unctuous blue clay, without grit, possessing but little supporting power, instead of stiff clay, as indicated on existing profiles.

The investigations clearly demonstrate that the construction of dams which would remain in place after the lake is filled can be accomplished only by the removal of all material overlying the rock and, after preparation of the rock surface, by building the dams of selected material.

Any engineer of ordinary ability, of ordinary education, and ordinary experience ought to have known that that material would not stand and that it was not a stable foundation for a dam. Yet, Mr. President, these are the men the President speaks of with so much confidence and says their dictum that the dam is safe should be accepted by all men, engineers and laymen alike.

The depth to which the material will have to be removed is from 10 to 70 feet, and suitable material for dam construction will have to be transported to the site. Investigations of the foundations of the Sosa-San Juan dam show that the material is the same; the difficulties to be encountered will be greater because of the river.

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. TELLER. You may.

Mr. BEVERIDGE. The Senator has just been reading about the depression in the Gatun dam; is it not?

Mr. TELLER. No; it is the La Boca dam.

Mr. BEVERIDGE. Was there any pressure of water back of it at the time the depression occurred, or did it just sink of its own weight?

Mr. KEAN. Mr. President, it is impossible to hear the Senator from Indiana or the Senator from Colorado on this side.

Mr. BEVERIDGE. I was just asking a question for information.

Mr. TELLER. I will answer the question. I understand that the place where the dam was proposed to be built was a swamp. That is all there was of it; it was a swamp. What the pressure may be back of it, I do not know. When I come to speak of the lower dam, I will call the attention of the Senator from Indiana to the material of the dam and the water filtering through it.

Mr. President, without keeping the Senator waiting, I simply want to say that they have changed the dams and the locks again. They had changed them once or twice before. Now there is another change. I am going to put this matter in the RECORD. It is good reading, and it is not ancient history, either.

Mr. HOPKINS. Mr. President, may I ask the Senator from Colorado a question?

Mr. TELLER. The Senator can.

Mr. HOPKINS. Is it not a fact that the general plan for a lock-level canal has been maintained from the first, and that any changes have been of minor detail which the experience there has shown would be beneficial to the general plan that was settled upon by the commission of engineers?

Mr. TELLER. That is not the fact.

Mr. HOPKINS. I will say to the Senator that that is my understanding, and I have given some thought and study to the subject.

Mr. TELLER. The general plan of a lock canal, of course, has been adhered to, but you have more locks than you ever anticipated having, and you have them in entirely different places. The bore of your canal is not what you have declared it should be or what you have settled on, and the width of your canal in places where you were going to have a lock is now curtailed. It is an entirely different canal from what the engineers laid down in the plan.

Mr. HOPKINS. The main dam, of course, is the Gatun dam. I understand that that dam is located where they originally planned it should be. These minor locks are a matter of detail to conform to the experience the engineers have had there in the construction of the canal on the original plan.

Mr. TELLER. The Senator asks leave to ask me a question, and I do not care about having him give me his views on the matter. I have only a short time in which to occupy the floor. I want to say that for three years after the canal was commenced nobody ever heard of a dam at Gatun. Bohia was the place where the dam was to be built, and we were told over and over again that they had found bed rock there.

Mr. HOPKINS. If the Senator will allow me, at the time I offered the substitute to the bill presented by the Senator from South Dakota, which provided for a lock-level canal, the plan then was to have the dam at Gatun. That was the legislation we had on the subject relating to the construction of a lock-level canal.

Mr. TELLER. I will deal with the Gatun dam.

Mr. HOPKINS. The plan was to have a dam at Gatun.

Mr. TELLER. The Senator will not be very proud of the Gatun dam when he knows the facts. If he does not know them he ought not to speak so confidently.

Mr. HOPKINS. Whether I am proud or not I will say to the Senator that all the engineers the President sent to Panama within a few months have confirmed the judgment of the engineers who placed the dam at this point.

Mr. TELLER. I shall have something to say about those engineers before I get through.

Mr. HOPKINS. If the Senator will allow me, I will state that Mr. Randolph, one of those engineers, lives in Chicago, and——

Mr. TELLER. I know him. I know who he is.

Mr. HOPKINS. I talked with him within a week, and in his conversation he confirmed everything stated in the report, and even more.

Mr. TELLER. That is in writing. The Senator does not need to tell to the Senate what is here in writing. I will put it in as a part of my remarks.

Mr. President, I am willing to be interrupted ordinarily in making a speech, but I am not going to be interrupted by a Senator who I think does not know any more about this matter than I do, because I do not want to bore the Senate. I am expecting every moment that a bill will be called up that will take me off the floor. I am making as much headway as I can.

Since we have struck the dams, although I have taken more time than I intended, I will talk a little about the Gatun dam. The Gatun dam site was examined carefully by engineers, American engineers and European engineers, and declared to be unsuitable by all of them at that time. It was then said that they had another place where they could get bed rock, and they claimed that at 128 feet they had struck bed rock. They had struck some floating bowlders in the mud. They brought up pieces of wood and all sorts of things, which showed that it was a wash from the hills. Later they concluded that the Gatun dam site was better than Bohia. So they moved down the river.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. TELLER. I yield to the Senator.

Mr. KITTREDGE. Will the Senator permit me to make a short statement?

Mr. TELLER. Certainly.

Mr. KITTREDGE. The reason why the engineers abandoned the site at Bohio was due to the fact that upon a careful examination they ascertained that what they regarded in the first instance as a solid rock foundation were simply bowlders brought down by the drift of the Chagres River in the early days, and when they made further explorations they were unable to reach bed rock until the depth of 168 feet was reached. Therefore they were compelled to abandon Bohio, and then they adopted the other site.

Mr. TELLER. Then they adopted the Gatun dam. That is as I understand it. They were just as confident that Bohio was a proper site as they are now confident that Gatun is, and there is the same kind of material at one place as the other. The difference is so small that I do not believe it is worth taking into consideration.

Mr. HOPKINS. Will the Senator allow me there? I do not desire to interrupt him, but all the engineers claim that at Gatun they have a rock foundation. We have had before our committee borings showing the character of that foundation. When a number of the leading engineers were before the committee, engineers who had visited the Isthmus within the last few months, they said the foundation is even more solid than they found it at the time they made these borings. So there can not be any question of it at that time. I will say in answer to the Senator from South Dakota that at Bohio they go deeper than they first proposed, but the engineers even there could have constructed a dam. However, it was found more expedient and better for commercial purposes to have it at Gatun.

Mr. TELLER. Mr. President, the Senator from Illinois is the advocate of the lock canal. He has been filled up by the engineers who have gone down there to bolster up and make good the statement that they have made on former occasions.

I will call attention to the class of men the President sent down there. They were not disinterested men, but men who had declared over and over again for his lock canal. He did not pick out, and he will not pick out, any first-class engineers who have not been committed to a lock canal. I do not mean to say that there are not some good engineers who are in favor of a lock canal, but I do say that no good engineer ever went down there and examined that ground who did not say that the building of a dam is an experiment.

Mr. HOPKINS. But if the Senator will allow me——

Mr. TELLER. I mean except those committed to the lock canal.

The VICE-PRESIDENT. Does the Senator from Colorado yield further to the Senator from Illinois?

Mr. TELLER. I am not going to yield.

The VICE-PRESIDENT. The Senator from Colorado declines to yield.

Mr. TELLER. The Senator from Illinois can take the floor in his own right.

Mr. HOPKINS. I have not time to discuss it, but to many of the statements made by the Senator from Colorado I certainly disagree.

Mr. TELLER. The Senator can do so, because I disagree with his backers. I disagree with the men who say you can build a safe dam on a swamp. I say that no such dam was ever built, in the history of the world. I can show you many dams built on better foundations than that that have failed.

That is a matter of opinion, Mr. President. The Senator from Illinois is as confident of the canal as the President of the United States. He has the same reasons for it. He has heard the same statements. He has believed the same reports. I have not believed any of them. I know that those reports are not true. I know that there is not any foundation there that a reputable engineer ought to be willing to risk not a few million dollars but hundreds of million dollars, because upon the dam site at Gatun depends entirely the value of the canal. If it fails, your locks will be up in the air and will be of no advantage to commerce or to the world. This is an experiment upon which you are putting six or eight hundred million dollars when you could build a canal of a different type with less money.

Mr. President, I will not undertake to say what it would cost to build the canal. I do not believe anybody knows. I do not know that any examination was made that would justify a man in making a calculation any more than the French made when they said that $140,000,000 would build the canal. Our engineers, these same engineers that the Senator from Illinois is depending upon, made the proposition that $140,000,000 would do it, and then they made it $195,000,000, and $200,000,000, and so on.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Dakota?

Mr. TELLER. I yield to the Senator.

Mr. KITTREDGE. Will the Senator permit me to make an explanation concerning the Gatun dam, about which much has been said? The site upon which we are now building the Gatun dam has been condemned eleven times by boards of engineers, beginning with De Lesseps and ending with the board of engineers appointed by the President as a consulting board to advise Congress and examine concerning the type of canal to be constructed.

Mr. BEVERIDGE. When was that?

Mr. KITTREDGE. The report of that board of consulting engineers was made in 1905–6. I have it here.

Mr. TELLER. If the Senator has it there, I am entirely willing that he should put it into the RECORD.

Mr. KITTREDGE. I do not ask to put it in the RECORD. It is included in the remarks that I made concerning this subject on the 28th of May, 1906, and occupies about two pages and a half. I have no objection, however, to its going in.

Mr. TELLER. The Senator may put it in if he sees proper.

Mr. HOPKINS. Will the Senator from Colorado allow me a moment right there?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. I will.

Mr. HOPKINS. I desire to say, Mr. President, that all of the information referred to by the Senator from South Dakota was before the American engineers when they settled upon the question of the dam at Gatun. They made examinations there, more in detail, more particularly, and more scientifically than were ever before made, and all of those engineers from that time to the present have simply confirmed what was reported by the engineers at that time. There is not an intelligent engineer who has investigated the subject since this report was made who takes issue with the engineers whose report is before the Senator from Colorado, a copy of which I hold in my hand. There can not be any question about the correctness of the statement that the Gatun dam is as solid as the Rock of Ages.

Mr. TELLER. I decline to yield to the Senator from Illinois, who is dealing absolutely in assertions.

The VICE-PRESIDENT. The Senator from Colorado declines to yield further to the Senator from Illinois.

Mr. FORAKER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I do.

Mr. FORAKER. I have before me a report made by M. Bunau-Varilla before the Commercial Club of Boston only a few days ago, on February 25. In the course of his remarks, speaking

of the foundation of the Gatun dam, as I understand, he quotes from Colonel Goethals, in which he says:

> The rock of the upstream toe has sunk about 20 feet in height and 200 feet in length where it crosses the canal. In sinking it has squeezed out and pushed up the clay underneath.

I understand that in the construction of the Gatun dam it was provided that there should be a "toe," as it is called, constructed of stone at the base of the dam. The dam is half a mile broad, I believe, at the base, where the water is impounded. They commenced the work by constructing the toe of the dam, and when they got it 65 feet high it sunk down 20 feet for a distance of 200 feet.

Mr. BEVERIDGE. Why?

Mr. FORAKER. Because the foundation was of such a character, as he goes on to point out, that it would not sustain that weight. That seems important, Mr. President. This speech was handed me only this morning and I have been reading it as I have been sitting here in the Chamber to-day. I find it, to my mind at least, very instructive. I think the Senate and the country ought to have the benefit of it, and if the Senator does not object, I would like to have it printed in the RECORD, and will ask that it also be printed as a Senate document.

Mr. HOPKINS. Mr. President——

Mr. HALE. I ask the Senator——

Mr. TELLER. I decline to yield to the Senator from Illinois.

The VICE-PRESIDENT. The Senator from Colorado declines to yield. Is there objection to the request of the Senator from Ohio [Mr. FORAKER] that the document to which he refers be printed in the RECORD and also be printed as a public document.

Mr. HOPKINS. Mr. President, I dislike very much to object, but I think that statement ought not to go into the RECORD without a counterstatement going with it. I was not aware that this——

Mr. HALE. I call for the regular order, Mr. President.

Mr. HOPKINS. I was not aware that this debate was to come up this afternoon, or I would have had material here to have supported every statement made by the engineers on that subject.

The VICE-PRESIDENT. The Senator from Colorado [Mr. TELLER] has the floor.

Mr. FORAKER. Will the Senator bear with me for just a moment?

Mr. HALE. I ask for the regular order, Mr. President——

Mr. FORAKER. Mr. President, the Senator from Colorado, as I understand, was addressing the Senate on the conference report, which is before the Senate. I asked that I might interrupt him, and he granted me that permission, and until he complains, I decline to be stopped.

Mr. HALE. I have refrained from calling up the deficiency bill because I thought the Senator from Colorado desired to address the Senate. I held back the bill for that purpose; but, if I can get the leave of the Senate to take it up, I can not refrain from coming in if the whole time is to be taken up, not only by the Senator from Colorado himself, but by interruptions and discussing the whole question of the Panama Canal.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. TELLER. I do.

Mr. BEVERIDGE. The regular order, for which the Senator from Maine [Mr. HALE] calls, is at the present time the bill of which the Senator from Idaho [Mr. HEYBURN] has charge, upon which the Senator from Colorado [Mr. TELLER] is addressing the Senate.

Mr. HALE. But the Senator himself is on the floor.

Mr. BEVERIDGE. Yes; the Senator is. The regular order is what is now before the Senate.

Mr. HALE. And that is the Senator from Colorado?

Mr. BEVERIDGE. Yes.

Mr. TELLER. Realizing the great force of what the Senator from Maine [Mr. HALE] says and realizing that I was imposing on the committee, I was anxious not to be disturbed in the few remarks I was making. That is the reason I undertook to shut off the Senator from Illinois [Mr. HOPKINS].

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I yield to the Senator from Ohio.

Mr. FORAKER. Mr. President, I do not want to take the time of the Senate away from the consideration of the deficiency appropriation bill or any other bill that is reported; certainly I do not want to delay any of these matters; but I apprehend that the question which the Senator from Colorado [Mr. TELLER] is discussing is about as important as any other that is before the Senate, and even more important.

I do not know what ought to be the determination with respect to the Panama Canal. I only know, as I stated in the Senate some days ago, that I voted for a lock type of canal with some misgiving as to the wisdom of that vote. I have had that same misgiving ever since. I tried when there was an additional report made a few days ago to dismiss from my mind any further misgiving about it; but since then I have seen a number of facts stated in the press that have caused me to recur to that same state of mind. When I read this address made by Bunau-Varilla before the Commercial Club of the city of Boston only a few days ago—I read it here in the Chamber only this afternoon—my mind again went back, without any misgiving whatever, to the state of doubt, at least, in which it was before. I fear a great mistake will be made if the construction of a lock type of canal is insisted upon; but I am not prepared to discuss that and would not ask the Senate to bear with me that I might do it at this late day in the session; but I think the Senate ought to have the benefit of what this engineer has said. All that he says he backs up, it seems to me, with data that you will find conclusive in character, and I hope the Senator from Illinois will not object to this being put in the RECORD. If he should, I shall have to read it.

Mr. TELLER. I will put it in my speech.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. TELLER. Yes.

Mr. BAILEY. I should like to ask the Senator from Ohio if that is the same person who was the first duly accredited minister from the Republic of Panama to the Government of the United States?

Mr. FORAKER. I understand he is. I do not know what his standing ought to be, either as a minister or as an engineer, but I have always heard that he stands very high as an engineer throughout the world in the estimation of men who are competent to judge. At any rate, what he says here can not do anybody any harm, and it might do some good.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio?

Mr. BAILEY. I do not know how much of an engineer he is, but I think he is a most accomplished diplomat, for, as I understand, he is one of the few men who has had his credentials cabled to him.

Mr. FORAKER and Mr. HOPKINS addressed the Chair.

Mr. TELLER. I think I have the floor, but I yielded to the Senator from Ohio.

The VICE-PRESIDENT. The Senator from Colorado has the floor.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. I do not yield to the Senator from Illinois.

Mr. HOPKINS. The Senator from Illinois is not asking the Senator from Colorado to do so.

The VICE-PRESIDENT. Senators will be in order.

Mr. FORAKER. If my request is not in order, I will hand the paper to the Senator from Colorado. He is making a speech and he can read it as a part of his remarks. It is more important than anything in regard to the deficiency bill or anything else.

Mr. HOPKINS. That ought not to go into the RECORD——

Mr. TELLER. I decline to yield.

The VICE-PRESIDENT. The Senator from Colorado declines to yield.

Mr. TELLER. I want to say a few words about the engineers who sent up the report the other day.

Frederic P. Stearns is the engineer who built a dam not far from the city of Boston, about which he boasted as being the type of dam to be built at Gatun. It was said that the dam at Gatun was going to be of that exact type. He built the Boston dam on ground where the conditions were infinitely better than at Gatun, but before it was filled with water, when it lacked 23 feet of having the water that it was capable of holding under his plans, 600 feet of the wall caved in. Had the dam been full, there would have been the absolute destruction of the dam and the town that lay under it. That is the man on whose statement the Senator from Illinois says the foundation is as solid as a rock.

Mr. Isham Randolph is an engineer of distinction in the city of Chicago. He has been committed to the lock plan of canal for years and was a member of the board of consulting engi-

neers. Why did the President send him down to Panama if he wanted to get the facts? He sent him down there because he wanted to get somebody to bolster up the present plan.

Mr. John R. Freeman comes from Rhode Island. I do not think he stands very high in the engineering profession of the world. These men are not amongst the selected engineers of this country. They are not those that the profession recognizes as engineers of high grade, and I doubt whether two or three of these men are engineers at all. If they are, I never heard of them as engineers, and I have a pretty fair knowledge, and have had for twenty-five years, of the engineers of this country who have distinguished themselves in any branch of engineering.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. I do.

Mr. FORAKER. If the Senator will allow me, I wish to ask him if it is not true—I ask simply for information—that all three of the engineers whom he has just named were known to be advocates of the lock type of canal before they went there?

Mr. TELLER. Absolutely. There was no man sent down there who did not go there pledged to a lock canal or who was not selected to go there by those who were committed to such a canal. I believe one or two members of that board are not engineers at all. As I have said, I have been pretty familiar with the engineers of this country, and I consulted a very prominent engineer the other day, who told me that he had never heard of them in the profession. I consulted one of the most noted engineers of the American Continent, and he said he never had heard of them.

Mr. President, of course these engineers were sent to Panama for the purpose of finding that the dam was safe. Let us look at it for a few moments. I will ask the Senator from Maine to give me a few minutes before he proceeds with his bill. I am not asking for the privilege, but I do not want to keep him waiting too long.

What is the condition of the Gatun dam? There is at that dam at least 168 feet of swamp. There are two gorges that go through that dam. That material is the same to the depth of nearly, if not quite, 300 feet. The report shows that when they went down below 30 feet as a rule they found artesian wells and artesian water. In the pits they dug it was true that the water was circulating at the surface as well as below.

It is well known to the engineers how much water falls on the watershed of the Chagres River. They know how much runs down the river; they know how much is evaporated and goes off into the air. Practically almost as much goes under the swamp as goes down the river.

I have here the report of the Isthmian Canal Commission, but I will not stop to read it. They make a very astounding and very wise statement. They say that water primarily falls from the clouds. I guess that is so. [Laughter.] I have always supposed that to be true. That is one of the things as to which I can agree with them. Water usually comes from the clouds. When it strikes the ground, sometimes it runs off in a river, sometimes it enters the ground, but it always goes out somewhere. There is a river running under the Gatun dam to-day that carries almost as much water as the Chagres River itself, which has been the great bugbear everybody has been afraid of.

There is no engineer in this country not connected with the administration of public affairs and possessing recognized character as an engineer who will stand before the Senate to-day and say that Gatun is a safe place for a dam. If that dam goes out, the whole canal will be ruined, no matter if you have spent $800,000,000 upon it. I do not mean to say that it would not be possible to reconstruct it; but if you did, it would cost as much more as the original cost. Why should the friends of the lock canal insist upon that type when it is believed by a great many engineers, at least, that you can build a sea-level canal for less than the lock canal now in process of construction? I only want to say a word or two about the locks——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from South Carolina?

Mr. TELLER. I do not want to yield for a speech.

Mr. TILLMAN. I want to ask a question, if the Senator will give me some information.

Mr. TELLER. Very well.

Mr. TILLMAN. I want to know whether the plans which have been adopted contemplate the possibility of utilizing the work either for a sea-level or for a lock canal; in other words, there is talk about a lock canal and talk about a sea-level canal. If we should abandon the lock canal now, could we utilize some of the same cuts and places to hold water that have already been built or constructed or excavated, or would we have to go and begin de novo?

Mr. TELLER. No, Mr. President; practically all the expenditure on this canal, with the exception of that on the lock site, could be utilized. The work on the Gatun dam could not be utilized, but most of the other work could be utilized. I will ask the Senator from South Dakota [Mr. KITTREDGE] if that is not the fact? I so understand it.

We know something about dams in this country. There have been a great many dams constructed. Some of us may recollect the Johnstown disaster.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Maine?

Mr. TELLER. I do.

Mr. HALE. I do not want to interrupt the Senator——

Mr. TELLER. I will say to the Senator that I will get through in a few moments. I do not mean that I will get through, but that I shall quit. [Laughter.]

Mr. HALE. Very well.

Mr. TELLER. This is a subject that I think any man who has studied it could readily talk for an entire day upon. If this was in the beginning of the session I should yield to the Senator, and resume subsequently; but as it is practically the last of the session, I will now continue and finish in a few moments.

Mr. HALE. I do not wish to interfere with the Senator.

Mr. TELLER. Mr. President, there are many objections that could be urged against this dam, and amongst others is the spillway. They selected a good place for the spillway; but if ever the dam gets full, the spillway is likely to go out.

I referred to the Johnstown dam. I want to speak of one or two other dams before I quit. The Johnstown dam went out, and to this day nobody knows why it went out. There had been as much water in the Johnstown dam repeatedly as there was at the time when the dam was swept away. About thirty years ago in Bristol, England, there was a reservoir to supply the town, which went out with great devastation and destruction of property and considerable loss of life. The best engineers of Europe were assembled to try to discover what was wrong about that dam. After weeks of attention and study and taking testimony, they said that the dam had been built according to the highest possible engineering standards. They found nothing to complain of in the dam, and yet the dam had failed. You can not tell what may happen to a dam. You can not tell what the trouble may be with the earth.

Mr. President, we were told some time ago that the Gatun dam would have an apron or shield, you might call it, to prevent the water from seeping through. That plan has been abandoned. They have found that the material for the dam is so solid and so impervious that they do not need anything of that kind, and yet they declared again and again that such an apron was to be constructed with cement and piles and other material, and if they could not do that other appliances would be used.

They propose to put this dam on the naked earth and take the chances; and since they have started it, as we have heard from the Senator from Ohio [Mr. FORAKER], the dam has been sinking, and it will continue to sink.

I only want to say a word or two about the locks. There is no pattern for the locks that they propose to build. No such locks have ever been built in the history of the world. They have not the character of foundation which I think they ought to have; and in that, I believe, I am supported by the best engineering talent on the American Continent. It is not my judgment, but the judgment of men who have been there to see it. I do not rely upon Mr. Randolph. I rely upon men whom I think have more knowledge than he, and who have not such relations with the transaction as to make them become the advocates of this particular system.

There is not a lock canal in the world that has been in operation for five years that has not had difficulty on account of its locks. They have had that experience in the Sault Ste. Marie Canal; they have had it in the Manchester Canal; they have had it in every country in the world where lock canals exist. The Kiel Canal and the Manchester Canal have had innumerable disasters. Perhaps a ship going into a lock could not be handled or controlled and would rush against the gates and tear them out. That is one of the dangers of a lock canal. If there is only one lock, it can be repaired; but with three locks, making a ladder 85 feet high—that is the height of the proposed lake back of the Gatun dam—if one of the gates is broken down by a ship, the whole system of locks is gone. That would be just as fatal as the breaking of the Gatun dam, but it would not be just the same.

Mr. President, these are things that I think American Senators and American legislators ought to consider. You may say we are a great, rich nation. We are. But we can not afford for

two reasons to build a canal that will be a failure. First, we can not afford the money. Secondly, which is of more importance to me and ought to be of more importance to the American people, we would be disgraced throughout the world. We have undertaken this as an enterprise of ours. We have said to the world, "Keep your hands off." Are we not under obligations to make such a canal as will accommodate the world's commerce? We are building it, not for ourselves, but for the world. We have not any use for it. In time of war we might send our ships through it, possibly. I doubt to-day whether if the canal was finished any Secretary of the Navy, if he had the time to send the ships around the Horn, would send them through the canal. He would not take the risk, because if the canal should break down with one of our ships it would entail a loss of five or six million dollars in a minute. You could not get the ship out. You could not make it useful. It would be gone forever.

What will the canal cost? Mr. Stevens, who was the engineer in charge at one time, said before the committee it would cost $300,000,000. We have spent now a large amount of money, and I do not suppose there is a man living, not even in the Senate, who can tell us what proportion of the canal is completed. Nobody can tell how much more it is going to cost. I think we are entitled to know how much more you are going to put in this scheme of a lock canal; and if you are going to build a lock canal, there are types better than this.

Engineers said to us over and over again, "You have made the cut at Culebra too narrow." The reply was, "Oh, no; we have it all right." The other day the incoming President, lately Secretary of War, went down there and said the cut must be widened a hundred feet. I approve of that. I think that is the wisest thing which has been done with respect to the canal for some time. Then he looked it over and concluded that there should be a breakwater at Colon, which had been originally planned and abandoned. Of course, it was abandoned in the interest of economy, to reduce the cost of the canal. He said there must be a breakwater. Every man who is acquainted with shipping knew that there would have to be a breakwater. The engineers did not abandon it. They simply deferred it. The incoming President said it would cost $10,000,000 to put in the breakwater. It will probably cost $20,000,000.

Here is $24,000,000 added by his visit to the canal, and yet the Senator from Illinois tells us that we should accept the opinion of the engineers, and their opinion was that we did not need a breakwater and did not need a wider cut. Their opinion was that we did not need a sea-level canal; that the locks need not be a thousand feet long or more than a hundred feet wide. The naval board said they ought to be a thousand feet long and a hundred and ten feet wide. The commission say in their report: "We did not think it necessary, but we will yield to the judgment of the naval board." They have cut and tried, as the expression is, not like engineers, but like laymen. How much will it cost?

Mr. President, the Senator from South Dakota calls my attention to the fact, of which I have a memorandum, that they are enlarging the Kiel Canal, and they are building their locks 147½ feet wide and we are building ours 110. The report of the engineer says that a 98-foot ship could pass through the canal. It might, possibly, but the chances are it would not. I stated when I began that the White Star Line is to-day building a ship 1,000 feet long and 88 feet wide. The ship men of the country predict that in a few years—thirteen years, one of them said—with the progress that has been made in shipbuilding, we will have ships a thousand feet long and 115 feet wide. Every battle ship will be longer than it is and much broader than it now is.

We are under obligations, not only to ourselves, but to the world, to build the locks so that they will be just as good for the commerce of fifty years from now as for to-day; and there is not a shipping man on the continent who will not tell you we will increase the length and width and depth of the ships. In a recently published statement, one of them said that if we go on in the way we have been going and increasing in the last ten years, in thirteen years we will have ships a thousand feet long and 115 feet wide. He had hardly made that statement before here comes the statement, well authenticated, that the White Star Line is building a ship a thousand feet long.

I called attention earlier, when I commenced speaking, to the fact that if the Nicaragua Canal had been built twenty years ago it would not be of much use now. If you build this canal, with the present limit of locks 1,000 feet and 110 feet wide, in a few years you will wish they were larger, and then it will be too late, because it will be impossible to move the locks inside a great length of time and without a great expenditure of money. I am not disturbed, however, so much about the money we are spending as I am that when we spend it we do not get anything in return. I think it should be the duty of this body to look into the matter and not leave it, as we have done, to engineers whose interest it is to support the canal that they decided on having simply because it was cheaper than the sea-level canal, when good engineers say the sea-level canal would be cheaper.

I am now going to give the Senator from Maine an opportunity to present his matter, not that I think I am out of order, because, by the rules of the Senate, I am strictly in order.

Mr. HALE. Certainly. The Senator is entirely in order.

Mr. TELLER. I do not want to interfere with appropriation bills. I know we are approaching the close of the session, and I therefore submit.

Before I leave the floor, is there any objection to putting in the RECORD some papers I have here? I intended to read them.

Mr. CULLOM. Put them in.

Mr. TELLER. If there is no objection, I will ask that they be printed in the RECORD.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and permission is granted.

Mr. FORAKER. I desire to say one word in answer to the Senator from Illinois [Mr. HOPKINS]. I have not offered any paper or any remark in any controversial sense. I think we ought to get all the information we can of every character in regard to this matter. It is not so important to me as it is to Senators who remain in the public service. I go out within a few days. They remain. If I were to remain here, I would get, and they ought to have, all the information obtainable, and I make the request for no reason in the world except that the Senate should have all the light it could get.

Mr. HOPKINS. In view of what the Senator from Ohio says, I shall not interpose the objection that it was my intention to make. I do not attach the importance to the speech that the Senator from Ohio does, and the criticisms I have heard made upon it satisfy me that it is entirely unreliable, But in view of the position taken by the Senator from Ohio, as I say, I shall not object to its being printed in the RECORD.

Mr. FORAKER. The Senator can do no greater service to the Senate and the country than by showing that it is unreliable. Until he or somebody else does show it is unreliable it is bound to make an impression, I think, on the minds of fair-minded men.

Mr. HOPKINS. In response to the Senator from Ohio I will say that I was not aware that this debate was to come up to-day. I have material on this subject which I think will be of interest to the Senate and the country. Had I supposed that it was to be discussed in the manner it has been presented I should have been here to present the other side.

The VICE-PRESIDENT. Will the Senator from Ohio restate his request?

Mr. TELLER. I will ask it, because I have some papers of the same kind. I have an article written by a very distinguished engineer in this country, who knows all about the canal. It is written in good temper and proper spirit. I ask that it may be printed in the RECORD in connection with the paper presented by the Senator from Ohio.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. FORAKER. I make the further request that the address delivered by M. Bunau-Varilla may be printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. TELLER. I hope these matters can be printed in the RECORD after my speech. I have an extract from the report of the committee, which I also desire to have put in. If it is desired, it may also be printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered.

The papers referred to are as follows:

APPENDIX A.

CHANGE IN CANAL PLANS.

Special report of the chairman of the commission to the Secretary of War, recommending locks and dams at Miraflores instead of at La Boca—President approves change.

DECEMBER 9, 1907.

The Hon. WILLIAM H. TAFT,
Secretary of War, Washington, D. C.

SIR: The adopted plan for the building of the Panama Canal contemplates the formation of a lake on the Pacific side by the construction of three earth dams (Sosa-Corozal, Sosa-San Juan, and Corozal-Diablo), the differences of level between the lake and the Pacific being overcome by a flight of two locks projecting into the Pacific on the west side of Sosa Hill.

The board of consulting engineers that accompanied you to the Isthmus in April last inspected the sites of the dams as finally located, with the view to outlining a detailed description of the preparation of the foundations for the structures to be erected, reporting thereon as follows:

"The borings showed so-called 'mud' in the swampy portion, having a depth of 8 or 10 feet. This material is firmer than we had expected,

and at the time of our visit, about two days after it had been flooded by spring tides, it could be walked on in most places. * * *

"For the same construction * * * we do not think it will be necessary to remove the soft material at either of these places (Sosa-Corozal, Sosa-San Juan). The very softest material will either be displaced or consolidated by the material disposed on it. We do not think the amount displaced beneath the impervious portion of the embankment will be great, and if compressed in place the material will be impervious."

As regards the character of the material that should compose the body of the structures, the same board reported:

"For the Sosa-Corozal and La Boca dams the bottom width of the impervious portion should not be less than would result from a top width of 80 to 100 feet at 15 to 20 feet above the water level in the lake, with slopes not steeper than 1 on 4 to 1 on 5. The resulting width at sea level would be 640 feet or more. The comparatively small cross section suggested for the impervious portion of each of the Pacific dams is permissible only if it is reenforced by wide and heavy rock embankments on both sides. * * * On account of the nature of the bottom on which this rock fill will be deposited for the dams on the Pacific side, it should extend a long distance outside of the impervious portion, in accordance with the principle adopted for the La Boca dam by the minority of the board of consulting engineers in 1905–6, of spreading the base on soft bottom, so that the change in weight imposed on the foundations from the toe toward the crown will be gradual. This protection at the Sosa-Corozal and La Boca dams may be given great width with economy, since they will afford convenient dumps for the Culebra material."

To construct the dams in accordance with these views, trestles were built along the toes of the Sosa-Corozal dam, from which to dump material into the Culebra Cut. The trestles failed after the dumping of the material from them began, and the material overlying the rock moved laterally, carrying the superimposed mass with it, the dumps flattening out until the sides slopes were about 1 on 12 and even less. In places this lateral motion continued for two weeks after dumping had stopped. The ground on either side of and at some distance from the dump was forced up, forming mounds of mud, the crests of which gradually approached the level of the top of the dump proper. After an equilibrium was established between the dump and the adjacent mounds the hump or wave would again move out when the track was shifted toward it, accompanied by a sudden vertical settling of the track of 6 to 10 feet when loaded trains were applied. It was thought that if the trestle were lower better results might obtain, but, with the west trestle only 8 feet above the surface of the ground and the piles driven to rock, similar failures followed.

When the difficulties on the east trestle developed, an investigation, by boring and test pits, was made to determine the character of the material overlying the rock. It was found to be for the greater part an unctuous blue clay without grit, possessing but little supporting power, instead of stiff clay, as indicated on existing profiles.

The investigations clearly demonstrate that the construction of dams which would remain in place after the lake is filled can be accomplished only by the removal of all material overlying the rock and, after preparation of the rock surface, by building the dams of selected material. The depth to which the material will have to be removed is from 10 to 70 feet, and suitable material for dam construction will have to be transported to the site. Investigations of the foundations of the Sosa-San Juan dam show that the material is the same; the difficulties to be encountered will be greater because of the river.

It is estimated that the cost of building the two dams, following the plan that the investigations and work done indicate as necessary, will be about $11,573,800. The estimate submitted by the minority of the board of consulting engineers for these dams is $4,314,000, a difference of $7,259,800.

As this difference to secure stability is excessive, an examination of the canal route from Pedro Miguel to the Pacific was undertaken to ascertain if more suitable places for the locks and dams could be found. In making these examinations, care was taken to secure samples of the materials to be encountered at various depths and cores procured of the rock. A careful study was made of all data obtained, and four possible projects present themselves for constructing that portion of the canal extending from the south end of Culebra cut to deep water in the Pacific Ocean.

First project. This is the present project and consists of one lock at Pedro Miguel and two at La Boca, with dams of suitable material on rock. The estimates submitted by the board of consulting engineers are corrected to conform to methods, quantities, and unit prices that additional information and experience show will give more nearly the actual cost of the work. The project provides a 500-foot channel from Pedro Miguel to Miraflores, a 1,000-foot channel through Sosa Lake to La Boca, and a 500-foot channel from La Boca locks to deep water.

Second project. Two locks at Pedro Miguel and one at Miraflores, with a 500-foot channel through the lake from Pedro Miguel to Miraflores, and a 500-foot channel from Miraflores to deep water in the Pacific Ocean.

Third project. One lock at Pedro Miguel and two at Miraflores, with a 500-foot channel through the lake from Pedro Miguel to Miraflores, and a 500-foot channel from Miraflores locks to deep water in the Pacific Ocean.

In this and in project No. 2 provision is made for diverting the waters of the Rio Grande and the Corundi and the Cocoli rivers, as well as for a channel of uniform width to the sea, having no connection with any other tidal basin. As a consequence the currents in the channel will result only from the tidal flow and will not attain a velocity as great as 1 foot a second, which will not interfere with navigation.

Fourth project. One lock at Pedro Miguel, one at Miraflores, and one at La Boca, with 500-foot channels between locks and to deep water in the Pacific.

In each case locks and dams are on rock foundations. Assuming that inverts are used, the total costs of the various projects are as follows:

Project No. 1	$58, 395, 540
Project No. 2	58, 467, 048
Project No. 3	50, 927, 268
Project No. 4	66, 690, 618

From the foregoing it is seen that project No. 3, one lock at Pedro Miguel and two at Miraflores, is the most economical. It has the advantage over the present project in that the dams of lower height, less length, and resting on rock comparatively near the surface can be more easily constructed and completed at an earlier date. It is to be preferred to project No. 1 by reason of the fact that the location of the locks secures them against all possibility of distant bombardment, and affords them greater security against gunboat or torpedo-boat attack.

The commission unanimously recommends the adoption of project No. 3 and its substitution for the existing project.

Very respectfully,

GEO. W. GOETHALS, *Chairman.*

APPENDIX B.

MEMORANDUM.

1. The first mention in the literature of the Panama Canal of the idea of constructing a dam at Gatun appears in the report of the International Canal Congress, held in Paris in 1878, under the auspices of M. de Lesseps. M. Kleitz, inspector-general of highroads and bridges, a government engineer of the French Republic, dissented from the view expressed by others favoring a sea-level canal, and urged that the Chagres Valley should be inundated, converting the same into an interior lake at an elevation of 78½ feet, proposing to maintain this level by a dam at Gatun, which he remarked was the point nearest the Atlantic which seemed to offer a favorable site for such a structure.

This suggestion was disapproved by the technical committee appointed by M. de Lesseps and a sea-level canal was favored, thus disposing of the proposition to erect a dam at Gatun.

2. The next mention observed in the literature of a dam at Gatun was by Ashbel Welch, former president of the Society of Civil Engineers of the United States, who in 1880 proposed that an artificial lake in the Chagres Valley be maintained by a dam at Gatun, its height not mentioned. Mr. Welch refers to Mr. C. D. Ward, member of the Society of Civil Engineers, as having first proposed a dam at this place, but no action by anybody authorized to express an opinion on this subject appears to have been taken.

3. Shortly before the collapse of the old Panama Canal Company M. de Lesseps, realizing that funds could not be raised in sufficient amount to complete the sea-level canal, adopted a suggestion made to him by M. Eiffel, who conceived the novel idea of constructing locks, to be located at various points along the canal line, these to be made of metal, the intention being to utilize them for the interoceanic transit for a few years and then to displace them and convert the lock transit into one at sea level. The points proposed for location of dams by M. Eiffel were eight or ten in number, the one nearest the Atlantic side of the Isthmus to be placed at Bohio.

4. In 1889 the old Panama Canal Company went into liquidation. The liquidateur appointed a commission, which made a study respecting the then condition of the works of the canal enterprise, and recommended to the liquidateur that the canal be completed, utilizing for this purpose all the work so far accomplished, but to introduce a system of lockage. A lock or locks at Bohio were proposed, but none at any lower point on the Chagres River. It was, of course, known to this commission that Gatun had previously been proposed for a dam and locks, but the liquidateur's commission rejected this idea.

5. The next study for a canal at Panama is embodied in a report made upon the proposition by N. B. Wyse, who was the officer of the French navy who had obtained from Colombia the original concession under which M. de Lesseps proposed to operate, and which concession is the basis of all work that has since been done at Panama. This gentleman proposed six locks in the Panama Canal, three of them to be at Bohio. He rejected the idea of a lock at any lower point on the Chagres. The report was addressed to the liquidateur of the old Panama Canal Company.

6. In 1892 M. P. Bunau-Varilla prepared a project for the completion of the Panama Canal. He proposed five locks on each side of the divide, the summit level to be raised to about 130 feet. The lock nearest the Atlantic side, recommended by M. Bunau-Varilla, was to be at Peña Blanca, about 1 mile below Bohio, but he suggested no lock at any point below Peña Blanca.

7. Soon after the organization of the New Panama Canal Company, which took place in 1894, a technical committee was appointed for the purpose of making a study of plans for the completion of the Panama Canal. The committee consisted of 12 eminent engineers. Included in that number were Gen. Henry L. Abbot, of the United States Corps of Engineers, and Mr. Hunter, recently member of the Board of Consulting Engineers for the Panama Canal. This committee reported to the New Panama Canal Company on November 16, 1898, and recommended a series of locks with a summit level at 90 feet. The locks on the Atlantic side were to be located two at Bohio and two at Obispo, but none at any point on the Chagres below Bohio, thus again rejecting Gatun as a site for a dam and locks. The report of this technical committee, which be it remembered was signed by General Abbot, contains the following:

"In the whole valley of the lower Chagres, between Gamboa and the sea, only one location showed favorable conditions for the building of a high dam capable of impounding a lake which could become the summit level." (See page 97, Part II, data on Panama Canal submitted to the Board of Consulting Engineers by the Isthmian Canal Commission September 1, 1905.)

In 1898 it was not known that the Chagres Valley at Gatun was filled with sand, gravel, clay, shells, and wood to a depth of 258 feet; yet General Abbot now thinks this site for a dam is available and suitable.

8. The first study made of the Panama Canal under United States Government authority was intrusted by the President to an Isthmian Canal Commission, of which Admiral Walker was chairman and Generals Hains and Ernst and Mr. Noble were members, and its report is dated November 16, 1901. A lock canal was proposed by this commission, with summit level at 90 feet, to be maintained by locks on each side of the Isthmus. With respect to location of locks, the commission remarked in its report: "No location suitable for a dam exists in the Chagres River below Bohio." General Hains and Colonel Ernst, present members of the Isthmian Canal Commission, signed this report. (See page 62 of the commissioners' report, government print.) In a paper read before the American Society of Civil Engineers on the 5th of March, 1902, Mr. George S. Morison, a very distinguished American engineer, who had been a member of the Walker Isthmian Canal Commission remarked: "All engineers who have examined the route of the Panama Canal agree that the neighborhood of Bohio is the only available location for a dam by which the summit level must be maintained." It therefore appears that the Isthmian Canal Commission unanimously and Mr. Morison specially rejected the idea of a dam at Gatun.

9. In 1904 Congress authorized the commencement of the work of constructing the Panama Canal, having previously purchased all the rights and franchises and property that belonged to the old French

companies, and having acquired a right of way from the sovereign Republic of Panama. This commission as a body never took any definite action with respect to the type of the canal that was to be constructed beyond ordering new examinations and consideration; but an engineering committee of its own members, consisting of Messrs. Burr, Parsons, and Davis, in February, 1904, recommended, the then chief engineer concurring, that no lift locks be utilized in the transit route that the Government was proceeding to construct, but, instead, that the canal be made at sea level. The report of this engineering committee was submitted to the commission, and at one of its meetings in March, 1904, Mr. Harrod moved "that the report of the engineering committee as respects a type of canal be adopted by the commission." (See p. 426, Proceedings of the Isthmian Canal Commission.) Action, however, upon this resolution was confined to a reference of the subject to a committee on engineering plans of the whole commission, and no further action by the commission has resulted.

10. Under authority of the President, by executive order dated June 24, 1905, a board of consulting engineers was appointed "for the purpose of considering the various plans proposed to and by the Isthmian Canal Commission for the construction of a canal across the Isthmus of Panama." This board consisted of eight American and five European engineers, the latter nominated, by request of the President, by the diplomatic representatives of foreign governments, and their report has been submitted to Congress. All plans for a canal at Panama that were on file in the office of the Isthmian Canal Commission were considered by the Board of Engineers. Their report is dated January 10, 1906, and a canal at sea level was recommended by the board, the report being signed by eight of the engineers composing it. But a minority report was submitted by five of the members, recommending a lock canal, three locks on either side of the Isthmus, with summit level at 85 feet. In the report of the minority of this board Gatun was selected as the site for the three locks on the Atlantic side, this summit of 85 feet to be maintained by a high earth dam at this point and the valley of the Chagres submerged and inundated throughout its whole extent, the lake extending nearly to Alhajuela. The majority of the board, eight to five, strenuously opposed the idea of a dam and locks at Gatun on two grounds: First, that the introduction of locks in a treatment of the question was objectionable from many points of view; and, second, that the maintenance of a summit level by means of an earth dam of immense magnitude to control the flood waters of this river introduced an element of great danger, since the dam, without sheet piling, was proposed to be founded on the alluvial-filled gorges of the Chagres River, where the depth at one point extended 258 feet below the level of the sea.

Of this minority one member, Mr. Noble, was a member of the former Isthmian Canal Commission, who, as above stated, had reported that Bohio was the lowest point on the Chagres where a dam was practicable.

11. The report of the board of engineers was reviewed by the present Isthmian Canal Commission, which then and now comprises Major Harrod and Generals Hains and Ernst. These three engineer members indorsed the recommendations of the minority of the consulting board for the lock canal with dam at Gatun, while Admiral Endicott, the fourth engineering member, indorsed the views of the majority for a canal at sea level.

It appears that in March, 1905, Major Harrod was, as above shown, opposed to any lock plan, and that his two associates favoring locks and the dam had said in 1901 that no proper site for a dam existed below Bohio.

It therefore appears that every consideration of the Panama Canal type by any unauthorized body, either corporate or governmental, rejected the idea of a dam at Gatun, and its indorsement is confined to a minority of the board of consulting engineers which was called by the President to advise him upon the type of canal that ought to be adopted, and to three members of the commission who had previously either been in favor of a sea-level canal or who had said, in effect, that Gatun was not a proper site for any dam.

Those who earlier proposed Gatun as a dam site, Messrs. Kleitz, Welch, and Ward, had no technical information whatever as to the physical characteristics of this site. Had these three engineers known that the dam would have to be nearly a mile and a half long, and that the alluvium in the gorge upon which the structure was to rest was 258 feet deep, it may be safely doubted if they would ever have proposed so hazardous a project.

EXTRACT FROM THE REPORT OF THE BOARD OF CONSULTING ENGINEERS UPON THE SUBJECT OF THE GATUN DAM.

The United States Government is proposing to expend many millions of dollars for the construction of this great waterway, which is to serve the commerce of the world for all time and the very existence of which would depend upon the permanent stability and unquestioned safety of all dams. The board is therefore of opinion that the existence of such costly facilities for the world's commerce should not depend upon great reservoirs held by earth embankments resting literally upon mud foundations or those of even sand and gravel. The board is unqualifiedly of opinion that no such vast and doubtful experiment should be indulged in, but, on the contrary, that every work of whatever nature should be so designed and built as to include only those features which experience has demonstrated to be positively safe and efficient.

APPENDIX C.

Extract from annual report, Isthmian Canal Commission, 1908 (H. Doc. 1054, 60th Cong. 2d sess., p. 7):

LOCKS AND DAMS.

This department of construction embraced the Gatun locks and the Gatun dam divisions, the Pacific division of locks and dams, and the division of meteorology and river hydraulics.

The locks are in pairs, and since the compilation of the last annual report the projected dimensions have been increased so that the width in the clear will be 110 feet, the usable length remaining, as heretofore, 1,000 feet. The question of increasing the width was raised by the general board of the navy in a memorandum to the Secretary of the Navy, dated Washington, October 29, 1907, setting forth "that the width of the locks as now fixed, namely, 100 feet, is insufficient for probable ships of future construction, and that sound policy would dictate an increase to a clear width of 110 feet."

While the commission, after due consideration, was of the opinion that the width already adopted for the locks—100 feet in the clear—was ample for all commercial vessels building or contemplated, and sufficient for any battle ship constructed, building, or projected, it felt that the wishes of the navy, as expressed by the general board, should be followed, there being no insuperable obstacles, and it accordingly recommended that the project be modified as desired. This modification was approved by the President under date of January 15, 1908.

The project prepared by the minority members of the board of consulting engineers for the lock type of canal provided for a flight of three locks at Gatun, a flight of two locks at La Boca, and one at Pedro Miguel. The locks at La Boca were placed on the west side of Sosa Hill, and were to overcome the difference of the level between the ocean and a lake formed by the Sosa-Corozal and the Sosa-San Juan dams. Steps were taken to construct the former of these dams in accordance with the proposed plan, and trestles were built along the toes from which to dump material from Culebra cut. The trestles failed after the dumping from them began, and the material overlying the rock moved laterally, carrying the superimposed mass with it. In places this lateral motion continued for two weeks after dumping had stopped. The ground on either side of and for some distance from the dump was forced up, forming mounds of mud, the crests of which gradually aproached the level of the dump proper. After an equilibrium was established between the dump and the adjacent mounds the hump or wave would again move out when the track was shifted toward it, accompanied by a sudden vertical settling of the track of 6 to 10 feet when loaded trains were applied. Dumping from trestles of less height secured no better results. (Pp. 7 and 8.)

APPENDIX D.

The minority of the consulting board in 1905 estimated the cost of the canal at $140,000,000; including payment to French company, $40,000,000, and sanitation, $27,000,000, increases the cost to $217,000,000.

The experts (1908) estimate that the work will cost $375,000,000.

There was to be 19.08 miles of lake navigation, 1,000 feet wide. This has been reduced to 15.7 miles.

There were to be dams near La Boca to cost $3,984,000. After attempting their construction with disastrous results, this plan was abandoned, it being estimated that these dams would cost $11,573,800.

There were to be two double locks at La Boca. These have been moved inland, one to Miraflores and one to Pedro Miguel and 3¼ miles of "greatly improved navigation" is abandoned, canal in excavation at sea level being substituted therefor.

There were to be 11.38 miles of the lock canal at sea level. Now it is proposed to make the sea-level part 15 miles, or very nearly one-third of the whole route.

The minority said that 200 feet was wide enough for the bottom width of the great Culebra cut. Now they say they want 300 feet, at an increased cost of $14,000,000.

They also determine in 1905 that the locks, 900 feet long, 95 feet wide, and 40 feet deep, were of ample size. Now they indorse locks of 1,000 feet in length, 45 feet depth, and 110 feet width, while the new German canal will have locks 147.8 feet wide.

The Gatun dam was to have been 135 feet high and contain 21,000,000 cubic yards of earth, loose rocks with sheet piling beneath. Now its height is reduced to 115 feet and its mass reduced to about 11,000,000 yards, the sheet piling to be left out.

There was to be a breakwater to protect Colon Harbor to cost $5,300,000. Now it is to cost over $11,000,000.

THE DAM.

The length of this earth structure is to be 7,700 feet, but the natural surface attains or exceeds this elevation in three places for about 700 feet in all. At the level of 21 feet above the sea it will be about 2,600 feet long between earth margins, in two sections, separated by the spillway hill. At the sea level its total length, also in two parts, between banks classed as argillaceous sandstone, will be about 2,800 feet. At this level the dam throughout, for length given, will rest upon brown or blue clay and silt. Under the dam and above the clayey sandstone are two geologic gorges, one 185 feet deep (below sea level) and the other 255 feet deep. These gorges are filled with river alluvium and other fluvial deposits, consisting, according to the official reports, of silt, soil, brown and blue clay, shells, rotten wood, sand, and gravel—the most, if not all, of it water bearing. The area in cross-section of the shallower gorge is about 205,000 square feet, and of the deeper one about 120,000 square feet, or a total of, say, 325,000 square feet—that is, over 7 acres. The mean height of the dam to proposed sea level above the natural soil is about 47 feet, and its area in longitudinal section, measured vertically, is shown by the official maps to be 362,000 square feet, or equal to 8.3 acres.

Leaving out of consideration the argillaceous sandstone, which is but another name for indurated clay, some of which, if not all, is also fissured and water bearing, the structure relied on to close the space between the hills is the earth dam—a structure in length equal to the distance from the Capitol to the Treasury and in some places as high as the New Willard, but averaging as high throughout its whole length as the four-story buildings along the Avenue—while under the dam will remain two masses of river wash—that is, clay, shells, rotten wood, sand, and gravel—one gorge half as deep as the Washington Monument is high and the other one-third as deep, while still below and under the abutting hills and under the Gatun locks (and it may be all around the margins and beneath the floor of the proposed lake, whose area is to be 174 square miles) is this same argillaceous sandstone, rhyolite, soft sandstone, conglomerate, and volcanic tuff. Some of it is known to be fissured and water bearing, and no one knows how much of it is not so.

The area in cross-section of the valley to be filled and of the gorges beneath, now filled with detritus, is over 15 acres. If Pennsylvania avenue, from the Capitol to the Treasury, should be filled to the level of the Treasury roof, the superfices, measured vertically, of the imaginary Pennsylvania avenue dam would just about equal that of the gap in the hills at Gatun that nature has partly filled with river drift, and that it is proposed to complete with 18,000,000 yards of mud deposited by a pumping dredge.

There has been much said recently about the blue clay under the proposed dam, some of which, loaded with low embankments of earth and loose rock, yielded to pressure and escaped laterally, resulting in the sinking of the embankment. The engineers tell us that when the load on this clay is "balanced," it will not move laterally, and will carry the load due to the superimposed mass of earth 30 feet deep at the up and downstream toes, and 135 feet deep at the crest.

The engineers of Panama who are so confident now that the Gatun dam can be "floated," so to speak, on this unctuous blue clay, have had some personal experience in attempting to do this very same sort of thing. They seem not to have profited by it.

On page 132, Volume I, of the Canal Record, December 25, 1907, is printed what purports to be a letter from Colonel Goethals to the Secre-

tary of War, dated December 9, 1907, whereby it is recommended, by the unanimous vote of the Canal Commission, to abandon the attempt to build two dams near La Boca, following in their construction the recommendations of the board of three consulting engineers, who were specially called to the Isthmus in April, 1907, for the purpose of inspecting these sites for dams and locks. Two of these same experts were again called to the Isthmus by the President to still further advise.

The colonel is careful to quote from the report of these gentlemen as to the denser character of the blue clay they saw where the dams were to be, near La Boca, than they expected to find. They remarked "This material is firmer than we had expected to find, and at the time of our visit, about two days after it had been flooded by spring tides, it could be walked on in most places." They go on to state clearly the plan of construction and the dimensions of the dam, which were to be 80 to 100 feet wide at the top, 80 feet high, and about 640 feet wide at the base, against 135 feet high at Gatun and 1,200 feet base, the material to be dumped from trestles, as at Gatun. Colonel Goethals says, in his letter to the Secretary, of the material overlying the rock, that it was found to be "an unctuous blue clay, without grit, possessing but little supporting power"—this same material, which the two consulting engineers who twice indorsed this dam said was better than they expected to find.

The trestles failed, and the colonel says the "material overlying the rock, 10 to 70 feet deep, moved laterally, carrying the superimposed mass with it, the dumps flattening out until the side slopes were about 1 on 12 or even less. In places the lateral motion continued for two weeks after dumping had stopped. The ground on either side was forced up, forming mounds of mud, the crests of which gradually approached the level of the top of the dump proper." Then the trestle was lowered to 8 feet, but "similar failures followed."

The colonel stated that to build dams there it would be necessary to "remove all the material overlying the rock, and after preparation of the rock surface proceed by building the dams of selected materials." These dams thus constructed, he said, would cost eleven and a half million dollars—works which had been estimated by the minority of the board of engineers to cost four and one-third millions.

He recommended the abandonment of the plan to place the dams and locks at La Boca, the abandonment of the La Boca lake, and the so-much extolled "lake navigation," and the construction of these two locks, one at Miraflores and the other at Pedro Miguel. Colonel Goethal's report occupies two and a half pages of the RECORD, and closes with five lines in which it is casually or incidentally stated that "the location of the locks secures them against the possibility of distant bombardment and affords greater security against gunboat and torpedo-boat attack." How do the conditions at Gatun differ from La Boca? We fail to find a word to satisfactorily assure us that the ultimate result will not be the same.

But in the recent testimony given by Colonel Goethals before a House committee on the Isthmus and before a House committee in this city a few days since, he very strenuously insists, with some iteration, that the La Boca site was abandoned not because these dams could not be built where the minority of the consulting board wanted them, but because if the locks had been placed at La Boca they would be liable to destruction by a hostile fleet, and so he proposed their removal farther inland. Is not this largely an afterthought?

We are told that the dewatering of the old French canal "unbalanced" the pressures there and disturbed the equilibrium, and then the blue clay beneath escaped laterally. But how is this "balance" to be maintained?

The Chagres flow is to pass through the spillway until the dam is finished. By the closing of this opening the flow is arrested and the lake formed. The dam is to be a huge mound of earth 135 feet high and nearly a mile and a half long, the water of the river during construction passing to the ocean over the spillway sill, 10 feet above sea level. When the lake is filled the dam will have against it the pressure due to a head of 85 feet on one side and none on the other. This would seem to the layman as likely to cause an "unbalancing" of pressure as did the removal of 10 feet of water the other day from the old French canal, with the consequent sliding of the blue clay. With water against the face of the earth dam, that face and all the lower part of the mound will be saturated—a condition that can not exist until the lake is full. Will not the saturation of the lower part of the mass, and the presence on the up-stream slope of 85 feet of water, disturb the equilibrium of the structure? Will not earth saturated with water move more readily than when dry? The inner face of the Wachusetts dam slumped off—not only the part covered with water, but all the way to the crest. The opinion has been expressed by competent engineers that had the disturbance of the equilibrium at Wachusetts been deferred until the intended lake level was reached, instead of at half that level, the slump that would then have resulted would have caused a cataclysm in the river below all the way to the ocean, compared to which flood, as respects destruction of life and property, the Johnstown affair would have been trivial.

The water, 10 or 20 feet deep, pressing against the railroad embankment built recently across Great Salt Lake, in Utah, did not prevent the blue clay beneath from escaping laterally and being hoisted up to and above the lake surface. Who can say that this movement at the Lorin Cut-off would have been greater or less had the water been shallower? The water was of equal depth on both sides of the track, and the embankment was only 15 feet above the surface. At Gatun there will be 85 feet of water on one side of the dam and none on the other, while the crest will be 50 feet above the water, and beneath the dam a blanket of blue clay 70 or 80 feet deep, 2,500 feet long, and extending up and down the valley as far as it has been explored, and under there the main drift in the gorges.

Whenever considerable weights have been piled upon this blue clay it has escaped laterally, and the new load has settled. Other slides and settlements are expected by the engineers, they say. Why not?

Colonel Goethals is in favor of reducing the height of the dam to 105 feet, so as to impose a lesser weight on the underlying blue clay and to secure a more uniform loading of it. It is now said it has been decided to reduce the height 20 feet, thus conceding that the dam as designed will not impose a uniform loading; hence the desired equilibrium between the pressure upon the clay, due to the weight of the mound 135 feet high, and the lateral support for this semifluid upon which the mound rests will be lacking. If the resistance to a lateral movement of the slippery clay under a pressure of 7 tons to the square foot (the weight of a prism of earth 1 foot square and 135 feet high) is deficient, then the structure will be in unstable equilibrium, and the clay may be expected to flow out and away, as at La Boca, and the dam to settle—when or how much no man can say. The distrust expressed by the colonel and by the last board of experts as to the supporting power of this clay is evidenced by their proposing to limit the load.

LAKE SEEPAGE.

The question of holding the water of Gatun Lake has been mooted, and this quite independent of the loss of water through or directly under the dam. It has been asserted (of which disproof is lacking) that the material forming the hills and ridges near Gatun and surrounding the valley and underlying its floor are so porous and fissured that the indispensable level of the lake can not be reached, or, if reached, can not be maintained. Colonel Goethals admitted that very little was known as to this matter of porosity of the basin; but he did not believe there was any sufficient cause for apprehension. Major Sibert was more apprehensive than the colonel as to this. There are, however, some facts revealed by the testimony and the last annual report that are not assuring, that do rather tend to justify the fears that the lake level at 85 feet can not be attained and maintained.

East of but near the lock site a test pit 6 feet square, 42 feet deep, its bottom 20 feet below the sea, was excavated and the formation exposed for inspection. It could be and was kept free of water by pumping 38,000 to 40,000 gallons a day. Upon its floor a plate 6 inches square was placed with a load of 18,000 pounds, and this was sustained for some time without settlement, the pit being kept dry by pumping. The material was soft sandstone, so-called; but the water seeping into the pit and flowing to the pump intake washed out the clay that held the grains of sand together, and then the load tipped over.

On Gatun Island was another test pit 20 feet square and 90 feet deep, the bottom at minus 80 feet. Pumping at the rate of 20,000 to 25,000 gallons per day sufficed to free it from water. Its walls were sustained against caving by timbers and steel sheet piling.

West of and near the spillway is another pit, 10 feet square, 80 feet deep, its bottom at minus 33.5 feet. Some stay braces sufficed to prevent caving. All the strata were badly seamed and fissured, and through the seams came large quantities of water, 60,000 to 80,000 gallons a day. Water standing in bore holes made by drills in the vicinity of this pit was lowered when the pit was pumped. A hole 6 inches in diameter and 12 feet long was uncovered in the excavation of the pit, "probably left by the decay of a log of wood," says the engineer.

Major Sibert, referring to this last pit, said it was used to secure information as to the leakage through the rock formation. In the annual report he says that water stood naturally in this pit at 16 feet above sea level. In the testimony it is stated that when a stream from a nearby tank was turned into the pit or well the water rose but 19 feet higher; that is, to 35 feet above the sea. The inflowing water (quantity per minute or hour not stated) failed to raise the water level in the pit higher, since it escaped through the fissured rock that composed the spillway hill. He fails to state, except as above, what were the observed results of this experiment as respects the porosity of the rock and its suitability for forming a lake basin; but these results were evidently disquieting, for he tells the committee:

"As to the water supply of the lake: The question of seepage loss through the hills around it (the lake)—that is a question we can only guess at. * * * We do not know with any great degree of definiteness the character of the rock and the material constituting the rim of the lake."

In this state the question of water supply for the lock canal is left by Major Sibert, while Colonel Goethals, in commenting on this, remarked:

"Major Sibert says, in effect, that the seepage of the lake through the hills is an unknown quantity; and so do I. But from the maintenance of reservoirs in the same character of formation as the sides of the lake, I do not apprehend any difficulties on this score. * * * As an engineer, I am willing to take some risks, desiring to be safe, with due regard to economy. I am willing to risk something, for if we take all safeguards we can not be sure of everything."

Thus the question of lake maintenance is left by the chief engineer.

Making due allowance for loss of water by evaporation (which is inevitable), for power purposes, for loss through lock gates and sluices, and for ordinary seepage at the rate fixed by General Abbott (an authority on this subject, who is a member of the board of engineers indorsing the lock plan), the number of lockages for which the water supply will be adequate, supposing there will be no extraordinary or unexpected seepage from the lake, will be less than was promised by the board of engineers. But if the rock strata around the lake margins and beneath the lake bottom should prove to be as porous as is the same material in the test pit at the spillway, then no man can say if the lake can ever be filled at all. If not filled and maintained through the year, we can have no navigation—no connection between the two oceans at Panama by the lock canal.

OPEN CHANNELS.

No engineer would propose to place a lock in a navigable channel if it could be avoided; for every lock is an obstruction to navigation. They are never used in good practice if they can be dispensed with. Besides, they limit the length and draft and width of the ships that are to use them, which an open channel does not; for such a navigation can be deepened and widened without interfering with traffic, just as has been done at Suez. The existence of locks also introduces an element of risk and danger which is absent with the sea-level canal.

The Suez Canal was opened in 1869, with a bottom width of 72 feet and depth of 26 feet. It now has a minimum bottom width of 118 feet and depth of 32 feet, and is being widened and deepened to 147.6 and 36 feet, respectively. This canal is twice as long as the one at Panama will be, and during the first five days of January of this year there passed safely through it, in an average time of eighteen hours, our great fleet of battle ships; and a few years ago there passed safely the dry dock *Dewey*, 110 feet wide. This last structure could not under any circumstances have been passed through the Panama locks as now planned unless it was taken to pieces and shipped as cargo in sections.

If a plan of construction that will dispense with the need of locks at Panama is practicable, then they ought not to be constructed. Eight out of 13 of the engineers who the President thought three years ago were competent to advise him as to the type of the canal solemnly declared that a sea-level canal at Panama was practicable and preferable in every way to any plan that involved the use of locks.

These eight engineers with reluctance, apparently, admitted the necessity for a tide lock at the Panama end, which might have to be used a part of the time, stating that the time at their command in the consideration of the questions submitted to them did not permit them to make the required tidal observations and studies to determine the question conclusively. But since the report of the board of consulting engi-

neers was submitted a very eminent authority in Europe (one who has never had any official or other relation to the Panama Canal) has studied, purely as a scientific question, all the data that have been accumulated by the Frenchmen and by ourselves. He has stated, as the result of a very careful consideration of all, that the currents in a sea-level canal at Panama would not exceed the currents that are common at Suez—that is to say, 2½ miles per hour. The currents that are now easily and continuously navigated in some of the Great Lake channels attain a velocity of 5 miles per hour and are being navigated every day. The authority referred to above is Dr. C. Lély, formerly minister of waterworks of Holland.

The six locks at Panama, which every ship, large and small, must pass, are a positive hindrance; and it is said they will cost to build over $50,000,000. Their upkeep and operation will also be vastly greater than would be needed in an open channel. If one pair of locks is destroyed or put out of commission, the canal will be disabled and useless for the time being. The explosion of dynamite in a lock could do this; an earthquake might effect it; and the destruction of the gates of an upper lock, causing the lowering of the lake level, might also cause it—a jeopardy to which a sea-level canal would never be exposed.

For a lock canal at Panama or elsewhere, an adequate water supply is required. We do not know if it be possible to secure this on the Isthmus. For a sea-level canal the ocean is the water supply; and transit will be effected by vessels of any desired size without let or hindrance. If its capacity (that is to say, depth and width) should be inadequate, these will be increased as they were at Suez.

Colonel Goethals has just stated that the President has approved his recommendation to make the cut through the Culebra 300 feet wide instead of 200, the width proposed by all the members of the board of engineers, and a width amply sufficient for the transit of the largest vessels that exist or that have been proposed. If this width is necessary, then the locks as proposed are not wide enough and probably not long enough.

The sea-level canal, as proposed, would have been nowhere less than 150 feet wide at the bottom and 40 feet deep as a minimum, against 118 feet now *and* 147.6 feet in the future at Suez, for width; and for depth, 32 feet now and 36 feet proposed at Suez.

The Kaiser Wilhelm Canal, connecting the North Sea with the Baltic, is now being enlarged so as to afford a bottom width of 143⅓ feet, and a depth of 36⅓ feet—this to accommodate the largest vessels existing or proposed under the German flag. Locks at either end of this canal are required so as to shut out the sea water from the interior rich agricultural district of Schleswig, which is so low that the salt water would ruin vast regions. Some of the curves in this canal are more abrupt than any that have been proposed at Panama. The new locks to be constructed for this canal are to be over 147⅔ feet wide.

The great ship canal of Holland, which makes Amsterdam a seaport, has dimensions of channel considerably less than has the enlarged German canal; while the great Manchester waterway, which makes that city a seaport, has a depth of 28 feet and a width of about 120 feet. These are all of the great ship canals that exist; and they accommodate the commerce and the navies of the world. And yet we propose to widen the cut at Culebra so as to give it more than double the width of any existing canal.

For the sea-level plan but one great dam would be required, that at Gamboa, a masonry structure founded upon solid rock throughout, the building of which presents no uncertainties and no possibilities; a plain matter, an everyday affair. Had the sea-level plan been adopted when the lock plan was approved by Congress this dam should now be about completed, the Chagres under complete control, and the remaining work, except at the harbors—one of simple plodding excavation, a class of work that our engineers have shown by their most excellent methods to be one of very rapid digging.

The dirt is going out of the Culebra now at the rate of over 1,000,000 yards a month, at which rate the Culebra excavation for 85-foot level will be finished in three or four years. Were the installation adequate, and a sea-level channel the end in view, there is scarcely a doubt of its being completed before the time when our engineers promise to have these problematical dams completed and the locks ready.

We are embarked in a stupendous folly, it seems to me. The high tides at Panama approach to within 30 miles on either side of the Isthmus, and a ridge separates them which is nowhere more than 150 feet above the sea level—only a little higher than the top of the proposed Gatun dam.

There now remains in Culebra, obstructing a sea-level channel, just about 80,000,000 yards. We took out last year, with a much smaller plant than could have been economically worked, over 11,000,000 yards. At that small rate we can finish the Culebra in about seven years. By a proper increase of the steam shovels we could end the job in four or five years, easily within the period required to build the dams and complete the locks, every one of which is an obstruction to navigation, utterly useless, and each pair costs eight or nine million dollars.

APPENDIX E.

COMMERCIAL CLUB OF BOSTON.

(Lecture of M. Bunau-Varilla on the Panama Canal, February 25, 1909.)

GENTLEMEN: It is for the second time that the Commercial Club of Boston extends to me its gracious hospitality. The first instance was when this country had to choose between Panama and Nicaragua for the establishment of the great maritime highway of nations.

I came to America, in the beginning of 1901, to develop publicly the scientific arguments, which in my opinion demonstrated the impossibility of the Nicaragua solution.

AIM OF THE LECTURE OF 1901.

After the lecture which I gave in this club, Mr. Lucius Tuttle who presided over the meeting, expressed in the following words, the impression it had made upon his mind: "I see that with the Nicaragua project we have opened the switch on the wrong track. It leads to a precipice—we must stop, go back, and take the other track."

This is just what happened. I need not recite the events which seem more to belong to romance than to reality, and which finally led to the defeat of the Nicaragua solution. You certainly remember the splendid fight in the Senate by that great citizen Senator Mark Hanna, whom I had met through my friend Governor Myron T. Herrick, of Cleveland, and whom I had succeeded in making the firmest believer in the Panama solution; then the secession of Panama, to which I contributed with all my power, and after repeatedly warning Colombia, because it was the only way to save the sacred project of uniting the oceans; then the formation of a new republic which entrusted me as minister plenipotentiary, the representation before the United States and all the nations of the world, of its vital interests, which were its recognition as an independent State and the construction of the canal over its predestined territory.

To-morrow there will be five years since I exchanged with the other great citizen and statesman, John Hay, the ratifications of the treaty by which the Panama Canal, like the phœnix of the fable, was to be borne out of its own ashes.

To-day I come again before you as I did eight years ago to tell you, and through you the people of the United States, that the switch has been opened on a wrong track, that it leads to a precipice, that it is time to stop, to go back and to follow the other track.

STABILITY OF THE GATUN DAM AN ESSENTIAL ISSUE.

The essential question at issue is that of the stability of the Gatun dam.

You know in its general lines the project actually under construction. It consists in creating, on both sides of the continental backbone, a great lake by damming near the oceans the valleys of the two rivers which come from the Cordillera. It consists in opening the continental backbone at such a level as the two lakes will freely communicate between each other. It consists finally in establishing, near each of the two dams, flights of locks which will allow ships to rise from the level of one ocean to that of the lakes, say 85 feet, and after crossing the lakes to descend from the level of the lakes down to the level of the other ocean.

Of course each of these two dams is essential. If it breaks and disappears under the pressure of the imprisoned waters the essential element of the canal will also have disappeared. There will be no more possibility of passing a ship than there is to-day.

This conception of such a lake, dam, and lock canal at Panama was inspired by the desire of reproducing artificially at Panama what nature has done at Nicaragua; a big lake suspended above the oceans at a level of 100 feet, more or less, to which ships will have access by means of these steps for ships which are called locks.

It came into the world in 1879 during the international congress called by Mr. de Lesseps, and where the different solutions of the Isthmian Canal clashed.

Mr. Godin de Lepinay was its inventor. Nobody then thought of but one process for excavating the canal, the digging in the dry by steam shovels and trains. Mr. Godin de Lepinay knew very well of the difficulties of the Tropics and he proposed the lake, dam, and lock system, which is actually in course of execution. He founded the justification of his project precisely on the very same arguments which are to-day invoked in its favor against the sea-level plan—that is, against the narrow canal which is freely open on the Atlantic, on account of the practical absence of tides there, and which is closed on the Pacific side by tide locks in order to prevent the tidal variation of level of this ocean to cause currents which would be objectionable in a narrow canal across the rainy Panama isthmus.

Godin de Lepinay fixed 24 meters above the oceans for the level of the lakes, say 79 feet. He proposed the location of Gatun for the dam on the Atlantic, but he at the same time gave warnings of possible danger of its construction.

At the very instant of its birth in the engineering mind in 1879 the Gatun dam was denounced by him who had conceived it as dangerous.

The actual lock, dam, and lake plan adopted by the minority of the consulting board in January, 1906, textually reproduced the proposition of Godin de Lepinay of 1879. The level of the lake was fixed at 85 feet and the Gatun location for the dam was adopted on the Atlantic side, when on the other hand the La Boca location was selected for the dam on the Pacific side.

Had anything happened between 1879 and 1906 which could have been invoked in favor of the stability of a dam at Gatun?

CHARACTER OF THE SUPERFICIAL GROUND OF THE ISTHMUS: SOFT CLAY—SLIPPERY.

Nothing! On the contrary, the intimate knowledge of the formation of the Isthmus, of the character of its soil, which resulted from a battle of more than seven years against nature, during which 72,000,000 cubic yards were excavated in the middle of a constant epidemic of yellow fever, demonstrated that a dam at Gatun would be in the worst condition an engineer could dream of.

The great difficulty we had to contend with was precisely the particularly slippery and treacherous soft clay which was so often found near the superficie. This soft clay is transported in infinitesimal particles by the waters and deposited all along the Isthmus in strata of various depths. Its elements come from the solid core of hard clay and rock and are detached by the atmospherical influences therefrom. It was the most difficult material and the most slippery that could be imagined.

During many months I was in doubt if it was really possible to dig through that mass, as slippery as soap, which formed the superior strata of the Culebra cut.

Nobody will ever know what efforts, what anxiety, it has cost us to pierce and to remove this mass of soft ground and to reach the solid core of the Culebra cut in which the actual workers can establish solid tracks on a firm soil.

The conditions we found on the highest point of the canal cut, at Culebra, are the same at the lowest point, at Gatun, but there the accumulation of this soft and slippery material is below the level of the ocean; it is in the subsoil.

I met it when I opened the canal in that region. The clay, which the buckets of the dredges attacked in the bottom of the canal, was so sticky and plastic that very often it molded itself into the buckets so as to refuse to fall down; the dredges had to be stopped and men placed all along the bucket chain with shovels to empty the buckets.

This is why I looked upon, when it was projected in 1906, and I am now looking with so much concern upon a dam at Gatun.

NO FOUNDATION AT GATUN.

The very first time I heard of a revival of the idea of a dam at Gatun was by a note from Mr. Alfred Noble asking my opinion about constructing a lake, dam and lock canal with dams at Gatun and at La Boca. It was on the eve of my departure for France five years ago after exchanging with Mr. Hay the ratifications of the treaty under which the canal is now constructed, the so-called "Hay-Bunau-Varilla treaty."

I replied offhand to Mr. Noble that there was no probability of finding foundations at either place, but especially at Gatun.

The events have justified this opinion, as soundings have shown that bed rock at Gatun was about 260 feet below sea level, and because they have also revealed that above the bed rock exists an enormous mass of

blue clay which can under no pretense possibly be called legitimately a foundation even for an earth dam.

When the minority of the international consulting board revived in January the old plan (lake, dam, and lock) of Godin de Lepinay, already deemed an inadequate solution in 1879, and adopted the location at Gatun in spite of the warnings of its inventor, the majority of the consulting board protested against such a dangerous experiment.

I protested also in a public letter to President Roosevelt, dated March 5, 1906, against the instability of the huge Gatun dam. As the method of construction adopted was an entirely new one, which I had described to the consulting board at the beginning of its works, and which was registered in its report (page 213), I felt bound to reject all future responsibility and "to expressly disapprove, from a scientific standpoint, the use of that method, very good for a small, low, and temporary dam, highly dangerous for a huge dam of more than 20,000,000 cubic yards in volume in a country frequently shaken by earthquakes."

LA BOCA DAM HAD TO BE ABANDONED.

At the very beginning of the construction of the dam at La Boca by Colonel Goethals, the difficulty of carrying out the plan and the method of construction was such that the location adopted was abandoned for that of Miraflores, some miles higher up the valley.

This necessity of abandoning the La Boca location was reported on December 9, 1907, by the chief engineer of the canal, Colonel Goethals. The change was approved by the President on December 20 and published in the Canal Record in the number of December 25 following.

It was nature which at this moment added its first warning to that of men.

WARNING OF NATURE AT GATUN AFTER THAT OF MEN.

Nature gave a second and recent warning when the construction of the Gatun dam began last year.

The first work undertaken was to construct along the foot of the dam on the lake side an embankment of stone, the part of which will be to sustain the earth which will constitute the body proper of the dam.

The Canal Record of November 11, 1908, stated that this embankment (called also the "rock toe of the dam") was about completed at a height of 60 feet above sea level. But on the 25th of November a cablegram from Colonel Goethals announced that it had given way at the crossing of the old French canal and that it had lost 20 feet of its height of 60 feet on a distance of 200 feet.

I knew the nature of the ground there at the bottom of the old canal, for I had opened it myself, and I expected the first warning of nature would come in that neighborhood. It therefore did not surprise me in the least. I considered it an ominous but providential "Mene, tekel, Upharsin" written by nature on the bottom of the future Gatun dam. I gave my views to the Herald and to the Figaro in Paris and they were published on the 12th of December in New York.

Soon after, as you know, it was made public that the President-elect, Mr. Taft, intended to go to the Isthmus with a body of consulting engineers and that Colonel Goethals had been invited by the Government to make a reply to my statements.

Unfortunately this board of engineers, which was originally to consist of six persons, but which was brought to seven at the last moment, was not composed either of men entirely free from any preconceived ideas or of men in equal number and known as supporting adverse theories. Three members of the board were known as intimately associated with the actual plan, two, MM. Stearns and Randolph, for having proposed and signed it in 1906, another, Mr. Freeman, for having approved it unqualifiedly as a member of the board which went to the Isthmus with Mr. Taft in 1907 and which was formed of himself and of two of the signers of the plan, MM. Noble and Stearns. The opinions of the board of 1909, like that of the board of 1907, are therefore not independent expressions of opinion. The spirit of the minority of the consulting board of 1906 must be considered as having been the predominating influence in 1909. The report of 1909 and that of 1907 are nothing but the two successive echoes of the report of 1906.

LAST REPORT SAYS GATUN DAM TOO STRONG.

As you know, the result of this consultation was entirely favorable to the Gatun dam. It was found to be not only safe, but unnecessarily so, and therefore it was advised to reduce by 20 feet the height of the dam above the level of the lake, which height above the water had been originally fixed at 50 feet above normal level of the lake, in order to form a margin of security against any possible contingency, such as a tidal wave in the lake, due to an earthquake, or a settling of the dam similar to that which happened to the rock toe.

It was formally denied that this modification had been inspired by the desire of diminishing the weight of the dam upon its base of soft clay. The reason advanced was the desire to make a little economy in the structure.

STORY OF THE SPANISH TAILOR.

Gentlemen, if in such a grave matter a jocular reminiscence can be admitted, I may tell you the story of that Spanish tailor who one day saw a very tall customer enter his shop and ask for a cape. He realized that he had none in the store for such a tall man. However, he took the longest cape he had and put it on the shoulders of his client. Before the purchaser had time to examine if the cape fitted him, the tailor jumped to his scissors, and, putting himself in the attitude of cutting the lower part of the cape, he said: "This cape is decidedly too long for you. I am going to cut it a little." "Oh," answered the client, "don't cut it; it is not too long as it is; it is all right so." He bought it and went off with the cape. I hope you will excuse this jocular story, but I can not help remembering it when I speak of that astonishing decision to modify the design of an earth dam on account of the excess of its stability.

This is the first time in my life of engineer that I ever heard of an excess of stability for an earth dam.

However, the question has been settled, the Government has spoken its last word. It has been said to be so final that any further discussion would have to be ascribed to opposition to any canal.

IS IT POSSIBLE TO STAY SILENT?

The New York Tribune, which generally expresses the views of the administration, said in an editorial: "We have no idea that all Americans, or all expert engineers, or all sincere friends of the canal, will be convinced by this report and will be persuaded that the sea-level plan is not the best. But at least it should be possible for reasonable men to credit these expert engineers with professional acumen and prudence and with entire sincerity and to place reliance on the judgment of the administration which is responsible for the great work and which must bear the blame of failure or disaster if any should befall it. It seems to us high time for dissension and doubt to give place to a cordial support of the canal enterprise and to a cheerful confidence in its success."

These are very wise thoughts and I have meditated upon them. They should be listened to and respected if the question was a mere question of more or less perfection, of more or less expenditure, if it was simply one of these questions of philosophy, of economics, of politics, which, once settled, even badly settled, must be dismissed from public discussion at least for the time being.

This is not such a question; it is a question of life or death for this great highway, which has been called "the dream of centuries." If, as I think, it is written in advance that the Gatun dam will give way, can I give it a cordial support and enjoy a cheerful confidence in its success? That is impossible. It is also impossible to stay silent until I have exhausted all means in my power to show why I think so and to demonstrate the exactitude of my suspicions. It seems to me that I would be a treacherous friend of this great country, of its President.

Perhaps my attitude will be misunderstood by President Roosevelt. Perhaps I may lose the friendship and confidence of this great American. I will have lost something to which I attach the highest value, something of which I am very proud.

Nothing will deter me, however, from doing my duty, and, as Colonel Picquart said in the most trying phase of the Dreyfus affair, "I shall not go to the grave with that burden on the heart."

EXPOSÉ OF THE EVIDENCE AGAINST THE GATUN DAM.

I propose to lay bare before you all the direct and circumstantial evidence which proves that the Gatun dam is an unstable structure and that the experts who recommended it have made and are making a terrible mistake. I shall speak openly but without the slightest bitterness against any of these prominent engineers whom I individually respect. If I confront facts with opinions it is simply in order to generate by their friction the spark which will throw light on that obscure question.

TESTIMONIES AGAINST THE GATUN DAM.

As I told you, the first man who thought of erecting a dam at Gatun, Godin de Lepinay, in 1879, was also the first man who doubted its possibility. He never spoke of it later on.

As I have already told you, the dredging of the bottom of the canal brought to light in 1885 this sticky, plastic, soft, slippery blue clay which will underlie the dam to a great depth on more than one-third part of its length.

As I told you, this personal experience, as well as the general and practical knowledge of the formation of the Isthmus, led me to write to Mr. Noble in the first days of March, 1904, that no foundations for a dam would be found at Gatun.

These are disinterested testimonies before there were any talks of erecting a dam at Gatun. They were not influenced, therefore, by any passion generated by the heat of a technical controversy.

In January, 1906, the minority of the consulting board recommended a dam at Gatun and another, or rather a couple of others, on the shores of the Pacific, the principal one being at La Boca, across the mouth of the Rio Grande. The pressure exerted on the ground at the base of the embankment which constitutes the dam was declared in their report to be 6½ tons per square foot at Gatun. The minority report was signed by MM. Alfred Noble, Henry L. Abbot, Frederick P. Stearns, Joseph Ripley, and Isham Randolph.

The majority of the board was formed by Gen. W. Davis, Messrs. William Barclay Parson, William H. Burr, William Henry Hunter (named by the English Government), Ad. Guerard (named by the French Government), Eugene Tincauzer (named by the German Government), J. W. Welcker (named by the Dutch Government), E. Quellennec, chief engineer of the Suez Canal.

The majority said textually on the La Boca and Gatun dams: "The board is therefore of the opinion that the existence of such costly facilities for the world's commerce should not depend upon such reservoirs held by earth embankments resting literally upon mud foundations or those of even sand and gravel. The board is unqualifiedly of opinion that no such vast and doubtful experiments should be indulged in."

The minority in its report defended the earth embankments on the ground that no seepage could occur owing to the nature of the soil of the embankment and that of the subsoil. And in this it was correct, provided both would remain in place. Nothing was said to relieve the mind of the fear that the softness of the foundation might generate movements of parts of the mass infinitely more dangerous than percolation, because they are bound to leave large fissures into which water will immediately penetrate in great quantities.

As soon as the project was adopted I denounced in a public letter the unstability of the huge Gatun dam, as I said already. But not being willing to bring up again the foundation question, which I had opened in 1904 with Mr. Noble and which had been dealt with most completely in the majority report, I further indicated the peril of fissuration by slight earthquakes of the earth dam, which means an immediate washout of the dam. This was not a pure hypothesis. In 1882 all the surface of the earth in Colon, that is, in the immediate neighborhood of Gatun, was fissurated by an earthquake, and the record of this ominous fact is in the Isthmian Canal Commission's report of 1901.

Such were the opinions brought forward by the various parties engaged in the contest and which were: The minority defending the lake, dam, and lock plan, which might be termed "the third-class solution;" the majority defending the narrow sea-level canal with tide locks on the Pacific, which might be called "the second-class solution;" and myself defending what might be called "the first-class solution," the perfectly free, open, wide, deep, passage between the oceans entirely freed from any artificial structures such as locks and dams. This is what I called the "straits of Panama" in order to distinguish it from the narrow tide-locked "sea-level canal."

GENERAL ERROR PERVADING THE MINORITY REPORT.

Now, if the minority was right or wrong in its conclusions the subsequent facts must show. If it was accidentally wrong on one point and right on the generality, this can be condoned. But if a continuous series of facts demonstrate that a general error pervades all its works then the greatest caution is required and just suspicion is cast on its views on a point for which a correct judgment is essential because it commands the whole situation.

This will be what might be called the circumstantial evidence against the Gatun dam after enumerating the independent testimonies anterior to any project of a dam at Gatun.

FIRST ERROR OF THE MINORITY.

The principal argument in favor of adopting the third-class solution, the lake, dam, and lock plan, was its reduced cost. It was set forth at $139,000,000. It is now fixed at $297,000,000 and it is not yet finished. This figure excludes all the items excluded from the original valuation of $139,000,000. If we include them, it reaches $375,000,000.

SECOND ERROR OF THE MINORITY.

In fixing the dimensions of the locks for future increase of ships they decided for their length to adopt 900 feet and for their width 95 feet. In fixing these figures they said it was not necessary to adopt, respectively, 1,000 feet and 100 feet, as the majority did for its tide lock in the sea-level canal, because "no one would expect to provide in any commercial or military construction for needs at the end of the present century." We are at the beginning of 1909. One century has not lapsed since 1906, and, however, the dimensions of 900 by 95 have not only been found already too small, but even those of 100 by 1,000 feet have been found so. The present rectified dimensions adopted are 110 by 1,000 feet. The increase was prompted by the fact that the 26,000-ton war ships now building are 93 2/3 feet wide and by that other fact that the White Star liners now building are 930 feet long, according to press reports. Neither of these could pass the locks which were projected three years ago by the minority.

THIRD ERROR OF THE MINORITY.

This error is also shared by the majority. The question which had really inspired Godin de Lepinay with the idea of a lake, dam, and a lock canal in 1879 was the extreme difficulty and cost of excavation by steam shovels and trains under the conditions created by the terrible rainfalls in the Tropics. His aim was simply to reduce the amount of excavation by raising the level of the passage through the backbone of the Cordillera. But since a new method of excavating the rock was started which absolutely eliminates the difficulties of cost and of time. It consists in dredging the rock under water after having broken it in pieces as large as a man's head. I started this new principle in 1885 on the canal with a new method of mining. Later on the method was developed on the Suez Canal by the substitution of mechanical concussion for dynamite explosion. It is now perfected and gives results which are astonishing as to celerity and economy in the largest public works on earth, such as the Suez Canal and the Manchester Ship Canal.

In 1901 the Isthmian Canal Commission fixed the removal of rock under water at $4.75 a cubic yard.

I showed to the consulting board that it was now demonstrated to be infinitely lower, but they still fixed at $2.50 the probable cost of removing 1 cubic yard of rock under water, when the cost of ordinary dredging was placed at 15 cents.

These two prices show that the preliminary operation of breaking the rock into small elements was fixed at $2.35.

One year and a half later before the Institution of Civil Engineers of London, in June, 1907, special and official reports have shown that the actual cost of that operation had been in reality 20 cents a cubic yard at the Suez Canal and in the harbor of Blyth and 12½ cents in the Manchester Ship Canal.

This third error of the consulting board in fixing a price more than eleven times too great if the Suez Canal is taken as the standard and more than eighteen times too great if the Manchester Ship Canal is taken as the standard has entirely thrown out of consideration the only economical and powerful method by which the canal can be constructed, not only as a narrow canal at sea level, but as a veritable wide and deep strait. It is this deplorable error which has led the United States into the wrong way and enticed them to take the most inferior, the third-class, solution, when the perfect, the first-class, solution could be obtained at a less cost.

FOURTH ERROR OF THE MINORITY.

As we have seen, they recommended the erection of a dam of earth at La Boca on the Pacific. Their sincere but erroneous conviction was such that it had passed into the minds of the engineers in charge of the construction on the Isthmus.

President Roosevelt on his return from the Isthmus wrote in his message of December 17, 1906:

"La Boca dam offers no particular problem, the bottom material being so good that there is a practical certainty not merely as to what can be achieved, but as to the time of achievement."

The Secretary of War, Mr. Taft, visited the Isthmus some months later in the spring of 1907. He was accompanied by two of the engineers who had signed the lake, dam, and lock plan, Messrs. Noble and Stearns, and by a third engineer of considerable reputation, Mr. Freeman, of Rhode Island, who was also invited to add his advice to that of the former members of the minority of the consulting board.

They declared, on their return with Mr. Taft, that everything was all right and that the La Boca dam was a certain success, just as the board which recently came back with Mr. Taft declared that the Gatun dam was perfect. They did not, however, go so far as the recent board was reported to have gone, in saying about the Gatun dam that it was unnecessarily strong and had to be modified for that reason.

The board of 1907, that is, Messrs. Noble, Stearns, and Freeman, reported about the La Boca dam as follows (Canal Record of Wednesday, December 25, 1907):

"The borings showed a so-called mud in the swampy section, having a depth of 8 to 10 feet. This material is firmer than we had expected, and at the time of our visit, about two days after it had been flooded by spring tides, it could be walked on in most places.

"For the dam construction, we do not think it will be necessary to remove the soft material at either of these places (Sosa Corozal and Sosa San Juan). The very softest material will either be displaced or consolidated by the material disposed on it. We do not think the amount displaced beneath the impervious portion of the embankment will be great, and if compressed in place the material will be impervious."

Thus spoke, in 1907, the experts who had signed the plan in 1906, and the new expert, Mr. Freeman, who had joined them for the purpose of verification.

Now, let us look at the facts as described by Colonel Goethals in the report of December, 1907, to the Secretary of War, which was also inserted in the Canal Record of December 25, 1907:

"To construct the dam according to these views, trestles were built along the toes of the Sosa Corozal dam from which to dump material from the Culebra cut. The trestles failed after the dumping of the material from them began and the material overlying the rock moved laterally, carrying the superimposed mass with it, the dumps flattening out until the side slopes were about 1 on 12, or even less.

"In places this lateral motion continued for two weeks after dumping had stopped; the ground on either side of and at some distance from the dump was forced up, forming mounds of mud, the crests of which gradually approached the level of the top of the dump proper. After an equilibrium was established between the dump and the adjacent mounds, the hump or wave would again move out when the track was shifted toward it, accompanied by a sudden vertical settling of the track of 6 to 10 feet where loaded trains were applied. It was thought that if the trestle were lower better results might be obtained, but with the new trestle only 8 feet above the surface of the ground and the piles driven to the rock similar failures followed.

"When the difficulties on the east trestle developed an investigation by boring and test pit was made to determine the character of the material overlying the rock. It was found to be for the greater part an unctuous blue clay, without grit, possessing but little supporting power, instead of the stiff clay as indicated on the existing profile.

"The investigation clearly demonstrated that the construction of a dam which would remain after the lake is filled can be accomplished only by the removal of all the materials overlying the rock. * * * Investigation of the foundations of the Sosa San Juan dam showed that the material is the same; the difficulties to be encountered will be greater because of the river."

Various plans were submitted by Colonel Goethals in view of the impossibility of building, as it was projected, the dam planned by the minority of the consulting board and recommended a second time by a commission formed of two members of that minority and Mr. Freeman.

WHAT CONCLUSIONS RESULT FROM ALL THESE ERRORS?

We have now seen that on four different occasions the opinions expressed by the minority of the consulting board have been controverted by facts.

First. The estimates of the cost of the plan proposed is fixed to-day at more than twice the amount originally fixed,

Second. Vessels, both military and commercial, are now building which could not enter the locks, which three years ago seemed to the board large enough to satisfy all future needs, except those to come at the end of the present century.

Third. The cost of transforming rock into dredgable matter was fixed three years ago at a price which one and a half years later was shown to be eleven times too great in two instances and eighteen times too great in the third one.

Fourth. One of the two great dams to be erected, the one considered to be the most easy of execution and the most certain of stability, was found impossible at the place chosen and by the method recommended.

THESE SUCCESSIVE ERRORS SHOULD CAST A LOGICAL DOUBT ON THE GATUN-DAM PROPOSITION.

These manifest and undeniable errors of judgment on the four essential points examined should induce a very careful revision of the opinions expressed on the fifth essential point on the Gatun dam.

If an error similar to the four others already demonstrated occurs a catastrophe without precedent in history will follow. The result of ten years of arduous work, the result of an expense of $400,000,000 spent by this Government and of $250,000,000 spent by the French share and bond holders of the Old Panama Company will be annihilated in a quarter of an hour without counting the probable destruction of the town of Colon and the possible annihilation of a whole fleet of men-of-war which will be stranded and imprisoned for years if the Gatun dam collapses during its stay in the Gatun Lake.

Cassandra had received from the gods the privilege of seeing in advance the calamities which menaced humanity, but they had refused her the privilege of being listened to.

The part of a Cassandra is a disagreeable one and the victorious "I told you so" is a very poor compensation to the years of suspicion and ill will which must be accepted before.

But I have received, I can assure you, no privilege from any god whatever, and if I say that this catastrophe is bound to come, it is simply the result of the rational method of induction which Bacon gave to the world and through which we have been able to comprehend the mysteries of nature.

THE FACTS DEMONSTRATING THE INSTABILITY OF THE GATUN DAM.

We come now to the facts relating to the Gatun dam proper. They will form, so to say, the direct evidence after the circumstantial evidence resulting from the opinions expressed about the stability of this structure before it was adopted and from the demonstration of the error which pervades all the conceptions of the minority which recommended it.

THE SLIP IN THE ROCK TOE OF THE DAM.

At the beginning of the second week of December last I read in a New York paper of November 26, which had just arrived in Paris, the following cablegram of Colonel Goethals about a slide having occurred in the stone embankment which was to form the retaining wall of the earth of the Gatun dam. It read:

"Reported injury consists of slip in rock pile intended to form south toe of Gatun dam and has no effect on body structure, which is not yet in place. Part of rock pile, about 200 feet in length crossing old French canal, has been slipping northward from time to time and slipped again on Friday, November 20, due to excessive rains lowering crest of pile about 20 feet. Slip of this kind not new, occurring frequently all along the line. Present slip of no consequence and of character to be anticipated in such work."

This reassuring telegram did not reassure me. I knew of what the bottom of the French canal consisted. I did not hesitate to think that the accident was a providential lesson of nature showing in advance what was bound to be the fate of the Gatun dam at the end. I could read, though evidently the writer had not meant it, in the very telegram of Colonel Goethals the real prophecy of what will take place later on: "Slips of this kind to be anticipated in such work."

Yes, indeed, they are, and it is precisely the reason why a dam of earth under this constant menace is so dangerous, so sure to succumb, so sure to annihilate the object of this magnificent enterprise, the ambition of our age.

What would be the result of a similar settling of the dam if it occurred when the dam is built? As you know, the normal levels of the waters are to be 85 feet above the sea level. It is admitted that the level in great floods will rise to 87 feet, and in droughts will be 82 feet.

The crest of the dam was fixed originally at 135 feet, leaving a margin of safety of 48 feet above the maximum level.

After the return of the board of engineers who accompanied the President-elect to the Isthmus it has been announced that they found the dam unnecessarily high and strong and that the crest would be ac-

cordingly lowered 20 feet. This will reduce the proposed margin of safety to 28 feet.

CREST OF DAM BELOW THE LEVEL OF THE LAKE IF IT SHOULD SETTLE AS THE ROCK TOE DID.

Now, if the embankment of stone 60 feet high has lost through the slip of the 20th of November last 20 feet of its height, say one-third, the dam itself, 115 feet high, would lose under similar circumstances 35 feet. It would be reduced to an altitude of 80 feet above the sea, say 7 feet below the maximum level of the water, 5 feet below the normal level, and 2 feet below the minimum level. In a few minutes the dam would have disappeared.

Is the eventuality impossible to conceive? By no means. It is, on the contrary, in the logical order of things if you examine the causes of the slip of the rock embankment.

CAUSE OF THE SLIP OF THE ROCK TOE.

The cause was the softness of the blue clay on which it was seated, its incapacity of supporting a load of any consequence.

The load resulting from the superimposed rock embankment was relatively slight compared to what it will have to stand when the dam will be established.

A rock embankment forms a sort of homogeneous and solidarized mass owing to the friction of one element on another. This insures a relatively equal repartition of the total weight on the base.

As the rock embankment is narrow at the top and wide at the base, the pressure per unit of surface on the natural ground will be about half what it would be if it consisted of a mass having the same base with vertical sides. On the other hand, in a stone embankment about one-half of the mass only is rock; the other half is formed by the hollow spaces between the pieces of rock. On the other side a mass 60 feet high weighs about half what it would if 115 feet high, all other conditions being equal.

PRESSURE OF DAM ON FOUNDATIONS TO BE EIGHT TIMES GREATER THAN THE ONE WHICH CAUSED THE SLIP OF THE ROCK TOE.

For these different reasons the pressure of the central mass of the dam on the ground will be about eight times greater than the pressure exerted by the rock toe and which caused the loss of one-third of its height.

It is therefore by no means inconceivable that under a pressure about eight times greater, the soft clay will slide away from under the dam much more than it did during what may be called the experimental slip of the rock toe.

This logical induction from the slip of the 20th of November is based on the assumption that it resulted from the lack of supporting power of the blue clay. You have a right to demand a demonstration of that assumption because if it is due to another cause the argument is erroneous and misleading.

SLIP WAS FIRST ASCRIBED TO FALSE CAUSES.

After the New York Herald published on the 12th of December the statement I had made on the previous day about the certainty of the impending destruction of the Gatun dam, the answer was given out in the public press, apparently from responsible sources, that the slip was expected and even desired. It was explained that the cause of it was the light silt deposited upon the bottom of the old French canal. If it had been so the rock embankment would have slipped upon the bottom of the canal and not through the bottom into the ground below. This explanation would have acquitted the soft clay of any responsibility in the accident.

To support this hypothesis was the statement inserted on page 11 of the Annual Report of the Isthmian Canal Commission and signed by Colonel Goethals August 25, 1908. Speaking of the soundings through the ground below the Gatun dam it said: "The material encountered is of such nature as to be amply strong for supporting the proposed structure."

COLONEL GOETHALS RECOGNIZES THE FOUNDATION HAS NO STRENGTH.

But Colonel Goethals is an officer and a gentleman and he is not capable of modifying the facts even if they controvert his opinion. In the answer which he was requested to make to me and which was published on the 10th of January last he said:

"The rock of the upstream toe has sunk about 20 feet in height and 200 feet in length where it crosses the canal. In sinking it has squeezed out and pushed up the clay underneath."

This frank and open statement of fact shows that the rock pile has really sunk through the bottom of the canal into the soft clay. It acquits the silt and brings all the responsibility on the lack of supporting power of the clay.

If you remember what I extracted a little while ago from Colonel Goethals's report about the impossibilities described at the La Boca dam, you will see that the description he gives of the accident of the rock toe entirely resembles what he said about the La Boca dam. The two accidents were to be identical because the causes are identical at the two extremities of the canal.

But Colonel Goethals, in his answer to me, acknowledges also the presence of the blue clay and its lack of supporting power, thereby entirely withdrawing his assertion of August 25, 1908, about the strength of the material below the dam. He says:

"The stratum of blue clay which Mr. Bunau-Varilla mentions as a danger at Gatun exists chiefly into deep gorges in the rock which are crossed at about right angles by the axis of the dams, and, where crossed, are about 1,900 feet and 950 feet wide, respectively, at sea level. * * * It is impermeable to water and requires only to be kept in place to form a reliable foundation for an earth dam of suitable cross section."

Colonel Goethals explains how, by extending the foot of the dam, he hopes to counterbalance the tendency of the clay to escape from under the dam.

Now, gentlemen, it is a matter of common sense. Is this any more admissible? Can the meaning of the words be changed? What is a foundation? It is a mass of ground on which a structure is to be erected. What part has it to play? Only one part, that is, to keep the structure in place. Is this not the obvious and explicit condemnation of a given work when the chief engineer declares that the structure must be so devised as to keep the foundations in place? Does this not appear as a reversal of all the elementary notions of gravity and of natural forces? But a castle in the air could be projected on such a principle.

It would be possible and stable if we could keep the air in place by lateral wings of the castle.

No, the air will escape from under the wings as the soft clay will escape from under the body of the Gatun dam and from under its accessories, because it is a fluid matter like the air, though at the extreme limit of fluidity.

You may retard its movements, but they will take place at a given moment and at that moment in the Gatun dam will have lived.

GATUN DAM IS STABLE IN IMAGINARY ENGINEERING ONLY.

If we wish the connection between the oceans to be established we must not, as the majority of the consulting board said three years ago, indulge in dangerous experiments.

But now we have gone further than that, the facts have shown the practical impossibility of the earth dams, and we are driven into the land of imaginary engineering.

The Gatun dam will be destroyed by the subsidence below the level of the water of its crest, which is 374 feet thick at that level. Its huge thickness of one-half mile at the base will not protect it.

But there is another mode of death to which it is exposed, even if the movements of the clay below would not bring its crest below the level of the lake.

You have often seen while walking in the country these walls fissured and cracked. When you see that it is due to the fact that a part of the wall is seated on firm ground while the other is seated on soft ground. They do not settle together and an unavoidable opening ensues.

Now you have seen, by what Colonel Goethals says, that the blue clay existed chiefly in two places, respectively, 1,900 and 950 feet wide. The total length of the dam is 7,700 feet wide. These figures show that at four different places at least there will be a sudden change in the resistance of the subground. At these four places crevices will be opened through the body of the dam through which the water will flow. The opening through an earth dam need not be great to entail the immediate destruction. A fissure of a fraction of an inch suffices, when there is behind that fissure a lake of 170 square miles surface and a head of 85 feet of water, that is to say, a pressure of about 34 pounds to the square inch.

Now, gentlemen, I brought before you the facts which demonstrate that the Gatun dam can not and will not stand. This is the conclusion to which the method of inducing truth from facts, as established by experience, obligatorily leads.

A LOCK CANAL MAY BE SAFELY ESTABLISHED ON THE ISTHMUS, BUT WITHOUT A DAM AT GATUN.

Does what I said mean that a lock canal is impossible of construction on the Isthmus?

Not at all.

The unsafe part of the actual lock plan is the dam at Gatun.

Why was it adopted? you will ask. Here is the answer:

Any lock canal with a summit level must have a provision of water. This provision of water must be formed by damming the Chagres somewhere. There are four points where it can be proposed to dam the Chagres.

One at the lowest possible point of the valley, at Gatun on the canal line.

Another one 9 miles higher up, at Bohio, on the canal line also.

Another one just above the point where the Chagres enters the canal line, at Gamboa.

Another one 10 miles above the point where the Chagres enters the canal line, at Alhajuela.

The higher up you choose the point where the course of the Chagres is to be stopped by a dam and a lake formed behind the dam, the less water you collect in your reservoir, because all the tributaries of the Chagres below the dam will flow to the sea and will not be stored in the lake.

This is the inconvenience of the location of the dams higher in the valley; the higher you go the less water you store.

The advantage on the other side is that the higher you go the higher also you meet the bed rock and the better are your foundations.

At Gatun the bed rock is at 265 feet below sea level.

At Bohio, 9 miles higher up the valley, it is 157 feet below sea level. At Gamboa, 12 miles above Bohio, it is at sea level; that is about 40 feet below the bed of the Chagres. At Alhajuela, 10 miles above Gamboa, the bed rock forms the bed of the river.

These inverse qualities of the various locations explain easily how in the different projects of a lock canal the site of the dam has been changed from one location to the other.

The engineers who do not care for the amount of traffic which a lock canal can serve and who look only for the easiness of construction of a perfect dam will choose the location of Alhajuela. There a masonry dam, the only kind of structure admissible for a high dam, is easy to erect.

It was the project of the New Panama Canal Company, but the easiness of the erection of a dam was in fact outweighed by the difficulty and danger of constructing a connection between the Alhajuela Lake and the summit level which it has to feed.

The Gamboa location is perfect also from the point of view of safety. A masonry dam can be easily erected there with the assurance of complete stability because precise calculations of stability can be made for a masonry dam. On the other hand, the Gamboa dam is in immediate contact with the summit level, and there is no difficulty or danger in establishing the water communication between the lake and the summit level. All the conditions regarding stability are obtained there. But the amount of water received in the reservoir is only two-thirds of what would result from a dam at Bohio, while a dam at Bohio would also collect only two-thirds of the water which would be collected by a dam at Gatun. Therefore the limits of the capacity of traffic would be, in round figures, 26,000,000 tons with a dam at Gamboa, 40,000,000 tons with a dam at Bohio, and 60,000,000 tons with a dam at Gatun.

It would be, therefore, impossible to construct a lock canal with a dam at Gamboa with any idea of perpetuity.

The Isthmian Canal Commission in 1901 was led to select the Bohio location for a dam because there the conditions were sufficiently good to insure the establishment of a good structure, though of a quality much inferior to that resulting from the selection of Gamboa as the location for the dam, and at the same time the mass of traffic which could be served was sufficiently great (40,000,000 tons annually).

However, the Bohio location could not admit the perfect type for a dam, the masonry dam, on account of the depth of bed rock. The commission was forced to admit an inferior type of structure, the earth dam with a masonry core.

But when in 1905 the question of the type of the canal came again to the front, the constant increase in the size of ships obliged the defenders of the perpetual lock type idea to recognize that with a dam at Bohio a lock canal could not be called perpetual on account of the

increase of the consumption of water due to the necessity of increasing the dimensions of locks.

The intense desire of increasing to its utmost limit the storage of water was the only cause of the selection of the Gatun location for the dam. But there only an embankment of earth could be thought of as a dam, and therefore the poorest kind of structure had to be resorted to. Instead of carefully observing the limitations traced by nature, instead of drawing a project inspired by these limitations, the contrary was made. It was nature which they tried to submit to the needs of a preconceived idea, the construction of a perpetual lock canal.

We can see now the results.

Nature can not be forced to fulfill the ambitions of man outside of the limits which science has to recognize and to fix.

When this is tried nature reacts and man is as powerless against its reactions as the Lilliputians were when they tried to chain Gulliver.

The dam at Gatun will certainly succumb under the combined influences of the pressure of the lake and of the lubricating influence of the water on the soft, plastic, slippery clay upon which the huge embankment will be seated. This is the thing which is now demonstrated.

ESCAPE OF THE WATER OF THE LAKE THROUGH THE FISSURES OF THE CLAYISH SANDSTONE OF THE HILLS AT GATUN ANOTHER GREAT DANGER.

But there is another fact which is of greatest moment.

The huge locks will be erected on a kind of rock which is at the very limit between rock and earth. It is a mass of sand agglomerated by a green clay. Though strong enough to stand the pressure of the walls of the locks, in normal conditions, it is an unreliable ground. The insufficient resistance it offered to the shocks of the frequent light earthquakes of the Isthmus have caused the interior compressions which resulted therefrom to open permanent fissurations. This is a very dangerous character, because the clay which unites the particles of sand is very liable to be carried away under a constant stream of water and slight fissures will be soon transformed into great ones.

This danger is sufficiently established to have caused Colonel Goethals to provide for a deep curtain of masonry in front and below the foundations of the locks in order to prevent this underground flow from passing below these foundations and to eat them up gradually.

How much *will the* curtains of masonry in front of the locks and below the level of its foundations keep the water from flowing in the fissurated ground underneath is a matter of pure speculation.

But if this flow is sufficiently established to oblige the engineers to resort to such expedients near the locks, what may be thought of all the surrounding hills which will have to keep the water in place outside of the dam proper? Will they fulfill their part faithfully and prevent the water from escaping through their fissurated mass?

This is not a danger which is actually demonstrated, but the provision of the masonry curtain in the locks demonstrates that the gravest suspicions may be raised against the lateral hills.

They seem to be as little able to keep the water in place as it is demonstrated that the subsoil below the dam is unable to keep the structure in place.

This is another obvious and necessary consequence of the fact that the Gatun location has been chosen not on account of sterling qualities which a dam imperatively requires, but on account of the ambitious desire of giving to a certain type of canal, the lock canal type, a quality which nature prohibits to give it on the Isthmus—perpetuity.

The only solution which may legitimately be called perpetual is the solution which is independent of the size of ships. It therefore must have no locks.

The only solution which may legitimately be called perpetual is the solution which is independent of any storage of water. It therefore must be at sea level.

The only solution which may legitimately be called perpetual is the solution which is independent of any artificial work, because any artificial work such as the most perfect dam, the masonry dam, may be wrecked by an explosion of dynamite, or by a very severe earthquake. It must therefore be free from any artificial dam.

The only solution which meets all the requirements of perpetuity and at the same time those of perfection is the wide, open, free junction between the oceans 600 feet wide at average water level, 45 feet deep at the lowest tides, 500 feet wide at the bottom.

It is the project which I submitted and which I characterized by the name of "Straits of Panama" to the consulting board in 1905. It is this complete solution which Mr. Alfred Noble, the great engineer who has been the commanding figure in the camp of the lock-canal party, declared recently to be the perfect and the ideal solution at the annual banquet of the alumni of the Stevens Institute.

To excavate this huge ditch a lock canal must first be established. This can be done quickly and safely because it will no more be chained with the idea of being perpetual.

If it is done for the excavation only its locks will be small, but it can be used also during the excavation of the straits for the passage of the largest men-of-war. It will suffice to give the locks 575 feet length and 110 feet width to satisfy that requirement. With locks of such dimensions 95 per cent of the merchant ships could also pass during the work of the excavation of the "straits."

But before speaking of the "Straits of Panama" let us clear the ideas about the difference between that type of waterway and the so-called "sea-level canal."

DIFFERENCE BETWEEN THE SO-CALLED SEA-LEVEL CANAL AND THE SO-CALLED STRAITS OF PANAMA.

The words "sea-level canal" describe the canal which Mr. de Lesseps started to build in 1881 and which was at that time thought to be the extreme limit of human possibility, if not beyond.

It was not then what humanity had dreamed of, what Mr. de Lesseps had dreamed of, but it was the next best thing.

What had been the dream of the centuries was the wide open communication between the oceans free from any works of art.

The sea-level canal of Mr. de Lesseps was a narrow canal just sufficient for one ship to pass, 72 feet wide at the bottom, 30 feet deep, open on the Atlantic Ocean but closed on the Pacific Ocean by tide locks. Why? Because though the two oceans have the same average mean level, one, the Atlantic, has no tides at Colon, and the other, the Pacific, had tides 10 feet above and 10 feet below mean level. As the canal is in a very wet country it will have to carry to the sea the water of some rivers, and it was not found possible to admit the combined currents due to the fresh waters and those due to the tides without troubling navigation.

If the only question was that of the currents created by the tides, they could be admitted in a narrow canal, because the conditions would be just what they are at Suez.

In spite of the opinion of the ignorant people about the tidal currents, they will be very small and were calculated by the Académie des Sciences never to exceed 2½ knots in a narrow open canal at Panama.

To remove these tide locks it is necessary to give 500 feet width at the bottom, 600 feet at the average water level, and 45 feet at the lowest stages of the tides.

Such a canal was absolutely beyond the limits of possibility twenty-five years ago because of the enormous excavation it entails, 600,000,000 cubic yards, and because of the impossibility of excavating then otherwise than by steam shovels and trains.

In September, 1905, at the outset of the studies of the International Consulting Board, I developed before this board the methods by which this magnificent scheme may be said to have passed from the land of the imagination to that of the realization.

The consulting board refused to admit the demonstration resulting from the new methods of work and the most recent conquests of engineering. It remained faithful to the old principles of excavation, the excavation by steam shovels and the transportation by trains of the spoils to the dumps. The consulting board refused to admit that engineering had progressed since 1879.

The same causes producing the same results, the conclusions reached in 1906 were exactly those reached in 1879. The majority of the International Consulting Board adopted, like that of the International Congress of 1879, the so-called narrow, tide-locked sea-level canal, and the minority preferred, as in 1879, the Godin de Lepinay lake, dam, and lock plan now in course of execution.

In the respective periods both majority and minority had thought of only one system of excavation, the excavation in the dry.

The International Congress was right in doing so in 1879, but the international board was wrong in doing so in 1906, because in the meanwhile great progress had been made and a new factor entered into the play—the wet system.

WET SYSTEM OF EXCAVATION.

The wet system of excavation by floating dredges and the transportation of the spoils by barges to the dumps is the system which made the Suez Canal possible.

Without it Mr. de Lesseps would have failed. He did not adopt it voluntarily, because his advisers, like the advisers of your Government, actually were against it.

But one day the Khedive of Egypt, who was giving the compulsory labor to the Suez Canal Company, was forced by Lord Palmerston to suspend this practice. Lord Palmerston was a fierce opponent of the Suez Canal, he called it at the tribune of the British Parliament an enterprise of swindlers, and the suppression of the compulsory Egyptian labor was thought by him to be a death blow to the enterprise. It proved in fact what saved it.

Being without other resource, the scientific advisers of Mr. de Lesseps could not oppose seriously Mr. Lavalley, an engineer of genius, then young and little known, who said to Mr. de Lesseps: "Thank God, you have no more labor and at last you are going to be able to dig the canal!" "How?" said Mr. de Lesseps, surprised. "By dredges for excavating and barges for transporting."

Mr. de Lesseps accepted the proposition because his advisers were silenced by the absolute want of labor. Seven years later the canal was thrown open to the world.

What the dredge did for the Suez Canal it would do for the Panama Canal if permitted. In 1879 the dredge of Suez could not dig Panama because it had not been taught to dig rock. I concentrated my mind on that effort and it now does it admirably. The low cost of reducing rock into dredgable matter is shown by the figure I have stated—20 cents at Suez and 12½ cents at Manchester. As to the low cost of dredging, it can be seen at Panama now, where about half the actual excavation is done by dredges at 11 cents, while the other half is done by steam shovels at a cost of 75 cents a cubic yard. (See Canal Record, Jan. 6, 1909.) And this low price is obtained with the very old dredges of the first French works. With dredges of modern construction it would cost 4 cents to excavate a cubic yard with steam, and still less with electric dredges, including transportation and disposal of the spoils.

To think of making the sea-level canal without giving it all its qualities, its entire independence from all artificial structures, such as locks and dams, is a great error.

The objections against the so-called sea-level canal, its high cost, the undetermined period of its construction, the presence of a tide lock on the Pacific and of a steel-concrete dam on the Chagres before it enters the canal, are all perfectly founded. They all apply to the narrow, tide-locked, sea-level canal; they do not apply to the Straits of Panama.

They apply really to the method of construction and to the consequences it has on the type of the canal.

CHANGE OF METHODS MEANS ENORMOUS INCREASE IN CELERITY AND REDUCTION IN COST.

If you change the method of construction, if you attack by dredging, you will establish first a lock canal, but it will have no huge locks, no earth dam at Gatun. The steel-concrete dam will be established at Gamboa as well for the purpose of controlling the Chagres and of feeding the summit level as for that of creating an enormous lake which will receive all the spoils and give by its falls the energy for the works.

The dredges will work on the summit level; widen it to its full extension, then they will dig it and, while they will lower the bottom, water will also be lowered until the lateral levels are reached. The new summit level will be treated in the same way. Thus all the successive levels will be eliminated and the sea level reached.

All these spoils will be brought by barges into the lake formed outside the canal, in the high valley of the Chagres, by the steel-concrete dam erected at Gamboa, above the point where the river enters the canal line.

This system of disposing of the spoils does not only form the easiest and cheapest way of removing them; it will lead to another consequence of capital importance. The spoils thus deposited in the high valley will fill it for several miles, and a new and higher bed will be thus formed for the Chagres.

At the end of the digging the Gamboa dam will have ceased to exist as a dam. It will form the extremity of the upper new valley, but the water will not any more press upon it. The dam will have to play but the insignificant part of a retaining wall and nothing more.

It will have ceased to exist as an essential organ of the canal; an earthquake may destroy it. It will have no effect on the canal.

In this system the minimum will be left to the action of man and the maximum to the action of nature.

IT WILL BE NATURE ITSELF, NO MORE MAN, WHICH WILL OPEN THE STRAITS.

The electricity generated by the falls of the lake will put in action the rock breakers, the floating dredges, the scows. The water in the small barge locks will raise the scows from the level of the summit to that of the lake, and the depths of the lake will absorb the material of the straits. Thus the Chagres once harnessed will offer freely by its waters the way for the excavating and transporting instruments, by its falls the energy to animate everything, and by its upper valley the dump to receive the spoils.

To establish the first lock canal for the excavation of the works four years are necessary, and to dig the straits ten years more would be ample.

If you establish locks large enough to pass the largest men-of-war in existence, including the 26,000-ton war ships just begun, 95 per cent of the commercial vessels will be able to pass alongside the work during the excavation. The cost of dredging the straits will be $100,000,000 and the cost of the first phase, if constructed for temporary transit of ships, with locks 575 feet long and 110 feet wide, would be also $100,000,000.

COST OF OPENING THE STRAITS LOWER THAN THAT OF FINISHING PRESENT CANAL.

The total cost of the ideal solution, of the first-class solution, would be now $200,000,000; that is about what remains to be spent on the lake, dam, and lock solution, on that solution which is not only unstable and condemned to a historical catastrophe, but which, even if carried out with success, if it were possible, would be obsolete before its inauguration, owing to the constantly increasing size of ships, whether commercial or military. And as it would be opened under the first form of lock canal before the lock, dam, and lake solution the tolls collected would make it finally cheaper.

METHOD OF DISCUSSION ADOPTED BY THE OPPONENTS TO THE STRAITS OF PANAMA.

The absolute perfection of the "Straits of Panama" is obvious for any man. It covers so clearly all the requirements which must be fulfilled by an artificial waterway across the Central American Isthmus that its opponents, the sponsors of the perpetual lock canal with an earth dam at Gatun, the sponsors of the third-class solution, as well as the sponsors of the narrow tide-locked sea-level canal with a steel concrete dam at Gamboa, the sponsors of the second-class solution, can not find an argument against it.

Their strategy simply consists in acknowledging its perfection, but in dismissing it without any further discussion by calling it chimerical. They add for sustaining this contention that this project was examined and rejected by the majority and by the minority of the consulting board in 1906.

It is easy to see from the records that this rejection was purely based on the false assumption that the transformation of rock into dredgable ground would cost $2.35 when it has been officially demonstrated since to cost eleven times less in the Suez Canal, and eighteen times less in the Manchester Canal.

The cost at Panama of that transformation would be certainly inferior to the cost at Manchester, not only on account of the saving in expense due to the gratuitous mechanical power given by the falls of the Chagres, but also and principally on account of the extremely soft character of the greater part of the isthmian rocks.

To demonstrate this important fact it is sufficient to quote what can be found on page 93 of the report of the Isthmian Canal Commission of November 16, 1901. This report can not be accused of any bias in favor of Panama, because it recommended the Nicaragua solution.

Speaking of the central mass of the Isthmus, where the greatest quantity of hard material is accumulated, the report says:

"The summit cut is 7.91 miles long from the Obispo gates to the Pedro Miguel locks. * * * There is a little very hard rock at the eastern end of this section and the western 2 miles are in ordinary materials. The remainder consists of a hard indurated clay, with some softer material at the top and some strata and dikes of hard rock. In fixing the price it has been rated as soft rock, but it must be given slopes equivalent to those in earth; * * * probably nine-tenths of the material would naturally be classed as hard clay of stable character."

This description will, better than anything else, give a correct idea of the general character of the isthmian rocks. Except for a few points, there is no hard rock. The bulk of the hard material encountered is a volcanic hard clay very similar to the soft rock met in certain Japanese harbors, where the cost of the transformation into dredgable matter is still much lower than the Manchester Canal figure, where it approximates 2 cents a cubic yard, and therefore is one hundred and seventeen times cheaper than the consulting board determined.

The excavation of the 600,000,000 cubic yards would be chimerical if it were to be made in the dry, as the sponsors of the tide-locked sea-level canal propose to excavate the larger part of their 230,000,000 cubic yards. It would be chimerical in the wet system if the excavation of the rock below water should cost $4.75 a cubic yard, as the Isthmian Canal Commission erroneously believed in 1901. It would be chimerical also in the wet system if it should cost $2.50, as the consulting board erroneously believed in 1906.

It is the most economic and at the same time the most perfect of all the plans if the removal of 1 cubic yard of rock is brought by actual practical methods down to 16 cents on an average.

There are enough official proofs of such a fact to justify an entire reconsideration of this capital question. If unbiased and free-minded engineer officers of the army, having had no anterior connection with the plans under discussion, should be sent to investigate, first, the nature of the rock on the Isthmus, and then to study in France, England, and Japan the actual improved methods of dredging soft and hard material, the cloud would be soon dissipated. The supposed chimera would become a real tangible thing and the United States, the trustees of humanity in the construction of the great international waterway, would give to the world what it wants, what it is possible now and easy to obtain, "the straits of Panama."

SECRET OF THE ISTHMUS.

It is the solution by which the progress of science allows us to-day to fulfill the order sent by Charles V to Hernando Cortez in 1523 from Valladolid to go and search for the "secret of the Isthmus." The "secret of the Isthmus" resides in the rational utilization of the Chagres, the lion in the path of ignorant humanity for several centuries.

I have tried to bring before you only facts and figures. I hope they have been eloquent enough to make you forget the insufficiencies of my English.

APPENDIX F.

AN INFERIOR CANAL AT PANAMA.

(Paper by Gustav H. Schwab, read at the meeting of the American Institute of Mining Engineers at New Haven on February 24, 1909.)

The engineers have debated the question of an interoceanic canal at Panama and the type of waterway to be constructed, but has the American business man been asked for his opinion?

The business man has listened to the arguments and the discussion of the engineers, he has heard the reasons why dams have been moved from one site to another where it is expected that they will be able to fulfill their purpose and to stand when built, and he has been told that it is now the final intention, trusting in the stability of these dams, to build a lock canal to receive the commerce of the world and to conduct it from ocean to ocean for all time to come.

The United States Army Engineers enjoy a high reputation, and deservedly so. If they declare that they can build a dam at Panama on a foundation of clay or any other soft material, to stand for ages, the layman can express no dissenting opinion; but on the question of a lock canal or a sea-level canal I believe that the business man, shipowner, or shipper will have something to say and should state his opinion before the country is irrevocably committed to a definite plan of canal construction, for it is he who is expected to use the canal when built. He should demand that any canal built by the United States at Panama shall be the best, the most efficient type of canal that can be constructed. He knows that the lock canal as proposed in that locality is an inferior type of canal, and that a sea-level canal is the more serviceable and more efficient waterway, offering safe and uninterrupted navigation for the commerce of the nations as long as the oceans exist. This is an indisputable fact, confirmed by the highest authority.

The first consideration for a canal such as the Panama Canal will be is that it shall be entirely free from any obstructions that may be avoidable. Any obstacles that would either delay or endanger the passage of vessels through such a waterway must be removed. Locks would present a constant menace to safe navigation in such a canal.

In justification of the lock canal at Panama frequent reference is made to the Sault Ste. Marie Canal and also to the Manchester Ship Canal in England. On the Sault Ste. Marie Canal within a period of nine years there were three accidents involving injury to lock gates, and on the Manchester Ship Canal during the same period there were at least the same number of accidents to lock gates. In the case of the Sault Ste. Marie Canal there is only one lockage with a lift of 20 feet. As 6 locks are now planned on the Panama Canal, each with a lift of about 30 feet, it seems to the practical man probable that the number of accidents to be expected in such a canal with 6 locks would naturally be multiplied by the number of locks. A further element of danger is presented by the construction of 3 locks in one flight, one lock communicating directly with the other. A steamer approaching the upper lock and passing beyond the control of her commander through a mistaken order or an order wrongly executed in the engine room would pass through the upper gate, and by doing so open up the entire flight of locks to the flood from the lake above, which would not only engulf the steamer but would ruin the locks and their appurtenances, creating a situation that it would, no doubt, take a number of years to set aright, while navigation would be closed.

The traffic on the Sault Ste. Marie Canal consists of regular lines of steamships, the same boats passing through the lock at frequent intervals, and therefore conversant with conditions there. But where flights of locks of the enormous size planned at Panama will be used by the vessels of all nations of various sizes and descriptions, many of them at infrequent intervals, the possibility of accident in connection with these locks becomes to a practical shipping man a very real question.

Mistakes in the transmission of orders from the bridge to the engine room are fortunately not of frequent occurrence, but when they do happen the result is most disastrous. Experience has shown that steamers, when being docked at their piers, have through such mistakes in orders given from the bridge run into heavy piers and quays, cutting into steel, wood, cement, and granite, even when under very little way. The large high-power steamer of the present day weighs many thousands of tons; and when this weight is once put in motion, even at the slightest speed, it will pass through anything that is in its path.

Obstructions to a sea-level canal may be caused by accident to a vessel stranding or sinking in the canal, but such obstruction could not be anything else than temporary and could be removed in a few days. Such obstructions have frequently occurred in the Suez Canal and have been removed either by being blown up or by other means without causing great delay. Compared with such delay of a few days, the disastrous consequences of an accident to the lock gates which would cause the most serious damage to the locks, to the canal below, and would drain the water out of the summit lake, would be of an entirely different character.

The views here stated on the relative merits of a lock and a sea-level canal represent the opinion of masters, mates, and pilots—of those men who are most competent to judge of the obstructive character of a lock canal in the navigation of the present day. The American Association of Masters and Pilots of Steam Vessels are on record as indorsing the sea-level canal rather than the lock canal "owing to the removal of the risk of damage to ship and cargo by the adoption of a sea-level type." The United New York-Sandy Hook Pilots' Association are also recorded as strongly and unhesitatingly advocating a sea-level canal at Panama, as it has been the experience of the Sandy Hook pilots in the hazardous occupation of handling large vessels "that there is always more or less danger of an order, correctly given by the pilot from the bridge, being misunderstood or misinterpreted and incorrectly executed." Such misunderstandings, the pilots state, "are always liable to be costly by causing damage both to pier or wharf in docking and undocking steamers, and also to the vessel being docked in the waters of New York Harbor, where there are no locks to contend with or to be damaged."

The fact that as a supposed protection against the possibility of damage to lock gates, it is now proposed to duplicate each lock gate, proves that the authorities now in charge of the construction of the canal at Panama fully realize the dangers that are involved in the use a flight of locks such as intended at Gatun by the full power steamships of enormous size and weight of the present day.

The interference with the safe operation of a lock canal for continuous and uninterrupted navigation from ocean to ocean by earthquakes is another very serious objection to the proposed lock canal. Omitting any reference to the frequency of earthquakes on the Isthmus in former years, the statement has been made, and I believe has not been refuted, that since 1901 and until 1905 there have been seven tremors and four light shocks of earthquake at Panama, the latter affecting buildings to an appreciable extent. What the consequences would be on locks built on earth dams not founded upon rock can not be fore-

casted, but the chances are certainly such as to raise a doubt as to the advisability of facing an appalling possibility entailing disastrous consequences.

The locks at Panama, originally planned for a width of 95 feet, have now been increased in size to 110 feet with a length of 1,000 feet in order to accommodate expected growth in the size of vessels. Thirty years ago no one in his senses would have dreamed of the present size of ocean steamships such as we see every day in any large harbor of the world. Thirty years ago the largest steamer measured 350 or 375 feet in length with a beam at the most of some 40 feet. To-day we have steamers of 800 feet in length, of 80 feet in beam, and others projected of still larger dimensions. He would be a very rash man who would predict what size the vessel of fifty years hence will have. If the growth in thirty years has doubled, where shall we be in twenty-five or fifty years from now? No one knows and no one can tell.

But this much is absolutely certain, that the dimensions of vessels will increase; that harbors, channels, docks, and piers will be deepened, enlarged, lengthened, and widened to accommodate the inexorable demands of commerce and navigation; and this is as certain as that the sun will rise to-morrow. We may not live to see the dimensions of vessels increase very much beyond the present type, but the canal at Panama will live to see it; and, if circumscribed in its capacity by its locks, it will fifty years hence be a canal largely limited in its usefulness and distanced and outclasesd by its rivals. The Suez Canal will be an active competitor with the Panama Canal for the trade to the East, and with a sea-level canal such as exists at Suez the deepening and widening is simply a question of a few millions of money and of a few years of labor; but a lock canal of the dimensions of that at Panama will be precluded from following suit by the enormous cost of reconstruction of locks on a larger basis, involving the closing of the canal for a number of years. It may be said that this is a matter of the future; but in the construction of a work of such far-reaching and world-wide importance as the waterway at Panama even remote questions that, although they may not affect us, will affect our children, should not be treated lightly.

Considerable weight is attached to the alleged greater speed of operation on a lock canal as compared with a sea-level canal. This, it appears to a practical shipping man, is illusory. Although the present plan involves a large extent of lake navigation, the limits of the channel through such a lake would impose upon passing vessels an obligation to observe a slow rate of speed; so that it hardly appears probable that the lake navigation would offer any advantage over the passage through an unobstructed sea-level canal, especially if the latter is finally transformed to approximate the type of a "strait."

If the lock canal presents grave objections to commercial men, what may not be its effect upon the life of the Nation in a time of war? The defect of a lock canal at a supreme moment in such a war may be fatal. Should it be necessary to send a fleet of battle ships from ocean to ocean at a critical period, what might not be the consequence if a lock gate should be jammed or disabled or destroyed, either by accident or hostile design, during or before the passage of the fleet?

Although the cost of construction of a sea-level canal would no doubt exceed that of a lock canal, the business interests of this country would do well to consider that the annual cost of maintenance and operation of a sea-level canal would necessarily be less.

Since the comparative merits of a sea-level canal and a lock canal were last considered, three years ago, entirely new conditions have arisen. The estimated cost of the completion of a lock canal is now double the sum estimated three years ago; at the same time, the improvements and inventions made in excavation in other parts of the world have shown that progress is very much greater and cost very much less in such excavation than was originally assumed. Both of these considerations would have a most important bearing in the construction of a sea-level canal. Although it may be possible that a sea-level canal will prove more expensive to construct than the lock canal as now planned, the great reduction in the cost of rock removal and the accelerated rate of progress in all excavation work would no doubt considerably shorten the time that was originally assumed necessary for the construction of a sea-level canal. Under these changed conditions the construction of a sea-level canal appears possible from the standpoint of cost and time. The value of such a canal is so great that the question of a hundred million dollars more and of a few years' longer time should not be permitted to stand in the way.

The board of consulting engineers appointed by the President of the United States in 1905 submitted a plan for a lock canal that could be transformed into a sea-level canal without interrupting the traffic upon it, but it favored the immediate construction of a sea-level canal in view of the cost and difficulty of such transformation. To what extent the remarkable reduction in cost of rock excavation elsewhere and the rapid progress attained in such work would modify this opinion is a technical question to be solved by engineers.

The supreme importance of the canal through the Isthmus of Panama to us as a nation in time of peace and in time of war, and the appalling consequences that may result from a wrong decision as to the type of canal to be adopted, render it, in my opinion, imperative upon all who have the best interests of our country at heart to demand a reconsideration of the plan to be chosen before it is too late.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two houses on the amendments of the Senate to the following bills:

H. R. 26394. An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 26915. An act making appropriation for the support of the army for the fiscal year ending June 30, 1910; and

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 2911. An act for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by the United States dredge *Cumberland;*

H. R. 4521. An act to reorganize and enlist the members of the United States Naval Academy Band;

H. R. 7048. An act for the relief of Henry A. Tolbert;

H. R. 8545. An act for the relief of Jackson Pryor;

H. R. 8558. An act for the relief of R. J. B. Newcombe;

H. R. 8947. An act for the relief of the Herman Andrae Electrical Company of Milwaukee, Wis.;

H. R. 9755. An act for the relief of Charles Lennig & Co.;

H. R. 13928. An act for the relief of P. H. McDonough, of Bardstown, Ky.;

H. R. 14290. An act for the relief of Ellis W. Joy;

H. R. 15755. An act for the relief of J. C. Haggard, of White County, Tenn.;

H. R. 19655. An act providing for an additional judge for the southern district of New York, and for other purposes;

H. R. 21492. An act to authorize the sale of certain public lands;

H. R. 21571. An act for the relief of John T. Freeman;

H. R. 24327. An act to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880;

H. R. 24995. An act for the relief of Nathaniel Huntley;

H. R. 25392. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 26394. An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 27049. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27054. An act making appropriations for fortifications and other work of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 27249. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27974. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 28175. An act to amend section 4434 of the Revised Statutes of the United States, and for other purposes;

H. R. 28285. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 28305. An act to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 235. Joint resolution concerning and relating to the treaty between the United States and Russia, was read twice by its title and referred to the Committee on Foreign Relations.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes.

Mr. HEYBURN. I suggest to the Senator from Maine that the form be changed. I will yield to the Senator from Maine for the purpose of having the Senate take up and consider the bill, but I desire it shall be with the understanding that we will resume the consideration of the measure now before the Senate when the appropriation bill is disposed of.

Mr. HALE. I know what the Senator desires. It is very natural. Without withdrawing the motion as a substitute for the pending motion, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of the deficiency appropriation bill.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be temporarily

laid aside, and that the Senate proceed to the consideration of the general deficiency bill. Is there objection?

Mr. HEYBURN. I suggest to the Senator to elaborate that by making it provide that the consideration of unfinished business shall be resumed when the appropriation bill is disposed of.

Mr. HALE. I have no power over that.

Mr. HEYBURN. The Senate has.

Mr. HALE. The Senator has got the unfinished business——

Mr. BEVERIDGE. It is in the hands of the Senate.

Mr. HALE. It is in the hands of the Senate; and to accommodate him instead of enforcing my motion, which would displace his bill, I make the request. I can not tell what the Senate may do afterwards. It will not displace him. He will stand just as he does now.

Mr. GALLINGER. The bill will come up automatically.

Mr. HALE. It is up.

Mr. HEYBURN. I understand the situation, and I am satisfied the Senator from Maine is entirely right. It was more for the purpose of calling the attention of Senators to the fact that I would ask the Senate to resume the consideration of the bill immediately thereafter, because otherwise they might leave the Senate Chamber. I want to give out the information that I will expect the Senate to resume the consideration of the code bill immediately after the disposition of the appropriation bill.

Mr. HALE. That will come up, and then it will be in the hands of the Senate to determine whether it will remain. I only want to get the appropriation bill through.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. CLARKE of Arkansas. I object, Mr. President.

Mr. HALE. Then, I move that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

Mr. CLARKE of Arkansas. Now, it is perfectly understood—it not having been a qualified motion—the motion to proceed to the consideration of the bill displaces the bill which was before the Senate.

Mr. HALE. Undoubtedly.

The VICE-PRESIDENT. That is the effect of the motion.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendments, the committee amendments to be first considered.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. CLARKE of Arkansas. I ask that the bill be read.

The VICE-PRESIDENT. Objection is made to the request.

Mr. CLARKE of Arkansas. I call attention to the second clause of Rule XIV——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. HALE. There is no doubt the Senator can have the time of the Senate taken by reading the bill. It takes up much time. This is the common request, assented to in the case of the sundry civil bill. The only effect of an objection to my request would be to keep us here and have a night session.

Mr. CLARKE of Arkansas. If I had any assurance that we would not be kept here beyond reasonable hours for the consideration of another bill that may just as well be considered at another time, the Senator from Maine could make no suggestion tending to facilitate the disposition of the bill in his charge which I would not cheerfully aid him in having acceded to.

Mr. HALE. My great object in getting the bill up and passed within the next hour is to avoid a night session.

Mr. CLARKE of Arkansas. With that understanding I withdraw the objection, and I tender my services to the Senator from Maine to aid in the early disposition of the bill.

Mr. BEVERIDGE. There is no agreement about a night session?

Mr. HALE. Oh, no.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 2, line 10, before the word "thousand," to strike out "ten" and insert "twenty," so as to make the clause read:

For expenses of the proposed celebration during the first week in July, 1909, to commemorate the three hundredth anniversary of the discovery of Lake Champlain by Samuel de Champlain, $20,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to insert:

For the payment of the annual installments for the calendar years 1908 and 1909, of $250,000 each, under the assignment and transfer made by the Republic of Panama to the Republic of Colombia, in manner and form as contained in the treaty between the Republic of Colombia and the Republic of Panama of January 9, 1909, the recognition of which assignment and acceptance of notice thereof are given by the United States in Article V of the treaty between the United States and the Republic of Colombia concluded January 9, 1909, $500,000.

The amendment was agreed to.

The next amendment was, at the top of page 5, to insert:

Contingent expenses, Treasury Department: Purchase of file holders and cases for the fiscal year 1909, $2,500.

For stationery for the Treasury Department and its several bureaus for the fiscal year 1908, to pay the unpaid account of John P. Nawrath, of New York, contractor, for twine furnished the Treasury Department in January and February, 1908, $556.56.

For stationery for the Treasury Department and its several bureaus, for the fiscal year 1909, $5,000.

For file boxes suitable for the filing of checks, for the Auditors of the Treasury Department, $2,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to insert:

Canceling United States securities and cutting distinctive paper: For purchase of a new canceling machine to be used in the Division of Loans and Currency, office of the Secretary of the Treasury, for the cancellation of bonds and other securities, $750.

The amendment was agreed to.

The next amendment was, on page 8, line 6, before the word "thousand," to strike out "ten" and insert "twenty," so as to read:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, and for no other purpose whatever except in the protection of the person of the President of the United States, $20,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 8, to insert:

Payment to Henry Frederick Wegner, administrator, etc.: The amount appropriated to be paid under the clause reading as follows: "On the schooner Phoenix, James Coward, master, namely: Henry Frederick Wegner, administrator de bonis non of the estate of Albert Seekamp, $4,427.44," in the act entitled "An act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes," approved March 3, 1899, be paid to Henry Frederick Wegner, as administrator of the estate of Albert Seekamp, the amount so appropriated to be paid or distributed by said administrator to the next of kin of the deceased widow of said Albert Seekamp: *Provided*, That the same shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that said administrator, or his successor in office, represents the next of kin of said widow, and the court which granted the administration shall certify that he has given adequate security for the legal disbursement of the amount herein appropriated.

The amendment was agreed to.

The next amendment was, on page 13, after line 3, to insert:

Relief of George M. Stackhouse: The proper accounting officers, in settling and adjusting the accounts of George M. Stackhouse, paymaster, United States Navy, are hereby directed to credit said George M. Stackhouse with the sum of $1,606, which amount of government funds he intrusted to Clerk F. W. Jepson, of the paymaster's office on U. S. S. Kentucky, on January 3, 1906, for disbursement, and which sum was stolen from safe in paymaster's office by Yeoman Gordon H. Lanier, who absconded.

The amendment was agreed to.

The next amendment was, on page 13, after line 14, to insert:

Payment to C. F. Sugg: To enable the Secretary of the Treasury to carry out the provisions of "An act to pay to C. F. Sugg, of Hales Point, Lauderdale County, Tenn., $79.95, for damages inflicted upon gasoline steamer Clyde by light-house tender Oleander."

The amendment was agreed to.

The next amendment was, on page 13, after line 20, to insert:

Refund of duties on anthracite coal: To enable the Secretary of the Treasury to pay, under the act approved February 1, 1909, authorizing the refund of certain duties on coal importations, the following amounts to the parties named, or so much thereof as may be found due, namely: To the Hazard Wharf Company, of Baltimore, Md., $6,873.61; to the Consolidated Gas, Electric Light and Power Company, of Baltimore, Md., successors of the Consolidated Gas Company, of Baltimore, Md., $7,164.78; to Alfred Winsor & Son, $67; to C. P. Jameson, $681.39; to A. Winsor & Son, $65.66; to Sanderson & Son, $690.77; to C. P. Jameson, $689.43 cents; to A. Winsor & Son, $65.66; to A. Winsor & Son, $66.33; to W. K. Niver Coal Company, $1,885.38; to American Woolen Company, $3,250.17; to entry by A. C. McDormand, Metropolitan Coal Company owner, $2,132.61; to entry by A. C. McDormand, Metropolitan Coal Company owner, $2,688.71; to Metropolitan Coal Company, $3,331.24; to John R. White & Son, $2,571.46; to C. P. Jameson, $40.20; to Murrell & Crocker, $2,901.10; to Murrell & Crocker, $2,784.19 cents; to Metropolitan Coal Company, $3,427.05; to Darrow, Mann Company, $1,932.95; to John Driver, $83.08; to Stoddard, Haserick, Richards & Co., $67; to Boston Elevated Railway Company, $3,382.83; to Boston Elevated Railway Company, $3,151.01; to Boston Elevated Railway Company, $2,908.47; to A. T. Nichols, $152.09; to William C. Atwater & Co. (Inc.), $2,238.39; to W. K. Niver

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Coal Company, $2,919.86; to William C. Atwater & Co. (Inc.), $2,628.41; to Stoddard, Haserick, Richards & Co., $129.31; to John Driver, $62.31; to Stoddard, Haserick, Richards & Co., $125.96; in all, $61,258.32: *Provided*, That before payment is made to said claimants they shall severally produce satisfactory proof to the Secretary of the Treasury that they were not reimbursed for said tariffs in the sales to the consumer.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings," on page 16, after line 10, to insert:

Payment to Mount Vernon Avenue Association of Virginia: For payment to the treasurer of the Mount Vernon Avenue Association of Virginia, assignee of the State of Virginia under act of the general assembly of Virginia approved March 5, 1888, $120,000, being the principal sum, without interest, advanced by the State of Virginia to the United States by act of its general assembly December 27, 1790, toward erecting public buildings in the District of Columbia for the use of the Federal Government. Said sum of $120,000 to be in full compensation for all debts, claims, or demands on the part of the State of Virginia or of her assignee aforesaid, arising out of the aforesaid act of the general assembly of date December 27, 1790.

Mr. BURKETT. I should like to ask the Senator in charge of the bill as to this amendment and the next one. How do these Maryland and Virginia claims come in this bill? I recall that the same bills, I think, were before the Committee on Claims two years ago. It seems to me that they are not in a different position than they were then and that they are not entitled to be inserted in this bill.

Mr. HALE. The Senator refers to the item on page 16?

Mr. BURKETT. The items on pages 16 and 17.

Mr. HALE. They are not in the regular place in the bill. They should not be under the head of "Public buildings," but should have appeared at the close of the bill, where I supposed they were. I ask that they be passed over until the bill is completed.

Mr. BURKETT. I will reserve a point of order against these two items.

The VICE-PRESIDENT. The amendments, without objection, will be passed over.

The reading of the bill was resumed.

The next amendment was, at the top of page 18, to insert:

Detroit, Mich., public building, temporary annex: To enable the Secretary of the Treasury to erect a temporary annex on the west side of the federal building in Detroit, Mich., to meet the necessities of the business of the post-office, $7,500, or so much thereof as may be necessary; said temporary annex to take the place of the annex to be removed from the north side of the building during the erection of the permanent addition now under construction.

The amendment was agreed to.

The next amendment was, under the subhead "Independent treasury," on page 18, after line 10, to insert:

For an additional clerk in the office of the assistant treasurer at New Orleans, La., for the fiscal year 1910, $1,200.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 24, after line 11, to insert:

For the equipment of certain suburban school buildings in the District of Columbia with stationary chemical fire-extinguishing appliances, $8,400.

The amendment was agreed to.

The next amendment was, on page 29, after line 18, to insert:

Municipal court: The unexpended balance of the appropriation for salaries, justices of the peace, fiscal year 1909, is hereby reappropriated and made available for the payment of the judges of the municipal court of the District of Columbia for the period from February 17, 1909, to June 30, 1909.

The amendment was agreed to.

The next amendment was, on page 31, line 11, before the word "hundred," to strike out "fourteen" and insert "Fourteen;" in the same line, after the word "session," to insert "and a letter of the Commissioners of the District of Columbia, dated March 1, 1909;" and in line 14, before the word "and" where it occurs the first time, to strike out "twelve thousand five hundred" and insert "thirteen thousand," so as to make the clause read:

Judgments: For payment of the judgments, including costs, against the District of Columbia, set forth in House Documents Nos. 1406 and 1451 of this session and letter of the Commissioners of the District of Columbia, dated March 1, 1909, $13,018.80, together with a further sum sufficient to pay the interest, at not exceeding 4 per cent, on said judgments, as provided by law, from the date the same became due until the date of payment.

The amendment was agreed to.

The next amendment was, on page 33, after line 23, to insert:

For printing and stationery, including preparation, publication, and distribution of a compilation of orders and regulations and the necessary blank forms, $2,000.

The amendment was agreed to.

The next amendment was, under the head of "Military establishment," subhead "Pay Department," on page 34, after line 11, to insert:

For subsistence, mileage, and commutation of quarters to officers of the national guard attending service and garrison schools, being for the fiscal year 1909, $6,537.72.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster's Department," on page 37, line 12, before the word "thousand," to strike out "three hundred" and insert "seven hundred and ninety-seven," so as to make the clause read:

For the fiscal year 1909, $797,000.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 47, after line 2, to insert:

For installing electric lights and heating system, marine barracks, Sitka, Alaska, $5,000, which sum shall be in addition to the $5,000 appriated for this object in the naval appropriation act approved May 13, 1908, $5,000.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 48, after line 3, to insert:

That all models of the Patent Office be retained by the Interior Department until provision is made for their care by Congress.

The amendment was agreed to.

The next amendment was, at the top of page 49, to insert:

To pay the Potomac Electric Power Company for furnishing electric current for the Senate Office Building for the months of November, December, and January, and estimated amounts for the months of February, March, April, May, and June, $16,033.72.

The amendment was agreed to.

The next amendment was, under the head of "Department of Agriculture," on page 53, after line 23, to insert:

For fencing the National Bison Range, as provided for by the act of May 23, 1908, Thirty-fifth Statutes, page 267, $3,000.

The amendment was agreed to.

The next amendment was, under the heading "United States courts," on page 57, after line 6, to insert:

Salaries, district judges: For the salaries of the additional district judges for the western district of Pennsylvania, the western district of Washington, and the district of Oregon, at the rate of $6,000 per annum each, for the fiscal years, as follows:
For the fiscal year 1910, $18,000.
For the fiscal year 1909, $6,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 15, to insert:

For the salary of the additional district judge for the southern district of New York, at the rate of $6,000 per annum, for the fiscal years, as follows:
For the fiscal year 1910, $6,000.
For the fiscal year 1909, $2,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 22, to insert:

Salaries, district court, Territory of Hawaii: For the increase in the salary of the existing district judge for the Territory of Hawaii and for the salary of the additional district judge for said Territory, for the fiscal year 1910, $7,000.

The amendment was agreed to.

The next amendment was, on page 58, after line 3, to insert:

Salaries, governor, etc., Territory of Alaska: For the increase in the salaries of the existing district judges and district attorneys in the district of Alaska, $13,500; for the salary of the additional district judge for said district, $7,500; for the salary of the additional district attorney for said district, $5,000; for the salary of the additional United States marshal for said district, $4,000; for the salary of the additional clerk of court for said district, $3,500; for the fiscal year 1910, in all, $33,500.

The amendment was agreed to.

The next amendment was, on page 58, after line 15, to insert:

Salaries, governor, etc., Territory of New Mexico: For the salary of the additional associate judge for the Territory of New Mexico for the fiscal year 1910, $3,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 15, to insert:

COURT OF CLAIMS.

For payment to Lucien B. Howry, for services rendered the Court of Claims during the month of June, 1906, $52.

The amendment was agreed to.

The next amendment was, under the heading "Out of the postal revenues," on page 61, after line 6, to insert:

To pay to the Boston and Maine Railroad, for railway mail service furnished between Fitchburg, Mass., and South Ashburnham, Mass., from July 1, 1897, to June 7, 1908, $2,840.83.

The amendment was agreed to.

The next amendment was, under the heading "The Isthmian Canal," on page 64, after line 17, to insert:

In all, for the Isthmian Canal, $5,458,000.

The amendment was agreed to.

The next amendment was, under the subhead "Senate," on page 65, after line 22, to insert:

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely:
For five annual clerks to Senators who are not chairmen of committees, at $1,800 each, $2,925.

The amendment was agreed to.

The next amendment was, on page 66, after line 3, to insert:

For 16 pages from March 4 to June 30, 1909, $4,760.

The amendment was agreed to.

The next amendment was, on page 66, after line 6, to insert:

For miscellaneous items, exclusive of labor, $25,000.

The amendment was agreed to.

The next amendment was, on page 66, after line 8, to insert:

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely:

For 15 annual clerks to Senators who are not chairmen of committees, at $1,800 each, for the fiscal year ending June 30, 1910, $13,500.

The amendment was agreed to.

The next amendment was, on page 66, after line 14, to insert:

The Secretary of the Senate is hereby authorized and directed to pay to Harry A. Shaw, clerk to the Hon. CARROLL S. PAGE, of Vermont, from October 22 to December 6, 1908; John Briar, clerk to the Hon. ALBERT B. CUMMINS, of Iowa, from November 24 to December 7, 1908; and to Cecil C. Wyche, clerk to the Hon. FRANK B. GARY, of South Carolina, from March 6 to 16, 1908, for clerical services rendered, from the appropriation for salaries of officers, clerks, messengers, and others in the service of the Senate for the fiscal year 1909.

The amendment was agreed to.

The next amendment was, on page 67, after line 2, to insert:

For payment to William M. Malloy, for reporting hearings before the Committee on Foreign Relations, Sixtieth Congress, $210.

The amendment was agreed to.

The next amendment was, on page 67, after line 5, to insert:

For police force for Senate Office Building under the Sergeant-at-Arms, namely: For eighteen privates, at $1,050 each, from March 5 to June 30, 1909, inclusive, $6,089.94.

The amendment was agreed to.

The next amendment was, on page 67, after line 10, to insert:

To pay Pitman Pulsifer, for preparing the Navy Year Book for the first and second sessions, Sixtieth Congress, $2,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 13, to insert:

To pay F. H. Wakefield, for extra services in preparing the history of Senate legislation of the Sixtieth Congress, and for carrying out the tracing and notification plan to the Senators during the second session of the Sixtieth Congress, $1,250.

The amendment was agreed to.

The next amendment was, on page 67, after line 18, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March 4, 1908, to March 4, 1909, for clerk hire and other extra clerical services, $4,740.

The amendment was agreed to.

The next amendment was, on page 67, after line 23, to insert:

To pay the Chief Clerk, for preparing a digest of the precedents and decisions on points of order in the parliamentary practice of the Senate, with a full index, as authorized by the resolution of the Senate adopted May 3, 1908, $4,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 3, to insert:

To pay Robert W. Farrar, for indexing and extra services as clerk to the Committee on Pensions, $1,000.

The next amendment was, on page 68, after line 6, to insert:

To pay Dennis M. Kerr, for services as assistant clerk by detail to the Committee on Pensions, $1,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 8, to insert:

To pay C. E. Alden, for services rendered and assistance employed in preparing an index to the compilation of rules and regulations governing the various executive departments, 15 volumes, $1,500.

The amendment was agreed to.

The next amendment was, on page 68, after line 12, to insert:

To pay J. H. Jones, for extra services in the care of the Senate chronometer and for the work in connection therewith, $100 for the second session of the Sixtieth Congress.

The amendment was agreed to.

The next amendment was, on page 68, after line 16, to insert:

To pay for extra services rendered in transferring, rearranging, remarking, cleaning, and refiling the bills, reports, documents, and laws in the Senate document room: To William Grant Lieuallen and William E. Burns, $500 each; in all, $1,000.

The amendment was agreed to.

The next amendment was, on page 68, after line 21, to insert:

To pay William B. Turner, for preparing the index to the final report of the board of lady managers to the St. Louis Exposition, $250.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 69, line 10, after the word "Sergeant-at-Arms," to insert "and the President of the Senate is vested with like authority respecting the Senators from said State," so as to make the clause read:

The Speaker is hereby authorized to issue certificates of salaries to Members of Congress from the State of Oklahoma elected to the Sixtieth Congress, covering that period of time only for which they have not been paid their salaries as Members of the Sixtieth Congress by the Sergeant-at-Arms, and the President of the Senate is vested with like authority respecting the Senators from said State.

The amendment was agreed to.

The next amendment was, on page 71, line 18, before the word "dollars," to strike out "one thousand five hundred per annum, two thousand," and insert "$6 per day, two thousand nine hundred and fifty," so as to make the clause read:

To continue the employment of the stenographer to the Committee on Invalid Pensions, from March 4, 1909, to June 30, 1910, inclusive, at the rate of $6 per day, $2,950, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 71, after line 23, to insert:

Toward the reconstruction of the Chamber of the House of Representatives, to be expended as provided by House joint resolution 265, Sixtieth Congress, second session, $25,000; and authority is hereby given to contract for any part or all of the construction authorized by said joint resolution up to the amount named therein.

The amendment was agreed to.

The next amendment was, on page 73, after line 18, to insert:

For clerk to the Committee on Coinage, Weights, and Measures, from March 4, 1909, to June 30, 1910, inclusive, at the rate of $2,000 per annum, $2,666, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 74, line 23, before the word "hundred," to strike out "five" and insert "eight;" and on page 75, line 1, before the word "thousand," to strike out "eight" and insert "ten," so as to make the clause read:

For assistant clerks to the committees on Agriculture, District of Columbia, Accounts, and Indian Affairs, at the rate of $1,800 per annum each, from March 4, 1909, to June 30, 1910, both inclusive; in all, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 76, after line 19, to insert:

CAPITOL POLICE.

To pay John K. White, a member of the Capitol police force, for extra service rendered as clerk and stenographer to the Capitol police board, $150.

The amendment was agreed to.

The next amendment was, under the subhead "Under the Public Printer," on page 77, after line 18, to insert:

To pay Joseph Dierken, clerk in charge of CONGRESSIONAL RECORD work, for extra services during the Sixtieth Congress, $600.

The amendment was agreed to.

The next amendment was, under the subhead "Public printing and binding," on page 79, after line 11, to insert:

The authority vested in the joint commission to examine into the general subject of the public printing and binding of Congress and the various executive departments, as now existing under authority of an act making appropriations for the sundry civil expenses of the Government, approved June 30, 1906, and an act making appropriations to supply deficiencies, approved March 4, 1907, is hereby continued during the term of the Sixty-first Congress; and the said joint commission shall, as now, consist of the Committee on Printing of the Senate and the Committee on Printing of the House of Representatives; and the Speaker of the House of Representatives shall appoint from the Representatives elected to the Sixty-first Congress a temporary Committee on Printing, consisting of three members, who shall have the same powers and perform the same duties as are imposed by law and the rules of the House of Representatives upon the regularly appointed Committee on Printing for the House of Representatives, until the organization of the Sixty-first Congress and the appointment of a regular Committee on Printing. The sum of $12,000 is hereby appropriated, out of the moneys in the Treasury of the United States not otherwise appropriated, to be immediately available for the purposes described in the aforesaid act, approved March 4, 1907, and disbursed in the manner therein provided.

The amendment was agreed to.

The next amendment was, under the head of "Judgments in Indian depredation claims," on page 81, line 15, after the word "seventeen," to insert "and Senate Document 747;" and in line 18, before the word "dollars," to strike out "seven thousand eight hundred and fifty" and insert "thirty-eight thousand and fifteen," so as to read:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress in House Document No. 1417 and Senate Document 747, at its present session, $38,015.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 82, line 15, after the word "five," to insert "and Senate Document No. 745," so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 1405 and Senate Document No. 745, namely.

The amendment was agreed to.

The next amendment was, on page 82, after line 16, to insert:

Under the Department of State, $1,362.30.

The amendment was agreed to.

The next amendment was, on page 82, line 21, after the word "Department," to strike out "$19,000.05" and insert "$55,788.88," so as to make the clause read:

Under the War Department, $55,788.88.

The amendment was agreed to.

The next amendment was, on page 82, line 24, after the word "Department," to strike out "$79.44" and insert "$532.34," so as to make the clause read:

Under the Navy Department, $532.34.

The amendment was agreed to.

The next amendment was, on page 83, after line 2, to insert:

Under the Department of Agriculture, $3,979.

The amendment was agreed to.

The next amendment was, on page 83, after line 4, to insert:

Under the Department of Commerce and Labor, $3,107.59.

The amendment was agreed to.

The next amendment was, on page 83, after line 6, to insert:

Under the Department of the Interior, $10,909.65.

The amendment was agreed to.

The next amendment was, on page 83, line 9, after the word "Justice," to strike out "$82.85" and to insert "$348.58;" and in line 11, after the word "all," to strike out "$19,933.73" and insert "$76,799.73," so as to make the clause read:

Under the Department of Justice, $348.58; in all $76,799.73: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, on page 96, after line 5, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1906 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 746, reported to Congress at its present session, there is appropriated as follows:

The amendment was agreed to.

The next amendment was, on page 96, after line 18, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For furniture and repairs of same for public buildings, $2.79.
For refund of stamps used on export manifests, $273.24.
For payment of judgments against internal-revenue officers, $59,410.55.

The amendment was agreed to.

The next amendment was, on page 97, after line 3, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the army, $3,040.29.
For mileage to officers and contract surgeons, $16.80.
For regular supplies, Quartermaster's Department, $5.15.
For transportation of the army and its supplies, $3,637.34.
For headstones for graves of soldiers, 30 cents.
For National Home for Disabled Volunteer Soldiers, Danville Branch, $6.35.

The amendment was agreed to.

The next amendment was, on page 97, after line 17, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the navy, $1,855.64.
For pay, Marine Corps, $279.14.
For transportation, Bureau of Navigation, 1908, $1,371.01.
For maintenance of naval auxiliaries, Bureau of Navigation, 1908, $68.15.
For torpedo station, Bureau of Ordnance, $2.08.
For equipment of vessels, Bureau of Equipment, $26.
For freight, Bureau of Supplies and Accounts, $557.93.
For construction and repair, Bureau of Construction and Repair, $448.21.
For steam machinery, Bureau of Steam Engineering, $300.87.
For indemnity for lost property, naval service, act March 2, 1895, $555.29.
For enlistment bounties to seamen, $75.
For extra pay to officers and men who served in the Pacific, $153.

The amendment was agreed to.

The next amendment was, on page 98, after line 21, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For stationery, Department of the Interior, 1908, $150.25.
For surveying the public lands, $19,367.46.
For transportation of Indian supplies, $83.52.

The amendment was agreed to.

The next amendment was, on page 99, after line 4, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

State Department: For salaries, chargés d'affaires ad interim, 1908, $1,253.48.
For transportation of diplomatic and consular officers, 1908, $942.85.
Department of Agriculture: For general expenses, Weather Bureau, $15.60.
Department of Commerce and Labor: For enforcement of the Chinese exclusion act, $120.
For contingent expenses, Department of Commerce and Labor, 1908, 58 cents.
Department of Justice: For prosecution of Indians in Arizona, act March 4, 1907, $1,310.65.
For support of convicts, District of Columbia, 1908, $1,000.

The amendment was agreed to.

The next amendment was, at the top of page 100, to insert:

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

For limited indemnity for lost registered mail, $220.15.
For rural free-delivery service, incidental expenses, $23.69.

The amendment was agreed to.

The reading of the bill was concluded.

The VICE-PRESIDENT. All the amendments have been considered except those on pages 16 and 17, which amendments were passed over.

Mr. BURKETT. Against those amendments I raise the point of order that they are claims.

Mr. HALE. Will the Senator let me first complete the committee amendments, so as to perfect the bill?

Mr. BURKETT. Certainly.

Mr. HALE. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Maine will be stated.

The SECRETARY. It is proposed to strike out all on page 62 from line 1 to line 16, inclusive, and in lieu thereof to insert:

To pay amounts found due by the Auditor for the Post-Office Department and certified in House Document 1406 and Senate Document No. 749, of the present session, as follows:
For clerk hire, third class, fiscal year 1908, $486.14.
For inland mail transportation, star, fiscal year 1907, $1,735.32.
For compensation to postmasters, fiscal year 1908, $104,225.35.
For special-delivery service, fees to messengers, fiscal year 1908, $23,850.59.
For special-delivery service, fees to messengers, fiscal year 1907, 80 cents.

The amendment was agreed to.

Mr. HALE. Now, Mr. President, the only items reserved are the amendments on pages 16 and 17, to which the Senator from Nebraska [Mr. BURKETT] has called attention.

The VICE-PRESIDENT. The Senator from Nebraska raises the point of order that the amendments provide for the payment of private claims.

Mr. BURKETT. I raise the point of order that they are out of order under the rule as being private claims. I can not turn just now to the section of the rules, but I think paragraph 4 of Rule XVI.

The VICE-PRESIDENT. Paragraph 4 of Rule XVI applies. The Chair sustains the point of order.

Mr. DANIEL. Mr. President, these amendments provide for the payment of claims against the General Government for money loaned to the General Government. If this is a private claim——

The VICE-PRESIDENT. Does the Senator from Nebraska withhold his point of order?

Mr. BURKETT. Certainly.

Mr. DANIEL. If this is a private claim, bonds that are to be given to the Panama Canal have no application here and ought not to be in this bill, for this is just as much a public matter as they are. The Government owes the money to the Commonwealth, and that has been recognized by every session of the United States Senate in which the matter has been considered. There is a list of bills passed in the Senate shown in one of the reports, amounting to at least eight, and to my knowledge measures looking to the payment of the claims have passed oftener than that.

It is not only a public claim, but it is a public claim of the highest dignity known to the law of the land, and, if I am not intruding upon the time of the Senate, I will now cite its legal origin.

In the thirteenth volume of Hening's Statutes at Large of the State of Virginia, page 125, will be found an act of the general assembly of Virginia of December 27, 1790, Chapter XV. The act to which I refer is entitled "An act concerning an advance of money to the Government of the United States for public buildings."

I shall ask that the act be printed in the RECORD, for I wish to preserve here a memorial of this matter to which reference can be had.

Without reading the preamble, I cite the concluding portion of the act, as follows:

That $120,000 shall be advanced by this Commonwealth to the General Government, payable in three equal yearly payments, and to be applied toward erecting public buildings at the permanent seat of the Government of the United States, on the bank of Patowmack, and the auditor of public accounts is hereby directed to issue his warrants on the treasurer to the amount of $120,000, payable in manner hereinbefore directed to the order of the President of the United States.

I ask that the entire act be inserted in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

The act referred to is as follows:

An act concerning an advance of money to the Government of the United States for public buildings. (Passed the 27th of December, 1790.)

Whereas the general assembly of Maryland have acceded to a proposition of the general assembly of this Commonwealth contained in their resolution of the 10th day December, 1789, concerning an advance of money to the General Government, to be applied toward erecting public buildings at the permanent seat of the Government of the United States should the Congress deem it expedient to fix it on the bank of Patowmack; and

Whereas Congress have passed an act for establishing the said seat of government on the Patowmack:

Be it enacted by the general assembly, That $120,000 shall be advanced by this Commonwealth to the General Government, payable in three equal yearly payments, and to be applied toward erecting public buildings at the permanent seat of the Government of the United States on the bank of the Patowmack; and the auditor of public accounts is hereby directed to issue his warrants on the treasurer to the amount of $120,000, payable in manner hereinbefore directed to the order of the President of the United States.

Mr. DANIEL. I now read from the Journal of the house of delegates of the Commonwealth of Virginia, begun and holden in the city of Richmond, in the county of Henrico, on Monday, the 19th day of October, in the year of our Lord 1789:

Resolved, That a copy of the act "For the cession of 10 miles square, or any lesser quantity of territory within this State, to the United States in Congress assembled, for the permanent seat of the General Government," be transmitted to the general assembly of Maryland without delay; and that it be proposed to the said assembly to unite with this legislature in an application to Congress, that in case Congress shall deem it expedient to establish the permanent seat of the Government of the United States on the banks of the Potomac, so as to include the cession of either State, or a part of the cession of both States, this assembly will pass an act for advancing a sum of money not exceeding $120,000 to the use of the General Government, to be applied in such manner as Congress shall direct toward erecting public buildings; the said assembly of Maryland on their part advancing a sum not less than two-fifths of the sum advanced by this State for the like purpose.

Mr. President, I also ask leave that Chapter XXXII of the act of December 3, 1789, be printed in the RECORD, in order that there may be shown the cession of territory to the United States and that the matter covered by the amendment is totally disconnected therefrom, except as a cumulative thing and not as intermixed with the location of the capital at Washington. The cession of territory was the thing which was considered with reference to the location of the capital at Washington and the proposition of the loan of money to the United States in the event that that was done. I refer to a case in this connection in Ninety-seventh United States Reports, in which the term "advance" is defined, and it is historic that when this measure was before the general assembly of Virginia it was moved to strike out the word "grant" and to insert the word "advance." I ask that the act referred to may be printed in the RECORD.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

The act referred to is as follows:

CHAPTER XXXII.

An act for the cession of 10 miles square, or any lesser quantity of territory within this State, to the United States, in Congress assembled, for the permanent seat of the General Government. (Passed the 3d of December, 1789.)

SECTION 1. Whereas the equal and common benefits resulting from the administration of the General Government will be best diffused, and its operations become more prompt and certain by establishing such a situation for the seat of the said Government as will be most central and convenient to the citizens of the United States at large, having regard as well to population, extent of territory, and a free navigation to the Atlantic Ocean through the Chesapeake Bay, as to the most direct and ready communication with our fellow-citizens in the western frontier; and

Whereas it appears to this assembly that a situation combining all the considerations and advantages before recited may be had on the banks of the river Patowmack, above tide water, in a country rich and fertile in soil, healthy and salubrious in climate, and abounding in all the necessaries and conveniences of life, where in a location of 10 miles square, if the wishes of Congress shall so direct, the States of Pennsylvania, Maryland, and Virginia may participate in such location:

Be it therefore enacted by the general assembly, That a tract of country, not exceeding 10 miles square, or any lesser quantity, to be located within the limits of this State, and in any part thereof as Congress may by law direct, shall be, and the same is hereby, forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of government of the United States.

SEC. 2. *Provided,* That nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States.

SEC. 3. *And provided also,* That the jurisdiction of the laws of this Commonwealth over the persons and property of individuals residing within the limits of the cession aforesaid, shall not cease or determine until Congress, having accepted the said cession, shall by law provide for the government thereof, under their jurisdiction, in manner provided by the article of the Constitution before recited.

Mr. DANIEL. I read now from the journal of the house of delegates——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Maine?

Mr. DANIEL. I hope the Senator will not interrupt me. I take as little of the time of the Senate as possible.

Mr. HALE. I was going to make a suggestion in the interest of the amendment.

Mr. DANIEL. I thank the Senator.

Mr. HALE. If the Senator from Nebraska [Mr. BURKETT] will withdraw the point of order so that the Senate may vote upon the proposition, it will then go on the bill and be a subject of conference; and in the dispatch of business of course it will help very much, as I know Senators want to get the bill through.

Mr. DANIEL. Mr. President, so far as the Senate of the United States is concerned, I have no complaint to make with the dispatch of business, but I want to put in a memorial of the nature and character of this claim, which is much misunderstood outside of this body more than in it. I am nearly through, and I do not wish to tell just a part of the tale. There is written these words:

A bill "appropriating a further sum of money on account of the Capitol" was read the second time, and ordered to be engrossed and read a third time.

A bill "for granting to the President of the United States the sum of $120,000 for erecting the public buildings on the Potomac River, agreeably to a resolution of the last assembly," was read the second time, and ordered to be engrossed and read a third time.

On the next page, 161, occurs this:

An engrossed bill "for granting to the President of the United States the sum of $120,000 for erecting public buildings on the Potomac River, agreeably to a resolution of the last assembly," was read the third time.

Resolved, That the bill do pass; and that the title be, "An act concerning an advance of money to the Government of the United States for public buildings."

That bill is the one that I have already asked be embodied, for it has the words "advance for the use of the Government of the United States." I need not speak to lawyers about the meaning of this term as construed in the law dictionaries, in the dictionaries of our language, and by the Supreme Court of the United States. It has, in such connection, but one meaning, and that is a loan to supply beforehand in anticipation of collection.

This claim of Virginia has grown old. There are some persons connected with this Government who would prefer old claims. I know the Senator from Maine can have nothing against them, for New England has got more old claims before this body than any other part of the United States.

These spoliation claims seem to be good for all seasons, for all years, and for all generations. Wherever I have thought they were honest claims I have always voted for them, and I deny that any Senator here has either the legal or the moral right to raise his voice against an old claim which grew old as this did in consideration by the State of Virginia of the hard lines that the Government of the United States was going through when it was poor. I have no rule by which I am guided toward my fellow citizens in any deliberate action, but the golden rule, to do to others as I would be done by, and, in this case, as you have been done by by the State of Virginia.

Mr. RAYNER. Mr. President, there is a point of order before the Senate I believe.

The VICE-PRESIDENT. The point of order was made and temporarily withdrawn.

Mr. RAYNER. We are not on the merits of the proposition?

The VICE-PRESIDENT. The Senator from Nebraska interposed the point of order, and withdrew it temporarily in order that the Senator from Virginia [Mr. DANIEL] might address the Senate.

Mr. RAYNER. Has the Senator from Nebraska withdrawn the point of order?

Mr. BURKETT. I withdrew the point of order at the request of the Senator from Virginia, in order that he might discuss it. Yes; it has been temporarily withdrawn.

Mr. RAYNER. Then I ask for a few moments on the point of order.

Mr. President, I understand the point of order is that this is a private claim under paragraph 4 of Rule XVI:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill.

I think, with great deference to the Chair, that this is a public claim and not a private claim. It is clearly a public claim. If it is a private claim, it comes under the rule. If it is a public claim, it does not come under the rule. The definition of what is "a private claim" and what is "a public claim" is that a private claim is the claim of an individual and a public claim is the claim of a State. This is a claim of the States of Maryland and Virginia.

I want to read the definition of "a private claim." It is to be found in this book, which is one of the best books published on

the subject—Words and Phrases Judicially Defined. The word "private" is thus defined:

Mr. Webster says that, in general, "public" expresses something common to mankind at large, to a nation, state, city, or town—

This is a State—

and is opposed to "private," which denotes that which belongs to an individual, to a family, to a company or corporation.

That was the point raised in the case of Chamberlain *v.* City of Burlington (19 Iowa, 395, 402).

A "private act" is defined in Burrill's Law Dictionary as one which relates to particular classes or particular persons or places. (Allen *v.* Hirsch, 8 Or., 412, 423.)

* * * * * * *

A private bill, act, or law relates only to particular persons or particular classes of men and their private concerns.

If there can be any such thing as a public claim, this is a public claim. You could not define a public claim unless you included within the definition the claim of a State. The United States could not have any private claim. The claim of the State of Maryland and that of the State of Virginia are as much a public claim against the United States as a claim of the United States would be against the States of Maryland and Virginia.

I will not go into the merits of the proposed amendment at all. I think it is a most meritorious provision, and I think the States ought to be repaid this money. It was an advance; it was a loan; it was not a gift. They have been here for over a half a century—since 1845—trying to get it back. But aside from the merits of the case, I feel, with great deference to the Chair, that it is not a private claim, but a public claim held by these States, and therefore does not come within the prohibition of the rule.

The VICE-PRESIDENT. The Senator from Nebraska makes the point of order that the two amendments provide for private claims and are in contravention of paragraph 4 of Rule XVI. The Chair understands that the question is not a new one for the Senate, and that private claims of individuals and claims of States are alike obnoxious to the rule. The State has no higher right, in a parliamentary sense, under the rule, than an individual claimant upon a general appropriation bill. The Chair therefore sustains the point of order.

Mr. PENROSE. I desire to call the attention of the chairman of the committee to an amendment which I, as chairman of the Committee on Post-Offices and Post-Roads, have been requested to offer by the Post-Office Department.

The VICE-PRESIDENT. The Senator from Pennsylvania offers an amendment, which will be stated.

The SECRETARY. On page 61, line 3, after the word "routes," it is proposed to strike out "$500,000" and insert "$1,250,000," so as to read:

For inland transportation by railroad routes, $1,250,000.

Mr. HALE. I understand that is an additional estimate submitted by the department.

Mr. PENROSE. I understand it is the amount of the original estimate, and I ask that it go in for purpose of conference.

The amendment was agreed to.

Mr. McCUMBER. I offer the amendment I send to the desk.

The SECRETARY. On page 18, after line 9, it is proposed to insert:

That of the amount heretofore authorized for the enlargement, extension, remodeling, or improvement of the post-office and custom-house at Ellsworth, Me., so much thereof as may be necessary shall be available for the acquisition of additional land, and provided that the limit of cost heretofore fixed shall not be exceeded in the acquisition of said site, and the enlargement, extension, remodeling, or improvement of said post-office and custom-house.

The amendment was agreed to.

Mr. LONG. I offer the amendment I send to the desk.

The SECRETARY. On page 68, after line 24, it is proposed to insert:

To R. H. Faxon, for recompiling the Biographical Congressional Directory, and bringing the same to date, $2,000: *Provided*, That no part of the same shall be paid until the work is completed and approved by the Secretary of the Senate and the Chief Clerk of the House of Representatives.

Mr. HALE. That is all right.

The amendment was agreed to.

Mr. BURROWS. I offer the amendment I send to the desk.

The SECRETARY. On page 61, after line 12, it is proposed to insert:

To pay the Grand Rapids Railway Company, of Grand Rapids, Mich., for services rendered in collecting and carrying mail in boxes affixed to its cars, from July 1, 1907, to June 30, 1908, $1,084.50.

Mr. HALE. That has been certified to by the department.

Mr. DANIEL. I hope it is not a private claim. I am not going to raise any point of order against it.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer the amendment I send to the desk. I will say it is identical with the bill introduced by the senior Senator from Illinois [Mr. CULLOM] and passed by the Senate.

The SECRETARY. After line 7, on page 34, it is proposed to insert:

That the expenditure of the sum of $50,000 is hereby authorized, to be expended under the direction of the Secretary of War, for the express purpose, and no other, of aiding in the building of a suitable memorial upon the farm, in the State of Kentucky, upon which Abraham Lincoln was born, said memorial being in process of construction February 12, 1909, the centennial of Abraham Lincoln's birth: *Provided, however*, That this authorization of expenditure is made upon the express condition that the Lincoln Farm Association of the State of New York shall first have raised the sum of $150,000, used, or to be used, for the purchase of said farm, building said memorial, caring for the same, and acquiring relics characteristic of the life of the period and locality in which Lincoln was born.

Mr. HALE. I do not object to the amendment. I should have voted for it in committee.

The amendment was agreed to.

Mr. CARTER. I offer the amendment I send to the desk.

The SECRETARY. On page 52, after line 20, it is proposed to insert:

To pay M. F. Mann the amount due him for services rendered as custodian of the Fort Keogh abandoned military reservation, at the rate of $60 per month, from August 10, 1908, to January 22, 1909, inclusive, $324.

The amendment was agreed to.

Mr. McCUMBER. On page 70, after line 5, I move to insert:

To pay the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, the sum of $10,482.80, the same being in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein.

Mr. CULBERSON. Let the amendment be again read.

The Secretary again read the amendment.

Mr. CULBERSON. I ask from what committee the amendment comes.

Mr. McCUMBER. I can answer. It has been reported out of the Committee on Claims; it has passed the Senate; it has been reported out of the Committee on Claims in the House. It has passed the House in the omnibus claims bill. The two bodies have not agreed to several amendments on the omnibus bill, but both bodies have agreed upon this proposition. It is probable that no final decision upon the matters in conference will be had, so that the omnibus bill is doomed and will not become a law. Hence I have asked to have the item inserted in the pending bill.

Mr. CULBERSON. I ask from what committee does the item come at this session of Congress, if from any?

Mr. HALE. It is subject to the point of order, of course.

Mr. CULBERSON. I have not made a point of order.

Mr. TILLMAN. I make the point of order.

Mr. CULBERSON. I was simply inquiring into the condition and history of the claim.

Mr. HALE. It is a claim.

The VICE-PRESIDENT. What is the point of order?

Mr. TILLMAN. That it is a private claim.

Mr. WARREN. Will the Senator state how old it is?

Mr. McCUMBER. I will, when I get to it. I desire to be heard on the point of order for one moment.

Mr. BEVERIDGE. Will the Senator from North Dakota also state whether this amendment, if adopted, is likely to be followed by others similarly placed?

Mr. McCUMBER. I think not. I can explain it.

Mr. BAILEY. I wonder if the Senator from Maine would not agree just to put it on the omnibus bill?

Mr. HALE. This is a claim selected from the omnibus bill.

Mr. TILLMAN. Why not put on all the rest of them?

Mr. HALE. If this is put on, there will be probably 20 others.

Mr. TILLMAN. I have made the point of order against it.

Mr. HALE. The Senator from North Dakota wishes to discuss the point of order.

Mr. BAILEY. I suggest to the Senator from Maine that he just take the omnibus bill——

Mr. HALE. We will have to, if this is put on.

Mr. BAILEY. And just put it on the appropriation bill.

Mr. McCUMBER. The suggestion is a very kindly one; and inasmuch as the Senator with the rest of us voted for the omnibus bill, I do not see why he should object to putting it on this bill.

Mr. BAILEY. I am willing, of course.

Mr. McCUMBER. I wish now to discuss for a moment the point of order.

Mr. BAILEY. I made my suggestion in good faith. I understand the omnibus bill is suspended between the two Houses,

and my recollection is it passed this body by practically a unanimous vote.

Mr. McCUMBER. That is correct.

Mr. BAILEY. I make the suggestion in good faith. I myself should like to put it on here.

Mr. McCUMBER. I would, too, Mr. President.

Mr. President, an election was had in the State of South Carolina, in the first district, I think—at least in one of the districts—for a Representative to the Forty-seventh Congress. There were two competitors—Mr. Richardson and Samuel Lee. The certificate of election was issued to Mr. Richardson. A contest was instituted by Mr. Lee, who was a colored man. The House by a decisive majority vote decided that Mr. Lee was entitled to the seat in the House. So that body, being the judge of the election of its own Members, decided that Mr. Lee was a Member of the body. The decision, however, was not arrived at until near the close of the session. The Congress was of course of two years' duration.

A little line of filibustering was indulged in, so that it was impossible for Mr. Lee to take the oath of office during the term.

The result was that while the House declared that he was a Member of that body, entitled to the salary and emoluments provided by law, he never received them. It is a simple proposition that under the law of Congress the person elected to fill the position is entitled to the salary. The House declared that Mr. Lee was duly elected to that position.

Mr. President, if the amendment is objectionable at all, I suppose it is objectionable under Rule XVI. Rule XVI provides that:

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation, unless—

Now this comes clearly within the exception of the rule—

it be made to carry out the provisions of some existing law or treaty stipulation.

Is this to carry out the provisions of any existing law? If it is, then, if I understand the rule, it is proper as an amendment to this appropriation bill. There is an existing law providing for the payment of the salaries of Members of the Senate and Members of the House. That is clearly an existing law. There is not only the general law which provides for the payment of those salaries, but there is in addition a special law which provides for the payment where the person has not been sworn in, and which provides for the payment from the time he was qualified to hold the position until the expiration of his office. The latter law is section 38 of the Revised Statutes of 1878. It is a law of 1873.

This is one of those old claims that were so eloquently referred to by the Senator from Virginia [Mr. DANIEL], and one which, it seems to me, we are morally bound to pay. I have heard no reason in the world why we should not pay this claim. We have paid other claims of like character. Where there has been a contest for a considerable length of time, the person who has been entitled to hold the seat has been paid for the full term and was entitled to draw the salary and the emoluments for the full term. The Government of the United States is honestly indebted in this sum. Probably if he had been a white man he would have been paid long ago. It does not seem to me that the fact he was a colored man should have the least effect in the decision of the Senate as to his title to receive this sum.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. I yield. I have nothing more to say, Mr. President, except that it seems to me the amendment comes clearly within this exception, and whether the objection is made under that subdivision of the rule or whether the objection is made under subdivision 4 of the rule it will come under the same exception, namely, unless it be to carry out the provisions of an existing law. Is this carrying out the provisions of an existing law, the law for the payment of those salaries? If it is not, I concede naturally that it is subject to the point of order. If it is, then I insist that it is not subject to such point of order.

Mr. HALE. Mr. President, the Senator misapprehends the infirmity of this amendment.

Mr. McCUMBER. I discussed the point of order that was raised.

Mr. HALE. It is a pure claim, a private claim, much more of a private claim than those just rejected from Maryland and Virginia. One reason which ought to be apparent to every Senator why it should not be here and goes out as a claim is that some years ago when the Senate was beset by the offering of claims on appropriation bills it, by rule, established a new appropriation bill, the omnibus claims bill, to which all claims were sent in order to avoid the constant question arising under Rule XVI as to the consideration of claims on regular appropriation bills.

Since then parties representing these claims have sent them to the Committee on Claims, and that committee has taken up this claim and a hundred other claims and embodied it and the other claims in what is known as "the omnibus claims bill," which is provided for the very purpose of excluding these claims from general appropriation bills.

If this was not a claim subject to a point of order, it would not have gone upon the omnibus claims bill; but being a claim, it was sent to the Committee on Claims and made a part of the provisions of that bill as passed by the Senate, and is now pending in the other branch. The Senator has taken this claim, no better than a hundred others on the omnibus claims bill, from that bill bodily and brought it in here and presented it upon this appropriation bill.

Mr. President, if a claim of this kind is allowed upon an appropriation bill, we may just as well abandon the omnibus claims bill. It has had its day in court; the Senate has passed upon it; and I urge with the greatest confidence not the point of order suggested by the Senator, but that it is a private claim and has no place here. Its place is on the omnibus claims bill.

Mr. McCUMBER. The Senator has absolutely failed to give any reason against that which I urged. I admit that this is a private claim. There can be no question about that; but the rule does not exclude all private claims. I want to call the attention of the Senator to the fact that the hundreds of claims that were allowed in the claims bill had no provision of law in existence for their payment, and there is where I draw the distinction. This particular claim has a provision for its payment in the general law.

Mr. HALE. Almost everything that is embodied in the omnibus claims bill is based upon some law.

Mr. WARREN. Of course.

Mr. HALE. The Senator on my left, who had charge of that bill for years, says "Of course." Everything in that bill is based upon law.

Mr. McCUMBER. Everything in that bill is not based upon a law which provides for the payment of it and the amount which shall be paid. In fact, very little of it is in that condition.

The Senator says that this is a private claim. Then I call his attention to the rule in reference to private claims. That rule is as follows:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless—

Now, here comes the exception—

unless it be to carry out the provisions of an existing law.

Now, what is the provision of the existing law?

Mr. WARREN. Mr. President——

Mr. McCUMBER. I will yield in just one moment. The provision of existing law is that Members of Congress shall be paid a salary of a given amount. That is a law, a law that is in existence, a law that has not been repealed. It fixes to a certainty the amount that is to be paid.

Mr. WARREN. The law does not provide that every claimant to a seat in the body shall be paid. Each House controls its own membership.

Mr. McCUMBER. Certainly; and this body declares——

Mr. WARREN. To have life it must have the sanction of the body in which the party served.

Mr. McCUMBER. Certainly, and Mr. Lee did have the sanction of that body by a very decisive vote. The House declared that he was a Member of that body.

Mr. HALE. This man never was a Member of Congress. The law applies only to Members of Congress; and this man never was a Member.

Mr. TILLMAN. He never was sworn in.

Mr. HALE. He never was sworn in. He is a claimant.

Mr. McCUMBER. Payments are being made right along before the Members are sworn in.

Mr. HALE. Not in contested cases.

Mr. McCUMBER. In contested cases payments are made.

Mr. HALE. They are all ruled out.

Mr. McCUMBER. Suppose there is a contested case that lasts for nearly two years, and the Senate or the House finally decides that the Member is entitled to a seat?

Mr. HALE. Then he is sworn in.

Mr. McCUMBER. Then he is sworn in. Has it not been the rule to make payment for the time before he was sworn in?

Mr. HALE. The rule has been that in all cases they come in as claimants and are reported by the House that has the jurisdiction in which the question of membership has been raised. The law does not apply to this man. He was never a Member.

Mr. McCUMBER. The Senator must concede that the law does provide for the payment of a sum before the Congressman is sworn in. The only reason why he was not sworn in was because a little filibuster was started in the last days of Congress, and he could not be sworn in. The obligation to pay his salary, after the House had determined that he was a Member of that body and entitled to it, was fixed by law.

Mr. HALE. I am entirely willing to take the ruling of the Chair. It is getting late.

The VICE-PRESIDENT. Paragraph 4 of Rule XVI provides that—

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

There is no such citation upon the proposed amendment. The Chair thinks that the amendment is in contravention of the rule, and therefore sustains the point of order.

Mr. HALE. On page 3, at the end of line 9, I move to insert:

To enable the State Department to investigate the interests of the United States and its citizens in the Republic of Liberia, with the consent of the authorities of said Republic, $20,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Maine.

Mr. CULBERSON. Let the amendment be read again.

The Secretary again read the amendment.

The amendment was agreed to.

Mr. FLINT. On page 52, after line 20, I move to insert:

To enable the Secretary of the Interior to rent additional rooms in the building used by the engraving and printing divisions of the Geological Survey, $2,500.

The amendment was agreed to.

Mr. BANKHEAD. I move to add to the bill the following:

To enable the Secretary of War to pay to Rittenhouse Moore the sum of $3,653.05, being the amount stated and claimed by him as set forth in House Document No. 10, Fifty-eighth Congress, second session, for overwidth dredging in the Potomac River below Washington, D. C., and recommended by the Secretary of War, as therein shown.

Mr. HALE. That is undoubtedly a claim. I shall have to make a point of order against it.

The VICE-PRESIDENT. The Senator from Maine makes the point of order that the amendment provides for a private claim. The Chair sustains the point of order.

Mr. BANKHEAD. I hope the Senator from Maine will withdraw the point of order for a moment until I can make a brief statement.

Mr. HALE. Certainly.

The VICE-PRESIDENT. The Senator from Maine withdraws his point of order.

Mr. HALE. I withhold it.

Mr. BANKHEAD. Mr. President, this is a claim which originated about eight years ago under a contract made by the War Department for dredging the Potomac River. The contractor performed the contract according to the terms of the contract. When the work was measured up the Engineering Department stated that there was still due him about $3,000, and the reason why the claim was not paid was because the appropriation made under the law authorizing the work to be done had been exhausted. The Secretary of War, after a very careful examination of this claim, wrote a letter to Congress, which I have here, saying that the claim ought to be paid, and he recommended its payment. The Chief of Engineers said that it ought to be paid and recommended its payment.

Mr. President, I insist that this proposed amendment carrying this appropriation is for the purpose of carrying out the provisions of an existing law. What law? The law of Congress authorizing the work to be done. The contract being made under the law, it becomes a part of the law, and the amount has never been paid.

Mr. President, I never complain, whatever comes to me; but I want to call the attention of the Senate to the fact that there are a number of items in this bill exactly on all fours with the amendment I have offered. A number of them have been added to the bill since it went into the committee, and it was there subject to amendment without objection. There is an item in the bill, on page 61, which is exactly similar to the amendment that I have offered. I have no doubt that the amendment to which I refer found its way into the bill without the knowledge of the Senator from Maine. It must have escaped his attention. I ask the Secretary to read from the desk the amendment on page 61, beginning in line 5.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

To pay to the Boston and Maine Railroad, for railway mail service furnished between Fitchburg, Mass., and South Ashburnham, Mass., from July 1, 1897, to June 7, 1908, $2,840.83.

Mr. BANKHEAD. I did not make the point of order against that amendment because I believe that it is a just claim and that it ought to be paid.

Mr. LODGE. If the Senator will allow me, it is not a claim; it is an estimate.

Mr. BANKHEAD. This is an estimate, too, from the Secretary of War.

Mr. LODGE. No; not at all; it was estimated for by the Post-Office Department.

Mr. HALE. The other is a recommendation.

Mr. BANKHEAD. This is a recommendation from the War Department.

Mr. LODGE. It is not a claim.

Mr. BANKHEAD. Mine is an estimate from the War Department.

Mr. LODGE. It is to carry out the postal service and is not a claim.

Mr. BANKHEAD. That is the point I am making; and other claims of a similar nature have been admitted on the floor. I made no objection, and I am making none now. They are just claims, and they ought to be paid. I make no objection to this claim.

I respectfully ask the Senator from Maine if he will not consent that this amendment may be submitted to the Senate and considered. If the Senate says it ought not to be paid I will be entirely content.

Mr. HALE. If the Senator will quit I will withdraw the point of order.

The VICE-PRESIDENT. The Senator from Maine withdraws the point of order. The question is on agreeing to the amendment proposed by the Senator from Alabama.

The amendment was agreed to.

Mr. LODGE. I send an amendment to the desk.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment, which will be stated.

The SECRETARY. On page 65, after line 19, insert:

To enable the Secretary of the Senate and Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States March 4, 1909, in accordance with such programme as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including the pay for clerical and other extra services, and including the pay for extra police three days, at $3 per day, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $4,500, or so much thereof as may be necessary, in addition to the sum appropriated by the joint resolution approved February 9, 1909, the same to be immediately available.

Mr. HALE. In view of all the noise and display and hammering and filling up of the streets with every possible thing which contributes to the discomfort of Members, as this amount is only $4,000——

Mr. BEVERIDGE. It is $4,500.

Mr. HALE. Four thousand five hundred dollars—I accept it with thanks. The wonder is it is not fifteen or twenty thousand dollars. [Laughter.]

The amendment was agreed to.

Mr. LODGE. I present the amendment which I send to the desk, to come in under the head of "State Department."

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 47, after line 7, it is proposed to insert:

To enable the Secretary of State to return to such contributors as may file their claims within two years from the passage of this act the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, who was abducted by brigands on September 3, 1901, $66,000: *Provided*, That no claims shall be paid unless supported by evidence that the contribution was made in reliance upon the assurance of the State Department that they would urge Congress to reimburse the contributors.

The VICE-PRESIDENT. The question is on the amendment.

Mr. HALE. Mr. President, was this amendment reported from the Committee on Foreign Relations?

Mr. LODGE. It was.

Mr. CULBERSON. I should like to ask the Senator from Massachusetts if this amendment was reported unanimously from the Committee on Foreign Relations?

Mr. LODGE. It was reported some time ago, and I do not recall any opposition to it from anybody. It was reported at the last session of Congress, I think.

Mr. CULBERSON. Would the Senator explain briefly the merits of the claim, if it has any merits?

Mr. LODGE. Mr. President, the case briefly is this: It was a case which attracted a great deal of public attention at the time. Miss Stone, an American missionary, was in one of the provinces of the Turkish Empire, and was abducted by brigands and held in captivity. She was finally ransomed for the sum of $60,000 which was raised in this country. Of course, our

Government had intervened and presented the case to the Turkish Government and had endeavored to secure her release. The Turkish Government was unable to secure that release. Her life was in danger. Money for her ransom was raised, and the State Department informed the contributors that if she was released in that way, and the money could not be regained from the Turkish Government, they would recommend to Congress its payment.

Mr. GALLINGER. Which they did.

Mr. LODGE. Which they did in a report and estimate. In response to that the Committee on Foreign Relations reported this amendment and sent it to the Committee on Appropriations.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. I do; certainly.

Mr. DOLLIVER. I think it also ought to be added that those contributions were not made by rich people, but in large part by the relatives of this woman, who are under great hardship on account of the loss and expense incident to the transaction.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. Certainly, I do.

Mr. RAYNER. I only desire to ask a question. I do not object to this claim; I have a way of not objecting to anything; but what is the difference between this claim and the claim that has just been ruled out of order? The claim presented by the Senator from Massachusetts was reported from the Committee on Foreign Relations, and the claim of Maryland and Virginia was favorably reported by the Committee on Claims, and was ruled out of order because it was a private claim. The Senator's claim is in order as it is a claim of an individual, and our claims are out of order though they are the claims of two States; both of which claims have passed committees of the Senate. That is what I can not understand.

Mr. LODGE. I have not been making any points of order. No point of order has been made against this amendment. I was asked by the Senator from Texas [Mr. CULBERSON] to state the merits of the amendment, and I did so to the best of my ability.

Mr. RAYNER. If some of these private claims are to go in and others are to go out, it seems to me that the point of order——

Mr. LODGE. The Senator from Maryland does not expect me to make a point of order against an amendment which I myself have offered?

Mr. RAYNER. I do not; but I do expect the Senator to help keep away points of order from the claims which we present for the States. I think that you ought to do that. You are under moral obligations to help us in the claims of Maryland and Virginia.

Mr. LODGE. I did not make any point of order against the amendment for the claims of Maryland and Virginia.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. GALLINGER. In connection with the amendment which has just been adopted, I ask to have printed in the RECORD a message from the President of the United States and a recommendation from Mr. Root, concerning the propriety of the Government returning to the people who rescued this woman the sums of money they contributed.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The message referred to is as follows:

[Senate Document No. 408, Sixtieth Congress, first session.]

Repayment of money for ransom of Miss Ellen M. Stone, missionary in Turkey.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING A LETTER FROM THE SECRETARY OF STATE ON THE SUBJECT OF THE REPAYMENT TO THE CONTRIBUTORS OF THE MONEY RAISED TO PAY THE RANSOM FOR THE RELEASE OF MISS ELLEN M. STONE, AN AMERICAN MISSIONARY TO TURKEY.

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a letter from the Secretary of State on the subject of the repayment to the contributors of the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, who was abducted by brigands on September 3, 1901, while traveling on the highway from Raslog to Djumabala, in the Turkish Empire.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 26, 1908.*

DEPARTMENT OF STATE,
Washington, March 24, 1908.

The PRESIDENT:

As will be remembered, Miss Ellen M. Stone, an American missionary to Turkey, was abducted by brigands on September 3, 1901, while traveling on the highway from Raslog to Djumabala, in the Turkish Empire.

Our diplomatic and consular representatives in Turkey, in correspondence with the Department of State shortly after the capture, indicated their belief that the motive therefor was to obain a ransom and stated that they had requested the Turkish officials to abstain from too close pursuit of the brigands, lest the death of the captured might result.

From later correspondence with our representatives it appeared that the brigands had retired to the mountains with the captive, probably over the border into Bulgaria. The exact location of the party during the captivity, however, is not established by any evidence in the possession of the Department of State, nor does it appear clearly of what government the bandits were subjects.

About October 1, 1901, the bandits opened negotiations for a ransom, demanding £25,000, and transmitting a letter from Miss Stone, asking that the sum demanded be paid and that pursuit of the brigands by the Turkish troops be stopped.

Our diplomatic representatives were of the opinion that Miss Stone's release could only be obtained by the payment of the ransom, and the State Department shared this view. Miss Stone's friends, of course, entered into correspondence with the department regarding the payment of the ransom, and were told that it must be raised by private means.

On October 3, 1901, the State Department wrote to the Rev. Judson Smith, of the American Board of Commissioners for Foreign Missions, Boston, Mass., as follows:

"It seems imperative that the amount (of the ransom) should be raised or pledged, so as to be available by your treasurer at Constantinople in season to save Miss Stone. Statutory prohibitions make it impossible for this Government to advance the money or guarantee its payment. If paid by Miss Stone's friends, every effort will be made to obtain reimbursement from whichever government may be found responsible under international law and precedent. In the event of its proving impossible to hold any foreign government responsible for the capture and to secure the repayment of the money, this Government is willing in the last resort to urge upon Congress as strongly as possible to appropriate money to repay the donors."

It is claimed that this assurance given by the department in its letter to Mr. Smith, to the effect that, as a last resort, a recommendation would be made to Congress looking toward the appropriation for a sum sufficient to pay the donors, was largely instrumental in enabling Miss Stone's friends to secure the sum of $66,000, which was raised through public subscription in this country by October 23, 1901, for the purpose of effecting Miss Stone's release.

After negotiations of considerable length the brigands finally consented to accept the amount raised and arrangements were made by United States Minister Leishman for the payment of the money at a point near Bansko, Macedonia, the Turkish authorities consenting to withhold their troops from the vicinity of the place in order that the negotiations might have a successful issue.

The release of the captive was not obtained so soon as expected, but was finally reported by Minister Leishman on February 23, 1902.

After careful consideration of all the facts my predecessor, Mr. Hay, decided on January 19, 1905, that it was not advisable to attempt to hold the Turkish Government responsible for the capture and to secure the repayment of the money. Upon the subsequent application for reconsideration of this decision Mr. Hay again, on April 11, 1905, reaffirmed the judgment which he had originally expressed. Upon a further review of the same subject I have come to the conclusion that it is not advisable to reverse or change the conclusion which Mr. Hay reached.

It would seem, therefore, that the executive department is bound to make good its promise to recommend to Congress that money be appropriated to repay the ransom money, a promise which was probably relied upon by many of those who contributed of their private means to save the life of an American citizen believed to be in the gravest peril.

Accordingly I have the honor to advise that Congress be recommended to appropriate an amount sufficient to repay the contributors.

Respectfully submitted.

ELIHU ROOT.

Mr. LODGE. I have another amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

Mr. LODGE. This amendment has been passed by the Senate some time ago as a bill. I send it to the desk in the form of a bill.

The SECRETARY. It is proposed to insert the following amendment:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $80,083.50, to be paid by the Secretary of War to the properly accredited representatives of the following named four religious orders of the Roman Catholic Church in the Philippine Islands according to the amounts set forth: The Augustinians, $43,822.50; the Dominicans, $16,666; the Recoletos, $12,615; and the Franciscans, $6,980; and that the acceptance by the properly accredited representatives of said respective religious orders of the separate amounts above specified shall be in full satisfaction of all claims for use and occupation of the property of said respective religious orders in said islands, and for damages done thereto by the military forces of the United States prior to the date, to wit, January 24, 1906, of the official report of the "Board on Church Claims," which said board, composed of John A. Hull, lieutenant-colonel, judge-advocate; Alexander O. Brodie, lieutenant-colonel, military secretary; and J. W. Moore, first lieutenant, Second Cavalry, was duly convened, August 1, 1905, at headquarters Philippine Division, in the city of Manila, in said islands, to consider and report upon said claims.

Mr. HALE. The amendment is subject to two points of order. It proposes legislation and it is also purely a claim.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CARTER. On behalf of the senior Senator from Minnesota [Mr. NELSON], who has been called from the Chamber, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 68, after line 22, it is proposed to insert:

To enable the Secretary of the Senate to pay for extra services rendered in transferring, rearranging, re-marking, cleaning, and refiling the papers of the Senate to Bayard C. Ryder, $700; Ansel Wold, $400; Reese R. Dutton, $300; George Payne, $50; Christopher Woodlen, $50.

The amendment was agreed to.

Mr. MILTON. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 60, after line 15, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys not otherwise appropriated, to C. M. Cox, of Bonifay, Holmes County, Fla., the sum of $316.25 for services rendered as United States commissioner in and for the northern district of Florida.

Mr. HALE. There is no objection to that amendment, Mr. President.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Florida [Mr. MILTON].

The amendment was agreed to.

Mr. MILTON. I offer an additional amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 25, after line 20, it is proposed to insert:

That the interest of the United States in and to the land situated in Dade County, in the State of Florida—to wit, the northwest quarter of the northeast quarter of section 1, township 51, range 41 south and east—is hereby relinquished and released unto John M. Bryan, jr., of Dade County, Fla., and patent issue therefor: *Provided*, The said John M. Bryan, jr., pay $1.25 an acre for the land referred to prior to the issuance of the patent to him.

Mr. MILTON. I will state that this amendment is in the same language as a bill which has passed the Senate and has had the approval of the Committee on Appropriations.

Mr. HALE. I make the point of order on that amendment that it is general legislation.

Mr. MILTON. I hope the Senator will not make the point of order. I repeat that this is a matter which as a bill has passed this body and has had a favorable report in the other House.

Mr. HALE. Of course, it is very proper that it should go through as a bill, but not as an amendment on an appropriation bill.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. OWEN. On page 62, after line 22, I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 62, after line 22, it is proposed to insert:

That the Postmaster-General is hereby authorized and directed to pay $523.37 to Carter & Booker for rent due on the post-office at Ardmore, Okla.

Mr. HALE. Is that reported by any committee?

Mr. OWEN. It is reported from the Committee on Post-Offices and Post-Roads.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Oklahoma.

The amendment was agreed to.

Mr. McCUMBER. I offer the amendment which I send to the desk, to be inserted after line 5, on page 70.

Mr. HALE. Does the Senator want to offer the amendment before the bill is reported to the Senate?

Mr. McCUMBER. I understand the bill is in the Senate.

Mr. HALE. That has not been announced.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. McCUMBER. I now offer the amendment.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 70, after line 5, it is proposed to insert:

To pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, the sum of $10,482.80, the same being in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, under the provisions of section 38, Revised Statutes of the United States of 1878.

Mr. McCUMBER. I desire to state that I have modified the amendment to conform to the rulings of the Chair, so as to bring it clearly within the exception. I am willing to let this go without any argument and take a vote of the Senate upon the question.

Mr. GALLINGER. Let us vote.

Mr. McCUMBER. It will only take a short time.

Mr. HALE. I hope the Senate will not put this matter on the bill. I am willing to take the vote of the Senate upon it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota. [Putting the question.] By the sound the "noes" have it, and the amendment is rejected.

Mr. McCUMBER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DANIEL. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 16, after line 10, it is proposed to insert:

Payment to Mount Vernon Avenue Association of Virginia: For payment to the treasurer of the Mount Vernon Avenue Association of Virginia, assignee of the State of Virginia under act of the general assembly of Virginia approved March 5, 1888, $120,000, being the principal sum, without interest, advanced by the State of Virginia to the United States by act of its general assembly December 27, 1790, toward erecting public buildings in the District of Columbia for the use of the Federal Government. Said sum of $120,000 to be in full compensation for all debts, claims, or demands on the part of the State of Virginia or of her assignee aforesaid, arising out of the aforesaid act of the general assembly of date December 27, 1790.

Payment to the State of Maryland: For payment to the State of Maryland $72,000, being the principal sum, without interest, advanced by the State of Maryland to the United States under the provisions of a joint resolution passed by the general assembly of the State of Maryland on the 19th day of December, 1790, to be used toward erecting public buildings in the District of Columbia for the use of the Federal Government. Said sum of $72,000 to be in full satisfaction and payment of any and all debts, claims, and demands upon the part of the State of Maryland arising out of the aforesaid resolution.

Mr. DANIEL. If the Senator will permit me——

Mr. HALE. I should be glad to have the bill passed. It is practically completed.

Mr. DANIEL. I wish to make an observation about the amendment.

Mr. HALE. I am at the mercy of the Senator.

Mr. DANIEL. Mr. President, if there were not so many private claims in this bill we would not have any trouble, and as I do not think this is a private claim I must be permitted occasionally to exercise my own discretion.

Mr. CLAY. I suggest to the Senator that no point of order has been made against his amendment, and perhaps the committee will accept it and it will be adopted without opposition.

Mr. DANIEL. If there is no point of order raised against it, I will not consume time.

The VICE-PRESIDENT. There is no point of order raised, as the Chair understands.

Mr. HALE. Let the Senate vote on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Virginia.

The amendment was agreed to.

Mr. SMITH of Maryland. I understand that both paragraphs on pages 16 and 17 were accepted, the one in relation to Maryland as well as the one in relation to Virginia.

The VICE-PRESIDENT. They were both adopted together.

Mr. HALE. They were together in life and in their death they will not be divided. [Laughter.]

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 58.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "twelve million nine hundred

and ninety-five thousand and thirty-six dollars;" and the Senate agree to the same.

F. E. WARREN,
J. P. DOLLIVER,
H. D. MONEY,
Managers on the part of the Senate.
CHARLES F. SCOTT,
GILBERT N. HAUGEN,
JOHN LAMB,
Managers on the part of the House.

The report was agreed to.

CONDEMNED CANNON, FOREST HILL CEMETERY, SCRANTON, PA.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 28055) to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa., to report it without amendment. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a concurrent resolution (H. C. Res. 76) authorizing the Speaker of the House and the President of the Senate to cancel their signatures to the bill (H. R. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes, and that the bill be reenrolled with the correction in section 23, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 8058. An act authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior;

S. 8899. An act granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 8661. An act for the relief of the Richmond Light Infantry Blues, of Virginia;

H. R. 24835. An act authorizing the necessary resurvey of public lands;

H. R. 26916. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910; and

H. J. Res. 262. Joint resolution extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

PROPOSED TIME OF MEETING TO-MOROW.

Mr. HEYBURN obtained the floor.

Mr. HALE. I ask the Senator to yield to me for a moment. I wish to move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The VICE-PRESIDENT. The Senator from Maine moves that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

Mr. HEYBURN. I will ask the Senator, out of consideration for business that is now before the Senate, to modify the motion or withhold it. It was my intention after the bill that has been under consideration—the code bill—is laid before the Senate, to ask the Senate to take a recess until 10 o'clock to-morrow morning instead of adjourning.

Mr. HALE. I have no objection to that, but I do not think we ought to be asked to remain here this evening to consider the code bill.

Mr. HEYBURN. It is to avoid that that I am making the proposition suggested and if the Senator will kindly withhold the motion until I can get the bill up we shall obviate the necessity of the motion.

Mr. HALE. I will withhold the motion.

JUDGES FOR HAWAII, ALASKA, ETC.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives (H. C. Res. 76), which was considered by unanimous consent and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House and the President of the Senate be authorized to cancel their signatures to H. R. 21896, "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," and that the bill be reenrolled, with the correction in section 23, line 2, after the word "and," strike out the word "eight" and insert "nine," so that the sentence shall read: "Section 23. That this act shall take effect and be in force on and after the 1st day of July, 1909."

JOINT COMMITTEE ON THE REVISION OF THE LAWS.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet at 10 o'clock tomorrow.

Mr. LODGE. Why is that?

Mr. HALE. Because the Senator says——

Mr. BEVERIDGE. Why not take a recess?

Mr. HALE. We do not want a recess. An adjournment is better than a recess.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Idaho?

Mr. HALE. Does the Senator from Idaho object to that?

Mr. HEYBURN. I want a recess for reasons well known to those in charge of this matter.

Mr. HALE. What are the reasons?

Mr. HEYBURN. It will not inconvenience anybody to take a recess. I want this bill when taken up to have a status which it would not have under an adjournment.

Mr. HALE. The Senator's bill has been displaced by the appropriation bill.

Mr. HEYBURN. It will not remain displaced within a few moments.

Mr. HALE. He can get it up by a vote of the Senate at any time, and a recess or an adjournment does not touch that question.

Mr. BEVERIDGE. What is the objection to a recess?

Mr. FORAKER. The Senator from Idaho can move to take up the bill to-morrow morning.

Mr. HALE. I withdraw the motion and let the Senator move to take up the bill.

Mr. HEYBURN. Preliminary to that, I wish to introduce a joint resolution. I send it to the desk.

The joint resolution (S. R. 140) to create a joint committee to consider the revision and codification of the laws of the United States was read the first time by its title

Mr. HEYBURN. I ask for the present consideration of the joint resolution.

The VICE-PRESIDENT. The Senator from Idaho asks for the present consideration of the joint resolution.

Mr. LODGE. Has it been reported from a committee?

Mr. HEYBURN. No; I will say it is simply the usual joint resolution that continues the status of a joint committee of the two Houses, and were it to lapse there would be no one in charge of the vast amount of work and property in the custody of the committee.

The VICE-PRESIDENT. The Secretary will read the joint resolution for the information of the Senate.

The joint resolution was read the second time at length, as follows:

Senate joint resolution 140.

Resolved, etc., That a special joint committee be appointed, consisting of five Senators, to be appointed by the Vice-President from Members of the Sixty-first Congress, and five Members of the House of Representatives, to be appointed by the Speaker from the Members of the Sixty-first Congress, to examine, consider, and submit to Congress recommendations upon a revision and codification of laws reported by the statutory revision commission heretofore authorized to revise and codify the laws of the United States, including all laws of a general nature, permanent in character, passed since the submission to Congress on December 15, 1906, of the final report of said commission; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary assistants, to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

Mr. HALE. Let the joint resolution go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HEYBURN. We have been passing similar resolutions at this period of each session without reference for the reason I have suggested, that the other body is interested in it.

The VICE-PRESIDENT. The resolution is referred as requested.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I move that the Senate proceed to the consideration of the conference report on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The motion was agreed to.

HOUR OF MEETING WEDNESDAY.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet at 10 o'clock to-morrow morning.

The motion was agreed to

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 7 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 3, 1909, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1909.

RECEIVER OF PUBLIC MONEYS.

William A. McClure, of North Dakota, to be receiver of public moneys at Dickinson, N. Dak., his term having expired. (Reappointment.)

CONSUL.

A. Donaldson Smith, of North Carolina, to be consul of the United States of class 8 at Mersine, Turkey, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. Benjamin H. Kerfoot, Coast Artillery Corps, to be captain from February 28, 1909, vice Taylor, resigned.

Second Lieut. Thomas A. Terry, Coast Artillery Corps, to be first lieutenant from February 28, 1909, vice Kerfoot, promoted.

APPOINTMENT TO THE MARINE CORPS.

Harold C. Daniels, a citizen of Massachusetts, to be a second lieutenant in the United States Marine Corps, from the 1st day of March, 1909, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE NAVY.

Professors of Mathematics Walter S. Harshman, Frank B. Littell, and Paul J. Dashiell, U. S. Navy, with the rank of lieutenant, to be professors of mathematics in the navy, with the rank of lieutenant-commander, from the 2d day of March, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1909.

COLLECTORS OF INTERNAL REVENUE.

Bernhard Bettman to be collector of internal revenue for the first district of Ohio.

Claude I. Parker to be collector of internal revenue for the sixth district of California.

CONSUL-GENERAL.

William W. Handley to be consul-general at Boma.

CONSUL.

Alfred K. Moe to be consul at Bordeaux, France.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Engineer Guy Brandon Lawrason, Coast Artillery Corps, to be second lieutenant, with rank from February 26, 1909.

First Lieut. Henry H. Scott, Coast Artillery Corps, to be captain.

Second Lieut. Louis L. Pendleton, Coast Artillery Corps, to be first lieutenant.

MEDICAL CORPS.

Lieut. Col. Louis Brechemin, Medical Corps, to be colonel.

Maj. Henry S. T. Harris, Medical Corps, to be lieutenant-colonel.

SIGNAL CORPS.

Capt. Arthur S. Cowan, Eighteenth Infantry, to the Signal Corps.

INFANTRY ARM.

Capt. Henry S. Hathaway, Signal Corps, to the Infantry Arm.

Second Lieut. Donald D. Hay, Twenty-fifth Infantry, to be first lieutenant.

Second Lieut. Philip G. Wrightson, Twentieth Infantry, to be first lieutenant.

Second Lieut. George W. Ewell, Third Infantry, to be first lieutenant.

Second Lieut. Claire R. Bennett, Eighth Infantry, to be first lieutenant.

Second Lieut. Bowers Davis, Sixth Infantry, to be first lieutenant.

CAVALRY ARM.

Maj. Hoel S. Bishop, Fourteenth Cavalry, to be lieutenant-colonel.

Capt. Willian S. Scott, Tenth Cavalry, to be major.

First Lieut. Henry W. Parker, Second Cavalry, to be captain.

PROMOTIONS IN THE NAVY.

Capt. Giles B. Harber to be a rear-admiral.

Capt. Uriah R. Harris to be a rear-admiral.

TO BE CAPTAINS IN THE NAVY.

Templin M. Potts,
Burns T. Walling,
Clifford J. Boush,
James H. Sears,
Abraham E. Culver,
Henry T. Mayo,
Charles C. Rogers,
John T. Newton,
Benjamin Tappan,
Charles F. Pond,
Walter McLean,
Washington I. Chambers,
James C. Gillmore, and
Charles A. Gove.

POSTMASTERS.

CALIFORNIA.

John M. Cheney, at Sonoma, Cal.

FLORIDA.

John B. Leffingwell, at Bradentown, Fla.
James A. Zipperer, at Madison, Fla.

INDIANA.

Ernest M. Sherburne, at Knightstown, Ind.
William L. Walters, at Fort Branch, Ind.

LOUISIANA.

Ernest Morgan, at New Roads, La.

MISSOURI.

A. H. Doermann, at Eldorado Springs, Mo.
B. P. Sigler, at Bethany, Mo.

NEVADA.

Idessa G. Moody, at Mina, Nev.

NEW YORK.

Perrin C. Bailey, at Wilson, N. Y.
Ezra C. Ferris, at Croton on Hudson, N. Y.

NORTH DAKOTA.

John K. Soule, at Cogswell, N. Dak.

OREGON.

Guy E. Tex, at Central Point, Oreg.
William C. Underwood, at Oakland, Oreg.

PENNSYLVANIA.

Levi J. Foust, at Johnstown, Pa.
George Fox, at Altoona, Pa.
Frank J. Over, at Hollidaysburg, Pa.
J. Ira Thomas, at Vintondale, Pa.

SOUTH CAROLINA.

Alfred G. Pinckney, at Williamston, S. C.

TEXAS.

T. W. Fields, at Greenville, Tex.

VIRGINIA.

Warner J. Kenderine, at Radford, Va.
Joseph E. Rangeley, at Stuart, Va.
Richard B. Wilson, at Crewe, Va.

WASHINGTON.

Walter G. Lynn, at Starbuck, Wash.
Rosseter I. Towle, at Newport, Wash.

WISCONSIN.

James E. Harris, at Prairie du Chien, Wis.
Frank O. Perry, at Shawano, Wis.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 2, 1909.*

[*Continuation of legislative day of Tuesday, February 23, 1909.*]

The recess having expired, the House was called to order at 11 o'clock a. m. by the Speaker.

COLORADO BOUNDARY LINE.

Mr. HAGGOTT. Mr. Speaker, I ask unanimous consent to address the House for four minutes on a matter of a privileged character.

The SPEAKER. The gentleman from Colorado asks unanimous consent that he may address the House for four minutes on a matter of privileged character. Is there objection?

There was no objection.

Mr. HAGGOTT. Mr. Speaker, I was not present on last Saturday when my colleague [Mr. COOK] addressed the House on a question of personal privilege, in which he made several statements that I do not believe he would have made had he been fully informed as to the facts. He took occasion to criticise the President for having vetoed Senate joint resolution 78, first session Sixtieth Congress, which affected the southern boundary line of the State of Colorado, stating that the President was not fully informed when he vetoed this resolution.

Now, the President was fully informed as to the legal and other effects of this resolution, and vetoed it after giving it careful consideration, his veto message to the Senate on December 19 last clearly stating excellent reasons for his action. It is well-established law that Congress can not legislate affecting the fixed boundary lines between States. This resolution attempted to change the established boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico, taking territory from Colorado and giving it to the State of Oklahoma and to the Territory of New Mexico.

My colleague has frequently stated that the resolution, if effective, would not take an appreciable amount of territory or inhabitants from Colorado. I hold in my hand a map prepared by the Interior Department showing the established southern boundary line of that State and the line as it would be had the resolution become effective. The map shows that a strip of territory averaging from one-half mile to 1 mile in width would have been taken from the State as well as several towns and post-offices, at least five. In connection with this statement I desire to submit for publication in the RECORD various letters from citizens of southern Colorado relating to this matter.

My colleague, also, in his speech of last Saturday, reflected upon certain owners of property along the said boundary line, particularly the Rocky Mountain Coal and Iron Company, commonly referred to as the "Colorado Fuel and Iron Company," by stating that said company had been escaping the payment of taxes upon its property; and I submit for publication in the RECORD letters in refutation of this statement.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES LAND OFFICE,
Durango, Colo., December 30, 1908.

Hon. WARREN A. HAGGOTT, M. C.,
Second Congressional District of Colorado, Washington, D. C.

MY DEAR SIR: Replying to your telegram, which referred to your letter of the 19th instant, I have to advise you that a strip one-half mile wide taken off the southern boundary of this land district would cut off 41,280 acres of land that is just beginning to be reclaimed and settled up.

At the present time it would affect 34 families, who are located within this strip, and would also affect several Indian allotments and put them into New Mexico. The half-mile strip across La Plata County alone would take 15,360 acres of our territory and place it in New Mexico.

I trust this is the information you desire, and shall be pleased to give you any further information that you may require.

Very truly, yours,

G. H. CHARLTON, *Register.*

DENVER, COLO., *December 30, 1908.*

Hon. W. A. HAGGOTT, *Denver, Colo.*

DEAR SIR: I wish to enter a protest in behalf of our county against the changing of the boundary line between Colorado and New Mexico. It would take from us about three or four hundred people and some valuable property, neither of which we can afford to spare.

Hoping you can prevent this injustice taking place,

I am, yours, respectfully,

A. J. NOSSAMAN, M. D.,
Pagosa Springs, Archuleta County, Colo.

DENVER, COLO., *January 19, 1909.*

Hon. WARREN A. HAGGOTT,
House of Representatives, Washington, D. C.

MY DEAR MR. HAGGOTT: I am in receipt of yours of the 13th instant. A great number of the voters at Edith are taxpayers and vote in Colorado, regardless of the fact that the post-office is called Edith, N. Mex. The way the change occurred was on account of the Carpenter survey, which showed that we were a few hundred feet south of his line, which threw us into New Mexico; without the line being confirmed by Congress the Post-Office Department took the liberty of changing the name of the post-office from Edith, Colo., to Edith, N. Mex. There has never been any change in the voting, and the voters regard the old Darling line when voting and paying taxes. They also filed on their land years ago in the land office and took it up as being in Colorado.

Very truly, yours,

E. M. BIGGS.

CONEJOS, COLO., *December 23, 1908.*

Hon. WARREN A. HAGGOTT, *Denver, Colo.*

DEAR SIR: Replying to yours of the 19th instant in re the Carpenter survey on the Colorado and New Mexico line:

At the date of the government survey of the public lands here in 1876 and 1878 and the admission of Colorado as a State, the south boundary line was established and monuments erected every mile along the entire line. The Carpenter survey commenced at the southwest corner of the State and was run toward the east; from the starting point the line runs north of the old surveyed line, and gradually bears to the north as the survey runs east, and when the new survey reached Conejos County it cut off nearly three-fourths of a mile from that county, and places the town of Los Pinos nearly all in New Mexico, also the southern end of a small settlement called La Florida. This new line will put upwards of 400 citizens now in Conejos County into New Mexico. As the line runs east through Costilla County the amount of land taken is even more, and the towns of Eastdale and Costilla will be almost entirely in New Mexico, and from what I know of those two settlements I think fully 600 inhabitants will be cut off from Colorado. As the line runs east the amount of land taken from Colorado is even more than in this county and I am advised that from Las Animas County a large number of citizens are cut off from Colorado; of this fact, however, I have no personal knowledge, but the statement is made from information and belief.

The contentions made by Senator TELLER and Representative COOK are entirely erroneous, and if they had taken the trouble to ascertain the facts they would not have been misled.

Yours, respectfully,

CHAS. M. SAMPSON.

DECEMBER 22, 1908.

Hon. WARREN A. HAGGOTT,
House of Representatives, Washington, D. C.

MY DEAR MR. HAGGOTT: In connection with the New Mexico-Colorado boundary controversy, which I note may again become active, I wish to call your attention to the Sangre de Christo grant, which I represent, and in which Mr. Moffat, Mr. C. J. Hughes, Judge Lunt, and his son-in-law, Mr. Dodge, the owner of the Gazette, and a syndicate of Boston and New York people are heavily interested.

This grant, covering 520,000 acres, extends over into New Mexico from Colorado. Near the line is situated the town of Manzanares, which does not appear upon the map, but is just above the town of Costilla. The old survey put this town of Manzanares entirely in Colorado, and also a portion of the village of Costilla; also a number of irrigating ditches which irrigated small tracts of land. The water in the Costilla River is owned by the company.

There is also a large ditch, whose priority was adjudicated some twenty years ago in Colorado, which the company owns. The headgate of this ditch is, by the old survey, in Colorado, and by the new survey would be thrown into New Mexico and the Colorado decree vitiated. If you will note the New Mexico statutes for 1905 and 1907, and particularly the act creating state engineer, you will see that the National Reclamation Service has the power to veto any filing or appropriation upon the headwaters of the Rio Grande River, and while we do not think this would give them a hold within a private grant, still, inasmuch as the law might be considered a police regulation, it would at least raise some question. The matter therefore, of maintaining the old line is one of very considerable importance to the interests which I mentioned.

I give you these facts simply to show you that it is not true, as Senator TELLER and Mr. COOK have contended, that no Colorado interests of magnitude are concerned in this survey. The Costilla River, on which our reservoir sites must in part be located, rises in Colorado, flows thence into New Mexico, thence back into Colorado, then again into New Mexico, where it empties into the Rio Grande River. You can see, therefore, the complexity of the situation, and the seriousness of the possible Reclamation Service interference.

These facts make it important for us to hold as much of the land as is possible and every drop of water possible under our own jurisdiction. I have sent a duplicate of this letter to Mr. BONYNGE.

Very truly, yours,

F. E. BROOKS.

DECEMBER 31, 1908.

Hon. GEORGE W. COOK, Hon. ROBERT W. BONYNGE,
Hon. WARREN A. HAGGOTT,
Members of Congress from Colorado.

GENTLEMEN: Repeated press dispatches from Washington have stated that it is being represented to the President and the Attorney-General that the Colorado Fuel and Iron Company has been evading taxes upon that portion of the old Maxwell land grant lying between the thirty-seventh parallel, as surveyed in 1868 by Mr. Darling, and the line lately surveyed by Mr. Carpenter, by claiming to the Colorado assessor that the land was in New Mexico and to the New Mexico assessor that it was in Colorado. This strip of land, comprising about 18 square miles, is a part of the Colorado portion of the Maxwell land grant purchased by the Rocky Mountain Coal and Iron Company from the Maxwell Land Grant Company in 1901, and has since been operated either by the Rocky Mountain Coal and Iron Company or the Colorado Fuel and Iron Company.

At the time of said purchase it was understood by the parties and by the authorities of New Mexico and Colorado that the boundary line between Colorado and New Mexico was as established by the Darling survey in 1868. The Carpenter line, where it crosses the Maxwell land grant, is about one-half mile north of the Darling line.

The Rocky Mountain Coal and Iron Company, since its purchase of the Colorado portion of the Maxwell land grant, has always claimed that the true boundary line between Colorado and New Mexico is as established by the Darling survey, and has each year since 1901 returned to the county assessor of Las Animas County, Colo., every

acre of this strip, comprising about 12,000 acres, as well as the entire 257,000 acres, for taxation, and has paid each year since 1901 the taxes upon said lands without any delinquency whatever, and it has never represented to anyone that said strip of land was in New Mexico.

The assessor of Colfax County, N. Mex., has never claimed to the Colorado Fuel and Iron Company nor the Rocky Mountain Coal and Iron Company that said strip was in New Mexico, nor has he attempted to assess said strip of land as lying in New Mexico since its purchase by the Rocky Mountain Coal and Iron Company.

Will you please communicate these facts to the President and the Attorney-General and any other persons interested.

Yours, truly,

J. F. WELBORN,
President of the Colorado Fuel and Iron Company and the Rocky Mountain Coal and Iron Company.

I, Wesley W. Taylor, county treasurer of the county of Las Animas, in the State of Colorado, do hereby certify that since the year 1901 the Rocky Mountain Coal and Iron Company, a Colorado corporation, has been assessed for and is the owner of that portion of the Maxwell land grant lying in the State of Colorado, comprising about 250,000 acres of land; that every acre of said land grant in Colorado lying north of what is known as the "Darling survey," made in 1868, has been assessed and the taxes thereon paid promptly when due, without any delinquency whatever, by the Rocky Mountain Coal and Iron Company; that the boundary line between Colorado and New Mexico, where it crosses the Maxwell land grant as established by the Darling survey, is about one-half mile south of what is known as the "Carpenter survey;" that the Rocky Mountain Coal and Iron Company since the year 1901, when it became the owner of the same, has paid taxes upon this strip of land, comprising over 11,000 acres, which would be in New Mexico, according to the Carpenter survey.

Dated, December 28, 1908.

W. W. TAYLOR,
County Treasurer, Las Animas County, Colo.

Mr. HAGGOTT. My colleague [Mr. COOK] presented for publication in the RECORD a letter from the Postmaster-General stating that but one post-office, Edith, Archuleta County, had been transferred from Colorado to New Mexico. It is true that but one post-office had been changed on account of the Carpenter survey, but if the resolution had become effective several others would have been changed. However, since the resolution was vetoed, the post-office of Edith has been restored to Colorado, and I submit in confirmation of this statement the following letters from the First Assistant Postmaster-General:

POST-OFFICE DEPARTMENT,
OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
Washington January 30, 1909.

Hon. WARREN A. HAGGOTT,
House of Representatives.

MY DEAR SIR: Your letter of the 27th instant, in which you state that Edith, N. Mex., is actually located in Archuleta County, Colo., has been received.

The postal-route map, and in fact all the records of the department, locate the office in question in Rio Arriba County, N. Mex. However, in view of your statement the matter has been taken up with the Fourth Assistant Postmaster-General (Division of Topography), and should it be found that the office is actually in Colorada, the proper corrections will be made.

Very respectfully,

C. P. GRANDFIELD,
First Assistant Postmaster-General.

POST-OFFICE DEPARTMENT,
OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, February 6, 1909.

Hon. WARREN A. HAGGOTT,
House of Representatives.

MY DEAR SIR: With further reference to your letter of January 27, I beg to advise you that an order has been made changing the location of the post-office at Edith, Rio Arriba County, N. Mex., into Archuleta County, Colo., in order to correct the records of the department.

Very truly, yours,

C. P. GRANDFIELD,
First Assistant Postmaster-General.

During his term as Congressman, the abuse in which my colleague [Mr. COOK] has indulged against our President is entirely unwarranted and inexcusable, and the people whom he represents in this House most certainly disapprove it. No President has ever occupied a warmer and more fixed place in the hearts of his countrymen than Theodore Roosevelt, and in no State is he more universally loved than in Colorado; and when he retires from the presidency the good will and love of Colorado will follow him.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28245. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 75.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives H. R. 21896, Sixtieth Congress, "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 6074) entitled "An act to provide for holding sessions of the United States circuit and district courts at Springfield, Mass."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes on the amendments of the Senate to the bill (H. R. 24835) authorizing the necessary resurvey of public lands.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes, disagreed to by the House of Representatives, had argeed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. MCCUMBER, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. HEMENWAY, and Mr. FOSTER as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9351. An act to authorize the Postmaster-General to settle the accounts of Carter and Booker, and for other purposes;

S. 9191. An act to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district;"

S. 8929. An act withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described;

S. 8324. An act for the relief of E. C. Mansfield;

S. 4434. An act to amend an act entitled "An act to authorize the Secretary of the Navy to loan naval equipment to certain military schools," approved March 3, 1901;

S. 4094. An act to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902; and

S. 185. An act granting pensions to volunteer army nurses of the civil war.

The message also announced that the Senate had passed without amendment joint resolutions and bills of the following titles:

H. J. Res. 263. Joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications;

H. J. Res. 262. Joint resolution extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. R. 27926. An act to authorize the Chicago, Lake Shore, and Eastern Railway Company to construct a bridge across the Calumet River, in the State of Indiana;

H. R. 8661. An act for the relief of the Richmond Light Infantry Blues, of Virginia; and

H. R. 1622. An act for the relief of the estate of William J. Cussen.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28304. An act granting certain obsolete ordnance for ornamental purposes.

DONATION OF LAND BY WOMAN'S RELIEF CORPS.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6971) authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of Andersonville Prison land, in the State of Georgia.

Mr. MANN. Mr. Speaker, for the present I will object.

ASSAY OFFICE AT LOS ANGELES.

Mr. MCLACHLAN of California. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (S. 5727) to establish an assay office at Los Angeles, State of California.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and required to establish an assay office of the United States

at Los Angeles, in the State of California; said assay office to be conducted under the provisions of the act entitled "An act revising and amending the laws relating to the mints and assay offices and the coinage of the United States," approved February 12, 1873; that the officers of the assay office shall be an assayer in charge, at a salary of $2,500 per annum, who shall also perform the duties of melter; assayer, at a salary of $1,800 per annum; chief clerk, at a salary of $1,500 per annum; and the Secretary of the Treasury is hereby authorized to rent a suitable building for the use of said assay office, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 for salary of assayer in charge, chief clerk, and wages of workmen, rent, and contingent expenses.

The following committee amendments were read:

Line 1, page 2, strike out the words "chief clerk" and insert "cashier."

Line 2, page 2, after the word "annum," insert the following: "who shall perform the duties of the assayer in charge in his absence."

Line 8, page 2, strike out the words "chief clerk" and insert "assayer and cashier."

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to know if this is the establishment of a new office, how much it is going to cost, and the necessity for it.

Mr. McLACHLAN of California. Los Angeles has become a strong center of mining interests. California produces $20,000,000 in gold annually. Since the building of the Salt Lake road it makes Nevada tributary to Los Angeles. Arizona and New Mexico are also tributary to that city.

Mr. MADDEN. How much will it cost?

Mr. MACON. Mr. Speaker, I would like to have order. I want to hear this discussion, for I am very anxious to see whether I am going to give my consent or not.

Mr. McLACHLAN of California. As I was saying, this is a bill to establish an assay office in the city of Los Angeles. The production of gold in California is about $20,000,000 a year. Los Angeles is the center for the mining industries of Nevada since the railroad to Salt Lake was built. Nearly all the mining interests in Arizona and New Mexico center there. Los Angeles is 500 miles south of San Francisco, where there is a mint, and I know of no place in the United States where an assay office of this kind would be of greater advantage than it would in Los Angeles.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. McLACHLAN of California. Certainly.

Mr. STEPHENS of Texas. How many assay offices are there in the United States at this time?

Mr. McLACHLAN of California. I can not tell you.

Mr. STEPHENS of Texas. Where is this assay office proposed to be located?

Mr. McLACHLAN of California. In Los Angeles.

Mr. STEPHENS of Texas. Is it proposed to assay for the Government or for private individuals?

Mr. McLACHLAN of California. Both.

Mr. STEPHENS of Texas. Mr. Speaker, I will state to the gentleman that a few years ago I endeavored to establish at El Paso, Tex., an office of the same character, and failed; and I want to know whether the policy of the Government has been changed since that time or not; and if so, in what respect has it been changed?

Mr. PAYNE. I would like to know, Mr. Speaker, whether this is another assay office?

Mr. McLACHLAN of California. Yes.

Mr. PAYNE. Then I shall object.

Mr. McLACHLAN of California. Mr. Speaker, then I move to suspend the rules, discharge the Committee of the Whole House from the further consideration of the bill, agree to the amendments, and pass the bill.

Mr. PAYNE. And on that I demand a second.

The SPEAKER. A second is ordered under the rule, and the gentleman from California is entitled to twenty minutes and the gentleman from New York to twenty minutes.

Mr. McLACHLAN of California. Mr. Speaker, I do not know that there is anything further that I can say in behalf of this bill than what I have already stated.

Mr. TAWNEY. I would like to have the gentleman from California state the necessity for it. I was not present when he made his statement. We have more assay offices now than we have any use for. I would like to know the necessity for increasing the number.

Mr. McLACHLAN of California. Mr. Speaker, the necessity for this office, as I said before—and the gentleman from Minnesota [Mr. TAWNEY] was not present at that time—is this: Los Angeles has become a great mining center. There is a large amount of mining territory surrounding that city which is naturally tributary to it. As is well known, this city is 500 miles south of the city of San Francisco. Since the railroad was built from Salt Lake to Los Angeles it makes Nevada directly tributary to Los Angeles, and that territory contains many great mining interests.

Nearly all the mining interests in New Mexico and Arizona are also tributary to this city. The mining interests of Mexico are also tributary to it, because of the railways from Los Angeles connecting with cities in that Republic. I know of no place in the United States where an office of this kind would be more beneficial to the people and to the Government itself than the city of Los Angeles. I sincerely hope the bill may pass.

Mr. STEPHENS of Texas. Can the gentleman inform me whether or not there is an office of this character in either of the Territories of Arizona or New Mexico?

Mr. McLACHLAN of California. There is not.

Mr. STEPHENS of Texas. Then, is not that territory tributary to this city?

Mr. McLACHLAN of California. Yes.

Mr. STEPHENS of Texas. And would not the men who prospect and mine in these Territories and who open and develop the mines and that country generally be greatly benefited by it?

Mr. McLACHLAN of California. It is all tributary to the city of Los Angeles by reason of the number of railroad lines running through that section and connecting with Los Angeles. The Southern Pacific runs to Los Angeles through New Mexico and Arizona, and also the Santa Fe.

Mr. COX of Indiana. Is there an assay office in San Francisco?

Mr. McLACHLAN of California. Yes; the mint is there.

Mr. COX of Indiana. I understand the gentleman's bill proposes to establish an assay office where assaying may be done for both the Government and private individuals.

Mr. McLACHLAN of California. Yes.

Mr. COX of Indiana. What is the total expense to be borne by the Government?

Mr. McLACHLAN of California. There will be some expense each year after the establishment of the office, because the Government has to have its own assayer and other minor officials in charge.

Mr. LIVINGSTON. The expense will be anywhere from forty to sixty thousand dollars.

Mr. COX of Indiana. I want to know whether the expense will be borne by the Government partly and partly by private individuals.

Mr. McLACHLAN of California. Both; but for the most by the Government.

Mr. COX of Indiana. In the judgment of the gentleman, what will be the cost to the Government?

Mr. McLACHLAN of California. It will cost about $20,000 to install this office, and the annual expense thereafter will be between three and four thousand dollars.

Mr. LIVINGSTON. I desire to state, Mr. Speaker, that there will not be a cent of that expense paid by private individuals and not a cent by the State of California.

Mr. McLACHLAN of California. The gentleman may be correct, but it will be conducted as all other assay offices are.

Mr. LIVINGSTON. I know I am correct.

Mr. TAWNEY. Will the gentleman please inform the House what the functions of an assay office are, and the relation of those functions to the Government and to the owners of mines?

Mr. McLACHLAN of California. The duty, as I understand it, of an assay office is to assay all bullion brought to the office, to determine its value and fineness, and so forth.

Mr. COX of Indiana. I would like to ask the gentleman another question. Can he tell us how much it will cost the Government a year?

Mr. McLACHLAN of California. In the neighborhood of three or four thousand dollars.

Mr. PAYNE. Mr. Speaker, I yield to the gentleman from Minnesota as much time as he desires.

Mr. TAWNEY. Mr. Speaker, I desire to call the attention of the House to the fact that this is simply adding another unnecessary and additional expense to the Government of the United States.

Mr. CLARK of Missouri. How much will it cost?

Mr. TAWNEY. There is no telling what it will cost. There is one assayer in charge at a salary of $2,500 a year, who shall also perform the duties of melter; an assayer at a salary of $1,800 a year; a cashier at the salary of $1,500—

Who shall perform the duties of the assayer in charge in his absence; and the Secretary of the Treasury is hereby authorized to rent a suitable building for the use of said assay office, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 for salary of assayer in charge, assayer, and cashier, and wages of workmen, rent, and contingent expenses.

That is substantially what we did at the last session of Congress for Utah, and at this session of Congress we were obliged to increase the personnel, although the assay office has just recently begun operations. Now, the object or the prime benefit

of this provision for the assay office is to save the expense to the mine owners who have their assays made, and then the bullion is shipped from the assay office to the mint at the expense of the Government instead of the mine owners shipping their bullion to the mints themselves. That is the only purpose it serves. We have an assay office at St. Louis, we have an assay office at Carson City, Nev., we have an assay office at Salt Lake, Utah, we have one in California, we have one in Seattle, we have one in some place in North Carolina, and we have another one in New Orleans. In all, we have eight and need only about two. We have one in New York which is of value and benefit to the Government, and we have one also in Philadelphia in connection with the mint, but we have all the assay offices we need and more than we have work for them to do to-day. Congress has repeatedly attempted to abolish a great number of these assay offices, but because of the "pull" of the local officials in these assay offices Congress has been unable to accomplish it. It is conceded that many of these assay offices could be abolished without detriment to the public or without detriment to the Government.

Mr. SLAYDEN. What amount of assaying does the office in North Carolina do?

Mr. TAWNEY. If the gentleman will turn to the report of the Director of the Mint, he will find exactly how much is assayed at all these different offices.

Mr. STEPHENS of Texas. Will the gentleman allow me on that point?

Mr. TAWNEY. Yes.

Mr. STEPHENS of Texas. I desire to ask whether or not this creation and running of assay offices by the Government is not on all fours with the creation and maintenance of soil surveys over the United States for the benefit of the farmer; and if so, why should not the miners have the same protection and the same conveniences for finding out the value of their ores as the farmers of the country have to find out the value of their soils for the production of crops?

Mr. TAWNEY. Well, this does not affect miners at all.

Mr. STEPHENS of Texas. It certainly does; it goes directly to their benefit.

Mr. TAWNEY. This is for the benefit of the mine owner. This saves a large part of the cost of the transportation of the bullion from the smelter to the mint.

Mr. STEPHENS of Texas. Will the gentleman permit me to state that the prospectors of this country are usually poor miners and pioneers, who find and open up the mines and then the capitalist develops them afterwards?

Mr. TAWNEY. Not at all; he sells his ore to the smelter.

Mr. STEPHENS of Texas. Certainly.

Mr. TAWNEY. The smelter converts the ore into bullion and transports it to the mint at its own expense. This is merely to save the mine owners a large part of that expense. If the mine is located in the vicinity of a smelter, then it is the mine owner who gets that benefit.

Mr. STEPHENS of Texas. If the gentleman will permit me to state, I will say that the prospector who finds the mine has the same right to have his ore assayed as the owner of soil has to have his farm soils assayed at government expense.

Mr. TAWNEY. Well, but the mine owner does not have his ore assayed at the government expense, but——

Mr. STEPHENS of Texas. I understood so from the gentleman who made the statement——

Mr. TAWNEY. They ship their ore. The gentleman knows as well as other Members of the House that they ship their ore to the smelter. It is the smelter, the people who operate the smelter, who buy his ore and smelt it for him, and then it has to be transported to the mint.

Mr. STEPHENS of Texas. I think that the gentleman is utterly at fault. These assay offices are for the benefit of the prospectors and small mine owners as well as for the men who work the mines, and if these assay offices were established the prospector and miner could have their ores assayed so as to ascertain whether their discoveries are of any value, and they ought to get the benefit of these government assay offices.

Mr. TAWNEY. How ridiculous is that proposition. The benefit of these assay offices——

Mr. STEPHENS of Texas. There are no less than 50,000 poor men prospecting for and working mines in a small way in the mountains of the West.

Mr. TAWNEY. It is not because of the want of assay offices that they do not succeed.

Mr. STEPHENS of Texas. The prospectors and small mine owners are the men who have produced many of the millions of tons of ore that go to your smelters. These men were the pioneers in the mining country, and they will be greatly benefited by the passage of this bill; but they do not seem to have many friends upon this floor, and this is the reason I speak in their behalf. [Applause.]

Mr. TAWNEY. I simply wish to state that this is an absolutely unnecessary expenditure, and when we are facing, as we are to-day, the enormous deficit that we all know exists in our revenues, and in view of the fact that at this session of Congress the appropriations will exceed the appropriations made at any session of Congress in the history of the Government, I can not see any justification for adding to these appropriations an appropriation for unnecessary expenditures.

Mr. McLACHLAN of California. I yield five minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. It is very well known that this Congress is deeply in love with the idea of economy. Until the last few days I thought that word had been lost out of our language. I do not remember to have heard it for some years.

Mr. TAWNEY. Then the gentleman was not attending the last session of the last Congress or the last session of this Congress.

Mr. SMITH of California. I have an impression that the word cropped out a little during the last week of the last session, but it does not seem to come to the surface oftener than about one week in a year.

This is a proposition to assist in the production of original wealth by encouraging the men who take the most hazardous chances in the world in prospecting over the arid regions of the Southwest, where a man's very life is in danger when he goes over those desert hills and mountains in search of gold. Los Angeles has come forward rapidly as the center of the great mining industry, and it is entirely due to the mining interests of the Southwest that all advantages possible be given to the prospectors to determine the value of the ore which they discover and to encourage its development and production. The figures submitted by the chairman of the Appropriation Committee are infinitesimal in proportion to other new enterprises that we have set upon foot. Even within the last twenty-four hours there have been proceedings begun which look to the expenditure of millions of dollars of money, and here we hesitate on a trifle of a few dollars only, which will result in bringing new gold to the currency of the world vastly in excess of any cost there may be.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. SMITH of California. Certainly.

Mr. GOULDEN. What will probably be the amount of business at this point if this assay office were established? How many people would be benefited by it?

Mr. SMITH of California. I can only say in a general way that it will cover the great mining districts of Arizona, New Mexico, southern Nevada, and southern California, where the greatest gold production in the United States is now coming from, and where the hills are full of prospectors; and they ought to be encouraged by this trifling sum of a few dollars.

Mr. GOULDEN. Will the gentleman permit another question?

Mr. SMITH of California. Certainly.

Mr. GOULDEN. About what number of men are engaged in mining operations and prospecting in the districts to be benefited by the establishment of this assay office, approximately?

Mr. SMITH of California. That would be something of a guess, but it runs into the thousands. There are many thousands of men engaged in this business.

Mr. GOULDEN. What will be the total expense of the establishment of this assay office?

Mr. SMITH of California. The chairman of the committee was giving it a few minutes ago. It is trifling—a matter of a few thousand dollars. I did not catch his figures exactly.

Mr. KNOWLAND. If the gentleman will just yield for a moment, I think I can answer his question. The State of California produces $18,000,000 of gold per annum, and about one-third of that is produced in the districts tributary to Los Angeles.

Mr. GOULDEN. It would be a convenience and benefit to those people?

Mr. TAWNEY. One question, if the gentleman will permit. Is it not a fact that the principal result of the establishment of an assay office is to transfer the cost of transporting the bullion from the smelter to the mint, from the owner of the bullion to the Government of the United States?

Mr. SMITH of California. I do not understand that this has anything to do with the mint.

Mr. TAWNEY. That is exactly what it is.

Mr. SMITH of California. It is an assay office and not a mint.

Mr. TAWNEY. You get your assay and send your bullion to the mint. After the assay the expense of transportation falls

upon the Government. Now the expense of transportation is paid by the owner of the bullion.

Mr. GOULDEN. Will the gentleman permit me to ask him a question? Is it a fact that the prospectors and those engaged in the development of that industry would be benefited by the office?

Mr. TAWNEY. Not in the least.

Mr. MANN. That is a matter of opinion, and not of fact. [Cries of "Vote!"]

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. TAWNEY. Division!

The House divided; and there were—ayes 75, noes 102.

Mr. McLACHLAN of California. I demand the yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Eleven have arisen; not a sufficient number; the yeas and nays are refused; the noes have it, and the motion is rejected.

OCEAN MAIL.

Mr. OVERSTREET. Mr. Speaker, I move to suspend the rules and pass Senate bill 28; and pending that, I ask unanimous consent that there may be general debate on the bill for four hours and a half, one-half of the time to be controlled by the gentleman from Tennessee [Mr. MOON] and one-half to be controlled by myself. I would ask the gentleman from Tennessee if that is agreeable?

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. OVERSTREET. I will.

Mr. MADDEN. I would like to ask whether, on this important measure, there will be opportunity for submitting amendments?

Mr. OVERSTREET. Not a motion to suspend the rules.

Mr. MADDEN. Is there not some way in which it can be considered that there will be, so that Members of the House will have an opportunity to offer amendments?

Mr. OVERSTREET. I will say to the gentleman that this late in the day, if the bill should be amended it could not be corrected in the Senate.

Mr. MADDEN. Is there not some way by which Members of the House who would like to vote to increase the facilities for the development of business with South American territory could have a vote on the South American proposition alone?

Mr. OVERSTREET. I can only answer the gentleman as I did at first. I have consulted with the gentlemen who have had charge of the measure on both sides of the Chamber, and it is agreed that if the bill should be amended at all it would be too late to have an agreement with the Senate, and therefore we may just as well vote on the bill.

Mr. MADDEN. I am very sorry that the gentleman in charge of the bill did not think of that a month ago, so that we could have had a month to think over it.

Mr. OVERSTREET. I yield to the gentleman from Tennessee.

Mr. MOON of Tennessee. Mr. Speaker, we would be very glad on this side if there could be more time for debate; we would be very much pleased to consider the bill on its merits; but we realize the situation, the lateness of the session, and the desire of gentlemen interested to have a vote upon the main question; and therefore, so far as we are concerned, we will be satisfied with four hours and a half debate and that the previous question be considered as ordered on the bill.

The SPEAKER. The gentleman from Indiana asks that there be four and a half hours of general debate——

Mr. MANN. Reserving the right to object——

Mr. OVERSTREET. I yield to the gentleman.

Mr. MANN. What time does the gentleman think we would have a vote?

Mr. OVERSTREET. There would be four hours and a half of debate under this agreement. That will give us a vote by 5 o'clock or sooner.

Mr. MANN. The reason I ask that question is because Senate bills on the Private Calendar may be considered under certain conditions. While I have no interest in a bill——

Mr. OVERSTREET. Mr. Speaker, if I can have order, I will modify my request.

The SPEAKER. The House will be in order.

Mr. OVERSTREET. I modify my request for unanimous consent that debate shall not interfere with conference reports, Senate bills——

Mr. MANN. Well, of course, I would not expect to take up the bill that I referred to—a Senate bill on the Private Calendar—until after the ship subsidy is disposed of; but if it is disposed of at any time, the House could remain in session and dispose of other bills.

Mr. STEENERSON. I want to know if this will interfere with the arrangement for the consideration of Senate bills on the Private Calendar?

Mr. LLOYD. Mr. Speaker, it is impossible to hear.

The SPEAKER. Senate bills on the Private Calendar are in order, but there is other business in order. The Chair can not tell what may be the pleasure of the House; but a motion to suspend the rules would evidently take precedence of other business. Now, then, will the gentleman restate his proposition?

Mr. OVERSTREET. I will restate my request.

The SPEAKER. The gentleman from Indiana asks that pending this motion there shall be four and a half hours for general debate, one-half to be controlled by himself, one-half by the gentleman from Tennessee [Mr. MOON], and that this order for debate shall not interfere with conference reports and Senate bills on the House Calendar——

Mr. BURTON of Ohio. A parliamentary inquiry.

The SPEAKER (continuing). Or conference reports which may intervene without reducing the time for debate. Is there objection?

Mr. MANN. Is this to be confined to the bill?

Mr. OVERSTREET. That is the understanding.

The SPEAKER. The Chair hears no objection. The gentleman from Indiana moves to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the consideration of Senate bill 28, and pass the same. Is a second demanded?

Mr. MOON of Tennessee. I demand a second.

The SPEAKER. Under the rule a second is ordered.

Mr. OVERSTREET. Let the bill be read.

The bill was read, as follows:

A bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Be it enacted, etc., That the Postmaster-General is hereby authorized to pay for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America, to the Philippines, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class as provided in said act, and in vessels of the third class on said routes, at a rate per mile not exceeding the rate applicable to vessels of the second class, as provided in said act: *Provided*, That if no contract is made under the provisions of this act for a line of ships between a port on the Atlantic coast south of Cape Charles and South American ports, the Postmaster-General shall, provided two or more lines are established from North Atlantic ports, require that one of said lines shall, upon each outward and homeward voyage, touch at at least two ports on the Atlantic coast south of Cape Charles, regard being had in the selection of such ports of call to geographical location and to the volume of the export and import business of the ports so selected: *Provided further*, That the total expenditure for foreign mail service in any one year shall not exceed the estimated revenue therefrom for that year.

RESURVEY OF THE PUBLIC LANDS.

Mr. MONDELL. Mr. Speaker, I call up the conference report on the bill (H. R. 24835) providing for the necessary resurvey of the public lands, and move the adoption of the same. I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Wyoming calls up a conference report on the bill indicated by him, and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24835) authorizing the necessary resurvey of public lands, having met, after full and free conference have agreed to recommend and to recommend to their respective Houses as follows:

That the Senate recede from its amendment in line 12 striking out the word "twenty" and inserting the word "five."

That the House recede from its disagreement to the amendment of the Senate in line 4 striking out the words "in the manner," and inserting "as he may deem wise under the rectangular system;" and agree to the same.

F. W. MONDELL,
A. J. VOLSTEAD,
JOS. T. ROBINSON,
Managers on the part of the House.

REED SMOOT,
FRANK P. FLINT,
J. H. BANKHEAD,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The amendment of the Senate in line 4 authorizes the Secretary to execute the resurveys or retracements in such manner as he may deem wise instead of following, in every case, the system of contracts and per diem now provided by law, and the change is believed to be in the interest of economy and the speedy adjustment of disputes and conflicts.

The amendment of the Senate in line 12 reduced the amount of the annual appropriation for surveys and resurveys which might be used for the resurveys and retracements authorized by the act from 20 to 5 per cent. The agreement restores the per cent provided for in the House bill, as it is believed that a smaller amount would not be adequate at all times.

F. W. MONDELL,
A. J. VOLSTEAD,
JOS. T. ROBINSON,
Managers on the part of the House.

Mr. MONDELL. I move the adoption of the conference report.

The conference report was agreed to.

OCEAN MAIL.

The House resumed consideration of the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. OVERSTREET. Mr. Speaker, if I may have the attention of the House, I will undertake in a very few minutes, as clearly as I am able, to explain the provisions and effect of this measure.

On March 3, 1891, President Harrison signed what is known as the "ocean mail bill." That bill provided for contracts by the Postmaster-General for vessels which had been constructed with the approval and subject to the inspection of the Secretary of the Navy to carry the mails under such limitations of speed and requirements generally as to the construction of vessels as were set forth in detail in that act. The principle, therefore, of the Government paying subsidies or extra allowances for carrying the mails was established by the Government on March 3, 1891. That principle is not changed in any respect by the terms of the pending bill.

This bill makes three changes, and three only, in the original act. Briefly, the act of 1891 authorized contracts at the discretion of the Postmaster-General with four classes of vessels—first, second, third, and fourth. The first-class vessels were required to be constructed of steel or iron, of a capacity of 8,000 tons; and if they maintained a speed of 20 knots an hour, were permitted to receive $4 a mile per voyage, outgoing.

Vessels of the second class are required to have a tonnage of 5,000 tons, to maintain a speed of 16 knots an hour, and to be constructed of steel or iron, with the approval and subject to the inspection of the Navy Department. They receive a bonus of $2 a mile, outgoing voyage.

Vessels of the third class are required to be constructed under the same limitations as to material and inspection by the Navy Department and to have a tonnage of 2,500 tons and to maintain a speed of 14 knots an hour, and they receive a bonus of $1 a mile outgoing. Vessels of the fourth class are permitted under the same requirements of construction, except that they may be built of steel or wood, and receive 66⅔ cents a mile outgoing voyage and maintain a speed of 12 knots an hour.

This bill proposes no change whatever as to the requirements of construction or inspection by the Navy Department, nor as to speed, except that we are to give the second-class vessels (those now enjoying $2 a mile outgoing voyage) $4 a mile, and vessels of the third class, instead of $1 a mile we grant $2 a mile outgoing. There is no change in the compensation of vessels of either the first or fourth class.

All of the vessels specified in the original act (and there is no change as to this in the pending bill) are, under the terms of the contract, to be subject to the use of the navy in time of war as auxiliary aids to the United States Navy.

Under the terms of this bill there are now five contracts, one from New York to Venezuela, divided into two services. Under this bill the first-class vessels would not be affected, and there is now one contract with first-class vessels. The fourth class will not be affected, and there are now two contracts of the fourth class. There are, therefore, remaining but three of the present contracts that will be affected at all by the pending bill. We have all of these contracts at present in operation on the Atlantic coast side, with the exception of the one from San Francisco to Tahiti. That is the only contract under the ocean mail act of 1891 now in operation on the Pacific coast.

Last spring I predicted that if the bill which was then before the House should fail the Oceanic Steamship Company would be compelled to surrender its contract, as it had become bankrupt. That prophecy has come true. That contract has since been annulled, and there is now but the one contract in operation on the Pacific coast.

Mr. MADDEN. Will the gentleman yield?

Mr. OVERSTREET. Yes.

Mr. MADDEN. This bill reduces the speed from 20 knots to 16 knots and increases the compensation.

Mr. OVERSTREET. It increases the pay of the second class, which now maintains 16 knots, and it can receive the same pay as a vessel maintaining 20 knots.

Mr. MADDEN. The bill also provides that in the future vessels making 14 knots will be paid the same as vessels now making 16 knots.

Mr. OVERSTREET. No. The only change in the rate is in the second and third classes; second-class vessels must make 16 knots and third, 14 knots. These changes will be that the vessel with 16-knot speed will get the same pay as the first class, and those making 14 knots will get the same pay as the second class.

Mr. MADDEN. The gentleman talks about a number of contracts in existence.

Mr. OVERSTREET. Yes.

Mr. MADDEN. And will the gentleman tell us how many vessels there are under contract, where they run from and to, and how much the modification of the contracts in this bill will cost?

Mr. OVERSTREET. If the gentleman will pardon me, I think my analysis will convey the information. It only takes up more time to interrupt me, and I mean no disrespect to the gentleman.

Mr. MADDEN. The gentleman was talking about contracts, and it was so indefinite——

Mr. OVERSTREET. I shall come to that immediately.

Now, Mr. Speaker, I speak at all times with great difficulty, and Members who desire to hear me will have to come nearer, for I shall not speak against all of this confusion.

The SPEAKER. The Chair desires to say that this disorder comes from consultation and conversation. Hereafter the Chair will halt the gentleman who is addressing the House, and we will await order. [Applause.]

Mr. OVERSTREET. Mr. Speaker, I repeat that I shall not raise my voice, and I mean no disrespect, but it is impossible for me, in my physical condition, to speak against so much confusion. Members who desire to hear me will oblige me by coming nearer if the confusion continues.

There are, as I stated a moment ago, five contracts: One with New York under the second-class vessels from Habana to New York, the *Havana*, the *Morro Castle*, the *Saratoga*, the *Esperanza*, the *Merida*, and the *Mexico*, which run from Habana and Vera Cruz. They are all 17 and 18 knot vessels, and are under contract now. The full rate is $1 a mile, outgoing voyage, although they are entitled to $2 a mile. In that particular field so much competition exists that the Postmaster-General has been able to reduce the maximum allowance under the law. The aggregate for the last fiscal year for this particular contract was $201,916.

Another contract with the "Red D" is the *Philadelphia*, the *Caracas*, and the *Maracaibo* and the *Zulia*, from New York to Venezuela, touching at Porto Rico. They are 12-knot vessels, and they operate under the third class. The *Admiral Dewey*, the *Admiral Farragut*, and the *Admiral Schley* and *Admiral Sampson* are 14-knot vessels from Philadelphia and Boston to Jamaica. They receive 66⅔ cents for outgoing voyage.

The first-class vessels operating under the International Mercantile Marine Company are the *St. Louis*, the *St. Paul*, the *New York*, the *Philadelphia*, from New York to Southampton and Cherbourg, all 20-knot vessels, and receive $4 per mile, outgoing voyage.

The total of all these contracts, including the *Tahiti*, on the Pacific coast, aggregates $1,185,149. During the past seventeen years, from the beginning of the first contract under the ocean mail service, in 1871, the Government has paid under these contracts $16,179,127.85, or an average each year of $951,713.99.

During the entire seventeen years of the operation of this law the average has been less than $1,000,000 per year. This bill proposes the change in rates in order to stimulate the mail facilities, to encourage the shipping interests, to improve the trade relations with South America and the Orient, and to afford a valuable auxiliary to the navy in time of war.

It is shown that within seventeen years the Government has not been able to encourage the shipping interests sufficiently to promote competition in the ocean carrying trade. The competition of foreign governments has been so severe that it has

been impossible for the little assistance the American marine has received to stand out against the tremendous pay which the foreign governments have been able to give their own vessels; and therefore we propose, without changing the principle, without any backward step in the policy inaugurated seventeen years ago, to promote the trade of this country, to stimulate the shipping interests in building additional ships, and to encourage the Government in securing auxiliaries for the navy, which we have seen demonstrated to be of such great necessity.

While we have on an average each year paid approximately $1,000,000, the foreign countries with whom our trade is forced to compete average $28,000,000 a year. Great Britain pays to her shipping interests in subsidies between $7,000,000 and $8,000,000 a year. France pays $8,000,000. Governments like Belgium, Sweden, and Norway, and Italy all contribute to the aid of the shipping of their countries, and it all aggregates, as I say, $28,000,000, which is paid in assistance financially to the shipping concerns, as against the paltry $1,000,000 which the United States has to bear. We appropriate annually $1,000,000,000 for the maintenance of this Government, while we give to the trade shipping interests a paltry one-tenth of 1 per cent, as against the tremendous benefits which our competitors receive.

In the second place, in this bill we have a check against possible extravagance, and in aid of economy, to satisfy an opinion which is entitled to respect. We compel the Postmaster-General to expend no greater sum in any one year for this service than the estimated revenue of the foreign mail service for the next fiscal year. While we spend in these bonuses an average of about $1,000,000, we have enjoyed a profit in the ocean mail service, not counting the inland expense of transportation, of over $3,000,000. Last year it was $3,600,000. We propose, therefore, to expend in aid of the revival and resuscitation of the great American merchant marine, which competition has so nearly driven from the seas, the profit of the foreign mail service—in aid of the more expeditious and efficient ocean mail service, and in aid of an auxiliary to the naval establishment and the advancement of American trade.

The third change in this bill is a small change. Ordinarily I would be opposed to it, but at this late hour an amendment to the bill would operate to its defeat. It is a matter of little consequence, and it will not operate to the disadvantage of the general proposition. I refer to the provision in the bill as it came from the Senate to compel the boats to stop at Charleston, S. C., in contract service between New York and South American ports. That, I think, is an inconsequential provision. Ordinarily I would not agree to it, but I do not think it is of such importance as to cause a single Member of this body to vote against the whole provision as carried by the bill. We hope, therefore, Mr. Speaker, that in each of these three principal propositions—the revival of the merchant marine, the increase in the efficiency and expedition in ocean mail, and the aid to the auxiliary force of the navy—this measure may have the support of this House without political prejudice, as it is a business and a commercial proposition. We have just witnessed the return of our magnificent naval fleet from its round-the-world trip. It was accompanied every mile of that wonderfully successful voyage by colliers flying foreign flags. If this measure should prevail, and long enough time be given for the contract service to be developed, it will afford practically 30 additional aids to the naval establishment, which would displace in future the chagrin which the American people were compelled to suffer by seeing their magnificent fleet accompanied by colliers flying foreign flags. I want to emphasize this fact, that if during that great voyage of our fleet, accompanied by colliers, as I have said, flying foreign flags, a single hostile shot had been fired against the fleet, under the laws of nations every one of those colliers would have withdrawn and sailed into their home ports and left that great battle-ship fleet, the pride of this people, stranded in the high seas at the mercy of anyone, because of starvation in fuel alone. If we continue this policy and no additional aid shall be granted by some such measure as this now proposed, we will be still further humiliated, and it will be a tragedy to witness the necessity of this Government sending its munitions of war, its naval supplies, from the Pacific to the Orient in foreign vessels, and most probably in Japanese ships.

Mr. Speaker, it is not my purpose to speak at length. I wish to leave the others more time in which to explain the policy and the effect of this bill. I hope that Members will drive from their minds the prejudice which exists against the measure, and will look on the bill as a business and not a political proposition, and will see the necessity of maintaining the policy for the good of the mail service, the necessity of promoting the policy for the good of trade, and the necessity of developing the policy for the aid of the American navy. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. COCKRAN. Will the gentleman allow me to ask him a question?

Mr. OVERSTREET. Well, I yield for just a question.

Mr. COCKRAN. The gentleman spoke of mail subsidies which Great Britain pays. Under that head of subsidies which Great Britain pays for mail service, I would like to ask how much per pound per mile is the rate of compensation paid there as compared with the rate provided for similar service under this measure?

Mr. OVERSTREET. I can not give that offhand, I am sorry to say.

Mr. PRINCE. I desire to ask the gentleman a question. On page 2 of the bill there is this proviso:

Provided further, That the total expenditure for foreign mail service in any one year shall not exceed the estimated revenue therefrom for that year.

Is there any surplus revenue from foreign mail service paid into the Treasury?

Mr. OVERSTREET. Mr. Speaker, I thought I mentioned that. I am quite sure I mentioned that there was a surplus last year of $3,600,000.

Mr. PRINCE. I did not catch it.

Mr. OVERSTREET. I stated that.

Mr. PRINCE. That is under the present law.

Mr. OVERSTREET. That the surplus of all the foreign mail service.

Mr. PRINCE. What I desire to get at, in plain English, is this: How much difference would there be in the net revenues going to the Government based upon the law as it is now and based upon the law as proposed by you?

Mr. OVERSTREET. I have stated—I remember positively stating—that it was proposed to utilize the surplus in the foreign mail service over and above the expenses of the ocean expense, not including the mail land transportation, in the payment of these bonuses. We are now paying approximately a million dollars, and we would have to pay $3,600,000.

Mr. PRINCE. Does not that add to the deficit in the Post-Office Department?

Mr. OVERSTREET. It goes in, and of course we have a general deficit, but it goes into the Treasury.

Mr. PRINCE. It is in effect a bonus paid out of the Treasury.

Mr. OVERSTREET. Mr. Speaker, I yield forty-five minutes to the gentleman from Indiana [Mr. LANDIS].

[Mr. LANDIS addressed the House. See Appendix.]

CONFERENCE REPORT ON RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON of Ohio. Mr. Speaker, I desire to file a conference report.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

H. R. 28243. To provide for repairs, maintenance, and preservation of public works on rivers and harbors, and for other purposes.

CONFERENCE REPORT ON AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I desire to file a conference report.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

H. R. 27053. Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Parkinson, one of its clerks, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24834) entitled "An act for the protection of the surface rights of entrymen."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 8058) entitled "An act authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior."

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I call up the conference report on the bill H. R. 27053, the agricultural appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Kansas calls up the conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 27053 having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 18, 20, 31, 40, 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 12, 14, 15, 16, 17, 21, 22, 23, 24, 27, 32, 33, 34, 35, 36, 37, 38, 39, 42, 43, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 59, 60, 61, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "six hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one million two hundred and sixty-three thousand seven hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one million four hundred and twenty-seven thousand eight hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out the word "carry," in line 25, page 15, and insert in lieu thereof the words "for carrying;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "two hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one million one hundred and eighty thousand seven hundred and ninety-six dollars;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "two hundred and sixty-two thousand three hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "ten thousand dollars;" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one million seven hundred and nine thousand two hundred and sixty-six dollars;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "one hundred and seventy-three thousand four hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "two hundred and six thousand four hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "twelve million nine hundred and eighty-five thousand and thirty-six dollars;" and the Senate agree to the same.

The committee on conference have been unable to agree on the amendment of the Senate numbered 58.

CHAS. F. SCOTT,
JOHN LAMB,
GILBERT N. HAUGEN,
Managers on the part of the House.

F. E. WARREN,
J. P. DOLLIVER,
H. D. MONEY,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

OFFICE OF THE SECRETARY.

Amendment No. 1, to which the House agrees, restores to the bill the language stricken out upon a point of order on the floor of the House providing for the addition of $500 to the salary of the solicitor.

Amendment No. 2, to which the House agrees, increases the salary of the stenographer and executive clerk to the Secretary of Agriculture from $2,000 to $2,250.

Amendment No. 3, to which the House agrees, restores to the bill the language stricken out upon a point of order on the floor of the House providing for the addition of $500 to the salary of one inspector.

WEATHER BUREAU.

Amendment No. 5, to which the House agrees, restores to the bill the language stricken out upon a point of order on the floor of the House providing for the addition of $1,000 to the salary of the Chief of the Weather Bureau.

BUREAU OF ANIMAL INDUSTRY.

Amendment No. 8 increases by $55,000 the amount allowed by the House for inspection and quarantine work in the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of the stock and the inspection of vessels, the execution of the twenty-eight-hour law, the inspection and quarantine of imported animals, establishment and maintenance of quarantine stations, and the inspection work relative to the existence of contagious diseases, and the tuberculin and mallein testing of animals; and the House recedes with an amendment reducing the increase to $25,000.

BUREAU OF PLANT INDUSTRY.

Amendments Nos. 15 and 21 merely readjust the sums allotted in the respective paragraphs without changing the total of the appropriation; and the House concurs.

Amendment No. 25 increases the appropriation for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil from $146,470 to $250,000, of which sum $50,000 shall be immediately available; and the House recedes with an amendment reducing the amount to $225,000.

Amendments Nos. 28 and 29 refer to the purchase and distribution of valuable seeds. The bill as passed the House appropriated $317,960, of which $272,320 was allotted for seeds for congressional distribution and $45,640 for the collection, testing, propagation, and distribution of rare and valuable seeds from foreign countries. The Senate amendments (28 and 29) do not change the total amount appropriated for the purpose named, but divide it as follows:

For congressional seed distribution	$241,320
For collection and distribution, etc., of foreign seeds	45,640
For testing, distribution, etc., of forage crops	31,000

And the House concurs with an amendment allotting the appropriation as follows:

For congressional seed distribution	$262,320
Collection, distribution, etc., of foreign seeds, etc	45,640
Testing, distribution, etc., of forage crops	10,000

BUREAU OF BIOLOGICAL SURVEY.

Amendment No. 35, to which the House agrees, restores to the bill the appropriation for the maintenance of certain reservations for mammals and birds, reappropriates and makes immediately available the unexpended balance of the $40,000 hereto-

fore appropriated for the Montana National Bison Range, and authorizes its expenditure in fencing the land, erecting necessary buildings and sheds, and enlarging the limits of said range to an area not exceeding 20,000 acres.

DIVISION OF PUBLICATIONS.

Amendment No 38 increases the salary of one foreman miscellaneous distribution from $1,400 to $1,500; and the House recedes.

Amendment No. 39 changes "2 forewomen, at $1,200 each," to "1 forewoman, at $1,400; 1 forewoman, $1,200;" and the House recedes.

Amendment No. 40 provides for one additional clerk of class 2; and the Senate recedes.

Amendment No. 41 provides for one additional clerk, at $720; and the Senate recedes.

Amendment No. 42 provides for one additional skilled laborer, at $900; and the House recedes.

Amendment No. 43 provides for one less skilled laborer, at $720; and the House recedes.

OFFICE OF EXPERIMENT STATIONS.

Amendment No. 46, to which the House agrees, increases the salary of the director from $3,500 to $4,000.

OFFICE OF PUBLIC ROADS.

Amendment No. 49, to which the House agrees, restores to the bill language stricken out on a point of order on the floor of the House providing for an increase in the salary of the director from $2,750 to $3,000.

MISCELLANEOUS.

Amendment No. 59 strikes from the bill the following language: "All discoveries in making paper by the Department of Agriculture shall be patented in the name of the Secretary of Agriculture for the use and benefit of the United States and the people thereof;" and the House concurs.

Amendment No. 60, to which the House agrees, restores to the bill the language stricken out upon a point of order on the floor of the House providing as follows: "And hereafter the Secretary of Agriculture is authorized to permit employees of the Department of Agriculture to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of said department."

Amendment No. 61 confers upon all duly and lawfully constituted and appointed watchmen of the Department of Agriculture stationed in and upon the buildings and premises thereof the same powers and duties while on duty at the Department of Agriculture or its premises as the Metropolitan police of the District of Columbia; and the House agrees to same.

All amendments not noted in this statement are merely verbal or other minor corrections, necessary changes of totals, and the like, and do not in any way alter the meaning of any of the original language or affect the amounts of the appropriations.

Amendment No. 58, which still remains in disagreement, consists of the language inserted by the Senate as a new paragraph, as follows:

Commission on Country Life: For all necessary expenses to enable the Secretary of Agriculture to digest, compile, and publish the material already gathered by the Commission on Country Life, including the employment of the necessary clerical assistance in the city of Washington and elsewhere, $25,000.

The total appropriation carried by this bill:

As it left the House was	$12,883,826
As amended in the Senate it carried	13,075,716
An increase over the House bill of	191,890
As agreed upon by the conferees, the amount appropriated is	12,985,036
A net increase over the amount carried in the bill when it passed the House of	101,210

NOTE.—This does not include the amount specified in the amendment which remains in disagreement.

CHAS. F. SCOTT,
JOHN LAMB,
GILBERT N. HAUGEN,
Managers on the part of the House.

Mr. SCOTT. Mr. Speaker, I move the adoption of the conference report.

Mr. LEVER rose.

The SPEAKER. Does the gentleman yield?

Mr. SCOTT. I yield.

Mr. LEVER. I would like to ask the chairman of the committee what increase has been allowed by the conferees for the boll-weevil work? I did not catch the amount.

Mr. SCOTT. The amount of the increase is $79,000 over that which was allowed by the House, making the total amount for that purpose $225,000.

Mr. LEVER. As I understand, the only thing left in conference, the only thing left in disagreement, is the country-life commission?

Mr. SCOTT. That is the only amendment in disagreement.

Mr. STEPHENS of Texas. I desire to ask why the amount of $25,000 was changed with reference to the amount of money necessary for the protection of cattle from cattle diseases and from the twenty-eight-hour shipment law?

Mr. SCOTT. The Senate amended that paragraph by adding $50,000, as I now recall the figures, and in conference the amendment was reduced to $25,000.

Mr. STEPHENS of Texas. So it leaves $30,000 increase over what the House had it.

Mr. SCOTT. No; I think it leaves $25,000 increase over what the House had it. The statement gives the correct figures, and I speak only from memory. My recollection is the amount as carried in the conference report is $25,000 more than the same item carried as it passed the House.

Mr. STEPHENS of Texas. I am very glad if that is true, because the cattle industry is one of the greatest industries of the country and needs protection.

Mr. SCOTT. Mr. Speaker, I ask for a vote on the proposition to adopt the report.

The question was taken, and the conference report was agreed to.

Mr. SCOTT. Mr. Speaker, I move to further insist upon the remaining disagreements and agree to a conference.

The SPEAKER. The gentleman from Kansas moves that the House do further insist on its disagreement to the Senate amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 58, page 57, after line 9, insert:
"Commission on Country Life: For all necessary expenses to enable the Secretary of Agriculture to digest, compile, and publish the material already gathered by the Commission on Country Life, including the employment of necessary clerical assistance in the city of Washington and elsewhere, $25,000."

Mr. REEDER. Now, Mr. Speaker, I move to recede and concur in this amendment as a substitute to the motion offered by the gentleman from Kansas.

The SPEAKER. The gentleman from Kansas moves that the House recede and concur in the amendment. The gentleman from Kansas [Mr. SCOTT] is entitled to the floor.

Mr. SCOTT. Mr. Speaker, the managers on the part of the House thought they were not warranted in receding and concurring in this amendment for two reasons. In the first place, the matter which it concerns had been given no consideration either by the House Committee on Agriculture or by the House itself. The report of the Commission on Country Life was not made until the appropriation bill, which we have now considered, had been reported and was pending before the House. Obviously it was too late then for any consideration to be given to the subject concerned. So far as your Committee on Agriculture is concerned, we have no knowledge as to the character of the material which this amendment seeks to "digest, compile, and publish," further than that carried in the public print. In a general way it is our information that it consists of replies to several hundred thousand letters which were sent out by the Commission on Country Life and which expressed the opinions of the individual writers concerning the subjects inquired about. It did seem to your managers that before incurring an expense of $25,000 and authorizing in advance the publication of this material some committee of Congress, if not the Congress itself, should have more information as to the character of the material than is now available in order that we might be able to pass an informed judgment as to the probability that it would be of value to the country.

The second reason which governed your managers in refusing to concur in this amendment is found in the amendment of the sundry civil bill which was adopted by the House on February 26. This amendment reads as follows:

That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

This paragraph was inserted in the sundry civil bill by a vote so nearly unanimous that no division was asked for, and your managers therefore regarded it as in effect an instruction to them to agree to no provision which would contravene its provisions. For these reasons it has seemed to your conferees that the amendment should not be agreed to, and we therefore lay it before the House for its consideration.

I now would like to ask my colleague from Kansas how much time he desires?

Mr. REEDER. I really do not know at the present time.

Mr. SCOTT. Five minutes?

Mr. REEDER. I think I will need more than that and I think there are several other Members who will want to speak on this question.

Mr. SCOTT. I yield five minutes to my colleague from Kansas [Mr. REEDER].

Mr. REEDER. Mr. Speaker, in answer to the suggestions made by the chairman of the committee I wish to say one guaranty as to the contents of this report is to be had in the character of the men who have instituted these inquiries and made the report. I cite you to the fact that we have a commission of men who have taken a great deal of pains, traveled all over this country, had a great many hearings, and have spent a great deal of time in collecting the information contained in this report.

We have that excellent and intelligent friend of the farmer in Mr. James Wilson, the Secretary of Agriculture, who desires very much that this report should be compiled and printed in order that he might send this information over this country for the benefit of the farming community. Then I thought when it was being suggested by the chairman that they had not given close attention to the subject, that it might be well to learn whether they had given close attention to the hearings that I have in my hand—the report of the President's Home Commission—before they authorized its being printed. Is the care and study given by the Committee on Agriculture of the report of the Home Commission the reason we have had it printed in the form of a public document? As to the law that was passed a few days ago, I want to say this, that it is clearly the fact, first, it should not be retroactive, and that the House at no time passes any law that it can not afterwards repeal if it so desires. If it is proposed under cover of the amendment which went through on the sundry civil bill to prevent the printing of this report that is to be of value to the farming communities of this country, I believe we ought to set it aside in this case, at least. It is conceded by all that in almost all of our legislation where there is to be a curtailment of expense the farming community, who finally bear the expense, have it deducted from what they should have. For instance, when we came to the Cuban reciprocity, the products relieved from the tariff were the products of the farmer. When we came to the Philippine tariff, the same was true. And now, when we come to the last report to be printed and the information is gathered, a fight is made against the trivial expense of compilation and printing. The information obtained for the benefit of rural life we will make a great mistake if we do not permit it to go forth to the people to be of advantage to the rural communities of the country. I dislike to see the committees of this House when they get an economical streak on strike at the farmers of the country first. We certainly know that there is no man in this country better informed as to what would be of advantage to the agricultural section of the country than the Secretary of Agriculture, and he is anxious to have this report compiled and printed.

It is a trifling sum compared to what we do appropriate for other matters. In many instances it is a great question as to whether they are useful or not. There is no question but this report will bear much good fruit.

People are coming to realize that the very best foundation we can lay for future greatness in this country is in an improved country life; that we should bring country life up to a state where the very best class of people, the most intelligent, will remain on the farm and make farm life what it has been and should continue to be, the foundation of a better government for the future. Hence, I believe we are making a mistake when we come to economize by not publishing what would be of an advantage to the farmers of this country. I cite you again to the fact that Secretary Wilson regards this as one of the things that should be done for the benefit of rural life, and further, that many of the farm bulletins that he has issued are of such a character as to be of great benefit to the farmer. We are sending a great number of them to the country. Much of the matter contained in this report, we are assured, will be of great advantage when sent out in the same way—of farm bulletins. I hope that Members of this House who desire to make the farm more desirable as a place to live will vote with me to concur in this amendment and let this small pittance be used for the benefit of the farmers of this country, as is suggested by the best friend of the farmer in this country, Secretary James Wilson.

I wish to read to you, in the time that I have left, a synopsis of what they treat of in these reports and see if it is such information as ought to be published. We print a great deal of stuff here that is of very little value. This will prove of great value.

The SPEAKER. The time of the gentleman has expired.

Mr. SCOTT. Mr. Speaker, I yield five minutes more to the gentleman from Kansas [Mr. REEDER].

Mr. REEDER. Here is a statement of the purposes of this commission. But, as I have five minutes more, I will first speak to you concerning the men that constitute this commission, in order to show you the character of the men who are to make up this report that Members are trying to suppress without considering it, without knowing what it contains, because they concede they have not examined it, but are condemning it. At the head of this commission we have Mr. L. H. Bailey. He is director of the agricultural experiment station of the State of New York. Next we have Kenton L. Butterfield, president of the Massachusetts Agricultural College. They are two pretty good men, I should say. Then we have Walter H. Page, formerly of North Carolina, now the editor of The World's Work, in New York.

Then we have Gifford Pinchot, our Chief Forester of the United States, whom we all know is the friend of what will build up a better civilization, and there is no one in this House or anywhere else will accuse him of improper motives, although some will insist that, because he will not let people cut all the timber they want, he is overstringent in caring for our forests. Everybody knows that he is a sincere man, who intends to do right. Then we have Hon. C. S. Barrett, the president of the Farmers' Union, an organization of 3,000,000 people. You can scarcely make the farmers believe what he, after careful consideration, calls "useful information" should be suppressed. Then we have W. A. Beard, who is the head of the Sacramento Valley Improvement Association, and chairman of the board of control of the National Irrigation Society, a man of broad and varied intelligence.

So it seems to me the character of these men would warrant us in spending this trivial amount in the interests of the farming communities of this country. Then I desire to show you what they treat of, and they have had 30 different hearings in as many different parts of the country.

Perhaps the chairman of the committee, being from Kansas, does not think it worth while to print this report, because none of the hearings were had in Kansas. Of course, state pride is commendable; but notwithstanding this I think we ought to waive our love for Kansas in the present instance, so as to secure the benefits of the investigations of these great and good men for our people. Here are the many phases of country life which have been looked into:

First, "Disregard of the inherent rights of land workers;" "Speculative holding of lands," probably the greatest detriment to our civilization; "Monopolistic control of streams" are considered. Very important matters. "Wastage and control of forests." There is nothing more important than this to our people, and it is being carefully considered in these hearings. The information secured on this subject should be sent broadcast over this country, especially when we consider the very trifling expense attached. Then there is "The restraint of trade" and "Remedies for the disregard of the inherent rights of the farmer." Then we have "Highways." This is also a very important matter. Then we have "Soil depletion and its effects." The information collected on either one of these topics would pay for all the expense that will be required to spread these reports broadcast through the country.

Then we have "Agricultural labor." Then we have "Statement of the general problem." The question of "Intemperance," our national curse, which happily is passing rapidly into the column of the has-beens, is also taken up, and "Development of local attachments of the farm laborer." "Health in the open country" and "Woman's work on the farm." Then as a third subdivision we have "The general corrective forces that should be set in motion," "Need of agricultural or country life surveys," "Need of a redirected education," "Necessity of working together." We know that there is now a movement going on all over the country to have centralized schools throughout the rural districts that will give an education to the children and youth of farm communities equal to our best seminaries, and avoid the expense and temptations incident to sending children away from home for an education. This one subject alone is worth ten times as much as this report will cost. Then we have "Necessity of working together," "The country church," "Personal ideals and local leadership."

Now, I submit to the gentlemen of the House that it is a very trivial matter to refuse to make appropriation of this small sum for so great a purpose. This report will be of advantage to millions in the country, and this House should sim-

ply respond to the demand and authorize the compilation and the dissemination of the report, even if it is by a commission appointed without direct sanction of law.

Mr. SCOTT. I yield five minutes to the gentleman from Virginia, my colleague on the committee of conference.

Mr. LAMB. Mr. Speaker, your conferees have consistently resisted the adoption of this amendment, for the reason that we believe there is no necessity for it. I believe that this Country Life Commission is just a gratuitous work, and that the objects and purposes at which it aims can be reached and are now being reached by the respective States of this country, and all these measures referred to by the gentleman from Kansas have already been or are now being considered in the respective States. We oppose the centralizing of everything in the Government at Washington, and we are unalterably opposed to the country commission going through the States we represent and dictating how we shall carry on our domestic affairs.

Mr. REEDER. I would like to ask if you will object to well-informed men making suggestions?

Mr. LAMB. We do not need these suggestions.

Mr. REEDER. But there are other parts of the country that think they do.

Mr. LAMB. I do not think they do. I think that the objects, or most of them, have already been reached. And so far as the question of large tracts of land is concerned, I want to say that in the States of the South the farms are growing smaller each year, showing that those lands are being parted with by owners, and that they are being settled upon.

So far as the matter of education is concerned, I tell you this educational spirit is awake in all of the States of this Union, and they will take care of themselves in this matter without suggestions coming from volunteers who go through the States suggesting what is to be done. It is the concentration of authority in a central head at Washington that we resist, and we think there is no necessity for this report being printed, and we are opposed to contributing the money uselessly. We have no money to throw away in this manner.

Mr. REEDER. I want to make one suggestion. It is not concentrating any authority; it is simply making suggestions. I want to say, further, that the suggestions made by the farmers' bulletins of the Agricultural Department in Washington have revolutionized the western country. Further, it would be a great advantage to the South for somebody to make suggestions that would result in covering up those hillsides with something that would prevent the wash of the soil that I noticed last fall when I was down there.

Mr. LAMB. I did not yield for a speech, but a question.

We passed a measure yesterday that, if the Senate approves, will go far in the direction the gentleman suggests. The measures proposed by this commission will not reach the results that these philanthropists and enthusiasts expect.

I hope it will be the pleasure of the House to stand with their conferees on this question.

Mr. SCOTT. I yield five minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, there seems to be some confusion on the part of the managers on the part of the House as to the reasons why they have refused to recognize the value of this report.

I understood the chairman to say that one of the reasons why he was opposed to its publication was that he knew nothing about it; that it had only recently been published; that they had had no opportunity for its examination. Now, I understand the gentleman from Virginia to say that having examined it, it appears to be of but little value, and that it will not accomplish the purposes that the friends of the report seem to think ought to be accomplished.

Mr. SCOTT. Will the gentleman permit me to make a statement that will reconcile these apparent contradictions? The chairman of the committee was referring to the mass of material which has been accumulated, but not yet published. The gentleman from Virginia was referring to the brief report of the commission, which has been published, and which I understand merely summarizes the work that has been done.

Mr. HEPBURN. That undoubtedly removes the criticism that I was making.

I submit, Mr. Speaker, that for very many years it has been the contention of many of the economists of this country that an undue proportion of those raised upon the farm when they reached adult age abandoned the farms and went into city occupations, thereby harming the interests of agriculture, thereby harming in a most material sense the greater interests of production in the United States.

For more than twenty years there has been public discussion in the journals, especially in the agricultural journals and many of the more important magazines of the country, as to the best method of remedying this evil, because no doubt it is an evil if it leaves the farm without proper labor and if it takes from the farm its proportion of the new blood that must go into any and every enterprise if it is to hold its own.

Many suggestions have been made. Finally the President of the United States quite recently selected a number of eminent gentlemen, asking them to give their attention to the subject, and report to the country or to him some method that will bring about a removal of this complained-of evil. They have made this report. As I understand, they have devoted a long time to the study of this question. They are men of eminence, men whose opinions upon this subject will be of value to the whole country. They have finally made their report, and now in order that the country may avail itself of the advantages due from such a report, publicity ought to be given, and it has been thought desirable that the Government should make this appropriation in order that the country may have the benefit of this report.

For some reason or other the report does not find favor in the eyes of some of the gentlemen of this House, and they have proposed that it should not be published. I think that it ought to be. I hope that the motion made by the gentleman from Kansas [Mr. REEDER] will prevail, and that this dispute, the only one now existing between the two Houses upon this great proposition, the agricultural appropriation bill, will be settled by concurring in the Senate amendment and giving to the country this valuable matter that has been collected at so much labor on the part of these most eminent gentlemen.

Mr. STEPHENS of Texas. Will the gentleman yield for a question? He is an eminent lawyer, and I would like to get his opinion on whether the President of the United States has a right to appoint this commission.

Mr. HEPBURN. I do not think it makes a particle of difference whether he has the right or not. Here is the information, and the question is whether the country shall be benefited by it, or whether, because of a doubt as to the right of the President to secure the information, we will refuse to avail ourselves of it.

Mr. STEPHENS of Texas. Does the gentleman not think it would be unsafe to adopt this report?

Mr. HEPBURN. I do not think so.

Mr. SCOTT. Mr. Speaker, I now yield five minutes to the gentleman from South Carolina.

Mr. LEVER. Mr. Speaker, this Country Life Commission is another one of the many commissions and referee boards created by executive order. I am against the motion of the gentleman from Kansas [Mr. REEDER], to take from the Treasury of the United States $25,000 to print this report. I am against it for several reasons. The first, and the most important, is that Congress must call a halt some time upon the creation of commissions and boards by executive order. And the only way you can stop it is by withholding the pap bottle from their mouths, and this is a mighty good place and time to begin. [Applause.]

It was my pleasure to see a great many of the questions sent out by this Country Life Commission in the summer of last year. I think I replied to a couple of them myself, for myself and some of my neighbors. I am confident that the printing of the answers given by myself and my friends around me, while the best we could give, could not be of so much value as would justify an expenditure of $25,000 of the people's money.

Another thing, the Agricultural Department has its thousands and thousands of experts to-day working along the lines of giving to the farmers of this country expert advice. Not only that, but the department is sending out each year millions of farmers' bulletins with a view of giving them that information which the gentleman is seeking to give to them in this Country Life Commission report. Why duplicate that work? Why make an additional expenditure? It is complained that we are not giving enough money to the farmers, and I have made that point myself frequently, but I would like to call the attention of the House to the fact that this bill carries the largest appropriation of any agricultural bill ever reported to the House or passed by the House.

We are called upon to spend $25,000 to publish the information of a lot of theorists on the uplift of the country folk. I have an idea that the good, old-fashioned, sensible farmer in my district knows more about the bettering of farm conditions in South Carolina than all the executive-created boards that were ever appointed by the President.

Mr. COCKS of New York. Will the gentleman yield?

Mr. LEVER. I will yield to the gentleman.

Mr. COCKS of New York. Does not the gentleman know that we give money for so-called "theorists" to go down and advise the farmers of South Carolina?

Mr. LEVER. Of course we do; we have plenty of it. I do not think we ought to duplicate the work. There must be a limit to all things. We do not want to give the farmers too much theory. I think that the best work that the Department of Agriculture is doing is its demonstration work. We have been feeding them on printed matter for forty years, and they are a little tired of it. They want substantial demonstrations of the theories worked out in the department.

Mr. COCKS of New York. Does not the gentleman from South Carolina think that this would be just as valuable as the farmers' bulletin?

Mr. LEVER. I was trying to draw a distinction, and was trying to say that we should show them what to do instead of spending money to teach them by printed matter. The farmers care not a great deal for such teachings. They want to see theories worked out into demonstrations.

Mr. COCKS of New York. I quite agree with the gentleman, but does he not think that this is of great value?

Mr. LEVER. The chances are, judging from the reports of commissions and boards which we have had in the past, that it will not be of much value and will not be read to any extent.

Mr. SCOTT. I now yield five minutes to the gentleman from New York [Mr. COCKS].

Mr. COCKS of New York. Mr. Speaker, I hope the gentlemen understand what the proposition is here, that it is to print the report of the Country Life Commission. I hope they realize what was in the President's mind when he appointed this commission. I want the gentlemen to understand what the President had in his mind when he appointed this commission.

Mr. TAWNEY. Will the gentleman from New York permit an interruption?

Mr. COCKS of New York. Yes.

Mr. TAWNEY. I think the gentleman is mistaken in saying that the proposition is to print the report of the commission. The report has been printed. This is for the purpose of defraying the expense and tabulating the result of the investigation.

Mr. COCKS of New York. And distributing it.

Mr. TAWNEY. Yes; but the report of the commission—that is, the conclusions—have already been printed.

Mr. REEDER. I think the gentleman from Minnesota [Mr. TAWNEY] is mistaken, absolutely. I think that the information is not printed. There is a preliminary report here.

Mr. COCKS of New York. That is my understanding.

Mr. TAWNEY. Here is a report with the conclusions of the commission.

Mr. COCKS of New York. This is not the report.

Mr. TAWNEY. Read the amendment.

Mr. LANDIS. I would like to ask the gentleman what is the size of this report?

Mr. TAWNEY. Nobody knows.

Mr. COCKS of New York. Mr. Speaker, whose time is all this coming out of?

The SPEAKER. The Chair does not know.

Mr. COCKS of New York. Very well; if the Chair does not know and it does not come out of my time I have no objection.

The SPEAKER. Is the gentleman from New York entitled to the floor?

Mr. COCKS of New York. That is my understanding.

The SPEAKER. If that is so, then the gentleman from New York will proceed in order unless he yielded.

Mr. COCKS of New York. I could not help myself. I had to yield.

Mr. LANDIS. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. COCKS of New York. Yes; I yield to the gentleman from Indiana.

Mr. LANDIS. I would like to ask the gentleman from New York the size of this report?

Mr. COCKS of New York. I do not know the size of it.

Mr. LANDIS. For the information of the gentleman from New York—I have not been watching this discussion—I would say that there is now pending before the Committee on Printing a bill that has for its object the printing of a synopsis of this report.

This report as presented to the Congress comprises something like 2,000 pages, but the Secretary has made a synopsis of it, which, I think, is brought within the scope of probably 300 pages, and while I do not venture to say what the committee may do, yet I think it is highly probable that we will present to the House within a few hours a bill providing for the printing of this modified report, the epitome of the 2,000 pages.

Mr. COCKS of New York. The gentleman does not mean this Senate document?

Mr. LANDIS. No, I mean a report of the Country Life Commission.

Mr. COCKS of New York. Well, this is supposed to be that. It states that. It says, Report of Country Life Commission, Senate document—is this what the gentleman refers to?

Mr. LANDIS. I do not know. All I know is that there are 2,000 pages in the original report, and we have had it cut down to about 300.

Mr. COCKS of New York. This contains 65 pages, so I suppose this is not the one.

Mr. LANDIS. I would say this certainly must be a duplicate of the other.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SCOTT. Mr. Speaker, I yield the gentleman two minutes more.

Mr. COCKS of New York. Mr. Speaker, I just want to read one line from the letter of the President to Professor Bailey to give an idea of the object of this whole thing. It says:

> We hope ultimately to double the average yield of wheat and corn per acre, but it is even more important to double the desirability, comfort, and standing of the farmer's life.

Now, then, we publish thousands of bulletins that this Congress does not pass upon at all. The gentleman from Kansas [Mr. SCOTT], the chairman of our committee, says that we have had no chance to pass on this report. That is true. That is also true of other things that we publish and distribute through the Agricultural Department. My object is to get the findings of this commission, and the reason I am so particularly anxious is because I think that the conclusions reached by the gentlemen who compose this commission will be quite as advantageous to our farmers as any of the bulletins by the Agricultural Department. As to the statement of the gentleman from Indiana [Mr. LANDIS], that a synopsis of this report is to be printed in more compact form than that proposed in the Senate amendment, I will be quite willing to accede to that position, but what I do not want is that this House shall go on record as being unwilling to print the result of the labor of these distinguished men, who, while they may be theorists, as the gentleman from South Carolina [Mr. LEVER] characterizes them, are no more theorists than are all of those who are connected with the Agricultural Department and are doing the best they can to further the interests of the agricultural communities. [Applause.]

Mr. SCOTT. Mr. Speaker, I want to take just a minute or two to clear up what seems to be a misapprehension created by the remarks of the gentleman from New York. The amendment inserted in this bill in the Senate, to which we have declined thus far to agree, is:

> For all necessary expenses to digest, compile, and publish the material already gathered by the Commission on Country Life, etc.

It does not refer at all to the report of the commission which the gentleman from Indiana [Mr. LANDIS] has just informed the House is to be published if the House hereafter shall authorize its publication through a bill which the Committee on Printing will report.

Mr. TAWNEY. Where is that material to be deposited—what department?

Mr. SCOTT. With the Department of Agriculture, I suppose.

Mr. LANDIS. What is it we are asked to print that has the 2,000 pages?

Mr. SCOTT. As I understand it, Mr. Speaker, what we are asked here to authorize is the publication of the bulk of the material from which the report to which the gentleman from Indiana refers has been made up and compiled. In my judgment the book of 300 pages, which the gentleman says has been condensed from the report of 2,000 pages, will contain all the meat that there is in this vast amount of material, and certainly all that any farmer is likely to be willing to read. I think it would be just as unreasonable to publish the vast mass of this material, when the report itself is available, as it would be to publish the individual reports that come up from the thousands of farmers and reporters all over the country, from which the estimates of the Statistical Bureau are made up showing the probable crop of cotton or wheat or corn. What the people want is the report. They do not care anything about the material from which it is made.

Mr. LANDIS. And that is what is before the Committee on Printing.

Mr. SCOTT. That is exactly what is before the Committee——

Mr. LANDIS. Before the Committee on Printing?

Mr. SCOTT. I beg the gentleman's pardon; I thought he referred to the Committee on Agriculture. I do not know whether it is pending before the Committee on Printing or not.

Mr. LANDIS. There is something pending before the Committee on Printing that comprises 2,000 pages.

Mr. REEDER. The President's homes commission?

Mr. LANDIS. No; it is this Commission on Country Life.

Mr. SCOTT. I understand from what the gentleman has said that the report pending before his committee is what is made up by this Country Life Commission out of the material which it has gathered.

Mr. LANDIS. You want to print the material?

Mr. SCOTT. Indeed I do not want to print the material. But it is for the House to say whether it shall be printed. It is for the House to say whether it will refuse to concur in the proposition offered by the Senate to publish that material, and the question now before the House is whether that amendment shall be agreed to——

Mr. LANDIS. And the gentleman does not agree to that amendment?

Mr. SCOTT. I do not.

Mr. LANDIS. And I agree with the gentleman.

Mr. REEDER. Mr. Speaker, I would like to have two minutes of time to clear up the water which the chairman of the committee has muddied up.

Mr. SCOTT. I yield two minutes to the gentleman from Kansas [Mr. REEDER].

Mr. REEDER. Mr. Speaker, I think the gentleman is mistaken, and I wish to say the gentleman has in his mind mixed this report with the report of the President's Home Commission, the publication of which has been paid for out of the Treasury. The gentleman from South Carolina seems very badly disturbed about executive orders, and would keep from the farmers valuable information because obtained by executive orders. A very poor theory on which to base legislation. This provision is for the purpose of compiling information that this commission have gathered and on which they have spent a great amount of time. They have had hearings in every part of the United States except Kansas and South Carolina. They have secured an immense amount of information that the Department of Agriculture thinks will be of advantage if it can be published in the way of farmers' bulletins, which will go to the farmer, who will read them and be benefited thereby. The chairman states that this report is all that the people will read.

The information collected pertains to different sections of the country, and the information on different subjects will be published in separate farm bulletins, which can be sent to farmers in the section of the country interested. I do not send bulletins in regard to the cotton-boll weevil to farmers in Kansas, but I do send those which treat of those things which pertain to that section of country. This valuable information will be divided up and will be of vast benefit to the people all over the country, if we are not prevented by those people who are afraid of executive orders from printing this information.

Mr. SCOTT. Mr. Speaker, I yield two minutes to my colleague, the gentleman from Kentucky [Mr. STANLEY].

Mr. STANLEY. Mr. Speaker, I congratulate the country that this marks at least the high tide of commissions. Must we have commissions for everything? If Congress wishes to revise the tariff, it must be done by commission. If we wish to conserve forests, it must be done by commission. If we wish to dredge harbors, it must be done by commission. I think it is about time we authorize a commission to hold an inquest over the Federal Congress to see whether there is any use for its further continuance. [Applause.] Why, sir, now we are to have a country-life commission; we are to have half a dozen high-collared fellows, riding around in automobiles, eating canvasback duck and drinking champagne, to tell the boys out in the country how to consume jowl and greens and hog and hominy, how to make butter, and how to milk cows. [Applause.]

I contend, Mr. Speaker, that we can attend to production and reproduction out in the country without the aid of a city commission. Commission implies authority; commission implies wisdom to advise; and there never was a city commission, there never was a lot of fellows that were willing to live and die here in Washington that knew chicken from turkey, or knew the difference between a kicking cow and a yearling calf. [Laughter.] It is a useless expenditure. It is bringing this thing to a "reductio ad absurdum," and the farmer serenely smiles at the folly. But the expenditure after all comes out of his own pocket, from the sweat of his own brow, and adds to the burden upon his already bowed back. Cease unnecessarily burdening him with taxation and he will not need any commission to tell him how to be happy and prosperous and to raise a large and useful family, an ornament to his country and an example to his distant brothers in the city.

Mr. SCOTT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I have examined the message of the President transmitting the report of the Country Life Commission. I have examined it with care, because I am interested in the uplift of those who are compelled to spend their lives on the farms in this country.

On page 26 of the report of the commission there is a list of twelve questions, as follows:

1. Are the farm homes in your neighborhood as good as they should be under existing conditions?
2. Are the schools in your neighborhood training boys and girls satisfactorily for life on the farm?
3. Do the farmers in your neighborhood get the returns they reasonably should from the sale of their products?
4. Do the farmers in your neighborhood receive from the railroads, highroads, trolley lines, etc., the services they reasonably should have?
5. Do the farmers in your neighborhood receive from the United States postal service, rural telephones, etc., the service they reasonably should expect?
6. Are the farmers and their wives in your neighborhood satisfactorily organized to promote their mutual buying and selling interest?
7. Are the renters of farms in your neighborhood making a satisfactory living?
8. Is the supply of farm labor in your neighborhood satisfactory?
9. Are the conditions surrounding hired labor on the farms in your neighborhood satisfactory to the hired man?
10. Have the farmers in your neighborhood satisfactory facilities for doing their business in banking, credit, insurance, etc.?
11. Are the sanitary conditions of farms in your neighborhood satisfactory?
12. Do the farmers and their wives and families in your neighborhood get together for mutual improvement, entertainment, and social intercourse as much as they should?

What, in your judgment, is the most important single thing to be done for the general betterment of country life?

NOTE.—Following each question are the subquestions: (*a*) Why? (*b*) What suggestions have you to make?

These questions were submitted to about 550,000 persons in the United States. Answers were received from about 115,000 persons, and the commission says that these answers were prepared with much care and with every evidence of good faith. The President attaches as an appendix to his message, as an illustration of the value of the information contained in these letters, a summary of the answers given by a farmer from the State in which my distinguished friend, the leader on this side, lives. It has always seemed to me advisable to print all of the information affecting the relations of the people to the Government that might contribute in any way to the general information of the public. But I wish to read some of the questions submitted to this gentleman and the answers made by him, and which are submitted to this House as conclusive evidence that the information is of value.

I understand it is desired to spend $25,000 in collating and printing these letters and their answers. I shall read:

To the question whether the farmers and their wives in his neighborhood are satisfactorily organized, he answers: "Oh, there is a little one-horse grange gang in our locality, and every darned one thinks they aught to be a king." To the question, "Are the renters of farms in your neighborhood making a satisfactory living?" he answers: "No; because they move about so much hunting a better job." To the question, "Is the supply of farm labor in your neighborhood satisfactory?" the answer is: "No; because the people have gone out of the baby business;" and when asked as to the remedy he answers, "Give a pension to every mother who gives birth to seven living boys on American soil." To the question, "Are the conditions surrounding hired labor on the farm in your neighborhood satisfactory to the hired men?" he answers: "Yes; unless he is a drunken cuss," adding that he would like to blow up the stillhouses and root out whisky and beer. To the question, "Are the sanitary conditions on the farms in your neighborhood satisfactory?" he answers: "No; to careless about chicken yards (and the like) and poorly covered Wells, in one Well on neighbor's farm I counted 7 snakes in the Wall of the Well, and they used the watter daily, his wife dead now and he is looking for another." He ends by stating that the most important single thing to be done for the betterment of country life is "good roads;" but in his answers he shows very clearly that most important of all is the individual equation of the man or woman.

Now, on page 38 of the report of the commission itself I find this, under the title of "Highways:"

The demand for good highways is general among the farmers of the entire United States—

That is an important recent discovery evidently—

Education and good roads are the two needs most frequently mentioned in the hearings. Highways that are usable at all times in the year are now imperative, not only for the marketing of produce, but for the elevation of the social and intellectual status of the open country and the improvement of health by insuring better medical and surgical attendance.

I submit that when this commission prepares a report in which it sets forth the conclusions that the eminent gentlemen constituting the commission will draw from the particular letter to which special reference has been made, and to 100,000 others more or less like it, which are now in the Census Office awaiting the authority of Congress to collate and print the information contained therein, that the people and Congress will obtain all the information that can be of any value. Congress should prevent the completion of the preposterous work of printing such letters as outlined in the appendix to which I have referred.

Mr. WALDO. Will the gentleman allow me to ask him a question?

The SPEAKER. The time of the gentleman has expired.

Mr. WALDO. I would like him to give us the names of these eminent gentlemen.

Mr. FITZGERALD. I shall put them in the RECORD. They are as follows:

L. H. Bailey, Henry Wallace, Kenyon L. Butterfield, Walter H. Page, Gifford Pinchot, C. S. Barrett, and W. A. Beard.

Mr. SCOTT. I now yield to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, I hope the motion of the gentleman from Kansas [Mr. REEDER] will not prevail, not alone because the information gathered from such answers as have been received by the so-called "Country Life Commission," as the gentleman from New York has just read from the report of this commission, are of no practical value to the public, but also because this House has already declared by an almost unanimous vote that no appropriation carried in any appropriation bill shall be available for the payment of the expenses of any commission, or any expenses necessary in tabulating and publishing the results of its investigations unless such commission and investigation are authorized by law. [Applause.]

There is no fundamental political objection to commissions, and there exists no desire to minimize their great usefulness when legally created and their duties lawfully defined. But a commission should be an instrumentality merely in the application of law; it should not be empowered, either by law or executive order, to administer its own discretionary practical judgments, as if it were either law or above the law. Jefferson maintained that there should be as little government as possible. He meant that there should be as little government by mere executive choice as possible, for government by mere executive choice and preference is government by individual officials, not government by the people, of the people, for the people. [Applause.] In that case it would be a government subject to the passions and prejudices of him who governs and to all the limitations of time, place, and energy which he who governs is necessarily subject to. [Applause.]

Mr. REEDER. Will the gentleman permit me right there?

Mr. TAWNEY. I decline to yield. The law should define the duties as well as limit the activities of all commissions, and then their investigations would be within legitimate and legal lines. The appointment of these commissions without authority of law means simply government by executive choice and discretion instead of government by law. [Applause.]

The result of the investigation of this so-called "country life commission" is set forth in the report already printed. This report contains the conclusions of the commission, which conclusions have been referred to by the gentleman from New York. The answers made by one gentleman in Missouri to the inquiries propounded by the commission were regarded by the commission of such importance as to induce it to make this person's answers an appendix, together with the comments of the commission thereon. The commission says that these answers, which they mark "Exhibit A," constitute "one of the most illuminating and incidentally one of the most interesting and amusing of the series sent to the commission." This man from the State of Missouri said, in answer to some of the questions, that he had a wife and 11 living children, he and his wife being of the age of 52 years, and that he owned 520 acres without any mortgage hanging over their heads. This is very important and valuable information and would, I assume, in the estimation of the gentleman from Kansas, be of great benefit to the farmers of his State.

It is information of this kind which they have received and now desire an appropriation of $25,000 to collate and tabulate.

Why, Mr. Speaker, this report is on a par with the report of another commission appointed by the President. This report was recently transmitted by him, together with a special message to Congress. This other report is known as the "Report of the President's homes commission." We may get some idea of the value of the information contained in the reports of these numerous commissions which have recently been created without authority of law by referring briefly to the homes commission report.

First, take the subject of meat inspection. The report says:

In judging the quality and wholesomeness of meat, the color, consistency, and odor are valuable points to be observed.

[Laughter.]

Good beef has a bright red color and marbled appearance, due to the presence of fat; it is firm yet elastic to the touch, moderately moist, and has a characteristic beefy odor.

[Laughter.]

Milk is defined in this report as follows:

Milk is an ideal food. The average composition of cow's milk is: Protein, 4.5; fat, 3; sugar, 4.5; salts, 0.75; water, 87.25.

Now here is a definition of skimmed milk. Without this homes commission report and its illuminating definition of skimmed milk the people of this country would not know of the value of this product:

Skimmed milk is the residue after the cream has been removed.

[Great laughter.]

As it contains the other solids, and is quite cheap, it should become a more popular article of food.

[Laughter.]

Now, here is a definition of butter in this valuable report:

Butter is formed by churning the cream of milk.

[Laughter and applause.]

Mr. SHACKLEFORD. Do you not think the farmers ought to know that?

Mr. MANN. Very important, if true.

Mr. TAWNEY. We have, therefore, the conclusions of the so-called "Country Life Commission" printed in a report, which I hold in my hand, which conclusions are based upon information similar to that contained in the homes commission report; and it is the information furnished by the answers which have been obtained from the people that the committee on the part of the Senate desires to have tabulated and printed at an expense of $25,000. In my judgment this would be an absolute waste of public money and there is no justification whatever for such expenditure, even upon the merits of the proposition and entirely independent of the fact that this commission, like all other commissions created without authority of law, has no legal status. There is, therefore, no justification for the expenditure of money for the purpose of tabulating the results of their investigations and the publishing of such results. I am informed that as much as a carload of these answers has been dumped into one of the great departments of the Government for tabulation, and these answers have been received by the Department of Agriculture in penalty envelopes, which one of the assistant postmasters-general, when before the Committee on Appropriations, characterized as being without legal authority. This appropriation is for the purpose of classifying and so arranging these answers as to furnish interesting reading matter on a subject concerning which the commission that obtained the information had no practical knowledge whatever.

Mr. SCOTT. Mr. Speaker, I demand a vote.

Mr. REEDER. Mr. Speaker, a parliamentary inquiry. I just want to inquire if this style of debate is intended to give the affirmative two or three closing speeches? That is the effect of it.

The SPEAKER. The question is on the motion of the gentleman from Kansas that the House do recede from its disagreement to the Senate amendment and concur in the same.

The question being taken, the motion was rejected.

The SPEAKER. The question is on the motion of the gentleman from Kansas [Mr. SCOTT] that the House do further insist on its disagreement to the Senate amendment and agree to the conference requested by the Senate.

The motion was agreed to, and the Speaker appointed as conferees on the part of the House Mr. SCOTT, Mr. HAUGEN, and Mr. LAMB.

RULES OF THE HOUSE.

Mr. HEPBURN. Mr. Speaker, I ask for a reprint of House resolution 551.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the reprint of the following House resolution, of which the Clerk will report the title.

The CLERK. Resolution No. 551, relating to the rules of the House.

The SPEAKER. Is there objection?

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill (H. R. 28245) with the Senate amendments and to disagree to all of the Senate amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill and disagree to the Senate amendments and agree to the conference asked by the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. FITZGERALD.

OCEAN MAIL.

The House resumed consideration of the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent that all gentlemen may have general leave to print remarks upon Senate bill 28 for five days.

The SPEAKER. The gentleman from Indiana asks unanimous consent that Members have leave to print upon the pending bill for five days. Is there objection?

Mr. MANN. In reference to this bill?

Mr. OVERSTREET. Confining their remarks to the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. OVERSTREET. Now, Mr. Speaker, I ask the gentleman from Tennessee [Mr. MOON] to occupy some time.

Mr. MOON of Tennessee. Mr. Speaker, there are a number of gentlemen who desire to be heard briefly on this bill, and in the disposition of the time which the House has accorded to me I shall only take a few moments for myself, to state briefly the reasons why the minority oppose the passage of this bill.

It may not be out of order for me to state as a preliminary suggestion that this bill occupies an anomalous position in this House. It is reported from the committee by a majority vote in the committee, and yet I dare make the assertion that of that whole committee a majority will vote against the bill upon the floor of this House. It may be seen, therefore, that there is not much unity on the part of the committee on this measure.

I heard with much interest my distinguished friend the chairman of the committee [Mr. OVERSTREET] as he failed to present the real issue to this House and placed before the House an elaborate statement which, whether intentionally or otherwise, concealed the real purpose of this legislation.

I heard the gentleman from Indiana [Mr. LANDIS] confess to this House on a previous occasion that he had opposed and voted against this measure; but now he comes to the House and makes his death-bed repentance and confession. Most confessions of that character, however, are made in a delirium—in a dream. I watched him closely to see what he would say upon the very issue involved in this appropriation bill, yet, alas, he failed to touch the point. In a very beautiful speech, he took this House over into Argentina and described its boundaries and its vast area. He took us to the Amazon and to the Mississippi. From there he took us across the waters and showed us the amount of subsidy that the monarchies of Europe were paying to the preferred classes for the carrying of the mails, and offered that as a suggestion to an intelligent House of Americans why the Treasury of the United States should again be plundered in the interest of private corporations.

Let us be not deceived; the issue here is plain. It is a clear one. Under the act of 1891, which was a subsidy act and was the initial step in granting subsidies to corporations, $4 was paid vessels of the first class carrying the mails, $2 to the second class, $1 to the third class, and two-thirds of $1 to the fourth class.

Gentlemen need not discuss the question of 14 knots and 16 knots in carrying the mails, or whether the mail vessels shall touch one seaport or another in being carried to South America. This is all brush. This bill proposes this: It says that vessels of the second class that now receive $2 shall have $4 per mile, the same as vessels of the first class, for every trip of 4,000 miles made across the sea. It also provides for doubling again the subsidies paid to other classes of vessels.

The whole question is brought to this one issue on the facts now in existence, and upon them alone we can debate this proposition. It is shown in the testimony of the Second Assistant Postmaster-General that to-day from the ocean subsidy, subsidies for these foreign mails, that the sum of $6,500,000 is realized; that the cost of the transportation is $2,900,000; that the difference between the cost of the transportation and the earnings of these lines is the sum of $3,600,000. That is the money that they propose to take out of the Treasury and put into the hands of the ship builders and owners of the United States.

Let me read just for a moment from the hearings the testimony of the Second Assistant Postmaster-General in support of the statement I have just made:

> But we find that the United States has another function to perform. That is the function of carrying the mails. We find that we have an income from the carrying of the mails of more than $6,500,000 a year. Now, the United States does not run its post-office for profit. That $6,500,000 a year can be divided into two parts—the $2,900,000 which represents the cost of the service, and the $3,600,000 which represents the profit. If the United States is satisfied not to have a profit in the business of carrying the mails—and nobody ever dreamed of its carrying the mails for that purpose—and is satisfied to have its mails carried by its own citizens instead of by foreigners, it has right there in its postal income, without asking a penny more from the people in the way of postage or in any way whatever, the very money that is necessary with which to accomplish this great public purpose at a minimum of cost.

In other words, if any branch in the postal service of the United States is making a net income which ought to go to the support of the whole Department of the Post-Office it is proposed, that because gentlemen think that department ought not to be making money out of its service, that whatever net proceeds come shall be given away by another measure to the shipowners and shipbuilders. Who dares say on this floor, and if he dare say it, who can support it, that the facilities are not already sufficient? No man will undertake to demonstrate that the service is not rendered wherever essential to be rendered. Shall we pay two prices for carrying the mails, or four prices, simply to have the flag of the Republic float over the vessels that carry the mails? Mail is now carried by the pound to-day, and the advantage is given to American ships double that of the foreigner. The American ship carries it at 80 cents per pound, not on a subsidized line, and the foreigner is carrying the identical mail at 35 cents a pound in a foreign vessel, and is anxious to get all it can carry.

Mr. Speaker, the minority in this House would indeed be glad to see the merchant marine restored in all its pride and splendor to the high seas. But it does not believe that this great Post-Office Department should be made the fraudulent instrument on the part of men who would increase the aggregate of wealth of these rich corporations and take from the people their revenues. If gentlemen believe that the merchant marine ought to be subsidized, let them come out into the open and present to the American people directly and in a manly way the reason why the subsidy should exist. For one, I believe that when taxes are imposed on the people of the United States the right of Congress (although its power may extend beyond) is limited to the lawful and proper use for economic purposes of these taxes for the administration of the Government, and that not one dollar should go into the hands of individuals or private corporations as a subsidy. [Applause.]

The discussion of the matter, in so far as it has advanced—and it has been true of every discussion we have had of the question—resolves itself at last into a question as to whether it is best to establish a merchant marine by subsidy indirectly. No man can support the position that this Post-Office Department should be made the buffer for this purpose. Gentlemen tell us that the act now under consideration is to amend the act of 1891 and that it will be of great interest to the Navy of the United States. Let us see. The act of 1891 provides that when these contracts are given they shall be given to the highest bidder. It does not direct and authorize a separate mandatory payment, as this act does, of so many dollars, doubling the amount hitherto paid. That act provides also that upon every ship there shall be an American boy who shall be taught seamanship. It provides that each of these vessels shall carry a gun from 4 to 6 inch caliber. Let us think a moment and see what sort of an aid that would be to the American navy. Suppose each one of these vessels had four guns of 6-inch caliber. They would be as utterly helpless before the great navies of the world in a naval conflict as a child would be in the hands of a giant. It is just one of those fraudulent, deceptive, contemptible blinds that has been put into a bill to induce men in a spirit of patriotism to vote for an infernal fraud to plunder the National Treasury. [Applause on the Democratic side.] That is all there is to it. Let no man be deceived by it. Why all these sections about the education of American boys, and about the 4 to 6 pounders on these vessels, and all the minute specifications in reference to the construction of the ship? It amounts to nothing. What do we care so long as the ship is safe that carries the mail? What value can it be to any people to have these little "auxiliaries," as they are called? I do not think we ought to even dignify them by such a name.

Mr. HOBSON. Will the gentleman yield?

Mr. MOON of Tennessee. Yes.

Mr. HOBSON. Was the service rendered during the Spanish war by the steamship *St. Louis* and her consorts of substantial value?

Mr. MOON of Tennessee. Really, Mr. Speaker, I do not know. I do not recollect what that service was. All the recollection I have of the Spanish-American war was the presence and heroic service of the distinguished gentleman from Alabama [Mr. HOBSON] when Mr. Roosevelt was alone in Cuba. [Laughter.]

Mr. Speaker, this bill to-day has another suggestion, a suggestion that is covert. It is intended to bring votes. After provision for double compensation it is provided as follows:

That if no contract is made under the provisions of this act for a line of ships between a port on the Atlantic coast south of Cape Charles and South American ports, the Postmaster-General shall, provided two or more lines are established from North Atlantic ports, require that one of said lines shall, upon each outward and homeward voyage, touch at at least two ports on the Atlantic coast south of Cape Charles, regard being had in the selection of such ports of call to geographical location and to the volume of the export and import business of the ports so selected.

Why was that? That was not an original suggestion in this bill. Opposition, however, was made because of the fact that there was no provision for the touching of these vessels upon the southern coast of the Atlantic. It was well suggested in the consideration of this matter that the Senators or Representatives living along the coast who would be induced to vote for this measure because they thought it would yield some benefit to their section would be deeply deceived. The course pursued by the vessels that would take the mail provided in this section, I am told, will be more than 500 miles from any one of the ports where it is hoped they will touch in the extreme south Atlantic or Gulf coast. The ship will make a deflection of over a thousand miles, and yet men are appealed to to vote for this measure because of that local consideration inconsiderate in and of itself.

But, sir, I do not desire to prolong the discussion which others can handle with more effect than myself, but I do make this suggestion in answer to the gentleman from Indiana [Mr. LANDIS], who said that the time was when the merchant marine of the United States was known upon all the seas. Ah, too true is that statement. The time was when that flag was seen in every civilized port of the world. The time came, however, when that great monument to greed and avarice, the protective tariff, which looked to the interests of a few in order that the interests of the many might be destroyed, was called into existence. The time came when the American people in their arrogance thought that they could sell all things and buy nothing. The time came when by her own laws her doors were closed to foreign trade, and by laws of retaliation in trade ports of the outer world were closed to our marines. Let the merchant marine come to the high seas again. Call her back from where she stands in decay beneath the cliffs that border the shore, with her flag furled and all dismantled and sailless. Call her to the high seas again by tearing down your great tariff wall, by making a reasonable adjustment of the tariff of the United States. Give foreign competition and trade, and then you will see the return of the merchant marine, for it was the greatest in the day when the tariff was the lowest and most reasonable in the history of this country.

But if it shall transpire that even that condition shall not restore the merchant marine, it is the part of manly men representing a manly constituency to openly and boldly make the declaration that money must go from the Federal Treasury in support of the merchant marine. Do not surround the question with the false pretense that the mail interests of the United States can be facilitated by such means when that is not the purpose now and never has been in the consideration of this bill. [Applause.]

Mr. Speaker, I now yield fifteen minutes to the gentleman from Wisconsin [Mr. STAFFORD].

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On February 27, 1909:

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia;"

H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes;"

H. R. 26072. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors;

H. R. 27419. An act to repeal the act of June 29, 1906, granting a pension to Jackson Adkins;

H. R. 28104. An act to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908;

H. R. 27363. An act to provide for improving the navigable capacity of the Sabine and Neches rivers, and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou; and

H. J. Res. 257. Joint resolution to authorize the Secretary of State to invite the Governments of France and Great Britain to participate in the proposed tercentenary celebration of the discovery of Lake Champlain by Samuel de Champlain.

On March 1, 1909:

H. R. 20111. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing;

H. R. 26305. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes; and

H. R. 8734. An act for the relief of Niels P. Larsen.

On March 2, 1909:

H. R. 27068. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes;

H. R. 24149. An act granting to the Montana, Wyoming and Southern Railway Company a right of way across the Fort Keogh Military Reservation, Montana; and

H. J. Res. 231. Joint resolution authorizing the Director of the Census to collect and publish additional statistics.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes.

RIVER AND HARBOR BILL.

Mr. BURTON of Ohio. Mr. Speaker, I desire to call up a conference report and move its adoption. It is a report on the bill H. R. 28243.

The SPEAKER. The gentleman from Ohio calls up the following conference report, the title of which the Clerk will report.

The Clerk read as follows:

The bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent that the reading of the report be dispensed with, and that the statement be read in lieu thereof.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, 7, 12, 13, 14, 15, 16, 19, 21, 25, 26, 45, 52, 58, 69, 73, 82, 83, 84.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 9, 18, 20, 23, 24, 29, 30, 33, 36, 37, 38, 39, 41, 42, 44, 46, 47, 48, 51, 53, 54, 57, 63, 66, 70, 71, 74, 75, 76, 77, 78, 79, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Hingham Harbor, Massachusetts: The balance remaining from appropriations heretofore made for this improvement may be diverted and made available for redredging and improving the channel;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: At the end of the language proposed to be inserted strike out the period and insert the following: "now or heretofore improved by the United States;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the language proposed to be stricken out and at the end thereof strike out the period and insert a colon and the following words: "*Provided*, That such survey shall in no way delay or inter-

fere with the plans for construction already underway;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the language proposed to be inserted insert at the end of section 10 the following: "The Secretary of War is also authorized, in his discretion, to permit any corporation or association of persons in King County, Washington, at their own expense and without cost to the United States Government, to widen, deepen, and straighten the Duwamish River in said King County: *Provided*, That the work so done shall be in accordance with plans approved by the Chief of Engineers of the War Department;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the number of the section, as in the House bill, and in lieu of the language of the section in the House bill insert the following:

SEC. 12. That part of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June thirteenth, nineteen hundred and two, in section one, relating to the Michigan-Lake Superior Power Company, is hereby amended by adding the following:

"The right to the flow of water and riparian, water power, and other rights, now or hereafter owned by the United States in the St. Marys River, in Michigan, shall be forever conserved for the benefit of the Government of the United States, primarily for the purposes of navigation and incidentally for the purpose of having the water power developed, either for the direct use of the United States or by lease or other agreement, through the Secretary of War, who is hereby authorized to make such leases or agreements: *Provided*, That a just and reasonable compensation shall be paid for the use of all waters or water power now or hereafter owned in said St. Marys River by the United States, whether utilized in said river or in any lateral canal, said compensation to be fixed by the Secretary of War: *Provided further*, That under no circumstances shall any rights be granted in said river which will interfere with the needs and uses of navigation or which will limit the absolute control of said land and waters when desired for purposes of navigation by the United States, or for a longer period than thirty years, and the Secretary of War, in his discretion, may provide for readjustment of compensation at periods of ten years, nor shall any such rights be granted without just and adequate compensation. It is intended that any excess of water in the St. Marys River at Sault Ste. Marie, over and above the amount now or hereafter required for the uses of navigation, shall be leased for power purposes by the Secretary of War upon such terms and conditions as shall be best calculated, in his judgment, to insure the development thereof. The Secretary of War may, as often as necessary, make such regulations as in his judgment are reasonable and just and best calculated to carry out the purposes of this section."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the word "eight" insert the word "seven;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Arkansas River, between Little Rock and Ozark, with a view to improving the navigation by locks and dams or otherwise;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "to protect government property" and the semicolon; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Mosquito Inlet to New Smyrna;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In the language proposed strike out "nine" and insert "six;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: At the end of the language proposed strike out the period and insert the following: "from the mouth to Burnt Fort;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Clearwater River from its mouth to Kamiah, with a view to a maximum depth of six feet;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Missouri River at the city of Atchison, with a view to retaining said river in its proper channel;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In addition to striking out the language as proposed, strike out also the following language immediately preceding it: "with a view to its improvement for navigation;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "White Lake Harbor, with a view to providing an entrance channel with a depth of twenty feet and a turning basin;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: "Yellowstone River, from its mouth to Billings, with a view to a four-foot stage of water and the building of a lock at the United States Government dam;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "with a view to dredging the channel and providing a harbor on the east side;" and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the word "Stantonburg" insert the word "Stantonsburg;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Neuse River from Pamlico Sound to New Bern; Trent River up to Quaker Bridge; Pasquotank River up to Elizabeth City, with a view to providing channels to conform with the depth of the authorized waterway to connect the waters of Pamlico Sound with the ocean at Beaufort;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: "Strike out the words "on said Swift Creek;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: Strike out the words "on said Smiths Creek;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "North and South Dakota, Montana, and Missouri." The Missouri River from Sioux City, Iowa, to Fort Benton, Mont.; also at or near Lake Contrary, Missouri, with a view to preventing a diversion of the channel; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: After the word "twenty-nine," inserted by the amendment, insert the words "including the last-named lock;" and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "The North Canadian River, with a view to the diversion of a portion of its waters into the Cimarron River for improving the navigation of the latter river;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: Strike out from the text of the bill the words "to mouth of the Grand River," immediately preceding the language proposed to be inserted, and in lieu of the language proposed, insert the following: "to Tulsa;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Newport Harbor, with a view to the modification and enlargement of the existing projects as indicated in plans 'B' and 'C' contained in House Document Numbered Four hundred and thirty-eight, Fifty-ninth Congress, second session;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In the language proposed, after the word "Pond," insert the words "and the entrance thereto;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In the language proposed to be inserted strike out the words "forming the Tennessee River;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "including a waterway from the protected waters of Narragansett Bay through the ponds and lagoons lying along the southern coast of Rhode Island to Watch Hill and Fishers Island;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Survey for the construction of a continuous inland waterway in the State of California, between suitable points on Humboldt Bay and Eel River, with a view to obtaining a channel of suitable width and a maximum depth of nine feet, or such lesser depths along any section or sections of said waterway as may be found desirable. Such survey shall include an examination of all practicable routes;" and the Senate agree to the same.

THEODORE E. BURTON,
D. S. ALEXANDER,
S. M. SPARKMAN,
Managers on the part of the House.
KNUTE NELSON,
J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The House conferees appointed for conference upon Senate amendments to the bill (H. R. 28243) to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes, would respectfully state that, as shown in the accompanying report, they have agreed with the conferees acting on behalf of the Senate, and they respectfully recommend that said report be adopted.

There are only three changes of importance:

1. The sum appropriated by the House bill for surveys and examinations is increased from $600,000 to $700,000. There is no other increase of appropriation or authorization in the bill as agreed upon.

2. Of the amendments for surveys, added by the Senate, provisions for approximately thirty remain in the bill.

3. Section 12, relating to the ownership and control by the Government of the water power and other rights in the St. Marys River, Michigan, is redrawn, including, however, the essential provisions in the House bill and the Senate amendments, but, as it is believed, with a somewhat clearer definition of the rights of the United States in the premises.

March 2, 1909.

THEODORE E. BURTON,
D. S. ALEXANDER,
S. M. SPARKMAN,
Conferees on the part of the House.

Mr. BURTON of Ohio. Mr. Speaker, I ask for the adoption of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

OCEAN MAIL.

The House resumed consideration of the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. STAFFORD. Mr. Speaker, no one can justify voting for the bill before the House except on the ground that he favors subsidies. It provides for the expenditure of more than $8,000,000 annually, placing the expenditure of this large amount in the discretion of the Postmaster-General. The routes suggested by the Second Assistant Postmaster-General a year ago was for a line from New York to Brazil, with 26 voyages a year, that would cost $598,000; another line from New York to Argentina, with 26 voyages, or once every two weeeks, which would cost $717,000; aggregating for these two lines on the Atlantic coast $1,315,000. On the Pacific coast it was proposed to establish a line with biweekly sailings to Manila, by way of Hawaii, starting from San Francisco, which would cost $900,000; one line from Puget Sound to Japan and to Manila, with 26 sailings in a year, at an aggregate cost of $770,000; another line from San Francisco to Australia, with 18 voyages a year, at an annual cost of $604,000, or an aggregate for the trans-Pacific lines of $2,274,000, or a total, so far as these five lines are concerned, of $3,589,000.

The present service on the Atlantic Ocean for the transshipment of mail every three or four days costs $30,000, and yet it is proposed by this bill to vote for a steamer which leaves New York once every two weeks for Brazil and Argentina, or once a week for either Brazil or Argentine Republic, the enormous sum of $23,000 and $27,577 for each trip, respectively. And you intend to pay under this bill for one voyage from the Pacific coast to Manila the sum of $30,000, and by the other route $34,600, and to Australia the sum of $33,500, these amounts being paid for each individual trip, which to-day costs us on the Pacific coast the aggregate sum of $180,000.

Mr. MANN. In a year.

Mr. STAFFORD. One hundred and eighty thousand dollars for the whole year. No one can contend, so far as the Pacific Ocean service is concerned, that there is not adequate service to-day for the carriage of mail or the transshipment of American freight, but it must be conceded that that transshipment is in foreign bottoms. No one can contend for a moment that this bill, so far as the Pacific Ocean service is concerned, is only for the purpose of seeing the American flag float at the stern of an American-made ship.

On the Atlantic Ocean you propose to spend for one voyage alone on one of these subsidized steamers what it costs the Government for an entire year to carry the mail to South America, and that is $30,000. Why, the number of misstatements which were made by the gentleman from Indiana [Mr. LANDIS] caused me to pale, to suffer, because he would not yield to an interruption when he said that we did not have any adequate freight service to South America to-day; and yet there are to-day 83 dispatches in a year to Brazil alone, and in addition thereto 94 dispatches to Argentina, and the superintendent of foreign mails, in his latest published report, says that this service is regular and reliable.

How else can you defend this proposition if such is the fact, except on the ground of subsidy? Just because England and Germany and other nations are voting large sums of money as subsidies to high-class steamers with high speed is no reason which would justify this Government in following such an extravagant policy, and particularly at this time, when the deficit in the Treasury is confronting and staggering us.

Ah, the gentleman from Alabama [Mr. HOBSON] asked in the question propounded to the gentleman from Tennessee [Mr. MOON] whether the *St. Louis* or the *New York* was of any service in the Spanish-American war. They may have been of service, but I would say to him that this bill does not seek to provide auxiliary cruisers, as the act of 1891 provided, by paying the high value of $4 a mile for first-class steamers, with

the high speed of 20 knots an hour, which might be availed of in times of war.

But this bill provides paying that enormous amount for vessels of the second class of 16 knots speed and of 5,000 tons burden, that could not be of service, and that were not of any service during the Spanish-American war.

We have had this act in force since 1891—seventeen years of trial. Eight routes were first established, and to-day seven of them remain, and on all the lines, including those going to Panama, to Venezuela, and to the Caribbean points, no development at all has occurred. Those boats of the second, third, and fourth classes that were in commisssion under this act were not called upon or availed of by the Government during the Spanish-American war.

Why does the gentleman on this side of the Chamber supporting this measure argue that this act is worthy of extension? The very principle involved in this act after seventeen years of trial shows that it has been found wanting. Who can justify it in the light of the trial of this measure during the past seventeen years, when not one additional line of steamers has been created under the terms of this act? Who can justify adding enormous expenditures, running up into the millions, for the sole benefit of special interests, merely for the sake of seeing the American flag fly upon a few lines of steamers that would be made in American shipyards?

Mr. HOBSON. Will the gentleman yield?

Mr. STAFFORD. I will yield for a question.

Mr. HOBSON. If this does provide for 20-knot ships like the *St. Paul* and *St. Louis*, I ask the gentleman if it would not provide for ships similar to the 49 foreign colliers that have recently taken the coal of the fleet from the Atlantic to the Pacific?

Mr. STAFFORD. Mr. Speaker, the arguments that are being made in behalf of this measure are so far distant from the real issue in the case that gentlemen ought to make apologies for advancing them, and for suggesting on this floor that these vessels are to be used for colliers. Why were they not so used during the Spanish-American war? Why were not the vessels carried under this act called into service during the Spanish-American war? Just because they were unsuited for any naval service. Is there any need for a 14-knot vessel, for which you are going to pay thousands upon thousands of dollars for each trip it makes? Why, if there is need for colliers, let us provide them in the proper way; and we are providing them in the proper place under the navy.

But do not come into this Chamber and try to delude the Members of this body into the belief that this is an aid to our navy, because it is not and never will be used as an aid to our navy. Great Britain is voting millions and millions of dollars to a few fast steamers of high speed that may be called upon in time of war as auxiliary cruisers, but here you are voting the same rate of $4 a mile that the 20-knot steamer of 8,000 tons is receiving to the 16-knot steamer of 5,000 tons. Fleet colliers are provided for in the naval bill, and a contract has recently been let at a cost of $812,000. And yet you are voting that sum of money as a gratuity yearly to some special interest for maintaining but a single line, just because, under the peculiar conditions existing in this country, we can not operate and maintain our shipping—we can not build our ships—on the same economic plane as foreign governments can.

I am not in sympathy with this archaic system of trying to compel the manning of American ships with Americans, when the American people are not inclined by training or disposition to the seafaring life. I recognize the economic fact that some nations incline to the sea; that the Norwegians and Danes and others seek that life, whereas our American people seek the life here at home.

So I say it would be much more profitable for the American people to build these colliers, launch them, and have them ready for use in time of war than to vote this gratuity of millions and millions of dollars, as I have pointed out, to some special interest which does not and which can not maintain itself because of the absence of trade. Why, the gentlemen from the Pacific coast will say, as the gentleman from Indiana [Mr. OVERSTREET] has said, that the instance of the failure of the Oceanic Line of steamers from the Pacific coast to Australia was an instance of the need of this increased amount. I say that shows the futility and the farcical character of this bill, because after a trial of sixteen years, if there had been any trade sufficient to support and justify the subsidy of $300,000 that it received it would have become manifest. Why should you attempt its maintenance by artificial means when there is no traffic to support it? Just merely to pay a bounty which is not called for, because the service to-day is being rendered by other steamers, even though they may be of a slow-going character.

But if there is need of having additional service of fast steamers between Atlantic ports and South American ports, then why grant it to all these subsidized interests, where it is not needed? Why wait until the closing hours of Congress, and then in the last hours bring it up in the committee when there is no opportunity for amendment, under the appeal that if this bill is not enacted into law there will be no legislation whatsoever. For three months those favorable to the subsidy bill had opportunity at any time to present it and ask for its consideration in the Post-Office Committee. But no; they did not give those on this side of the Chamber, who believe in a fair amount being paid for a fast steamship line to South American ports, an opportunity to vote. They wish to crowd it down with this indefensible proposition for the payment of millions and millions of dollars for a service entirely supplementary.

Under the provisions of this bill the Postmaster-General can spend more than $8,000,000 a year because of a clause in the bill which says "the estimated revenue arising from foreign mail service" may be expended, and the report that I have in my hand, which is the last published report of the superintendent of foreign mails, shows that it was $7,863,000 at the close of the fiscal year of 1906. [Loud applause.]

Mr. DAWSON. Will the gentleman yield for a question?

Mr. STAFFORD. With pleasure.

Mr. DAWSON. Do I understand the gentleman from Wisconsin to say that this bill——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DAWSON. I would like the gentleman to be given a minute in order to answer a question or two.

Mr. LLOYD. I will yield the gentleman two minutes.

Mr. DAWSON. Do I understand that under the terms of the act of 1891 and under this bill, if it becomes law, they can enter into a contract for ten years?

Mr. STAFFORD. The law of 1891 presupposes a contract for ten years, and under the proposed amendment the Postmaster-General could expend $8,000,000 annually, which is the estimated revenue at the present time for this character of service.

Mr. DAWSON. So, then, this bill might really dispose of $80,000,000 under contracts during the next ten years?

Mr. STAFFORD. Eighty million dollars could be expended by the Postmaster-General in ten years if the revenues from this service continue as at present. As has been brought out by the chairman of the committee, already $16,000,000 have been expended since the act went into effect, or more than $1,200,000 each year.

Now, I claim, my fellow-Republicans, that this measure can not in any sense be supported as a stimulus to the development of the merchant marine. It has been tried for seventeen years, and no increase has taken place. Where can anyone show a development under the terms of that act during those seventeen years?

It is nothing more nor less than voting the people's money to the extent of millions and millions of dollars in the interest of the favored few. For one I am opposed to that policy of conferring benefits on the few at the expense of the many. Subsidy is odious to the American people because of its favoritism, because of the unmeasured and unmerited gratuity to the beneficiaries regardless of the service rendered. This bill is a subsidy measure pure and simple and should be defeated. [Loud applause.]

Mr. MOON of Tennessee. I yield fifteen minutes to the gentleman from Missouri.

Mr. LLOYD. Mr. Speaker, before I begin my remarks, I wish to call attention to the very important speech that was delivered last Saturday evening to the Missouri Society in this city, giving a description of the Sixtieth Congress, delivered by the Hon. J. J. RUSSELL, of this House. I ask leave that I may extend in the RECORD as a part of my remarks this speech of Mr. RUSSELL on the Sixtieth Congress.

The SPEAKER pro tempore [Mr. WASHBURN]. The gentleman from Missouri asks leave to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The speech of Mr. RUSSELL is as follows:

SPEECH OF HON. JOSEPH J. RUSSELL.

Mr. President, ladies, and gentlemen, at your February meeting, one year ago, I had the pleasure of addressing the Missouri Society. That was my introductory address; this, I fear, will be my valedictory. The brevity of my official life here reminds me of an old couplet I used to read—

"Since so soon I was done for,
I wonder what I was ever begun for."

Upon my last appearance before your society, I addressed you upon the subject, "The impressions of a new Congressman." In one week from this time I will be eligible to make an address upon the subject, "The impressions of an ex-Congressman." But not wishing to anticipate the doubtful inspiration that my retirement will bring, I shall to-night take as my subject "The Sixtieth Congress."

By constitutional limitation the Sixtieth Congress will die next Thursday at 12 o'clock. I come now not to bury it, but to praise it. I will confine my remarks to the popular branch of the United States Congress, not wishing to invade the dignified precincts of the United States Senate. It is not my purpose to speak of Congress as a body, either to condemn or to praise its work. I am not here to speak as a partisan, but as a man and a citizen, one who is proud of his country and her institutions, proud of the American Congress and the personnel of its membership.

The House of Representatives of the Sixtieth Congress is composed of 391 Members, including the Delegates of Territories and the Resident Commissioners of Porto Rico and the Philippine Islands. Ninety-four of those originally elected to this Congress will not be Members of the next. This I am informed is no greater than the usual biennial change. Of this number 10 have died—Wiley of Alabama, Smith of Illinois, Brick of Indiana, Meyer and Davey of Louisiana, Powers of Maine, Foelker of New York, Granger of Rhode Island, Parker of South Dakota, Dunwell of New York, and Slemp of Virginia. In proportion to numbers the mortality in the Senate has been much greater than in the House, although its membership is not one-fourth as large.

Nine Senators have passed away within the last two years, viz: Alger, Proctor, Pettus, Morgan, Bryan, Latimer, Mallory, Whyte, and Allison. Five Members of the House have been elected to the United States Senate—CURTIS of Kansas, SMITH of Michigan, WILLIAMS of Mississippi, BURTON of Ohio, and JONES of Washington—and it is safe to say that not less than 300 of our present membership have fixed a hopeful eye upon a seat in that higher and more dignified body. Three were nominated for governor of their respective States—Lilley of Connecticut, Kitchin of North Carolina, who were successful in the election, and WATSON of Indiana, who failed of election. Three have resigned—Reyburn of Pennsylvania, resigned to become mayor of Philadelphia; Brumm of the same State, to become circuit judge; and Littlefield of Maine, to resume the practice of the law.

Last, but not least, JAMES SCHOOLCRAFT SHERMAN will become Vice-President of the United States on his retirement from the present House. Of the other 72 who will not be Members of the next House, some were not candidates for reelection, some were defeated in their party primaries, but the majority of them were defeated in the general election. Among the last named, I am sorry to say, your speaker is included, and I will not attempt to disguise the fact that my defeat was a great disappointment to me, as I had persuaded myself to believe that if permitted to remain here for a reasonable time that I could be of service to the people of my district, and to do so was the chief ambition that induced me to seek reelection.

I do not believe that many Members of this or any other Congress have sought the place because of the salary paid, and the man who does so is not only unworthy of the place and the honor, but is not inspired by the ambition and motives most essential to a useful and a distinguished public service.

The disappointment of my defeat has not rendered me pessimistic, nor driven me to denunciation. David Crockett, once a Member of Congress from Tennessee, when defeated for reelection, in an address to his constituents, while smarting under the sting of his defeat, said to them: "You can go to h——l, and I'll go to Texas."

I have entertained no such feelings of resentment, but have, instead, felt grateful to my constituents for what they have done for me in the past and hopeful for what they may do in the future. It is gratifying to me to know that after my service through the first session of the Sixtieth Congress I was renominated by the unanimous vote of my own party, and at the general election the majority against me in my district was 387 less than against William J. Bryan, who was a popular idol of the Democratic party throughout the State of Missouri.

But while accepting my defeat philosophically, I am still not more optimistic than the old farmer who usually looked upon the bright side of everything, even in the hours of misfortune, and declared everything for the best. His boy came to him on one occasion and said, "Pap, you know the old ewe that had two lambs; one of the lambs is dead." The old man said, "Well, my son, that is all for the best, as the old ewe could not sufficiently nourish two lambs, and the one will be larger, fatter, and finer." The next day the boy said, "Pap, that other lamb is dead." The old man said, "Well, son, that is all for the best, as the old ewe will now get fat and will produce more wool and better wool." The next day the boy said, "Pap, the old ewe is dead, too." The old man, with some hesitation, said, "Well, my son, it may be all for the best, but I'll be hanged if I believe it."

It may be that my defeat was "all for the best," but you will no doubt be charitable enough to pardon me for saying that I entertain grave doubts upon that proposition.

I have been able to discover but one real consolation in my defeat, and that, I fear, is rather unsubstantial; I have always heard that it is a rare pupil that can enter the graduating class at the first term.

I will not display such bad taste as to attempt to praise my own record as a Member of this Congress, but feel that it is not inappropriate for me to say that I have tried to do my duty in every way and have at least been faithful in my attendance upon the sessions of the House. I am at this time upon three committees, and have been present at every committee meeting. I have never missed a roll call in the House at either session, as the RECORD will show, and I am advised by some of the officers that this is rarely true of any Member of this or any other Congress.

While my good friend, Hon. Marshal Arnold, was in Congress from the district that I now represent, he visited the city of Sikeston, in his home county, where the people gave him a very hearty reception, and he was introduced to the audience by a young and newly elected mayor of the city, who had prepared a very beautiful tribute to the worth of their distinguished guest, but under the peculiar influence of stage fright he forgot his lines. After stating that many Congressmen neglect their duties in the House by spending their time in quest of amusement or in idleness, he said:

"But look at our own Marsh Arnold; he is always there, just like—just like—just like a knot on a log."

It may be that my presence in the House has somewhat resembled a "knot on a log," still I have always felt that I was at least making an effort toward the faithful performance of my duty when present at the sessions of the House.

The public generally scarcely realize the great amount of business that is done, or of the legislation that is sought to be enacted at every session of the United States Congress, and it will no doubt be a surprise to many to know that in this Congress there has been introduced in the House alone over 28,300 bills and resolutions for the consideration of the different committees and for the action of the House when reported by the committees to which they were referred.

The most interesting and distinguished Member of the House is its Speaker, "Uncle Joe" CANNON. He is a unique character; a man with great mental strength, unsurpassed will power; and yet, when separated from his official duties, he is as kind as a woman and as jovial as a schoolboy. He is personally held in very high esteem by all the Members, but many of us are not in love with the rules by which he governs the House, and among the most pronounced objectors against the present rules are the 29 Republican insurgents. Colonel HEPBURN, one of the most distinguished among them, in a speech on the 17th instant mildly complimented the Speaker of the House in these words:

"If we are to have a benevolent despot, then the benevolent gentleman who is our despot would be my choice."

"Uncle Joe" loves to call us his "boys," and more than once has slapped me upon the shoulder and asked, "What can I do for you, my boy?"

On one occasion when I desired recognition I called to see him for that purpose at his private office. He asked me what I wanted, and I told him that I wanted recognition to call up a bill to authorize the construction of a dam in James River. He affectionately took me by the hand and said, "I am for it, my boy, or any other dam bill that you've got." I have never determined whether the adjective was descriptive or used as a matter of emphasis, but I got the recognition and succeeded in getting the bill passed by unanimous vote; however, my bill met with a serious obstruction, as it was one of the few bills of this Congress that have been vetoed by the President.

Some of my Democratic colleagues have suggested to me that having a bill vetoed by the President is a distinction second only to membership in the "Ananias Club," without suffering the stigma of a presidential insinuation against my veracity.

I made a speech in the House recently in answer to the President's veto message, which I am satisfied if the President has read he now deeply regrets his official action in vetoing my bill, but he has not yet made any apologies to me.

Next to "Uncle Joe," the most distinguished man in the Sixtieth Congress is JAMES S. SHERMAN, who will on next Thursday become Vice-President of the United States. He is known as "Sunny Jim," and his beaming, open face and genial disposition fully justify that euphonious appellation. Notwithstanding his election to the vice-presidency, Mr. SHERMAN has remained a Member of Congress and has attended to his ordinary duties in committees and upon the floor of the House. He now almost daily mixes with the Members as before and takes part in the proceedings and the debates. His seat is in a choice location, and in his absence I frequently occupy the same with his consent, which I presume is as near the presidency as I will ever get.

Mr. SHERMAN is personally very popular among the Members, both Democrats and Republicans, all of whom will wish him well on next Thursday when he leaves his seat in the House to become the presiding officer of the United States Senate.

One of the most distinguished men in this Congress is NICHOLAS LONGWORTH, son-in-law of President Roosevelt. To his credit I am glad to say that his relationship with the Chief Executive of the Nation does not even involuntarily raise him in his own estimation above the social level of his colleagues, but he mingles with the Members in the most unostentatious way. He is affable to all, and courteous even to the youngest and humblest Members. He likes to be called plain "Nick," and is seldom, in private conversation, addressed in any other way.

This address would not be complete without the name of JOHN SHARP WILLIAMS, the minority leader of the first session of this Congress. He is a giant in intellect, a man of great learning, very forceful in speech, and the readiest debater in the House. He will be missed more in the next House than anyone who leaves Congress at the end of this session. He resigned his position as minority leader at the beginning of this session, but his mantle has fallen upon the shoulders of a worthy successor, Hon. CHAMP CLARK, whom you all know. He will not only fill the place acceptably to his party associates in the House, but will do honor to the great State of Missouri, that is so loved by him and by all of the members of this society.

Twenty years ago at this time I was speaker of the Missouri legislature, in the one session that CHAMP CLARK served as a member. Our friendship has ever since been strong and sincere and I have every reason to believe will be as enduring as life. I have often felt that one of the greatest pleasures that could come to me would be to have the honor of serving in Congress under him as its Speaker.

Permit me at this juncture to indulge in a conditional prophesy. If the Democrats should be in the majority in the Sixty-second Congress, CHAMP CLARK will be its Speaker, and if Speaker of that House I hope and believe he will be the next Democratic nominee for President of the United States, and it is not improbable that he may be the nominee even though that Congress may not have a Democratic majority. As this is a nonpolitical society I will not now undertake to announce the result of the next presidential election, but I have no doubt that most of the members of this society, regardless of political affiliations, would be glad to see Missouri's distinguished son nominated and elected to this the highest office in the gift of the American people.

There are many strong and effective speakers on the Republican side of the House, among them Mr. BURTON, Colonel HEPBURN, and Mr. TOWNSEND, but the most finished orator, in my opinion, on that side of the House is my good friend WILLIAM A. RODENBERG. His splendid presence, elegant diction, pleasant voice, and easy delivery all combine to make him a very effective speaker. He deserves, and will no doubt receive, higher honors at the hands of his party, and will probably go to the United States Senate by way of the governorship of the State of Illinois.

On the Democratic side of the House our gifted orators are too numerous to mention. CHAMP CLARK and OLLIE M. JAMES are unquestionably first as popular campaign speakers, but as finished, classical orators, perhaps, BOURKE COCKRAN, MORRIS SHEPPARD, and AUGUSTUS O. STANLEY are entitled to the first places, but JOHN WESLEY GAINES, FINIS GARRETT, Captain HOBSON, and many others are able speakers and ready debaters.

CHAMP CLARK has frequently designated the leaders of the majority party in the House as the "big five," referring to the Speaker, SERENO PAYNE, JOHN DALZELL, JAMES S. SHERMAN, and JAMES A. TAWNEY. With my observation in the Sixtieth Congress I think this list should be enlarged so as to include JAMES R. MANN. In my opinion he has

exercised a more potent influence in the Sixtieth Congress in passing bills that he favored, and in defeating bills that he did not favor, than any Member of the House except the Speaker (whom we all understand under the present rules is practically omnipotent), and I desire to say that I think that in most cases not political Mr. MANN is right, and is a very useful Member of the House in defeating bad legislation. I am very glad to number him among my friends and to acknowledge the many courtesies that he has extended to me during my service.

If I were naming a successor to Speaker CANNON in case the House should hereafter remain Republican, I should unhesitatingly say that JAMES A. TAWNEY or JAMES R. MANN will succeed to that honor, and either of them would grace the position and I believe would carefully guard the interests of the people within the limitations fixed by their party's policies.

While at Chicago last summer attending as a spectator at the Republican national convention I was in the headquarters of "Uncle Joe" CANNON, who was a candidate for the Presidency in that convention. Mr. CHAPMAN, of Illinois, who is himself a strong and useful man in the House, was complimenting Mr. TAWNEY, who was also present, for his wise and economical administration as chairman of the Appropriations Committee at the first session of this Congress, and I added that I thought that Mr. TAWNEY, with the assistance of the Democrats, had saved the people many a dollar, which very much amused Mr. TAWNEY and Speaker CANNON. Of course this remark was made in a jocular way, at the same time not without meaning.

The largest man in the Sixtieth Congress is the Hon. CYRUS A. SULLOWAY from New Hampshire, but OLLIE JAMES, if straightened out once and "fed up" a little, would hold him a close second. Mr. SULLOWAY is 6 feet 7 inches in his stocking feet and weighs about 300 pounds. He is chairman of the Invalid Pensions Committee, and as a Union soldier himself, with a heart as big in proportion to his immense physical frame, and with the tenderest sympathetic feelings for the aged and afflicted of humanity everywhere, and especially among the old soldiers, he has had a splendid chance to carry joy and gladness to the hearts and homes of many of his old, blind, and crippled comrades of the late war and their widows. I have had the honor of serving upon his committee and know how faithful he has been in the discharge of his public duties.

The smallest man in stature in the House is JOHN L. BURNETT of Alabama, who is 5 feet and 2 inches tall. On the night of the adjournment of the last session of this Congress, when the usual confusion and frolic incident to such occasions prevailed, Mr. BURNETT sang for the amusement of the House some comic songs, but friends gathered around him so that none except those near could tell who was singing. In compliance with the demand of the balance of the Members, he was induced to stand on the top of a desk, so that we all might see from what cavity the sweet music emanated.

Mr. BURNETT, although small in stature, wears a 7¼ hat, his head is full of a high order of brains, and he is recognized as one of the most reliable and useful Members of the House.

Among the old and venerable Members of the House, the following prominent men may properly be mentioned:

The oldest in years is Mr. NEHEMIAH DAY SPERRY of Connecticut. He is now almost 82 years of age and has been a Member of Congress for many years. He is held in high esteem by his fellow Members, and when he addresses the House is given perfect attention.

Gen. HENRY HARRISON BINGHAM, of Pennsylvania, a gallant Union soldier of the civil war and hero of the battle of Gettysburg. He is the oldest member of the House in continuous service, and is now known as "the father of the House." He has been elected sixteen times, and at the end of the next Congress will have served thirty-two years.

Gen. JOSEPH WARREN KEIFER, of Ohio, was a general in the late civil war and has had many years' service in Congress, and was Speaker in the Forty-seventh Congress. He is still very active and takes a prominent part in all of the debates upon important questions.

Gen. ISAAC R. SHERWOOD, of Ohio, was also a distinguished Union soldier of the civil war, he having participated in more than thirty battles of that conflict. He was, in 1872, elected to Congress as a Republican, but, with the accumulated wisdom of the passing years, he has changed his political opinions and now occupies a seat on the Democratic side of the House. He is a very able and forceful speaker and a strong champion of the just demands of his old comrades who fought for the preservation of the Union.

Colonel THISTLEWOOD, of Illinois, an old soldier and captain in the Union Army of the civil war. He is now 72 years of age, but is an active and useful Member in Congress. And Gen. GEORGE WASHINGTON GORDON, of Tennessee, who was a distinguished and valiant soldier in the cause of the southern confederacy. He now represents ably and well the Memphis district.

Without any reference to myself, or to any of my worthy colleagues who are so unfortunate as to retire from public life at the end of this session of Congress, I am glad to say that Missouri has been ably and well represented. On the Democratic side there are none who stand higher as faithful and able Representatives than CLARK, DE ARMOND, RUCKER, SHACKLEFORD, LLOYD, HAMLIN, ALEXANDER, and BOOHER. On the Republican side there is no more conscientious a servant of his constituents, nor one more highly respected by his colleagues, than Mr. BARTHOLDT.

It may not be inappropriate to say that the Missouri delegation stands high officially, socially, and morally, and even in the hour of its liveliest agitation we suffered no dread of the President's suggestion of the necessity of secret-service men. Our standing had already been established and well understood, but it was last winter emphasized by one of our number [Mr. HAMLIN] actually having his leg broken at a church. I have understood that some Members from other States have sometimes been "broke," but that it did not happen at the church.

Seriously speaking, I am convinced that the American Congress is, as a rule, composed of a high order of men, mentally and morally. Membership here signifies standing at home, and public service here with its duties and responsibilities tends to beget a genuine regard for the welfare of constituents at home and an anxiety to serve them faithfully and well. Among the many strong, active, and useful Members of the House, are UNDERWOOD of Alabama, SHERLEY of Kentucky, FITZGERALD of New York, HENRY of Texas, LEVER and JOHNSON of South Carolina, HITCHCOCK of Nebraska, and HUMPHREYS of Mississippi, all of whom, if they remain in Congress, will be among the leaders.

Mr. MACON, of Arkansas, bears the distinction of being the chief objector on the Democratic side of the House, and by his vigilance and persistence saves the people millions of dollars at every sesion of Congress, and while it may not tend to ingratiate him in the affections of some of his colleagues, it ought to be appreciated by the people of his district and the country at large.

I esteem it no small honor even to have served for a short term in the American Congress, the greatest legislative body in the civilized world, and one now made famous by reason of the distinguished service there of many of the great men and statesmen who have added service to the pages of our country's history. Among them Webster, Clay, Calhoun, John Q. Adams, Jackson, Lincoln, Jeff Davis, Stephens, Benton, Blair, Hendricks, Blaine, Garfield, McKinley, Bland, Reed, Carlisle, and Bryan.

In conclusion, I desire to say a word to the Missouri Society. This will be my last meeting with you—at least, for the present—and I desire to express to you before I go my sincere thanks for the many courtesies that you have extended to me during my stay here. I shall leave with you my very best wishes for the future years. Since I have been a Member of Congress I have attended every meeting of your society when I was in the city, and have enjoyed them both as a means of entertainment and recreation, but more because it seemed to me that it was an evening of suspension of official duties and responsibilities, and a brief visit to Missouri and Missourians.

I want your society to live and grow in membership. I hope your speakers, declaimers, and singers will continue to glorify our grand old State, and assure you that no words of praise can be extravagant.

If permissible for one who is absent from this, the Capital City, and enjoying the companionship of friends and loved ones in our home State, I desire to continue to pay my annual dues and to remain a permanent member of the Missouri Society so long as we both shall live.

Mr. LANDIS. I will also ask the privilege of extending my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. LLOYD. Mr. Speaker, the pending bill has the effect of increasing or doubling the pay that is now given to the ocean steamers in the way of subsidy. This ought to be considered strictly as a business proposition. The Post-Office Department of this Government is a business department and ought to be conducted on business principles. It is proposed here to double the pay that shall be given to certain vessels for carrying the mail. If the proposition was before this Congress to double the compensation that is paid to the railway companies for carrying the mail, there is not a man on the floor that would think for a moment of casting his vote in favor of such a bill; and yet, as a matter of fact, the cost at the present time is about 2.3 cents per pound to carry the mail on a railway train; the average cost is about that sum.

We are paying now for carrying the foreign mails a little over 20 cents per pound on an average. If this bill accomplishes anything, it will have the effect of causing us to pay for carrying the mails to South America about $1,360,000, whereas we now pay less than $100,000 for carrying them. In other words, if this bill accomplishes its purpose so far as South America is concerned, it will cost the Government nearly fifteen times as much to carry the mail between the United States and South America as it is now paying. We, at the present time, pay about $3,000,000 a year for the ocean mail service. There is transported over the seas about 15,000,000 pounds of mail. This bill proposes not to pay per pound, but to pay for distance traveled by the vessel. It does not make any difference whether the vessel shall carry 1 pound, 100 pounds, or 1,000 pounds, the compensation will be the same per mile for carrying the mails.

Mr. COX of Indiana. Would not the vessel be paid even though it did not carry any mail at all?

Mr. LLOYD. Probably so. I do not know how that would be construed. Now, with reference to the mail in the Pacific Ocean, at the present time we are paying a little over $100,000 for carrying that mail. If this bill should become a law and the vessels be placed in service on the Pacific Ocean as it is supposed by the proponents of this bill they will be, then we will pay for carrying the mail on the Pacific Ocean nearly $2,300,000 instead of the $170,000 which we now pay. In other words, both on the Atlantic and the Pacific we will be required to pay, if this bill accomplishes its purpose, fifteen times as much for carrying the mails as we now pay for carrying them.

It will be observed that in carrying the mails between the United States and Europe we have subsidized vessels. It is a strange fact, however, that notwithstanding we have our own vessels which may transport the mails from the United States to Europe, and notwithstanding we pay those steamships for carrying the mails, it is also true that one-half the mail between the United States and Europe is carried in foreign bottoms. Why do we carry the mail in foreign bottoms? Not because our ships do not make 20 knots an hour or 16 knots, as the case may be, but because there are faster vessels in the foreign lines than there is in any American line. Now, that brings us back to the important proposition: What is the duty of the American public? What do the people of this country expect? What does commerce demand? Commerce demands that you shall send the mail on the quickest vessel that will take it to the foreign port, whether it be a foreign vessel or an American vessel. [Applause.] To-day the *Mauretania* and the *Lusitania* are mail ships carrying mail from the United States. Why? Because they are the fastest vessels between the United States and Europe. I am calling your attention to the fact that the senti-

ment back of the proposition that you want to carry the mail under an American flag does not mean anything. What the American wants is to get his mail to Europe as quickly as possible. It is just like the case of the individual. Here is a man going to sail for Europe. Is he going to sail under the American flag? Is it not a desirable thing that every man going to Europe should sail under the American flag?

Mr. WILSON of Pennsylvania. Does the carrying of the American flag mean American ownership?

Mr. LLOYD. No, sir; not necessarily.

Mr. WILSON of Pennsylvania. I thought not.

Mr. LLOYD. Now, I want to call your attention to another thing. It is insisted that we want the American flag at the masthead of the vessel; that we want to carry the mail under our own colors. Certainly we do. We will all agree on that proposition. There is not a man in this presence but is anxious to see the American merchant marine restored.

We are all in favor of carrying the mail beneath the American flag, as well as our freight and our passengers; and yet freight is shipped from the United States in foreign vessels. You travel from this country to another in foreign vessels when you have the opportunity to travel in American vessels. Why? Gentlemen do not stop to consider the question whether a particular boat carries the American flag or the English flag or the German flag; they take the boat which best suits their convenience at the time they want to make the trip.

Now, it is not stated that the effect of this bill will be to build up the American merchant marine. If you will read the debates of 1891 you will ascertain the fact that at that time the law which is now sought to be changed was sought to be enacted because of the fading merchant marine. It was then claimed that if that became a law the merchant marine would be restored to the high seas and you would find the American flag in every port of the world.

To-day we are asked to double the subsidy, and the same argument is made—that if the subsidy is doubled, we will have a line of steamers from New York to South American ports carrying the mail beneath the American flag. There is not one word in the testimony in the hearings before the committee, there is not one authoritative statement that has been given to this body up to this moment that warrants any man in the statement that a single vessel will be built as the result of the passage of this bill.

Now, there is a somewhat mistaken idea with reference to the ownership of the trans-Atlantic line. It is said—and I am not advised on this point—there is more American capital invested in steamship lines than the capital of all the citizens of any other country except one, and that is the citizens of Great Britain. Some of the leading capitalists in the city of New York are said to own one of the great lines running between Europe and the United States, and have a large per cent of the stock of other companies.

What is the situation? Is anything asked to encourage the building up of the mail facilities between the United States and Europe? No. Why? They are not now carried in American bottoms? Why not do that which will cause the mail to be carried to Europe under our flag? You want to carry to South America in American bottoms? Why, it is now carried in foreign bottoms.

I remember when this matter was discussed a year ago, that it was said that there were no steamship lines between the Atlantic ports and South America. This statement was literally true, having reference to American vessels, but there are ten great vessels plying between New York and South American ports. Our mail is now carried in these foreign bottoms. It is now undertaken to build up the merchant marine by creating a subsidy to pay American vessels, and yet that American vessel will not carry the mail unless it carries it swifter than any other vessel that is found in the service, because if England furnishes the vessel, or any other country furnishes one that will carry the mail swifter than our vessels the American merchants will say carry the mail in a foreign bottom because it will be delivered more quickly than in the American bottom.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. LLOYD. Mr. Speaker, I wish to incorporate, as a part of my remarks, the statement that is found in the Journal of Commerce, headed "Enemies of the Merchant Marine."

[From New York Journal of Commerce and Commercial Bulletin, February 25, 1909.]

ENEMIES OF THE MERCHANT MARINE.

We should rejoice to see the merchant marine of the United States built up in any legitimate way, and we regard as its worst enemies those who obstruct the legitimate way by persisting in their subsidy schemes, which would take money from the Public Treasury, collected from all the industries and business of the country, to give a profit to shipowners and shipbuilders who are not permitted to make it by their own enterprise. This would be no more legitimate for one industry or business than for another. Not only is it wrong in principle but we are convinced that it would not be successful in practice so long as other conditions were maintained as they are at present. There is neither reason nor justice in hampering and hindering business in a particular line and then taxing other business to help it over the obstacles put in its way, on the plea that it is important to the Nation. First of all, the obstacles should be removed, and then we could judge how far it needed help and whether there were public grounds to justify help from the Government.

One of the most persistent misrepresentations of the subsidists is that the merchant marine of Great Britain and Germany, the two nations that dominate the commerce of the sea, is sustained by subsidies. It is admitted that, on account of the wide extent of the British Empire and the vast navy that it is bound to maintain, the Government of the United Kingdom does contribute to the support of certain lines of mail steamships which have to be fitted at extra expense for auxiliary naval vessels and are liable to be taken by the Government for such service. So far as there might be just ground for a similar policy in this country it would not be objected to. But these mail and naval subventions do not apply to more than about 5 per cent of the British tonnage and in no degree do they account for the success of the commercial marine of the empire. That owes its existence and prosperity to its freedom from trammels which were removed long ago by the abolition of the old navigation laws that sought to confine the British flag to British-built vessels. The only subsidy granted by the German Government is for mail communication to Africa, Australia, and the Orient. Only one line accepts that, and it has not proved profitable either to the shipping or to German trade with that part of the world. The development of the German merchant marine began with freedom to buy ships or have them built where it would cost least and to get the materials for building them free of tax. The merchant marine of both those nations is free from all restrictions that are not necessary to safety and the proper treatment of crews.

While the shipping of these countries has been growing that of the United States has been languishing because it has no such freedom, but is so hampered with restrictions that it can not compete on the ocean, where there is no escape from competition. Nobody is permitted to buy a foreign-built ship or have a ship built in a foreign yard and run it under the American flag and with an American registry; but that does not promote shipbuilding in this country. The drawback of duties on materials that go into building and equipping seagoing vessels is of no avail, because vessels in which the foreign material may be used can only be employed in the foreign trade. If any of them should prove unprofitable there they would be useless and become a dead loss. There are restrictions and requirements as to the employment of crews that make the sailing of vessels under the American flag much more expensive than under foreign flags. There is plenty of American capital invested in shipping that sails under foreign colors and much American enterprise is enlisted in the business, but neither the enterprise nor the capital could win success under the American flag, because the laws of the country will not permit it.

What the American merchant marine needs is freedom and opportunity to measure itself in a fair rivalry, but the public is deafened to any plea for this by the din kept up by the hungry and clamorous subsidists who seek a profit for private interests from the Public Treasury and at the expense of the people at large. They demand that the Government, which makes the business unprofitable, shall pay to shipowners enough to give them a profit in spite of the burdens put upon them and enable them to pass on a profit to American shipbuilders. To be successful this would have to be extravagantly expensive, and a marine sustained in that way would be in a precarious state all the time.

While those who clamor for subsidies are animated by selfish motives, there is no doubt that by plausible arguments and delusive appeals they win the sympathy and support of many who are only misled and whose motives are patriotic and public-spirited. These consider it a matter of national pride to have a prosperous merchant marine and of humiliation to be without it; but they should admit a difference of opinion as to the manner of securing it without accusing the advocates of a different policy of more selfish motives and less patriotism than their own. For those whose interest in shipping is not that of ownership or operation, but of the general promotion of trade and the country's prosperity, have as much to gain from shipping under the American flag as under any other, and would prefer to see it there on terms of reason and justice, and they can not admit the superior virtue and patriotism of those who evade open competition and honorable rivalry and beg the Government not only to shield them from superior capacity, but to pay them their profit out of money earned by others and paid over for public expenditures and not for private gain.

Mr. MOON of Tennessee. Mr. Speaker, I now yield fifteen minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Speaker, I very much regret that this bill is brought before the House under existing circumstances. In the first place it is, with one day's exception, the last day of this session. It is impossible at this time to give such consideration to this subject as it deserves. Under the rule under which it is brought in, it is impossible to amend it. In discussing this question we should discuss the reasons for the so-called "decadence" of the merchant marine of the United States. That there has been a great falling off in our shipping engaged in the foreign trade, no one can deny. It is a source of regret to us all.

A hundred years ago the sailing ships of the United States visited the remotest bounds. They not only traded with the West Indies, but with the East Indies and with China. By far the largest share of our carrying trade was in American bottoms, which also supplied transportation facilities between many other countries. Our clipper ships were a source of national pride.

Even at the beginning of the civil war the shipping tonnage of the world might be divided into three practically equal parts. Great Britain had one-third, the United States had one-third, and all the other countries of the earth another third. There

was a falling off, however, even before that time, due to a multitude of causes. The first was the earlier utilization, on a large scale, of steam as a method of propulsion in England and other countries. This is somewhat surprising in view of the fact that the steamboat was first tried in our own waters, in the Hudson.

Next to that was the substitution of iron or steel ships for wooden ships, and the prior adoption of the superior materials across the Atlantic. The unfavorable results of these tendencies were greatly aggravated by the ravages of the Confederate cruisers in the civil war. The decline in our bottoms which are used in foreign trade has been continuing ever since, though the domestic tonnage on the Lakes and the Atlantic, Gulf, and Pacific coasts has not only been well maintained, but in fact much increased, so that, as I recollect, the latest statistics show we are even now the second nation on the globe in the total of our shipping tonnage. In addition to all these causes, however, it must be said that we have by legislation voluntarily abdicated whatever claim we may have to maritime supremacy or, indeed, prominence in foreign trade.

Right here I desire to state, Mr. Speaker, that while I favor restricting boats engaged in domestic or coastwise trade to those of American construction, I do not favor it in traffic with foreign countries, and I do not believe we can ever expect to attain to even a fraction of the prominence of former days without doing away with that regulation. This regulation dates from the very earliest history of the Republic. No ship can carry the American flag and engage in either the foreign or coastwise trade unless it is built in American shipyards—a law which has been abandoned by practically every other country in Europe or in the civilized world. Russia has a protective tariff. So do France and Italy and Germany, but each of these countries allows any one of its citizens to purchase ships wherever he may find them; but by our regulation we are precluded not only from the possibility of having ships constructed abroad, but we are kept from opportunities to buy in times like the present, when the shipping industry is depressed and boats can be purchased at a very cheap price.

Now, what do we desire? It is said that those who oppose this bill are standing in the way of the development of our foreign trade, are standing in the way of the carrying of our mails under the American flag. I should be willing to join in any measure providing for the carrying of the mail to Brazil, to South America, to the Orient, provided the field is thrown open to all those who may bid and to those who could buy their boats anywhere. What are we doing right now? Instead of standing in the way of a measure which promotes the carrying of the mails and American goods in American bottoms, we are standing in the way of a monopoly by the American shipyards. [Applause.] I would not by any means disparage the importance of the shipbuilding industry. Let them have the exclusive right to build boats to ply upon the Lakes. Let them have the exclusive right to build boats to ply between New York and Savannah or New York and Galveston, but if we desire to carry our goods or our mails abroad in boats which have the American flag at the masthead, we must fall into line with every other country and allow the purchase of ships anywhere where they can be obtained.

It is said that a man who favors a protective tariff must favor subvention to our shipping. I deny it, and much of the fallacy, much of the fog and confusion which has attached itself to this question rises from a failure to discriminate between the essential features of the two. Any country can establish a domestic policy of high or low tariff, or of no tariff, if it please. It can say to all the world, "You shall not bring your wares here unless you pay a duty," but when you go out on all the oceans and ship your goods over the world you are brought into competition with the whole world, and the principles which pertain to tariff and to local measures of restriction have no application, because there the fittest and the cheapest is sure to survive.

Now, let me say a word in regard to this measure here. It still has the taint of subsidy about it. It is conceded, as I understand, that we shall be paying, and, indeed, that we are paying now, twice as much for carrying mails in ships built in American shipyards and flying the American flag as we are paying to foreign ships.

Can we afford the difference? This experiment has been tried for seventeen years, and it seems to me it has brought very little result in the way of building up the merchant marine. Now, in 1909, we are asked to annihilate the difference in price between the first-class ship with 20-knot speed and the second-class ship of 16-knot speed and to pay twice the amount to the 16-knot ship which was paid before—that is, to raise the rate from $2 to $4 per mile. That does not look as if there had been very much development of our American marine by this mail bill of 1891; and it is also, if we can judge the future by the past, conclusive proof that we shall not build it up in the future by the adoption of this measure.

I want to call attention here very briefly to some other reasons—and those I have given already are sufficient—why our merchant marine has not developed. We are not like Norway, or England, or Scotland, or Ireland, made up of a population predominantly located near to the water. Ours is not a country which is at the same time surrounded by water and with water at no very great distance away at any point. We are not a people with sailors pursuing that avocation from generation to generation.

Mr. HOBSON. Will the gentleman yield for a question?

Mr. BURTON of Ohio. Yes.

Mr. HOBSON. Is the gentleman aware of the fact that in the United States there are more citizens living within a 15-mile radius of water that is navigable along the coast line and can be reached from tributaries to the coast line—more American citizens within reach of sea or water influence than there are similar citizens, barring the population of Asia, in all the rest of the world combined?

Mr. BURTON of Ohio. I am not so sure of that statement, Mr. Speaker, and even if it were true the gentleman from Alabama must take into account the fact that this is a very great country, and it is the proportion of our citizens who are near to the sea on which we should judge this question. Our people have been giving their attention to other pursuits, the marvelous development of our interior country, the development of mines, the cutting of forests, the building up of great manufactures. The whole bent of the people is toward employment on land with the idea that a seafaring life is unagreeable and marked by hardship and by danger.

These facts have exerted an influence which can hardly be weighed in determining the degree in which our merchant marine has declined. Now, to summarize: You are not going to build up a merchant marine by subsidies. I challenge reference to a single country where subsidy has been successful. The more that is given in that manner the more will be demanded; the more you foster habits of dependence, the more you have dependence [applause] and the more you lack that independence and that initiative which are absolutely essential to success in any great branch of industry. You will not build up a merchant marine by giving these mail subsidies or payments.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. MOON of Tennessee. Mr. Speaker, I yield five minutes more to the gentleman from Ohio.

Mr. BURTON of Ohio. Call up the countries in succession and name to us one where there has been a growth of merchant marine, a healthy, permanent growth, under the fostering influence of subsidy. What will be gained in the enlargement of our merchant marine by this bill?

Mr. WEEKS. Mr. Speaker, will the gentleman yield for a question?

Mr. BURTON of Ohio. Yes.

Mr. WEEKS. I would like to ask the gentleman from Ohio if he does not think that Japan would furnish an instance of that kind?

Mr. BURTON of Ohio. Japan is already to an extent, according to reports, abating her policy. She has been discussing the subject and report has been made against subsidies; and another thing—the gentleman knows as well as myself that the growth of Japan has been something marvelous; she has developed along all lines—politically, socially, and economically.

Simply because a country has come to the fore in the world and at the same time has had subsidies, you can not say it is the subsidy which accomplished the results attained. It is to the energy and progressiveness of her people that Japan's place among the nations of the earth is due. [Applause.]

Mr. REEDER. Will the gentleman permit a question?

Mr. BURTON of Ohio. Yes.

Mr. REEDER. Is it not a fact that the difficulty with our merchant marine is the wages we have to pay as compared with the wages paid by other countries?

Mr. BURTON of Ohio. That is one factor.

Mr. REEDER. Is not that the great factor?

Mr. BURTON of Ohio. They are more comfortable, better fed; they have larger wages. I remember once speaking to a foreign seaman who was employed on one of our ships, and he said he received exactly twice as much wages as he did abroad——

Mr. REEDER. And is not that the great thing?

Mr. BURTON of Ohio. That is a very important factor. I wish also to quote from the words of a gentleman who is the owner of large ships on the Pacific coast. He said:

If you relieve us from your navigation laws, if you will allow me to buy ships where I can, if you will leave me alone, I will develop a merchant marine under the American flag without any subsidy or without any special bonus.

[Applause.]

Mr. WILSON of Pennsylvania. Mr. Speaker——

Mr. REEDER. One further question.

Mr. BURTON of Ohio. I will yield to the gentleman from Pennsylvania in just a minute.

Mr. REEDER. Is it not a fact that wages is a much more dominant factor than the cost of the ships in the long run?

Mr. BURTON of Ohio. Figuring on perecentages, it is; but you must bear in mind there is sometimes much greater efficiency in highly paid labor, though right in that connection I want to say the difference in efficiency which would apply in a manufacturing establishment, or at the very edge of the sea in unloading, does not manifest itself in the handling of a boat. You can not very well devise inventions for handling ropes and the numerous forms of labor which must be performed on board ship. I now yield to the gentleman from Pennsylvania.

Mr. WILSON of Pennsylvania. Is it not a fact this bill only provides that a small proportion of the seamen shall be Americans, and that the wages are dependent, not upon the flag that is carried by the ship, but by the port from which the seamen are shipped?

Mr. BURTON of Ohio. The act of 1891, as I recall, provided, not the first year, but later, 50 per cent and——

Mr. WEEKS. Mr. Speaker——

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. WILSON of Pennsylvania. I would like the gentleman to answer my question.

Mr. BURTON of Ohio. Of course that is a feature of our policy which I would not altogether wish to have changed.

Mr. WILSON of Pennsylvania. In regard to the question of wages I had reference to, the rate paid to the seamen is not dependent on the flag that is carried by the ship, but is dependent upon the wages that obtain in the port at which the seamen are shipped.

Mr. BURTON of Ohio. To an extent, that is true, though the fact that is of vital importance here is that the American seamen receive much larger wages than the seamen of other countries.

Mr. WEEKS. Referring once more to Japan, I would like to ask the gentleman from Ohio if he does not know that the subsidies paid this year by Japan are the largest in the history of that country?

Mr. BURTON of Ohio. That may be.

Mr. WEEKS. And further, Mr. Speaker, I would like to ask him if he will not admit that the recent stimulus given to the Japanese and German merchant marine is due very largely to the subsidies that have been paid them?

Mr. BURTON of Ohio. To the German merchant marine?

Mr. WEEKS. Yes.

Mr. BURTON of Ohio. Not by any means. There are two prominent companies over there—the North German Lloyd and the Hamburg-American. One receives a subsidy and the other does not. Judged by the test of dividends, the Hamburg-American, which does not receive a subsidy, is the more prosperous of the two.

Mr. WEEKS. Does not the Hamburg-American receive a subsidy?

Mr. BURTON of Ohio. It receives a reasonable mail payment, not a subsidy. The North German Lloyd does not receive a subsidy in the sense in which the word in commonly used here. Then again, in regard to Japan, the gentleman from Massachusetts [Mr. WEEKS] will admit that under any form of intoxication common to the most familiar walks of life there is a temporary exhilaration. What I say is, that there is no permanent, wholesome growth under a subsidy. [Applause.]

Mr. WEEKS. But exhilaration does not last for years, either from intoxication or anything else.

Mr. WALDO. Does not the gentleman think it is a healthy growth with England?

Mr. BURTON of Ohio. Oh, yes; and that is the one notable country that has built up her merchant marine without subsidies.

Mr. WALDO. They have not any subsidies to-day?

Mr. BURTON of Ohio. They have no subsidies whatever in the sense the term has been used in legislation here. I merely want the gentleman to study the subject for himself, and he will agree with me.

The SPEAKER pro tempore (Mr. WASHBURN in the chair). The time of the gentleman has expired.

Mr. MOON of Tennessee. Mr. Speaker, I yield two minutes more to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. The time is coming when there will be, I have no doubt, a rehabilitation of our merchant marine. When will it be? Not after subsidies, not after extravagant mail payments, but when the tastes and pursuits of our people become still more diversified. When we have exploited every plain and valley for agricultural purposes, and when we have put a factory with a smoking chimney on top of every hill where one can be built, then the thoughts of our people will turn more to the sea. If you did not have these navigation laws, they would tend more in that direction now, for to-day tens of millions of our capital is invested in ships that sail with the flags of England and Germany, and at least some of the owners would be very glad in case those ships owned and controlled by them had an equal chance to have their ship fly the American flag, and that, too, without subsidies. [Loud applause.]

Mr. MOON of Tennessee. Mr. Speaker, I yield fifteen minutes to the gentleman from North Carolina [Mr. SMALL].

[Mr. SMALL addressed the House. See Appendix.]

Mr. MOON of Tennessee. I yield to the gentleman from Georgia.

Mr. ADAMSON. Mr. Speaker, under pretense of expediting foreign mails, this bill is really intended to "rehabilitate" the American merchant marine. It should more properly be styled "bill to impose additional burdens on our people to establish and enrich another privileged class." To restore our merchant marine would be easy if it were really desired that it be done properly and honestly. To "rehabilitate" implies former existence, restoration of which is sought. It is well known that the splendid merchant marine which prior to our civil war whitened every sea with its sails, carrying our commerce and our flag to all countries, returning as argosies to enrich our people with the wealth of all nations, was crippled, destroyed, driven from the ocean by protective tariff, that arch enemy to commerce, the masses of the people, honesty, and good government. If shipping were profitable, our people would invest money in the business. It ceased to be profitable when prohibitory duties prevented our ships from hauling foreign goods into our ports. If they can not bring home foreign goods, there can be no foreign demand for our products, so they could not carry our products abroad. "We can not always sell to people from whom we buy nothing."

They must exchange some of their own products for what they buy from us. Their stock of cash is too limited; they must raise their money, just as our people do, from their products. The greatest evil of protection aside from its immorality, long ago admitted by that great Republican, Theodore Roosevelt, is that it deprives our people of the markets of the world to sell their products. If a few prohibitive duties on leading articles of production in the various foreign countries were reduced to a revenue basis, our 90,000,000 producers could load ships with cargoes easily and profitably exchange for return cargoes, making business satisfactory and gainful to ships and shippers. The reason this is not done is the fear that the profits of a few thousand protected favorites who control the transactions of the other ten millions would either be reduced or rendered a little more troublesome and laborious of realization. Great as was the loss in men and money, the greatest evil of the civil war was the enthronement of greed and the installation of special privilege. While passion and malice clouded reason and blunted the moral sense, a financial oligarchy was established by law at the expense of the people by the destruction of fair and honest banking and financial systems. A manufacturing class was then created and authorized to usurp the taxing functions of the Government, limit the markets of the people, and grow rich by exacting tribute from their fellow-citizens, instead of allowing them to pay fair and just taxes into the Treasury.

It is now proposed to establish another privileged class; but instead of allowing them to thrive by the restoration of fair and honest conditions, their wealth and power must be promoted by taxation—an additional burden on the common people without diminishing the privileges and profits of the classes already intrenched. There should be no objection to appropriating all money necessary to improve mail facilities, foreign and domestic, but indirection is vicious; sham and hypocrisy should have no place in legislation. The pending bill is undoubtedly intended as an entering wedge to the iniquitous ship subsidy. It is an insidious initiation of a scheme hereafter to be claimed as fixing a policy and enlarged into all the enormity and robbery ever hoped for by those who expect to be the beneficiaries. If existing prohibitive duties were reduced to an

honest revenue basis, so as to allow commerce to resume its natural and rightful movement, general prosperity would abound and an overflowing Treasury would enable us to establish and support all the postal facilities we need or want to promote intercourse at home or herald abroad the glad tidings of prosperity and happiness among a hundred million people and our good will for all mankind trading with us in peace and friendship, while we exemplify for universal admiration the success and beneficence of constitutional free government on earth.

Mr. MOON of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. KÜSTERMANN].

Mr. KÜSTERMANN. Mr. Speaker, I much regret that a period of but a few minutes is given to me, because there is probably no one on this floor who has made a more thorough study of how to restore the merchant marine of our good country than I have. [Applause.]

The purpose of this bill now before the House is very clear, It is to give to the Pacific Mail Steamship Company $4 a mile instead of $2. They are now carrying the mail for $2 a mile, but they say "We will surrender our charter if you do not give us $4." Why, it is the same thing every time the naval bill is up we hear of the war with Japan; and every time the subsidy bill is up we hear that the Pacific Mail Steamship Company is going to surrender its charter. [Applause.] If you really want a direct line to South America (and no one wants it more than I do), why do you not follow the example of Great Britain, a country that does not give any subsidy, but simply pays for service rendered?

Great Britain advertises for bids to carry mail over certain lines, not alone the lines of the shipowners of her own country, but of every other country, and the company that will carry the mail the cheapest and most quickly gets the contract. If we want to get a direct route to South America, instead of paying $23,000 for every trip a ship makes there, or $600,000 per year for four ships, why, if we can not get any private interests to take care of that route, then let us have our own government ships carry the mail there. We have a number of colliers and transports that are not always kept busy. We have war vessels that could go there, and let the boys drill on the way; but do not give such a subsidy as is provided for in this bill to these special interests. I tell you right here that the people of the country at large are decidedly against favoring special interests, or against what they call "class legislation." [Applause.]

Now, these subsidy people must be very desperate, because the secretary of the Merchant Marine League has made a personal attack on me in a letter that I have in my hand, and copies of which, I understand, have been received by the four hundred or so Members of this House. This subsidized agent of the Merchant Marine League, like all of his kind, has endeavored to befog the real issue by raising the hue and cry that I am of German birth. Of course I am of German birth. Everyone in this House is well aware of that fact. And, moreover, everyone knows that I am an American citizen in every sense of the word and that no one is more loyal to or more watchful of American interests than myself. Notice the painful effort, then, of this man Penton to create the impression that I am representing foreign interests because I am of German birth:

FEBRUARY 27, 1909.

Hon. GUSTAV KÜSTERMANN,
House of Representatives, Washington, D. C.

SIR: The writer has before him your communication of February 24 in reply to our letter of February 22, with reference to the ocean mail bill now before Congress.

We note that you have avoided answering any of the questions asked and likewise have omitted any reference to the direct statements contained in our letter; but, instead, your communication contains a few glittering generalities and a number of personalities, having no bearing whatever upon the subject under discussion.

You do, however, say in your letter, referring to your own bill before Congress, that—

"There appears to be a wonderfully widespread sentiment on the part of the voting population of the United States in favor of the measure and views I espouse, as opposed to the subsidy grabs which you are advocating."

In view of the fact that the measure which we are so warmly urging is along exactly similar lines, and an amendment to that passed by Congress in 1891 and signed by Benjamin Harrison, then President of the United States, we wonder if you would refer to Benjamin Harrison as a "subsidy grabber."

In view of the fact that this bill has been warmly commended by the President of the United States, by the Vice-President, by all the members of the President's Cabinet, especially by Secretary Root, and has been passed unanimously by the United States Senate, we would like to inquire if you regard these gentlemen also in the class designated by you as "subsidy grabbers," and if you would be willing to tell President Roosevelt, Secretary Root, and others who have so warmly advocated it as an absolute necessity that you regard them as being guilty of a crime of that character—and do it to their face.

In a few days the people of these United States are going to honor a distinguished gentleman in the person of William Howard Taft by formally installing him in the office of President; and if you do not know, you should know, that President-elect Taft in his speech of acceptance of this bill now before Congress as follows:

"The only respect in which nothing has been done is in the development of our foreign marine. As long as we uphold the system of protection for our home industries, we must recognize that it is applicable to assist those of our citizens engaged in the foreign shipping business, because there is no feasible means of excluding foreign competition, and that the only method of building up such a business is by direct aid in the form of a mail subsidy.

"I am in favor of the bill considered in the last Congress as a tentative step. The establishment of direct steamship lines between our Atlantic ports and South America would certainly do much to develop a trade that might be made far greater. On the Pacific the whole shipping trade threatens to pass into the control of Japan. Something ought to be done, and the bill which failed was a step in the right direction."

We would like to be advised if, when you meet Mr. Taft after he has formally become President, you would be willing to say to him that you regard him likewise as belonging to that questionable class of people who are faithless to the trust with which they are charged, and that in your judgment he is a "subsidy grabber."

This bill has likewise received, after earnest consideration, the warm approval of a large number of your colleagues, men whose character in Congress and out of Congress are above suspicion. Are we to infer that you regard them as being deserving of the dishonorable term used in your letter and subject to the suspicion which your communication indicates should be directed toward legislation of this character?

Do you mean to say that the Speaker of the House of Representatives, Hon. JOSEPH G. CANNON, has favored this measure because it is a "subsidy grab?" If so, would you dare to tell him?

This ocean mail act has been indorsed, approved, and urged upon your favorable consideration by practically every national association of business men in the United States, including the American Bankers' Association, the National Association of Manufacturers, the National Board of Trade, and a large number of others. Do you mean to say that your wisdom is so far superior to all these organizations combined; that it is a "subsidy grab" they favor, and that the thousands and hundreds of thousands of business men who are hoping Congress will act favorably, in order that they may have direct facilities for carrying their mails, passengers, and commodities to South America and other countries where now we have no direct lines and no business, are all imbued with a dishonorable motive?

Do you mean to say that the gentlemen whose names appear on this letterhead are "subsidy grabbers?" Do you mean to say that the officers of this league are "subsidy grabbers?" Do you dare to imply that in sacrificing their time, their money, and effort in behalf of American commerce, American manufactures, and the American flag, they are all inspired by some mean, contemptible, and despicable self-interest of which every honorable man should be ashamed?

The vice-president of our league in your State of Wisconsin is Mr. W. H. Whiteside, president of the Allis-Chalmers Company, a plant employing from three to five thousand workingmen, and the writer would be willing to wager something that you would never stand and tell him face to face that he is either a "subsidy grabber" or a friend of "subsidy grabbing." The ninth district of Wisconsin would very quickly need another Congressman if you ever attempted it.

Just for your information, I want to say to you that there is no section of the United States where the people are more thoroughly alive upon this subject than in your own State. There is no State in the Union in which there have appeared more frequently favorable editorials than in your own State, and such highly respected papers as the Milwaukee Wisconsin, the Appleton Post, and the Janesville Gazette, and others have frequently published splendid editorials indicating a deep study of this entire subject in a way that ought to convince anyone but a highly prejudiced individual.

It seems to us that for anyone born and educated in Germany, and who commenced his business career in Hamburg, where are located the headquarters of the great European steamship trusts, to come to this country and question the intelligence of its loyal citizens in advocating a measure in behalf of the American flag, shows poor taste, to say the least.

The Küstermann bill, proposed by you, and which is becoming more generally known as the "Hamburg bill," is, of course, very warmly indorsed and supported and urged upon the favorable consideration of Congress by the large and influential lobby representing the foreign shipowners and ship operators who are thronging the lobbies of the Washington hotels and of the Capitol. They and their friends in Congress are doing all they can by offering every sort of specious excuse in opposition to the proposed legislation, which has been so earnestly urged by everybody who knows anything about it, and are trying to clog the wheels of legislation and prevent the Stars and Stripes flying at the mastheads of American steamships.

It has actually come to this, that representatives of the foreign governments, foreign shipowners, ship operators, and shipbuilders have the effrontery, right in the city of Washington, with the aid of those who favor legislation in their interest, to attempt to thwart the will of the great majority of the American people; but the writer wants to advise you that the Stars and Stripes in the future, as in the past, will always win out. Maybe not as soon as it would if not hampered by those who pretend to be its friends, but it will win; and a new day is about to dawn for our flag, as far as its commerce is concerned, in spite of the efforts of those who are working with you in Congress to further the interests of the foreign shipowners and ship operators. American commerce, American manufactures, American agriculture, and American labor are going to, before long, have a square deal.

Yours, very respectfully,

JOHN A. PENTON, *Secretary.*

It must be that the subsidized interests have become thoroughly alarmed over my recent speech to have gone to all this trouble. [Applause.]

Think of the remarkable brain caliber of this subsidized agent of the merchant marine who expects to influence votes by the following paltry argument:

It seems to us that for anyone born and educated in Germany and who commenced his business career in Hamburg, where are located the headquarters of the great European steamship trust, to come to this country and question the intelligence of its loyal citizens in favoring a measure in behalf of the American flag, shows poor taste, to say the least.

Now, Mr. Speaker, I claim to be as good an American as anyone that was born within the borders of this country. [Applause.] I do admire our flag, and that is the reason I took the trouble to study a method to restore our glorious flag to the seas. I know that as soon as my suggestion is carried out and my bill enacted into law, to wit: Allow foreign-built ships for foreign trade to be subject to American registry and permit foreign capital to be invested in our ocean ships, you will restore the American merchant marine of this country.

We allow foreign capital to come in here and build up our railroads, but we say to them: "No; you can not come in here and build up our merchant marine. We will not let you." Why one and not the other?

This is the reason that the flag is not displayed as it should be. In this subsidy bill we are simply paying a large reward for the patriotism of these shipping interests to display our flag, and it is entirely wrong to pay anything for patriotism. [Applause.]

I am in receipt of hundreds of newspaper clippings and letters from all parts of the country commending my stand against these subsidized interests.

Here is a fair illustration of what the people of the Middle West think of subsidies, as contained in the following comment in the Commercial West, of Minneapolis:

There seems a determination on the part of some influential interests in the East to impose upon this country the burden of a ship subsidy. Only recently the House Committee on Merchant Marine announced that in the future the committee would make adverse reports on all bills proposing the issuance of American registry to foreign ships partially reconstructed in shipyards in the United States. There is, apparently, a determination in certain influential quarters not to grant any concession toward permitting foreign-built boats to fly the American flag. If the heavy and senseless handicap of not permitting foreign-built vessels nor vessels with foreign crews to register were removed, the country might soon have a merchant marine, and without the burden of a ship subsidy, which would in reality go to enrich a few wealthy shipyard owners and steamship corporations.

Now, in listening to the distinguished gentleman from Indiana [Mr. LANDIS], who spoke of the possibilities of our trade in South America, I am constrained to ask whether he ever thought of the real cause of the United States not receiving its share of business in those South American republics.

The real trouble is that our merchants and manufacturers do not go after the trade as the manufacturers of European countries do.

No agent from Europe ever goes there to solicit trade without fully understanding the language of the people of those countries, which is Spanish. I am informed that agents for American firms not versed in Spanish expect their customers to learn English so that they may sell them American goods.

Another failing of the American agent, I am told by European agents employed in South America, is that the American agents do not stay long enough to get acquainted with their customers, but are always in a hurry and expect an order on the first day of their arrival.

Still another reason for the failure of the American agent to capture orders is that he expects to have his customers select from the samples he carries with him, while the European agent offers to furnish such styles of merchandise as suit the tastes and demands of those countries, even though he does not carry with him the special design desired.

I maintain that trade does not follow the flag, and it is not at all likely that any more trade could be obtained in South America, even though subsidized ships were ready to transport the goods.

Get the trade first and then there will be no difficulty in finding ships that will eagerly seek that business without the proffer of subsidies.

British and other tramp steamers are ready at all times to take cargoes wherever they find them, irrespective of the nationality of the shipper or of the country to which the goods are to be transported.

In this connection it may be well to state that over 90 per cent of the merchant vessels of Great Britain is composed of tramp steamers, which do not receive 1 cent of subsidies for services rendered from the British Government.

My speech against subsidized merchant marine was delivered in the House on January 26 of this year, and a few days later—to be accurate, February 5—Henry Clews, the world-wide known merchant and banker of New York, in an address to the Merchant Marine Congress, held in the Metropolitan Temple, New York, indorsed almost in their entirety the views I had expressed on this subject in the House.

Mr. Clews said in part:

HOW TO REALLY DEVELOP AN AMERICAN MARINE—HENRY CLEWS SAYS ADOPT METHODS OF SUCCESSFUL RIVALS—THE LOSS OF PRESTIGE DUE TO ECONOMIC CHANGES AND BAD LEGISLATION—BUY SHIPS IN THE BEST MARKETS AND REPEAL NAVIGATION LAWS.

The decline in American shipping became most pronounced after the civil war; not because of the destruction of our ships by confederate cruisers, but because of radical changes in economic conditions. As soon as peace was declared this country started upon an era of tremendous internal development. All our energy was turned in that direction, and American capital flowed freely into railroad enterprises, while many of the men who had previously made fortunes in shipping now turned their attention to the tempting opportunities offered in developing our railroad systems and their natural resources.

Thus it came to pass that both capital and labor found much more profitable employment ashore than afloat; and while we were bending all our energies toward building railroads, Great Britain was equally energetic in building ships. In each case the development was perfectly natural.

To some extent the decline of our merchant marine was accelerated by the passing of the wooden ship and the introduction of iron vessels, for which England at that time had better opportunities and methods of construction than ourselves. Other countries sought to compete with Great Britain—France, Germany, and the United States—but none succeeded.

Subsidies were tried on a liberal scale by each country, but even these expedients failed to check British progress, mainly because she built the best ships at the lowest price, ran them at the lowest cost, and, above all, controlled the commerce with which to fill them. This she did upon a purely business basis; for, mark it, while a few of her best ships did receive liberal postal and admiralty payments, more than 90 per cent of her ships never received a dollar of subsidy, and yet competed successfully with ships, British and foreign, that did receive subsidies in various forms. In certain cases Great Britain paid liberally for frequency of service and extra speed for the purpose of securing quick and regular communication with her distant empire, for political reasons, just as our Government subsidized the Pacific railroads years ago for the purpose of binding the Pacific coast more firmly to the Union. She also paid well for admiralty requirements which often demanded expensive changes in construction.

But in every case the payment was made for services rendered, and not with the deliberate intent of developing her merchant marine, though that, of course, benefited.

The truth is that we in the United States are very seriously handicapped in this matter of competition on the ocean, because the principles of protection can not be made to work at sea, no matter how skillfully or rigidly drawn. Unfortunately, American ships cost more to build and to run than any others in the world. This, gentlemen, is the real reason why our merchant marine is disappearing; this is the crux of the whole question; this is where we must all begin to look for the true remedy.

And now that we know the reason, where should we find the remedy? Certainly not in the expedients of subsidies, which have been tried over and over again without success, and which are in opposition to the will and independent spirit of our people. Wherever tried, they have tended to monopoly and inefficiency. We must secure both our ships and our sailors on the best terms possible. That is the foundation of England's extraordinary success. She buys her ships, her supplies, and her labor in the cheapest market. So must we. If a ship costs $1,000,000 here and $750,000 abroad, we must buy abroad. If Americans don't want to go to sea because they can find a more profitable job ashore, let them do as they prefer and let us employ sailors wherever we can get them. We can never succeed in establishing any merchant marine until we cease depending upon crutches and get down to the sane, sound, and business-like methods which have brought success to our rivals.

Right here there is one point that I should like to impress upon you, because it is one that is generally overlooked in spite of its monstrous injustice. An American can buy anything in this world that he wishes and bring it home, provided he pays the duty, except a ship; that is the only thing on earth that he can not buy and bring under the protection of his flag. What is the consequence of this stupid piece of legislation? Why, there are hundreds of fine vessels owned and operated to-day by Americans which are actually forced to hide under foreign flags. Is this justice? Is this freedom? Is this patriotism? Repeal our stupid navigation laws and the American flag would unquestionably be seen waiving in every port of consequence in the world. What is the use of talking about the nonexistence of a merchant marine when we have already one in existence that would instantly do us credit did we not foolishly force it to hide and sail under false flags, and to depend upon the more hospitable protection of other countries and other navies. In truth we have literally protected our merchant marine to death. We need more than anything else some sane recognition of changed conditions and a sweeping away of the obsolete laws.

"Our present system is false and suicidal. Subsidies might, of course, make a few unprofitable lines profitable at public expense; but that is not the true function of government, and at best would be but a temporary support, liable to be withdrawn at any turn of the political wheel. This is a case where freedom and not protection is the cure, and where American ships should be permitted to come out from their present concealment. Protection has never yet succeeded on the high seas and never will. This is not only history, but sound and good economics.

Mr. MOON of Tennessee. Mr. Speaker, I yield fifteen minutes to the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from New York [Mr. SULZER] is recognized for fifteen minutes.

Mr. SULZER. Mr. Speaker, the proposition under consideration is essentially a ship-subsidy bill—nothing more and nothing less. Call it what you will, the subsidy features can not be disguised. It is a subsidy subterfuge, and the merest kind of a miserable makeshift. If it is enacted into law, it will retard intelligent shipping legislation for a decade at least. I am opposed to the bill, and I trust it will be decisively defeated.

I am now, and always have been, and always expect to be absolutely opposed to ship subsidies of every kind that rob the many for the benefit of the few. Ship subsidies do not build ships; they create ocean-trading monopolies. Ship subsidies will not give workmen employment in American shipyards; the money taken without justification from the Treasury of the people will simply go into the capacious pockets of the beneficiaries of the shipping trust. Every scheme of this kind simply permits respectable corruption and benefits the few at the expense of the many. The principle of ship subsidies is inherently wrong and absolutely indefensible, and no man who under-

stands the question can justify the robbery in the face of the facts. [Loud applause.]

Mr. Speaker, there is no man in this country more anxious and more willing to enact proper legislation to restore the American merchant marine than myself, but I want to do it honestly; I want to do it along constitutional lines; and I want to do it in harmony with that fundamental American principle of equal rights to all and special privileges to none. [Applause.]

For years I have been advocating honest and intelligent legislation to restore our merchant marine, and for years the Republican majority in this House has turned to my appeals a deaf ear. The Republican party is responsible for the present deplorable condition of our merchant marine, and every intelligent student of the subject is aware of the fact.

In 1896 the Republican party wrote in its national platform a plank to restore the American merchant marine by discriminating duties. That meant something, but Mr. Hanna, the then leader of the Republican party, came to Congress and instead of adhering to that plan he introduced a bill for ship subsidies, an outrageous measure which was overwhelmingly defeated. Thereupon I introduced a bill for discriminating duties, and the Republicans refused to allow it to be considered. Such is the consistency of the grand old party.

The Republican party abandoned the plank of 1896 for discriminating duties and did not have the courage to readopt it, or renounce it, in its platform of 1900, and studiously avoided committing its followers to any policy in its platforms of 1904 and 1908. No political party in all the history of our country has ever dared to write in its platform a plank in favor of ship subsidies, and, in my opinion, no party that does not welcome defeat will ever do it.

The Republican leaders in Congress, notwithstanding their party professions to the contrary, have been advocating ever since I have been in the House of Representatives, the restoration of the American merchant marine by ship subsidies, by gratuities that rob all the people in order to foster a special industry. I am opposed to ship subsidies, and this proposition is a ship-subsidy measure pure and simple. It is a little ship subsidy, it is true, and that is the apology its advocates now make for it. It is just a little subsidy, forsooth, but I warn the Members that it is the entering wedge to open the Treasury of the people, and if it is adopted it means in the end a gigantic raid on the country's finances, not for $3,000,000 a year, but for $30,000,000 a year, and for years and years to come.

This proposal before us to-day, if it be successful, is the beginning of a systematic scheme to rob all the people for the benefit of a few, and if it is rushed through under the party lash in the closing hours of Congress, I predict that the people, from one end of the land to the other, will denounce it in unmeasured terms and never rest content until it is repealed.

The American people are unalterably opposed to a ship-subsidy raid on the Treasury. A subsidy is a bounty, a bonus, a gratuity, and it never has succeeded, and it never will succeed, in accomplishing the purpose desired. All history proves it conclusively. Wherever and whenever it has been tried it has failed. In my opinion, if a subsidy bill should pass it would not restore our American merchant marine or aid our shipbuilding industries. It is a waste of time to talk about ship subsidies, and I believe every honest American is opposed to them. We might just as well pass a bill to pay a subsidy to every man who grows a bushel of wheat or a bale of cotton as to pay a subsidy to the man who sails a ship. [Laughter and applause.]

Now, sir, it appears to me that the people who are clamoring the loudest for this ship-subsidy bill are the bounty beggars who will get the subsidies; but, so far as I have been able to find out, I have heard no demand from the honest folk of the country in favor of this iniquitous measure to take money out of the Treasury of the people and pay it over to the American shipping trust.

This is an inopportune time, it seems to me, to ask for ship subsidies, when the Treasury is bankrupted and the people all over the country are demanding a revision of the tariff, especially a reduction of those tax schedules which shelter monopoly and give protection to the trusts that sell their manufactured wares cheaper abroad than they do at home. But it seems that the chief argument of these ship-subsidy schemers, reduced to its last analysis, amounts to about this: As all other monopolies are protected, therefore the shipping monopoly must be protected; as all other trusts are licensed to rob the many for the benefit of the few, therefore the shipping trust must have an opportunity to pilfer the people and get its share of the spoils. The plea, however, seems to come at a very unfortunate time, because the Treasury is empty, and from one end of the land to the other the people are demanding not only the prosecution of the criminal trusts, but a substantial reduction of all protective tariff taxes that aid and shelter monopoly.

The taxpayers of our country, burdened now almost beyond endurance, are opposed to ship subsidies. They are opposed to any gift bill. They say no private business interests should be aided by direct grants from the Treasury. Ship subsidies are subversive of the eternal principles of justice and equality, contrary to the theory of our free institutions, of doubtful expediency, and at war with the spirit of the Constitution. Congress has no power to subsidize any trade or any calling, on land or sea, at the expense of the taxpayers of our country. Any attempt to fasten this odious system of ship subsidies on the legislative policy of the country is unDemocratic, unRepublican, and unAmerican. [Applause.]

Mr. Speaker, I am now, always have been, and always will be a friend of the American merchant marine. I long for the coming of the day when American ships will be on every sea and our flag gloriously floating on the breeze in every port. I am willing to go as far as any man in this country to legislate for the restoration of the American merchant marine to all its former glory and to secure for the American people their just share of the over-seas carrying trade. I know, and every man who has investigated this subject knows, that our loss of deep-sea commerce is due entirely to our own iniquitous legislation and shortsighted policies. If the American Congress would legislate intelligently regarding this subject, we could restore our merchant marine and secure nine-tenths of all our commerce on the high seas, exports and imports, without a ship subsidy or without taking a single dollar from the pockets of the taxpayers. This whole subject is a very simple matter when reduced to an intelligent business proposition. We do not need to take a dollar out of the pockets of the taxpayers, or out of the Treasury of the United States to revive our shipbuilding industries and restore our merchant marine.

All we need to do is to legislate intelligently, repeal the iniquitous laws against our deep-sea shipping now on our statute books, put in their place laws similar to the navigation laws that were enacted by the early statesmen of the country, laws that built up our merchant marine in those historic days, laws that placed our flag on the high seas and gave us nine-tenths of our entire over-seas carrying trade. Why not do this and abandon these futile attempts to enact ship subsidies? If we would only follow in the steps of the fathers, we could speedily restore our ocean carrying trade, revive our shipbuilding industries, give employment in our shipyards to thousands and thousands of men in all parts of the country, bring about an era of prosperity such as we have never known before in our shipping trade and deep-sea commerce, place our flag on ships in every sea, and make the American sailor what he was in the historic days of the Republic—the pride of the people and the arbiter of the ocean highways of the world. [Applause.]

It is a simple matter, and would be done but for the corroding influence of special interests and the tenacious grasp of monopolistic greed.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. GOULDEN. Mr. Speaker, the bill under consideration is simply an effort to carry the protective tariff—the infant-industry proposition—into the shipbuilding business. Two years ago a similar measure was discussed, and finally, after emasculating it so that it was disfigured beyond recognition, it passed the House by a majority of 11. It then went to the Senate and died there, talked to death. This measure is an old one, and has been knocking at the doors of Congress for many years. The decadence of the merchant marine is due directly to the high protective policy of the Republican party. The late repentance of that party, as evidenced by the plank in the national platform adopted in June last at Chicago, the efforts of President-elect Taft and the majority members of the Ways and Means Committee, will, I hope, result in a wise and substantial revision of the tariff. This accomplished, and the trusts and monopolies that have grown fat and impudent through an exorbitant profit way above the normal and fair standard will again seek other channels of investment. So long as these immense profits could be obtained in the highly protected interests, money would not go into the shipbuilding business, hence the merchant marine of the country languished and decreased.

With all this changed and the steel and other great trusts making only normal profits, other industries will grow and prosper. Among these will be found the merchant marine of this country. The claim of caring for the infant industries of the country is now so thoroughly exploded that even the latest of these, the beet-sugar and tin-plate trusts, have ceased to prate about this once popular catchword. Mr. Carnegie laughed all these claims out of court in his interesting testimony before

the Ways and Means Committee in January of this year. The other equally fallacious claim for the existence of the protective tariff—that of good wages to the American laborer—has been exploded so often, especially by the American Federation of Labor, representing more than 2,000,000 workingmen, and the Patrons of Husbandry (the Grangers), with upward of a million and a half of farmers of the country, that it needs no words of mine to convince the people. This measure was for many years before the Committee on Merchant Marine, of which I have had the honor to be a member for six years, and thoroughly thrashed out. Finally, by an extraordinary pressure from high places and tactics by no means creditable, a measure was brought out of the committee by a vote of 9 to 8, and one of the former voting members bitterly opposed it on the floor of the House. Even if a subsidy be granted, it will never be successful, as the moment it is withdrawn the ships thus benefited go out of business. It is simply a scheme to get money from the taxpayers through the United States Treasury.

At best it is and always has been merely of a temporary advantage, a mere expedient, and does not justify the expenditure of the country's money. A reading of the hearings before the Committee on Merchant Marine during the last six years, and in the debates before Congress two years ago, will clearly prove the fallacy of the claims for subsidy for the rebuilding of the merchant marine of any country. Now, what is the remedy aside from the revision of the tariff, so welcome to all parties at this time? In my judgment, it should be, first, a tonnage tax on foreign ships, or, secondly, a reduction of the duties on imported goods brought over in American bottoms. Either of these remedies, properly applied, will do more to place the American flag on ships which carry our trade to the people of the world than a score or more of millions of dollars in the way of a ship subsidy. It would be a distinct step backward to attempt what this bill proposes—to carry the protective principle to the shipbuilding interests of the Republic.

In conclusion, I desire to include as a part of my remarks the very able report of the minority of six Democrats and two Republicans of the Committee on Post-Offices and Post-Roads:

It will be observed that section 3 of the act divides American vessels to which mail contracts may be awarded into four classes. The first shall be "capable of maintaining a speed of 20 knots an hour at sea in ordinary weather," and of a gross tonnage of not less than 8,000 tons. The second class shall be "capable of maintaining a speed of 16 knots an hour," and of a gross tonnage of not less than 5,000 tons. The third class shall be "capable of maintaining a speed of 14 knots an hour," and of a gross tonnage of not less than 2,500 tons. The fourth class shall be "capable of maintaining a speed of 12 knots an hour," and of a gross tonnage of not less than 1,500 tons. Section 5 of the act provides that the rate of compensation to vessels of the first class shall not exceed the sum of $4 a mile, of the second class $2 a mile, of the third class $1 a mile, and of the fourth class two-thirds of $1 a mile, traveled on each outward-bound voyage. The bill under consideration proposes to pay vessels of the second class the same rate applicable to vessels of the first class, and to pay vessels of the third class the same rate applicable to vessels of the second class, such service to be on routes to "South America, to the Philippines, to Japan, to China, and to Australasia, 4,000 miles or more in length, outward voyage."

It will be noted that compensation to vessels of the second and third classes is increased 100 per cent. It is contended by advocates of this bill that the rates of compensation provided in the act of March, 1891, are not sufficiently high to enable the Postmaster-General to make contracts with American vessels for the transportation of ocean mail, particularly to South America and trans-Pacific ports. We do not wish to be understood as opposing the extension of our mail service upon the ocean. On the contrary, we favor such extension as may be commensurate with our commercial needs. However, it is not pretended that this measure is necessary to enable the department to make contracts for carrying the ocean mails to the points named in the bill. If proposals were made subject to unrestricted competition, bids would be submitted and contracts could be made for carrying the mails within the limits of compensation provided in the act of March, 1891. It is admitted by the officials of the Post-Office Department that free competition would result in contracts for carrying mails at a very much cheaper rate than is provided in the bill under consideration.

So it is manifest that the purpose of this bill is not to extend our ocean mail service, but for another object, which will be adverted to a little later. As illustrating this proposition, it appears from the last report of the Second Assistant Postmaster-General, under the subject of foreign mails, that in the transportation of ocean mails in vessels not under contract, but at the pound rate, that steamers of American registry are allowed as compensation the full postage collected on the mails so conveyed, estimated to be 80 cents per pound for letters and post cards and 8 cents per pound for other articles, while steamers of foreign registry are allowed only 35 cents per pound for letters and post cards and 4½ cents per pound for other articles. This compensation is calculated on the basis of the actual net weights of the mail conveyed. It will therefore be seen that in the conveyance of mails by the pound rate foreign vessels receive less than one-half the compensation paid to American vessels, and yet they gladly seek the opportunity of carrying the mails at this reduced rate.

If the primary purpose of this bill is not to provide for the carrying of our ocean mails, then what is the purpose? It is neither more nor less than a poorly concealed attempt to subsidize our merchant marine, and because the subsidy comes out of the revenues of the Post-Office Department, instead of a direct appropriation from the general revenues of the Government, does not in the least conceal the true purpose or minimize the evil of such legislation.

It is also proper to state here, in order to avoid any misunderstanding, that we are mindful of the depleted condition of our merchant marine in the foreign trade; that we recognize the importance of increasing the number of American ships and of training our own citizens as officers and seamen, from the ranks of whom such ships may be officered and manned; and that we are willing to support any proper legislation which shall restore our prestige upon the seas. But we are not willing to vote the public moneys for the support and maintenance of either shipyards or ships, or any other private enterprise, and such a proposition is none the less reprehensible because it is proposed under the guise of carrying the ocean mails. Is the primary purpose of this bill to subsidize American ships? Let us see.

We have shown above that the main purpose was not to carry the mails. We would naturally look to the position maintained by the advocates of this proposed legislation in order to ascertain their main purpose. There were hearings before the subcommittee of the House Committee on the Post-Office and Post-Roads at the last session, at which advocates of the measure appeared and submitted arguments in its favor. We challenge any fair-minded man to read these hearings and then say whether the purpose of its advocates was not to procure the building of American ships and to subsidize these ships when they were put in commission. Among those who appeared before the subcommittee was the then Second Assistant Postmaster-General, Hon. J. T. McCleary. He was formerly a distinguished member of this body, familiar with legislative procedure and with the duties of his position in the Post-Office Department. This distinguished gentleman founded his argument upon two propositions, first, that the Union was formed for the common defense, and, second, that the common defense could only be maintained by the maintenance of a navy, and that auxiliary vessels were necessary for an effective navy. He therefore concluded that this bill would provide such a merchant marine as could in time of need be converted into auxiliary cruisers.

We submit that this is one of the star arguments which were heretofore heard so often in favor of ship subsidies. Similar arguments have been presented in the speeches which have been made on this floor heretofore in support of this bill. It is true there are some who, upon reflection, endeavored to justify this legislation in behalf of our ocean mail service, but it will be found in every instance that they recognize the futility of such a position and invariably in the end resorted to the stock arguments in favor of subsidizing the merchant marine.

It is, therefore, fair to assume that the friends of this bill recognize and know its purpose, and that their position can be taken as indicating the primary and essential object in enacting such legislation.

Who are promoting and pressing this bill? The same men, the same interests, and the same influences which have for more than ten years been pressing direct subsidy legislation before Congress. As early as the Fifty-sixth Congress a subsidy bill was considered before the House Committee on Merchant Marine and Fisheries, which was so apparent a raid upon the Treasury and was such a conspicious discrimination in favor of special interests, that it met with the opposition of even some of the friends of the measure and aroused the indignation of the entire country.

During the years immediately succeeding the press of the country, regardless of political differences, criticised this proposed subsidy legislation and induced its advocates to abandon their former bill. In succeeding Congresses since the Fifty-sixth the advocates of subsidy have from time to time proposed measures which they endeavored to make less and less objectionable, but none of them met with the favor of the majority of this body, because in their respective capacity they knew that such legislation did not find favor with their constituents. Reluctantly abandoning the hope of any legislation which should propose a direct subsidy, the friends of such legislation, with a persistency which was worthy of a better cause, finally conceived this plan of invading the Treasury through the medium of the Post-Office Department. This movement is perhaps the most shameful of all previous attempts. If there is one of the executive departments of the Government which should be conducted as a great business organization, which should be free from all unjust discrimination and which should possess the full confidence of the people of the country, it is the Post-Office Department. Their action is, therefore, the more culpable in that they have sought to use this department as a cover for ship subsidies. The fact, however, that they have so resorted to this expedient is a confession of the weakness and indefensible character of the position which they have heretofore assumed.

The attitude of Members must, of course, be determined by themselves. It is apparent that the majority of this House have not at any previous session been in favor of subsidy legislation, either directly or indirectly. To those who have been opposed to this prostitution of the legitmate functions of the Government to private interests, we submit that there is nothing in this bill which should change their attitude or which will enable them to justify before their constituents a conversion from their former convictions.

Mr. WILSON of Pennsylvania. Mr. Speaker, it is proposed by this bill to pay for carrying our mail in American bottoms four times as much as we can get it carried for under competitive bids, and that proposition is made under the guise of building up a merchant marine that can be available in times of war as auxiliary cruisers. In other words, it is proposed during years intervening between now and any war that may occur that we shall pay three-quarters of the entire cost of carrying our mail to these ports over and above the regular cost of the same, thereby in time paying the entire cost and value of these ships, and in the end having the ships still in possession of the private owners.

Much has been said about the flag floating from the masthead in every port of the world by the proponents of this measure, contending that this measure will result in restoring that condition and will also build up our shipyards, but it must be remembered that even when our flag is floating from the masthead, it does not mean that the ship under it is owned by American citizens. The capital invested may be owned principally by subjects of a foreign country and, under those circumstances, in paying these subsidies we would be taxing our own citizens to pay tribute to foreign capital.

There is nothing in this measure that will assure the building of any ship in American yards aside from those that are necessary for the purposes intended by the bill.

It is asserted that the higher wage rate paid the sailors on American vessels is one of the reasons why our merchant marine has declined. There is a great deal of fallacy in that statement. The rate of wages paid the seamen does not depend upon the flag that is floating from the masthead. The seaman is not paid the higher wage rate because he is employed by a ship floating the American flag. On the contrary, the wage rate is determined by the scale of wages for seamen which obtain at the port where the seaman is employed. A ship from Calcutta or Rio de Janeiro employing sailors in the harbor of New York would have to pay the wage rate that obtains at New York, and a ship from New York or San Francisco employing sailors at Hongkong would only be required to pay the wages which obtain at that port, even though the ships were floating the American flag.

This bill only provides that one-fourth of the seamen employed for the first two years shall be Americans; for the three years next succeeding it provides that one-third shall be Americans, and thereafter one-half; so that the question of wages of seamen has not been an important factor in the decay of our merchant marine.

We have been told by those supporting this measure that Great Britain, Germany, France, Japan, and other countries are subsidizing their merchant marine, and because of this subsidizing American ships can not compete with them. If that is true, if those countries are taxing their subjects in order to carry our passengers and freight at a cheaper rate than we can do it ourselves, why not let them continue to tax themselves for that purpose? It would seem to me to be a good business proposition. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. PERKINS, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28167) entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public building acts, and for other purposes;" and further insists upon its amendment No. 12, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. MCCUMBER, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21003) fixing the compensation of certain officials in the customs service, and for other purposes.

OCEAN MAIL.

Mr. MOON of Tennessee. Mr. Speaker, I now yield five minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, the gentlemen against this bill on the two sides of the House, in making very short speeches, have set forth arguments that no mortal man can answer, because they are buttressed up by immutable facts. For the benefit of all concerned, I will relate a very short piece of history. Two years ago, almost to a day, on the first roll call we defeated this bill by 1 majority. Then, through a series of unfortunate incidents, we lost it by 6 on the sixth roll call. Then it went over to the Senate, and one of the most brilliant men that ever served in the House or Senate, Senator Carmack, of Tennessee [great applause], won imperishable renown by talking that monstrous bill to death. He served his country with consummate ability, and millions cherish his memory with deep affection.

In the long session of this Congress a subsidy bill was brought in twice. Its proponents thought they would catch us napping, but they never did. On one vote we beat them by 11, and on the other vote we beat them by 9. They generally manage to bring the proposition in here under whip and spur and try to railroad it through with as little discussion as possible. If they would give us time to consider the bill, to debate it, to offer amendments, and then, if they could pass it fairly, nobody would complain of it. We are, however, not only opposed to the bill, but we are also opposed to the method of procedure touching it.

I state further—and I dare any man to deny it—that there has been a large and persistent lobby around here for this bill, operating right on the floor of the House itself. [Applause on the Democratic side.]

That is a disgrace, Mr. Speaker, to the House of Representatives—coaxing men, buttonholing men, cajoling men, threatening men. When the distinguished gentleman from Tennessee [Mr. MOON] denounced this bill as an "infernal fraud," he used language that he was justified in using. He is conservative and level headed. There was revealed a monstrous state of affairs by the statement of my colleague [Mr. LLOYD], when he said that under the operations of this bill it would cost us fifteen times as much to carry the mail to South America as it does now. Nobody contradicted him, because he mathematically demonstrated his assertion to be true.

In 1857 we had the second largest merchant marine in the world. Our flag floated in every harbor. It has been swept from the high seas. I have no time to go into the reasons for it. The gentleman from Ohio [Mr. BURTON] and myself have differed many times about many things, but so far as his statement went to-day I indorse every word of it. I am as anxious to see an American merchant marine as any living man, and I will vote for any proposition that is reasonable to build it up.

The truth is that the principal element in wiping it from the ocean has been this system of barbarous, antiquated, and inadequate navigation laws that we have in this country. Remove them and give the American who has the money the right to buy a ship wherever he pleases. Reform the barbarities of our navigation laws and we will have a merchant marine once more. You may rob the American people as much as you please, but subsidies will never build up a merchant marine. That is not the way to accomplish it. All history proves that proposition. I will remind gentlemen who are in favor of this subsidy that about two or three years ago, I have forgotten exactly when it was, the man who is going to be sworn in as President of the United States day after to-morrow, then Secretary of War, stated in an interview, which amounted to a proclamation, that unless certain people in this country sold ships for the use of the Panama Canal at reasonable rates the Panama Canal Commission would buy the ships in the cheapest markets of the world [applause], and that statement by the President-elect was indorsed by the President who is in the White House to-day.

This ship-subsidy proposition has more lives than a cat. Kill it to-day and it bobs up serenely to-morrow; but we will keep on killing it till it is too dead for resurrection. Let us see what this is. The very first dash out of the box you spend $3,600,000 a year, and every man who has any sense knows that it is but the entering wedge, the beginning of an extraordinary and gigantic raid upon the Treasury [applause]—and that, too, at a time when the deficiency in the revenues already amounts to $13,000,000 a month, is increasing every day, and will increase every day until the tariff bill is passed, by which time it will amount to $25,000,000 a month. I call to the attention of the House again the warning of the gentleman from New York, Mr. PAYNE, chairman of the Committee on Ways and Means and Republican floor leader, the other day that a bond issue is in sight in a time of profound peace. You are simply hurrying that bond issue up by passing this bill. [Applause.]

ADDITIONAL JUDGE, TERRITORY OF HAWAII.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of the 1st instant, I return herewith House bill No. 21896, entitled "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 2, 1909.*

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read in respect to that message.

The Clerk read as follows:

House concurrent resolution 76.

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House and the President of the Senate be authorized to cancel their signatures to H. R. 21896, "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," and that the bill be reenrolled, with the correction in section 23, line 2, after the word "and," strike out the word "eight" and insert "nine," so that the sentence shall read: "Section 23. That this act shall take effect and be in force on and after the 1st day of July, 1909."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the concurrent resolution.

The question was taken and the resolution was agreed to.

OCEAN MAIL.

Mr. OVERSTREET. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GOEBEL].

Mr. GOEBEL. Mr. Speaker, this discussion has taken a wide range. Let us get back to the real questions that are involved in this bill. It is sought by this bill to amend the act of March 3, 1891, which provides for an ocean mail service and the promotion of commerce. There are, therefore, two propositions involved in this measure. First, shall we have an adequate mail service upon the seas, and, second, shall we at the same time aid the commerce of this country. Seventeen long years of experience by the Post-Office Department has demonstrated that the original act is not liberal enough to enable that great department to contract for the carrying of our foreign mails. Time and time again has that department sought to obtain contracts, but failed. Now, then, either repeal the act of 1891 or amend it so that the department may be enabled to carry out the objects and purposes of the act. We seek to amend the act by raising the pay of the second and third class ships to four and two dollars, respectively, and to establish a route to the Philippines, China, Japan, and Australasia. As to other matters contained in the original act, it makes no changes. Under the act the Postmaster-General is authorized to contract, after advertising for three months, for this service. It opens the door for competition. Anyone may come in and bid. He is directed to accept the lowest bid that may be presented, and he can reject any and every bid. He absolutely controls the situation, and can direct what shall be done with reference to carrying out the purposes of the act.

Why, Mr. Speaker, one of the greatest functions of this Government is that it affords ample facilities to the American people in carrying the mails. We control the mails upon the land; why should we not control the mails upon the seas, if that be possible. I say to you that our present ocean mail facility is deplorable; that unless you provide for its relief in the near future, you will have further crippled that important service. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Speaker, I yield ten minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, the chairman of the committee, the gentleman from Indiana, said in his speech this morning that the time would soon come upon the Pacific coast when we would be sending our ammunition and supplies to the Philippines on Japanese vessels. I beg to inform the House that we are now not only sending our supplies and ammunition, but our soldiers, to the Philippines under the Japanese flag. Not a single American vessel to-day goes regularly to the Philippines. Now, I want to go upon record as one man from the Pacific coast who does not believe that we are in danger of having war with Japan. [Applause.] Every man upon the Pacific coast recognizes that the coming of the Japanese into this country must be regulated, controlled, and restricted. Japan herself recognizes this fact, and she has told us that she is regulating their coming, and I believe that she is acting in good faith.

I see no reason to anticipate war. We have every reason to believe that peace will continue, but those people who think that Japan would not declare war if given what she considered sufficient provocation or that she is unable to carry on war from a financial standpoint have read the history of that wonderful people to little purpose. While I do not believe that war will come, yet if it should come, then I want my country to be prepared. If war should come upon the Pacific Ocean to-day, with our navy upon the Atlantic, what is our condition? If that war was with Japan she could place a quarter of a million men in the Philippines and 100,000 men in Hawaii before we could embark 10,000 men from any point upon the Pacific Ocean. Japan has to-day upon the Pacific 560 vessels fit for transports. We have 6 American vessels. Japan can carry 200,000 men at one time upon the Pacific Ocean. We can not carry 10,000 men.

Japan has upon her ways to-day more than 50 vessels under construction for the deep-sea trade. There is not one under construction in all this Nation and has not been for the last six years. We could not to-day place 50,000 troops in the Philippines in two years. So that if a contest should come upon the Pacific Ocean we must depend entirely upon our navy. How would our navy now upon the Atlantic reach the Pacific Ocean? When our vessels made that trip around the world, as has been said, they employed foreign ships to carry the coal. If war is declared the foreign ships can not be employed, and if we should have war to-day upon the Pacific Ocean it is doubtful if our magnificent navy, for which we have just appropriated $138,000,000, could in the moment of our distress leave the port in which those vessels are to-day anchored. If you think this is sensational, go talk to the Secretary of the Navy, talk to Admiral Dewey, talk to the naval officers of this country, and see what they will tell you.

This bill, if passed, will give at least 30 American vessels, every one of which will be built under the direction of the navy, every one of which will be at the call of this Nation in time of war.

And now the gentleman from Ohio [Mr. BURTON] has said that we would get a merchant marine if we would change our navigation laws, but he did not tell how he wanted our navigation laws changed. The only difference between our navigation laws and the laws of foreign countries is that our laws compel us to pay higher wages, compel us to furnish better quarters for the seamen, and compel us to give them better food. Do the gentlemen want the wages reduced? Do they want our sailors to have poor food?

Notwithstanding what the gentleman has said, every naval auxiliary upon the ocean to-day was placed there by a mail subsidy. Every merchant marine upon the ocean to-day was placed there by a direct ocean mail subsidy. And it has been my pleasure to speak upon this question from the Atlantic to the Pacific Ocean, and I challenge the statement that has been made upon this floor that the American people are not in favor of doing something to build up our merchant marine.

We are the greatest nation upon earth. We have the greatest commerce and we can pay the greatest subsidies. It certainly is worth as much to this Nation to have our flag upon the ocean as it is worth to other nations to keep it off of the ocean.

And I believe, and I know that throughout the country, wherever I have been, that the majority of the American people are in favor of paying a subsidy, however large it may be, sufficient to give us an auxiliary for our navy and transports for our army. They are willing to pay a subsidy, however large it may be, sufficient to make the American commerce the mightiest in the world, to be carried in American ships constructed in American yards by American labor, paid American wages, and flying the American flag. [Applause.]

Mr. Speaker, I yield back whatever time I have remaining.

Mr. OVERSTREET. Mr. Speaker, how much time has the gentleman occupied?

The SPEAKER. Seven minutes.

Mr. OVERSTREET. I now yield ten minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, this bill makes a reclassification of the act of 1891, giving ships of the second class the benefit of the rate fixed by that act for the first class. The effect of the original law was to create an excellent steamship line with Europe; and in the war with Spain the four ships of that line—the *Harvard*, the *Yale*, the *St. Louis*, and the *St. Paul*—were invaluable auxiliaries to our naval service. If we had had ten instead of four, the New England coast and other coasts of our country would not have been thrown into such a panic, and we would not have gone on a futile expedition to Porto Rico and have searched the West Indies for weeks in vain in order to locate the enemy's fleet. But the act of 1891 did not bring forth ships upon the South Atlantic and upon the Pacific, for the very clear reason that for the long distances of those oceans 20 knots is impracticable and ought not to be required. A 16-knot ship is a first-class ship for that service, and it ought to be entitled to the same benefits that a first-class ship receives in the Atlantic service.

If this measure becomes a law, there are only two existing ships that could get the benefit of it, namely, the two fast 18-knot ships of the Pacific Mail. The other ships of that line, nominally put down at 16 knots, are getting old and could not come up to the requirements. Two ships would not be sufficient to inaugurate a mail service. They would have to build, at least two more and probably three more. The six vessels of the New York-Cuba mail service have too small bunker capacity for the longer service to South America. Therefore no money would be paid out of the Treasury; no money could be paid out of the Treasury unless new ships were built. My investigation goes to show that the ships to fulfill these requirements would cost about a million and a quarter to a million and a half of dollars, according to the ship building market. And my estimates go to show also that each one of those ships would earn a subsidy of about $125,000 to $150,000 a year. Therefore the amount available, about $3,600,000, the excess of revenues over expenses, could give us the benefit of between 25 and 30 new ships, and not a dollar of it would be spent unless we got the ships. [Applause.]

The time has come when we must have such ships. We are competing in the markets of South America, of Australasia, and of Asia with the manufactured articles of the great maritime nations of the earth. They are transporting our merchandise. What corporation would allow its competitors to transport its products to a competitive market? We can never hope, no matter how cheaply we produce in this country, to have a fair chance to win those neutral markets of the world unless we are independent in our transportation. America is fast becoming an exporter of manufactured articles. With our natural resources and the aptitude of our people, we can produce the great world staples cheaper than any other country. With the completion of the Panama Canal and the improvement of our internal waters, the way will be clear for water transportation from our great centers of production to the great neutral markets of the South Atlantic and Pacific. It is high time for us to begin to get control of the lines of transportation. We simply must have the merchant ships under our own flag and out from under the control of our competitors.

I have here a list of the subsidies of our competitors. Every great nation in the world, and many of the smaller nations, have gone definitely into the transportation business on the high seas. I will not enumerate them in detail, but in sum they amount to $36,000,000 a year. Every one of these nations is our competitor, and we are now dependent upon them for the transportation of our merchandise. If we are going to give our own producers and give our own country a fair chance to gain the markets of the world, we must have our flag upon the seas, and our Government alone can meet the competition of these foreign governments. [Applause.] These new merchant ships are not only necessary to our commerce in peace. They are necessary to the efficiency of our navy in war. When war comes upon us we must have them. Auxiliaries in large numbers are becoming so vital for war that the whole trend of the present is for the nations to control them more and more. Ultimately they may own and operate their merchantmen. They are going to have these vessels, no matter what the sacrifice.

The best illustration that can be cited is the recent voyage of our fleet around the world. It was a lamentable fact that we had to hire from foreign countries 49 colliers and pay them over $940,000.

Our fleet is valued at $500,000,000, but without those colliers that fleet could not have gone those long distances. We are the one great Nation where our vital commerce lies along both the great oceans, so that in every mobilization our fleet must pass over long distances. During this period of mobilization we would be found impotent in case war broke out in the Pacific, where the danger is greatest. Therefore we must have auxiliaries. They are more vital to America than to any other nation. We might as well not have the $500,000,000 fleet as not have the auxiliaries necessary for that fleet to move over the ocean to the point where it is needed.

The General Board has worked out what we need in auxiliaries. It estimates that we ought to have 1 great scout cruiser of 20-knots speed for each battle ship. This would require 30. It estimates that we ought to have 5 fast fleet colliers of 15 knots for every squadron, which would now require 20 such vessels; that we ought to have 5 slow colliers for every squadron, making 20. It estimates that we should have 1 hospital ship, 1 tank ship, and 1 supply ship or every squadron, and 1 repair ship and 1 torpedo depot ship for every squadron. It estimates that we need 6 transports for our marines. Counting other vessels, this means that we ought to have 100 more auxiliaries than we have, and that our fleet is crippled until we get them. There is no choice left us, Mr. Speaker. We must get these vessels one way or another. There is now no other way than for the Government to go into the business of ocean transportation. The bill before us is the simplest and most direct and conservative form in which to begin. It simply changes the classification under the law of 1891 until it is equitable for the South Atlantic and Pacific.

The new ships must be built before any of the money is paid, and the total is limited to the revenues derived from the service. I know there are other measures needed, and additional measures will have to be adopted, but this is a good way to begin.

I wish to make an appeal to my colleagues on this side of the Chamber. I believe the true basis to be a good Democrat, like the true basis to be a good Republican, is to be a good American first. [Applause.] Where we see our country's vital interests, its industries, its commerce at stake; where we see its security, perhaps its honor if not its very life involved, we ought not to hesitate because of party lines.

So vitally is our defense involved that not only may the navy be found impotent, but if we were raided from across the ocean we could not get transports for an army and could not strike back. Having no merchant marine makes us helpless, so far as action in the Philippines and lands over the sea. Though we might be able to raise 6,000,000 men, we could not reach the other side. We are left absolutely powerless and helpless because we have no transportation on the high seas.

This ought not to be allowed to continue; Democrats and Republicans alike should recognize the facts. They should not bandy words about platforms. Because somebody cries "Subsidy!" "Subsidy!" should every Democrat run to cover and hide his face from the truth? [Applause.] It is a question not only of business, but of patriotism and of conscience. Let Democrats not be frightened because our platform condemned a subsidy measure defeated long ago. But let us do as George Washington would advise us to were he here—to subordinate partisanship and vote for the good of the country. [Loud applause.]

Mr. OVERSTREET. I would be glad if the gentleman from Tennessee will occupy the remainder of the time allotted to him. It is my intention to close the debate with one speech.

Mr. MOON of Tennessee. Very well, Mr. Chairman. I yield to the gentleman from Minnesota [Mr. STEENERSON] three minutes.

Mr. STEENERSON. Mr. Speaker, as a member of the Committee on the Post-Office and Post-Roads I had occasion to consider this measure carefully. It has been discussed so long, both in the public press and in this House, that I believed it proper that it should be reported, in order that the House itself might pass upon its merits.

I want to say that I approached this question with an open mind, desiring to decide it in favor of the bill if I conscientiously could.

The reasons advanced in favor of this measure are very plausible. They appeal to our patriotism. First, they say that by this means we would expedite the mail, and, besides, we ought to carry the mail under the American flag. Second, they say that we ought to encourage commerce with foreign countries. Third, they say we must provide auxiliary ships for the navy.

The first is a delusion and a snare, because it will not expedite the mails but delay them. Next, it may encourage a little commerce, but it will be at an expense enormously out of proportion to the amount of commerce to be gained.

So far as furnishing auxiliary ships to the navy is concerned, the ships here contemplated are utterly useless, notwithstanding the eloquent plea of the gentleman from Alabama [Mr. HOBSON], who always seeks to throw us into a frenzy for fear of a foreign war. These ships are slow ships. They would be overtaken by the enemy. They could not follow our naval ships. Our battle ships have a speed of 17 to 21 knots an hour. Why, the ships of which the gentleman speaks, that Japan has in the Pacific Ocean, her new ones, have a speed of 25 knots an hour and a cargo capacity of 16,000 tons. If we loaded these ships with coal they would be overtaken and we would be supplying coal to the enemy.

I have consulted naval authorities, and they tell me that these ships would be worse than nothing as auxiliaries to the navy. If we want ships auxiliary to the navy we must have fast ships like the *Lusitania* and the ships that the British Government is encouraging upon the seas. So that all of these reasons utterly fail.

Mr. HOBSON. Will the gentleman yield?

Mr. STEENERSON. If I had the time, I would be glad to yield, but I have no time. I say that after a careful study, with an open mind, desiring to support this bill if I conscientiously could, I came to the conclusion that, for one, I could not vote for the measure, because we do not get anything for our money in proportion to the amount that we give. [Applause.]

In order to understand the present bill, we should bear in mind that the ocean mail act of 1891 authorizes the Postmaster-General to make contracts for carrying the mail in American ships constructed in American shipyards and built in accordance with specifications furnished by the Navy Department, and to pay as compensation for such carriage for the outward voyage at the rate of $4 per mile for vessels of the first class, $2 per mile for vessels of the second class, $1 per mile for vessels of the third class, and 66⅔ cents per mile for vessels of the fourth class. Vessels of the first class must have a capacity of not less than 8,000 tons and be capable of making a speed in ordinary weather of 20 knots an hour, those of the second class a capacity of 5,000 tons and a speed of 16 knots an hour, those of the third class 14 knots, and of the fourth class 12 knots an hour.

This measure abolishes the distinction between vessels of the first and second class and between vessels of the second and third class, and authorizes the payment of $4 per statute mile for 16-knot ships and $2 per statute mile for 14-knot ships. It contemplates two lines from the Atlantic coast to South America and two on the Pacific coast, one to the Orient and one to Australia. The contracts authorized shall be for not less than five years nor more than ten years' duration; and during the first two years of the contract one-fourth of the crew must be American citizens, during the next two years one-third, and during the remaining years at least one-half, and one American boy must be carried as a cadet or apprentice for each 1,000 gross tons register.

To maintain one line from New York to South America would require 4 steamers each, of which it is estimated would cost not to exceed $1,250,000, and they would earn in mail pay alone $600,000 per year. If two lines were established, as required under the first provision of the bill, and sail by way of Charleston, the distance would be increased by about 2,000 miles and the subsidy pay at least $200,000 more, making an expenditure at the lowest calculation of $1,400,000 per year for the South American service.

The Pacific steamship lines, if two were established, with 16 ships, would require at least four times as much as the Atlantic service, making $5,600,000, or $7,000,000 altogether. Certainly this enormous expenditure can not be justified on the theory of expediting the mail for it would delay the mail instead of expediting it. The dispatches of mail from New York to South America at the present time is as frequent as twice a week, whereas if our mail to those countries were sent by these ships exclusively, they would only be dispatched once in two weeks. And the same would be true with the mail across the Pacific Ocean. Can this expenditure be justified on the ground that it will encourage and increase foreign trade? In time it would stimulate to some extent the exports to South America and possibly the Orient, but not to the extent of justifying this expenditure. Would the establishment of these lines of steamships be justified at such an expense on the theory that they would furnish auxiliary ships to the navy? A great deal has been said about auxiliaries to the navy, part of which has evidently been based upon misinformation or misrepresentation.

The gentleman from Indiana [Mr. OVERSTREET] in his opening remarks on this bill stated "that our fleet was accompanied on every mile of its trip around the world by colliers flying foreign flags, and if a single hostile shot had been fired against it, under the laws of nations every one of those colliers would have withdrawn and sailed to their home ports and left our great battleship fleet stranded in the high seas at the mercy of anyone, because of starvation in fuel alone." I made inquiry at the Navy Department and was informed that not a single foreign collier accompanied that fleet on its trip around the world; that all the coal that was used was bought at Atlantic ports in the United States and was shipped to the coaling stations at the different ports of call at Rio Janeiro, in Brazil; Magellan; San-Yokohama; Cavite; Colombo; Port Said; and Gibraltar. In not a single instance did a ship coal at sea, which is a difficult and hazardous experiment which has seldom proved successful. The contracts for the shipment of coal to these different ports were made months before our ships sailed and were let to the lowest bidders.

Under an act of Congress the department must award contracts for the supplies and transportation to American citizens, provided their bids are not excessive. In the application of this law the department has ruled that where bids of American citizens exceed the bids of others by 50 per cent they are excessive, and not in a single instance could a contract be made with an American shipowner to deliver this coal at these ports even at 50 per cent above the contract prices that were actually made.

The coal cost from $2.80 to $3.10 per ton, and from $3 to $5 per ton to deliver, except the coal to the Philippines, which cost $8 to $9 per ton for transportation. Each battle ship, when fully coaled, carries fuel enough to sail 5,000 miles. Now, in case of actual war would anyone propose to carry a fleet of slow colliers to accompany the battle ships on the Pacific Ocean, for instance? Not at all. Due preparation for war would require that large supplies of coal should be stored at all the different coaling stations on the Pacific coast, the Hawaiian Islands, at Guam, and the Philippines. It must be borne in mind that speed in steam navigation is always achieved at the expense of the cargo, and that colliers are not usually built for a speed of to exceed 12 to 14 knots per hour, and they are not intended to accompany the ships, either on cruises or in battle; and if a large fleet of colliers were sent to replenish coaling stations in time of war they would have to be convoyed by a sufficient force of fighting ships. This, I think, fully disposes of the contention that the ships contemplated by this bill would be of value as colliers. Any freight ship can serve as a collier, and we should remember that there are several thousand ships of American register engaged in domestic coastwise traffic capable of being used for this purpose. What kind of ships, then, would be valuable as auxiliaries to the navy in case of war? Fast ships to serve as transports for soldiers—scout ships, hospital ships, and supply ships, capable of being armed with moderate sized guns—ships like the *Lusitania*, capable of a speed of 25 knots or so an hour. Fourteen and sixteen knot ships, if used as auxiliaries to the navy, could easily be overtaken by these fast ships and would fall an easy prey to the enemy.

It should always be remembered that both in mail and naval service speed is the great consideration, and great speed can only be obtained at a high rate of expense. I have reliable information that the cost of navigating a 5,000-ton 16-knot ship with a crew of 70 men at a rate of speed of 14 miles an hour, counting for the coal and for expenses of the crew and the supplies, the operating expense amounts to $1.70 per mile, and at 16 miles an hour $2.10 per mile, so that if these proposed ships, capable of maintaining a speed of 16 knots actually sailed, as they probably would, at a speed of 14 knots, the Government would pay $4 per mile, when all the expense of running the ship amounted to only $3.40. We pay for half the mileage—that is, we pay the outward voyage, so that total expense for running would be $3.40 sailing at a rate of 14 miles and $4.20 sailing at a rate of 16 miles per hour. In other words, in this proposition the Government would pay the whole cost of operation and the owners would take all the receipts.

A great deal has been said about our merchant marine and its decline. I repeat what I said in the last Congress, that a great deal of this talk is based upon misrepresentation of facts. Taken as a whole, our merchant marine has constantly increased, as shown by the last report of the Commissioner of Navigation. The total number of documented merchant ships in the United States at the close of the present fiscal year comprises 25,425 vessels, of 7,365,445 gross tons, is the largest in the history of the United States, and is larger than the tonnage under any other flag except the British, to which the current volume of Lloyd's Register assigns 11,563 vessels, of 18,709,537 tons. Germany has 2,178 vessels, of 4,232,145 tons capacity. One-third of our merchant tonnage is employed on the Great Lakes and the great bulk of the remainder is employed in domestic coastwise transportation.

It is the merchant marine engaged in the foreign trade that has declined, and I am informed that to-day we have only 5 steamships crossing the Atlantic and 6 crossing the Pacific. There was built in the United States last year 1,457 vessels of 614,216 gross tons capacity, the largest tonnage output in the history of American shipyards. For the nearest approach to it, one must turn back to the fiscal year ending June 30, 1855, when the total product was 583,450 gross tons. The total number of seamen shipped, reshipped, and discharged before United States shipping commissioners during the year was 307,299 and was the largest since the establishment of the service. The output of our shipyards during the last ten years was 4,295,451 gross tons, the largest ever known for a similar period in all our history, and is next to that of Great Britain, and more than half of these ships navigate the sea.

Now, everyone who has studied the matter for a moment knows, or ought to know, the reason for this increase in our domestic merchant marine and the decrease in our merchant marine engaged in foreign trade. It is not because, as has sometimes been claimed, that our people are not a seafaring people, or that they do not desire to engage in transportation on the sea, for they do. The reason is that in the coastwise traffic the law gives an American citizen and American ships a monopoly, and in that service American wages are paid and an American standard of living is maintained, so that it costs to build, equip, and run from 50 to 100 per cent more than it does abroad. The ocean is free to the competition of the whole world; consequently cargoes for oversea transportation are carried at a rate so low as to justify only one-half of the wages that are paid here. In addition to this, by reason of our protective tariff it costs from 25 to 50 per cent more to build and equip a ship in the United States than abroad for the simple reason that wages are higher here. We pride ourselves upon the prosperity of our people and the high wages maintained in this country, and justly so, but this is the very reason why we can not compete upon the ocean.

Many remedies have been suggested for this condition, the merits of which it is difficult to judge. Some contend that if we had free ships—that is, if ships could be purchased and brought here and be eligible to American register and carry the

American flag—that then we could compete; but plausible as this may seem, I doubt its efficacy. The disadvantage is not entirely made up of the original cost of the ships, but in the additional cost of running them, and free ships could not give us lower running expenses. Others propose discriminating duties, so that no goods could be imported in foreign bottoms unless they paid a higher duty than those imported in domestic bottoms. The difficulty with this remedy seems to be that it would be in violation of all our treaties with foreign countries, and if these were denounced it would result in retaliation, which would be more injurious than the present condition.

Others believe that the only way is to go down in our pockets and by actual subsidy make up the difference in expense of building and running American ships as compared with foreign ships. It has been pointed out that 90 per cent of all of our imports and exports are carried in foreign ships, and that we pay more than $300,000,000 to foreign carriers per year. According to the estimates of cost above referred to, it would require a subsidy of more than $100,000,000 per year to enable us to maintain a merchant marine in foreign trade sufficient to carry the bulk of our traffic. However much we may desire to see our flag upon the sea and in every port, such a proposition from an economical point of view would seem to be absurd.

I agree that the present condition is humiliating and ought to be remedied, and I believe that it can to some extent be remedied by well-devised subsidies for fast ships upon the Atlantic, where the passenger and mail service requires speed, and slow ships on the Pacific, where the distances are great and where to navigate profitably a ship must carry a large percentage of freight in addition to the mail and passengers. As none of the remedies so far proposed seem to offer a complete solution of the problem I will venture to offer one which it seems to me might be made effectual, and has at least the merits of originality. It is this: Formulate a wage scale somewhat similar to that prevailing for seamen employed in the American coastwise traffic, and similar requirements as to board and quarters, and so forth; then negotiate treaties with all maritime nations willing to do so, to the effect that all ships sailing under their respective flags shall adopt this wage scale and these requirements; and then that a discriminating duty shall be imposed against the cargoes of all ships that do not comply with these provisions. If the United States, Great Britain, Germany, France, and Italy, for instance, made such an agreement and imposed discriminating duties against the ships of all nonconforming countries they would all, sooner or later, be forced to conform. If the wages and living conditions of the employees upon ships were the same under all flags then the only remaining elements of competition would be in the cost of supplying the ship and the talent in managing the business, and in these the Americans ought to be able to compete with the world.

It is clear that unless there shall be restraint of competition by international agreement Asiatic labor will supplant other labor upon nearly all ships engaged in over-sea traffic, for that labor will live on cheaper food and work for lower wages than any other. I hope in the next Congress to offer bills to carry out these suggestions, so far as they can be carried out by legislative action. In the meantime I hope that the subject will receive such consideration on the part of the public as its importance demands.

I am as anxious as anyone to restore our merchant marine to the seas and to restore the American flag to ships engaged in foreign trade, and I am not afraid of the word "subsidy," but I am, however, satisfied that the present scheme is immature, crude, and a blundering attempt to solve the problem and that it would be both expensive and ineffectual.

Let us hope that the ingenuity of the American people will be equal to the task of solving this problem. I am satisfied that the measure before us does not solve it or begin to solve it, and for this reason I am opposed to it. I submit that it ought to be voted down.

I append to my remarks an editorial from the Journal of Commerce and Commercial Bulletin of February 28, 1909. [Applause.]

ENEMIES OF THE MERCHANT MARINE.

We should rejoice to see the merchant marine of the United States built up in any legitimate way, and we regard as its worst enemies those who obstruct the legitimate way by persisting in their subsidy schemes, which would take money from the Public Treasury, collected from all the industries and business of the country, to give a profit to shipowners and shipbuilders who are not permitted to make it by their own enterprise. This would be no more legitimate for one industry or business than for another. Not only is it wrong in principle, but we are convinced that it would not be successful in practice, so long as other conditions were maintained as they are at present. There is neither reason nor justice in hampering and hindering business in a particular line and then taxing other business to help it over the obstacles put in its way, on the plea that it is important to the Nation. First of all, the obstacles should be removed, and then we could judge how far it needed help and whether there were public grounds to justify help from the Government.

One of the most persistent misrepresentations of the subsidists is that the merchant marine of Great Britain and Germany, the two nations that dominate the commerce of the sea, is sustained by subsidies. It is admitted that on account of the wide extent of the British Empire and the vast navy that it is bound to maintain the Government of the United Kingdom does contribute to the support of certain lines of mail steamships which have to be fitted at extra expense for auxiliary naval vessels and are liable to be taken by the Government for such service. So far as there might be just ground for a similar policy in this country, it would not be objected to. But these mail and naval subventions do not apply to more than about 5 per cent of the British tonnage, and in no degree do they account for the success of the commercial marine of the Empire. That owes its existence and prosperity to its freedom from trammels which were removed long ago by the abolition of the old navigation laws that sought to confine the British flag to British-built vessels. The only subsidy granted by the German Government is for mail communication to Africa, Australia, and the Orient. Only one line accepts that, and it has not proved profitable either to the shipping or to German trade with that part of the world. The development of the German merchant marine began with freedom to buy ships or have them built where it would cost least, and to get the materials for building them free of tax. The merchant marine of both those nations is free from all restrictions that are not necessary to safety and the proper treatment of crews.

While the shipping of these countries has been growing, that of the United States has been languishing because it has no such freedom, but is so hampered with restrictions that it can not compete on the ocean, where there is no escape from competition. Nobody is permitted to buy a foreign-built ship or have a ship built in a foreign yard and run it under the American flag and with an American registry; but that does not promote shipbuilding in this country. The drawback of duties on materials that go into building and equipping seagoing vessels is of no avail, because vessels in which the foreign material may be used can only be employed in the foreign trade. If any of them should prove unprofitable there, they would be useless and become a dead loss. There are restrictions and requirements as to the employment of crews that make the sailing of vessels under the American flag much more expensive than under foreign flags. There is plenty of American capital invested in shipping that sails under foreign colors, and much American enterprise is enlisted in the business, but neither the enterprise nor the capital could win success under the American flag, because the laws of the country will not permit it.

What the American merchant marine needs is freedom and opportunity to measure itself in a fair rivalry, but the public is deafened to any plea for this by the din kept up by the hungry and clamorous subsidists who seek a profit for private interests from the Public Treasury and at the expense of the people at large. They demand that the Government, which makes the business unprofitable, shall pay to shipowners enough to give them a profit in spite of the burdens put upon them and enable them to pass on a profit to American shipbuilders. To be successful this would have to be extravagantly expensive, and a marine sustained in that way would be in a precarious state all the time.

While those who clamor for subsidies are animated by selfish motives, there is no doubt that by plausible arguments and delusive appeals they win the sympathy and support of many who are only misled and whose motives are patriotic and public-spirited. These consider it a matter of national pride to have a prosperous merchant marine and of humiliation to be without it; but they should admit a difference of opinion as to the manner of securing it without accusing the advocates of a different policy of more selfish motives and less patriotism than their own. For those whose interest in shipping is not that of ownership or operation, but of the general promotion of trade and the country's prosperity, have as much to gain from shipping under the American flag as under any other, and would prefer to see it there on terms of reason and justice, and they can not admit the superior virtue and patriotism of those who evade open competition and honorable rivalry and beg the Government, not only to shield them from superior capacity, but to pay them their profit out of money earned by others and paid over for public expenditures and not for private gain.

Mr. MOON of Tennessee. I yield one minute to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, there are some provisions of this bill that I would gladly support. If a few minor amendments were made, I could give my support to the South American proposition, but the balance of the bill I believe to be bad. And inasmuch as the bill comes in here in the last days of the session, under a rule that makes it impossible for us to offer or discuss any amendments, it seems to me that the only proper course to pursue, if we believe, as I do, that there is more evil than good in the bill, is to vote against the entire measure, although there are some things in it that we believe in and would gladly support if we had an opportunity to do so. [Applause.]

Mr. LINDBERGH. I am opposed to compelling the people to pay a ship subsidy for the sole purpose of building up a merchant marine or for any other purpose than to render some well-defined service to the Government, and then only to the extent of necessity. The bill before us has some features that commend it. It is intended that the ships proposed to be subsidized shall serve as an auxiliary to our navy. If the ships to be subsidized were of greater speed, I should think that that might be accomplished.

No doubt, if we are to maintain an effective navy, and that seems to be the national policy, we could save considerable expense by subsidizing the class of ships that could be, in case of necessity, practically converted for naval service. It would save a great deal of expense if a part of the ships that are required to make an effective navy could be kept busy in time of peace in carrying our mail and in doing a general merchant trade. If such a policy were to be inaugurated which would

have that as its prime object, it would not be a burden upon the people, but would result in a saving and at the same time maintain a merchant marine. I do not wish to vote for the bill, for I do not clearly see that it will serve the purpose that I have stated.

Our navy is a heavy burden upon the people and is generally considered a necessary one. If there is a way to reduce this burden with safety to the national welfare, such a way should be carefully considered and worked out, and we should not be afraid of the subject merely because it happens to come up in the form of a ship subsidy. If merchant-marine vessels can be so constructed as to take a proper place in the navy in times of war, it would be an economy to subsidize such ships, as the cost of maintenance would be very much less than under our present system.

Mr. MOON of Tennessee. I yield one-half minute to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, this bill provides that for ocean-mail service under the act of March 3, 1891, the Postmaster-General may pay for such service in vessels of the second class on routes to South America, the Philippines, Japan, China, and Australasia, 4,000 miles or more in length, outward voyage, at a rate per mile not exceeding the rate applicable to vessels of the first class, as provided in said act, and in vessels of the third class on said routes, at a rate per mile not exceeding the rate applicable to vessels of the second class, as provided in said act.

There is no limit to the number of vessels to which these payments may be made, and no limit on the aggregate amount that may be paid on this account, save the provision that the total expenditure for foreign mail service in any one year, shall not exceed the estimated revenue therefrom for that year.

It is a very indefinite limitation, indeed, which bases the amount to be paid, upon a speculative forecast of possible revenue.

Now, the objection to this scheme is the very obvious one—that it is a direct payment, speciously disguised, from the Federal Treasury in aid of private enterprise.

It is insisted on behalf of this project, which, in one form, or another, regularly appears in this House, that it means the restoration of the American merchant marine.

If this argument was well founded, the pending measure would command the support of many Members, whose present attitude toward the proposition is one of unalterable opposition.

When this proposition in another form was before this Congress at its last session, glowing pictures were presented of the ancient splendor and majesty of our merchant marine, and in the same breath it was insisted that the scheme under consideration, would restore the supremacy of our ships in the carrying trade of the world, on what has been so aptly called, the "great international highway of commerce."

Now, Mr. Speaker, it is perfectly true that the United States has been displaced from the carrying trade of the high seas by other nations, and this process has been in progress for a long time; but this displacement has been, and is now, due to economic causes, which can not be reached by legislation on our part, of the character presented in this bill.

The commercial supremacy of Great Britain, and of the other nations now doing the carrying trade of the world, is not due to subventions in any form, though subventions have been liberally employed for other and special purposes.

The decline in American shipping began after the civil war, for the simple reason that our country immediately entered upon an "era of tremendous internal development."

Many tempting opportunities of profitable investment were presented at that time, of which enterprising spirits, controlling large capital, were not slow to avail themselves.

With the tide of investment, and the energies of labor and capital, turned in the direction of internal enterprise, and domestic development, we proceeded to encircle ourselves with the walls of protection, thus restricting our energies to our country.

Within these tariff walls, by virtue of the supreme authority of our laws, we were able to establish and maintain a domestic policy which excluded foreign competition at home, while it fostered home enterprises and developed infant industries at the cost of the entire country.

But while it was competent for us in this manner to fix by indirection within the United States, the cost of products, and the remuneration of labor, the force of our policies stopped at the oceans' brink. A foreigner, save on our terms, can not compete with us in the domestic market, but in the markets of the world, and in competition for the carrying trade of the nations, he meets us on equal terms, subject to but one law, the inexorable law of universal competition. It is claimed that the passage of this measure will stimulate the construction of American ships in American yards. So far, so good. But these ships must traverse the high seas in search of freight and passengers in competition with the ships of every nation of the world. Can we build, and operate ships more cheaply than our competitors?

Ah, there is the rub. If we can, then we do not need subsidies; if otherwise, then we can not put the Treasury of the United States behind the proposition to make good the difference between the cost of American-built ships and the cost of operating these ships, according to the scale of American wages in comparison with foreign-built ships, and the cost of operating same, according to a cheaper wage scale.

This is the real problem, the crux of the whole matter. The true explanation of the decline of American shipping on the high seas is found in the fact that our competitors build ships, and operate them, more cheaply than we can. Moreover we can not control the commerce of the ocean. We can not impose our laws and policies on the traffic which follows its charted paths.

In competition for this traffic, the law of the survival of the fittest will inevitably apply. Who are the fittest in this struggle? The gentleman from Ohio [Mr. BURTON] answered this question at the last session.

> The fittest are those who have the greatest taste for the sea, the greatest skill in seamanship, and who can build and operate ships most cheaply. In the long run, they will be bound to prevail..

We possess the taste for the sea. We are preeminently endowed with skill in seamen. But in competition for traffic, they on the high seas our competitors outbid us, by offering a service equal to ours for both passengers and freight, at lower rates of transportation.

The subsidized lines of England and other foreign countries may attract the attention of exporters in the countries to which they ply, but they do not on that account carry the freight of those countries. They attract that freight, and carry it, by virtue of cheap rates. More than 90 per cent of British ships, so I am informed, do not receive a dollar of subsidy, yet they compete for the carrying trade of the world with subsidized lines. Her tramp steamers are found in every port where freight and passengers require service.

Now, what will these subsidies do? Will they make up the difference between the cost of American ships and the wages of American sailors, as compared with the prime cost of foreign ships, and the cost of operating and maintaining them in international traffic? If it is claimed that they will, then let some advocate of subsidy present the figures, showing the total amount needed from the Treasury to put the merchant marine of the United States on its feet, and in a condition to compete on the ocean for the business of the world.

This is not a situation that can be met by indirection of appropriation. The appropriations must be directly from the Treasury, in favor of the shipowners intended to be aided.

Moreover, if we seek to build up a universal merchant marine by means of subsidies, then we must establish a system that will be open to every shipowner desiring to trade on the high seas. On the one hand, the shipowner will be required to file a statement showing the cost of his ship, the cost of operating her according to the standard of American wages, and the amount that will be needed to put him in a position to compete with foreign owners offering for the same trade, and operating ships costing less to construct, and less to operate, than ships of the same tonnage, of American make, manned and operated by sailors receiving American wages.

This statement, if approved on inquiry, will determine the amount of subsidy to be paid. This whole matter, stripped of its disguises, is a plain, bald proposition to enable shipowners to do business at a charge upon the Public Treasury so enormous that, once stated, it would stagger the most enthusiastic advocates of this vicious and dangerous scheme.

It is perfectly feasible for this country, by a system of universal subsidies, to put its merchant ships on every sea if it is prepared to pay for the same. But this proposed scheme of subsidy will not do it.

The appropriations contemplated by this bill may serve to aid the shipping trust, or to create certain favored and limited beneficiaries, but they will not build ships, open yards, or furnish even the beginning of a universal merchant marine.

The trouble is not to be reached in this manner. It lies too deep for such homeopathic treatment. It is not enough to take "a few unprofitable lines and make them profitable at public expense." Something more is needed to restore our merchant marine.

There are two ways in which the problem may be solved, and only two. One is the plan already suggested, namely, to appropriate out of the Public Treasury a sum sufficient to en-

able any shipowner desiring to compete for freight, or passengers on the high seas, to so supplement from the Treasury his receipts from freight and passengers as to enable him to meet his competitors, and pay a reasonable dividend on his invested capital. Put the proposition in this way, and this is the way it presents itself in its ultimate form, and no advocate of a subsidy will be found hardy enough to support it. Such a policy will undoubtedly build up a universal American merchant marine, but it will appall the country by the prodigious sum required to accomplish this result. On the other hand, there are certain restrictions on American capital contemplating investment in ships that can be removed by appropriate legislation. American capital ought to be allowed to buy its ships in the markets of the world when those ships are to be used in the commerce of the world. Our home yards can furnish the ships for domestic use, for the simple reason that these vessels come within the protective principle. Not so however with the deap-sea vessels designed for international trade. Since they must be operated under the laws of competition, the same laws should control their purchase.

This is not a matter of protection. This is not a situation that we can meet by restrictive and protective legislation. The authority of our laws and policies does not run on the high seas, save so far as we can compel their recognition by force, and it is a plain proposition that we can not use the guns of our battle ships to compel the world to travel in our vessels, and ship their merchandise in our bottoms, on our terms.

Strip this proposition of its disguise, present it in its real form, and no patriotic citizen can support it. It is a direct appropriation in aid of private enterprise, with no compensating public advantage, and yet gentlemen who would vehemently oppose a bill to pay a subsidy to the men who raise wheat, or corn, or tobacco, or who operate stores, or warehouses, or conduct other forms of private enterprise, lend their ready assent to this proposition, beguiling their judgment and their consciences by the high-sounding and misleading arguments employed so abundantly in its behalf.

Take a vessel which costs $1,000,000 to construct in our yards. What would it cost abroad? Probably not more than $750,000.

Fix the monthy pay roll of the American ship at $6,540 a month, and the pay roll of its foreign competitor would probably be about $2,500 a month.

These figures are typical of the difference in the cost of building and operation between American and foreign built ships.

Now, I ask, How can the owner of an Amercan merchantman meet this competition on the high seas, where he loses the benefit of our protective policies? The advocates of subsidy say: By a direct appropriation from the Treasury in favor of every merchantman that flies the American flag, and is operated by sailors receiving wages according to the American standard.

If this is what we are coming to, we ought to approach it with open eyes. If the measure now before us is the entering wedge, to this result, then we ought to enact it, if at all, with deliberate knowledge of the consequences which its passage is intended to entail.

Unless we are prepared to go forward and make the gigantic appropriations from our Treasury necessary to restore our merchant marine by this policy, then what we are doing to-day is futile and vicious.

Confronted with the condition that confronts us, what should we do to build up our merchant marine? We can not do it by direct subsidies. No nation has ever done it. No nation will ever do it. No nation can afford to do it, by direct subsidies.

The nations who have used subsidies hold their carrying trade, not with subsidized vessels, but with ships that meet all competitors in the matter of service, and of freight and passenger rates. Since we can not shut out competition on the high seas, or meet it by direct subsidies in favor of private enterprise, we must approach the problem in some other way.

No one desires more heartily than myself to see our merchant flag on the high seas.

No one is more ready than myself to support any policy which opens additional avenues of profitable investment to American capital. The futility of the present measure to accomplish the result desired is patent on investigation. Since we can not apply either the protective principle or the plan of subsidies we must search out some other method which, without burden to the American taxpayer, will accomplish the result desired. This plan has been adverted to. The restoration of our merchant marine can be secured by the repeal of certain existing legislation to which it is easy to trace the withdrawal of American capital from the business of operating merchant ships on the high seas.

There is one thing that an American can not buy abroad and bring home, even if he is willing to pay the duty, and that is a ship. What has been the immediate and necessary result of this policy? Has it promoted American shipbuilding? On the contrary, the burden of the present cry is that British, and Norwegian, and Japanese vessels, and the tramp ships of other nations, are doing the carrying trade of the world.

But this policy has accomplished one thing at least. It has driven the Americans who own and operate deep-sea vessels, to hide them under foreign flags.

Will the subsidies proposed by this bill remedy this intolerable condition, which is an immediate result of present economic conditions? Not at all.

What then? Why, repeal our navigation laws, and at once you would see the American flag in every port of the civilized world. The principles of protection can not be applied to the high seas. Why, then, stupidly undertake to apply them, or stolidly continue a policy which, if I may use the phrase, has brought about the nonexistence of the American merchant marine?

We have tried the policy embodied in the navigation laws, and it has proved a failure. We are now asked to venture on the policy of subsidies, which will, indeed, favor certain private shipowners, but will never, save at a cost which once stated would stagger even its most enthusiastic advocates, succeed in restoring, and reestablishing our decadent merchant marine.

Glowing pictures have been drawn of what subsidies will do for American interests, but the imagination, rather than the reason, has furnished these pictures.

The gentlemen who have pointed out the decline of American shipping, have treated it as a fact, but have not sought the secret of this decline. Until a diagnosis is made, the physician cannot prescribe an adequate remedy.

Once ascertain the economic conditions which have driven American ships from the high seas, and it becomes apparent that the secret of the trouble lies too deep to be cured by the subsidies contemplated by this bill. Therefore, this measure—wrong in principle, and inefficient in operation—ought to be defeated.

This bill, Mr. Speaker, is a nostrum, not a cure, for the disorder which afflicts our shipping interests. As such it ought to be defeated, as a like proposition was defeated a year ago in this Congress.

This is the same proposition which confronted us at that time. In the course of the present debate the gentleman from Indiana has admitted that the pending proposition, is practically the same as the one which he opposed in last May.

It has been stated that we have been paying $500,000 a day for the transportation of our merchandise in foreign bottoms. Taking these figures as substantially true, they make an aggregate of about $162,000,000 a year, and this may be taken as the sum which must be appropriated from the Public Treasury in aid of private shipowners, if we seek to restore our merchant marine by the method of subsidies.

With a deficit of over $100,000,000 confronting us, this is a perilous time at which to load a staggering Treasury with additional burdens. [Applause.]

Mr. MOON of Tennessee. I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Speaker, when the act of March 3, 1891, was under consideration, speeches in every respect like those made here to-day by the advocates of this bill were made then. It was claimed that the act of March 3, 1891, would rehabilitate the American merchant marine, that it would restore to the high seas American ships, and so on. That argument was false. The claims that were made for it have failed, and to-day, when the same claims are being made for the bill under consideration, the arguments are false, and the results will also be a failure.

It is claimed that other countries pay subsidies, but, as compared to this country, the subsidies they pay are comparatively small. In discussing House bill 4068, a bill identical with the bill under consideration at the last session of Congress—in the discussion of that bill I stated that—

> The ship-subsidy proposition is nothing more nor less than an effort to apply the protective-tariff theory of the "stand-pat" Republicans to the ocean carrying trade of the United States. * * * But in the ocean carrying trade the American shipowner comes in competition with the foreign shipowner, so that he must compete with the shipowner of England, Belgium, France, Japan, and other nations.

The statement I made then I repeat now. Mr. Speaker, the protective theory can not be applied on the high seas, where competition is open to all. It is a question of competition, and the ship offering the lowest rates will carry the freights. The shipping interest of this country is handicapped by the Dingley tariff law and by the unjust, unreasonable, and out-of-date navigation laws of the United States. The Dingley tariff laws make it impossible for other countries to sell goods to us in

large measure on a reasonable basis, our tariff laws being prohibitive. They do not buy from us because they can not sell to us.

The tariff laws of the United States should be reduced to a revenue basis; then we would sell to and other nations would buy from us. Under the navigation laws of the United States no foreign-built vessel can receive American registry and fly the American flag. It is true that material for constructing a vessel to engage in the foreign trade may be brought in free of duty, but this ship can not engage in any coastwise trade. Our navigation laws should be so amended as to permit American citizens to buy ships wherever they can purchase the cheapest. Under rules and regulations requiring that the officers and a part, if not all, of the seamen be American citizens, give such ships American registry, permit them to fly the American flag, and with the present tariff law reformed to a revenue basis the American merchant marine would grow and prosper, and it would not be long until the commerce of this country would be carried in American ships. The present bill will cost this country annually at least $3,600,000; next year perhaps as much as seven and one-half million dollars. Not a single ship will be built on account of the passage of this bill. As I see it, the only result will be to give to the shipping trust $5,000,000 annually in addition to the amount they now receive. The only reason for the passage of this bill is that the shipping trust want the money. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. COCKRAN. Mr. Speaker, if I understand the various speeches made in favor of this measure, it is advocated on three grounds by gentlemen on the other side of this Chamber and on an additional ground by a gentleman on this side—the gentleman from Alabama [Mr. HOBSON], who has just preceded me.

Its passage appears to be urged, first, for business reasons; next, for reasons of sentiment; again, for political reasons; and, finally, for military reasons.

The gentleman from Alabama it was who sounded war's alarm and, as usual, injected a military feature into the debate. [Laughter.] This military feature being the last contribution to the discussion, let us dispose of it first.

The gentleman from Alabama seems to think this measure should be passed because, according to him, we can not send fleets around the world unless we have constantly at our disposal what he is pleased to term euphoniously "auxiliary ocean-going vessels," which means, in plain language, vessels owned by private individuals and made profitable to the owners not by what they may earn in commerce, but by bounties granted from the Treasury. [Laughter.]

Well, Mr. Speaker, I for one would feel amply justified in opposing this subsidy if its defeat would prevent or even discourage sending our fleets around the world. [Applause.]

We have constructed a great navy by concurrent action of all parties. Votes in favor of appropriations for building new battle ships were contributed from both sides of this Chamber on the ground that our navy was intended to be an engine for defense—one that would never be employed for aggression or reckless adventures. There can be neither profit nor sense in sending it into quarters where, thank God, there is no probability that we will ever be required to make war. The place for our navy is close to our own shores—the shores it has been organized to defend—not in distant seas where we have neither foes to meet, dangers to apprehend, nor interests to protect.

Moreover, even if we accept the theory of our necessities formulated by the gentleman from Alabama himself, it would be impracticable to accept his advice. According to him we are in a desperate condition anyhow. To make our naval establishment adequate he seems to think we must have 500 or 5,000 or 500,000 auxiliary vessels. I am not sure about the exact number, but whatever it may be, I am quite certain it is beyond our capacity to supply, and I am equally certain that even the largest number, if attainable, would not satisfy the appetite of the gentleman from Alabama for armaments or quiet his apprehensions of danger from imaginary foes. [Laughter and applause.] It being absolutely impossible to meet the views of the gentleman from Alabama, we must dismiss the military aspect of this question as a subject of serious discussion and relegate it to the domain of imagination where it may remain an inspiration for the rhetoric of heroism. [Laughter.]

Mr. Speaker, in the brief space at my disposal, I can undertake only a very brief examination of the other three aspects in which its advocates present this question. Let us consider it first as a business proposal. According to the gentleman from Indiana [Mr. OVERSTREET] this is to be considered purely as a business, in no sense as a political, proposition. The gentleman from Indiana is present, and I believe he will concede this to be a correct statement of his position.

The very first essential of discussion, if it is to be at all profitable, is some postulate on which we can all agree. This, I am sure, my friend from Indiana [Mr. OVERSTREET] will concede. I ask him, then, to accept as the postulate of this discussion a simple proposition that anywhere else would be considered self-evident; one that outside this Chamber he would concede without the slightest hesitation, but which here, I suspect, the necessities of his position will force him to pass by in a silence that he will ask us to construe as dissent, for admission even of this self-evident truth would be concession of his entire case. Will the gentleman from Indiana concede that it is better for a community to employ its capital at a profit than at a loss? Or, putting it in a different way, I ask the gentleman from Indiana will he agree, as a fundamental principle of business, that profits are more profitable than losses? [Laughter.] I give way to the gentleman now for an answer.

Mr. OVERSTREET. How much time does the gentleman yield to me to answer his question?

Mr. COCKRAN. Oh, if I must yield the gentleman time enough to answer the question in a manner that would be consistent with his argument, the session of Congress must needs be prolonged, and I have no constitutional authority to do that. [Applause and laughter.]

Mr. OVERSTREET. Does the gentleman want an answer?

Mr. COCKRAN. If the gentleman will tell us whether or not he is willing to concede that proposition as a postulate of discussion, he can make his position clear by a monosyllabic answer—yes or no.

Mr. OVERSTREET. Mr. Speaker, the gentleman's query seems to require qualification, just as his arguments do. [Applause and laughter.]

Mr. COCKRAN. I do not know whether my query requires qualification or not, but I am quite certain the gentleman's statement requires none, for there is nothing in it to qualify on his part or to notice on mine. [Applause and laughter.]

Well, Mr. Speaker, it is quite evident the gentleman from Indiana does not think it feasible to maintain the position he has taken on this measure and at the same time concede the proposition, which I think self-evident, that profits are more profitable than losses. This is a portentous fact, which I commend to the serious attention of gentlemen on the other side of the Chamber who, when this measure was before the House on former occasions, felt constrained by conscience and duty to vote against it. Should any among them be inclined to hesitate now about persisting in opposition, I venture to suggest that before changing their attitude they require the person who may close this debate to state clearly whether he will concede it is better for the commerce of a country that its capital be employed at a profit than at a loss.

What is this proposal now before us? In plain language, it is that a certain business enterprise which its promoters concede can not be conducted so as to earn profits from its own operations, shall nevertheless be made profitable, not by improving the service it renders, but by bestowing on it bounties paid from the Treasury. [Applause.]

The gentleman from Indiana [Mr. OVERSTREET], were I able to concede him the floor for several hours or days or months—and if such a concession were in my power I would gladly make it—will not pretend that without a subsidy this business would be profitable. The question, then, in the last analysis resolves itself into this, Is it desirable, permissible, or justifiable for a government to encourage the investment of capital in losing enterprises? To support this measure is to proclaim and assert the wisdom, the advantage, the desirability of doing business at a loss. To enact it into law is to declare that commercial losses are not merely desirable, but they are so desirable that men should actually be paid from the public funds for engaging in losing enterprises. [Applause.]

Well, let us see where such a policy, if it be adopted, must inevitably lead us.

The gentleman from Indiana [Mr. OVERSTREET] has not felt himself at liberty to admit that profits are more desirable than losses. Will he even concede that a profitable business is as desirable as a losing business? If it be desirable to pay men for engaging in a losing business, one would think it must surely be at least equally desirable to pay men for engaging in a profitable business. If it be justifiable to pay from the Public Treasury men for engaging in the losing business of transporting freight and passengers by sea, why not pay, from the same source, the joiner engaged in the profitable business of making desks, the weaver who makes carpets, the butcher who prepares meats, the miner who draws treasure from the bosom of the earth, the farmer who creates measureless wealth by labor on the fertile fields with which God Almighty has dowered this land? [Applause.] This much at least one might hope that the gentleman from Indiana would concede. But no. Even such a moderate concession would nullify his whole argument—render manifestly absurd the position he has defended with so much vigor. For should we attempt to pay everyone engaged

in production from the public funds the Treasury would soon be emptied, and then we could not pay bounties to anybody. Obviously attempts to subsidize everybody must result in subsidizing nobody. In the very nature of things subsidies can not be universal, but must be partial—restricted to a few members of the population.

My friend from Indiana, I think, will concede that before funds can be paid out of the Treasury funds must first be put into it.

Now, where must these funds come from? They will not descend from heaven like manna in the desert. They will not spring spontaneously from the ground. They, like all things of value, must be produced by human industry. Clearly they can come only from the profits of productive—that is to say, of successful, self-supporting—enterprises. Losing ventures that can live only by receiving bounties from the Public Treasury can contribute nothing to it. In the last analysis, then, this measure is a proposal to make the successful enterprises of the country pay tribute to unsuccessful enterprises. [Applause.] You are asked to penalize efficiency, and therefore to reward and encourage inefficiency in production; to stimulate the qualities that make for failure and decay by burdening for their benefit the qualities that make for success. [Applause.] So much for this measure as a business proposition—the light in which my friend from Indiana has urged this House, with great emphasis, to consider it.

Now, let us consider what may be called the American-flag aspect of this proposal. This feature of the measure is admirably stated by another gentleman from Indiana [Mr. LANDIS]. National pride, he tells us, requires that the American flag shall float in every harbor of the world, while at the same time national interest and national dignity demand that American products and American mails shall be transported by ships flying the Stars and Stripes. I think that is a correct statement of the gentleman's position. If I am in error I hope the gentleman from Indiana will set me right.

My chief difficulty in meeting this argument is that I can not say I understand it. The gentleman from Indiana seems to think that unless American goods are transported in American ships, some grave peril will threaten their safety, and unless American mails are carried in vessels floating the American flag, the letters when they are delivered will be found lacking in some particular or virtue or quality. He would have us believe that when in some foreign country he receives a letter from home, though it might be a tender missive conveying the affectionate regards of those he loves, yet if it has been carried across the sea by a vessel floating a foreign flag, it becomes a source not of satisfaction, but of sorrow; instead of bringing joy to his heart it would bring tears to his eyes and make cankering care furrow his cheeks. [Laughter.]

Mr. Speaker, the apprehensions of the gentleman from Indiana would be intelligible, and therefore capable of serious examination, if he told us precisely just what peril it is that threatens American products on foreign ships, from which they would be free in American vessels, and his emotions would awaken wider sympathy if he informed us just how he could find out which flag it was that floated over a letter that had been carried across the sea and delivered to him in a foreign country. So far as I have been able to discover, the necessities of commerce compel every vessel to treat all goods alike, no matter where they may have been produced. The object of every merchant ship is to secure cargo, and the question which occupies its owner is not the country where goods offered as freight may have been produced, but how much the owner will pay for transporting them. And I have never been able to discover in any letter which I have received while sojourning in a foreign country the slightest element or feature which could have been affected by the nationality of the vessel that had carried it, or by which it would be possible even to determine the flag that had floated over it while in transit.

Now, Mr. Speaker——

Mr. LANDIS. Mr. Speaker, I hope the gentleman will answer——

Mr. COCKRAN. If the necessary time be yielded by the other side I will gladly give way to the gentleman. [A pause.] There is no response, and, since I have but a few minutes at my disposal, I can not surrender the floor even for an instant. If time permitted I would gladly afford the gentleman ample opportunity for the elaboration of his position, if not for the light it would throw on this proposal, at least for the contribution it would afford to the gaieties and pleasures of debate. [Laughter.]

Mr. Speaker, I venture the assertion—and I do not think any sensible person will challenge it—that neither freights nor mails in transit to foreign countries can be affected in the slightest degree by the nationality of the vessel in which they are carried. They are very gravely affected by the rates that may be charged and the time that may be required for transportation, but these depend on the seagoing qualities of the ship that bears them, not on the flag that may float over them.

The sentimental aspect of this measure, which deals with the glory that must be reflected on this Nation if the American flag be found floating from the masthead of American ships, has inspired the gentleman from Indiana to flights of rhetoric so dazzling that ordinary mortals can not follow him. Let us see if a simple statement of this proposition in plain words will bring it within the range of common sense.

It appears to have been found by experience that vessels holding American registers can not be employed profitably in the business of transporting passengers and goods by sea. So far as I know, merchant shipping has not been found profitable in any country. It certainly has not seemed profitable to American capitalists, and therefore they have declined to engage in it.

Now, it is contended by the gentleman from Indiana, and by other gentlemen who agree with him, that this absence from the sea of merchant ships flying the American flag compromises our national dignity so deeply and so seriously that we should pay men to engage in this losing business by granting them bounties from the Treasury in such amounts as will not merely balance but will overbalance the losses incurred in trade and thus enable them to earn substantial profits.

That is to say, the dignity of our country demands that its flag be made to float at public expense not over ships that have won success in trade, but over ships that have proved incapable even of earning their own expenses and which, therefore, as agencies of commerce are inefficient and discredited. Floating over such vesssels, what must our flag typify? Not a success in which we could glory, but a success for which we must blush. Not success of our traders in competing openly and fairly against the shipowners of other countries, but success in controlling, or at least affecting, by doubtful means the legislation of their own country. [Applause.]

Sir, I should rejoice to know that the American flag is a familiar sight in every quarter of the globe. Every American knows it is the most glorious spectacle that can gladden the eye of man. [Applause.] But that flag can remain glorious only while it continues to typify the lofty purposes for which it was first unfurled. [Applause.] It was unfurled to typify resistance by the American people—successful resistance against an attempt to levy tribute on them by the most powerful monarch in the world. [Applause.] Pray God it may never be suffered to fly from any structure or vessel where it must typify tribute imposed by their own consent or at least by their own chosen representatives on degenerate sons of the men who braved death in battle rather than submit to such an imposition by a government even though they had always acknowledged its authority. [Applause.] We love the flag because it has always typified justice. Pray God that flag may never be suffered to float where it must embody perpetration of injustice, or submission to injustice by the American people. [Loud applause.]

Mr. Speaker, the degradation which must inevitably overtake the flag unfurled in unselfish sacrifice to accomplish noble ends, when it is prostituted to facilitate schemes of profit, is strikingly shown by one suggestion made in the course of this debate; I think it was the gentleman from Indiana [Mr. LANDIS] who suggested that our flag floating from ships would be a valuable advertisement for American merchandise. That is to say, the American flag, which has embodied the loftiest ideals of patriotic self-renunciation and civic virtue, must now be utilized as an advertisement of tradesmen's wares—even though we can keep it afloat only by paying money into venal hands that would refuse to unfurl it except for hire. [Applause.]

A pretty conception, this, of the American flag! The flag of our country which has always expressed the patriotic aspirations and purposes of all Americans must be degraded to advertising business ventures, like the sandwich man who walks up and down the streets of our crowded cities, bearing on back and breast advertisements of restaurants, theaters, patent medicines, and different brands of tobacco!

Sir, upon this side of the Chamber there will be few, if any, votes in favor of this proposal to abase so shamefully the flag which for a century has floated in the breeze commemorating the noblest sacrifices ever made for liberty and justice. [Loud applause.]

Mr. Speaker, there remains to be considered one more aspect of this question, and that is the principle of government it asserts. I wonder if gentlemen on either side realize the true character of the proposition embodied in this proposal. If this one business enterprise may be made profitable by taxation, it is inevitable that other enterprises will seek the same sure sources of profit. Bounties, as we have seen, can not be extended to all. They must be restricted to a few. Let this bounty be granted and fierce competitions for similar favors are certain to become a prominent feature of our industrial life. The

competitions of commerce will no longer be directed to securing profits by developing increased skill in industry, but to securing larger profits by corrupting the springs of legislation. [Applause.]

Some gentlemen, I am aware, justify themselves in supporting this bill on the ground that it may well be considered a feature, or rather an evolution, of the protective system. There is much force in that statement. Between a system of bounties paid directly from the Treasury and bounties levied indirectly upon consumers through tariff taxation, the difference is simply that one is disguised behind sonorous or misleading terms, while the other is open and undisguised. And yet, notwithstanding its cynical unblushing candor, this proposal will doubtless be warmly supported and vigorously advocated by the persons or communities who will benefit by it, and they will be able to find plausible reasons for their conduct in former legislation of a protective character.

The city of New York will be the chief beneficiary of this measure if it be enacted into law. Probably seven-eighths of the tribute collected through its operation from American producers will be paid into the coffers of enterprises with headquarters in New York City, where also dwell the vast majority of those who own their stock. Many of these men are my friends. They have been my political supporters. They have shared my views on economic questions. Some of them have even professed to join me in opposing and denouncing the entire protective system. More than one of them has said to me: "We are free traders, like you. We are familiar with your contention and sympathize with it, that left free to improve her natural advantages New York would extend one arm across the sea as vigorously as she extends the other over this continent, and with both hands she would exchange in much ampler measure the products of the two hemispheres, but she is prevented by laws which restrict imports from enjoying the full tide of foreign commerce which her favorable situation at the gateway of the western world and the industrial capacity of her citizens would under fairer conditions soon establish. And since this protective system puts our city under tribute to certain favored manufacturers, why should you vote now to prevent her from recouping to some extent her losses by some such measure as this, which, after all, is but an extension of the protective system that has afflicted us so long and so severely?"

Sir, there is much plausibility in that contention. It lacks but one element of being entirely unanswerable, and that is consistency with justice—that justice which this political system of ours was organized to establish. If because A has been robbed by B it could become permissible for A in turn to rob C when he has a chance, this would be a defensible measure. If the city of New York and other great seaport towns of the country which have long been held under tribute to certain manufacturers would be morally justified in levying tribute now upon the farmers and producers of this country and thus recoup themselves for the original imposition, this measure might be defensible. But that is not the conception of justice which should govern a Christian nation. Above all it is not the standard of justice that should animate the American people. We can not be justified in despoiling innocent third parties because we have ourselves been victims of spoliation. Because the city of New York has been made tributary to certain interests, she would not be justified according to the Christian moral law in levying tribute herself on other interests who were not responsible for the original imposition, but who were themselves victims of it. We can not abandon or modify this fundamental notion of justice without undermining and imperiling the whole political system built upon it. [Applause.]

We have now to consider a proposal which, if it be adopted, will proclaim to the world that in this country a more abundant source of profit than diligence and skill in industry is diligence in planning raids upon the Treasury and skill in securing legislation that will make these raids successful; better than swelling the volume of industrial production, and thus widening the field for employment of honest productive labor is obtaining legislative favors—engaging if need be for that purpose the assistance of these nameless creatures who, as the gentleman from Missouri [Mr. CLARK] has stated, dog the footsteps of Members in the lobbies and even crowd in here on this floor, where they attempt to affect by secret machinations the actions of this body. Proclaim to the world that access to the Public Treasury accomplished through corrupting legislation is a more reliable source of profit than honest industry, and you discredit not merely republican government in its broadest sense, but you discredit Christian civilization itself. [Applause.]

It is alike an essential feature of Christian civilization and a fundamental principle of republican government that where men are left free to govern themselves and dispose of their own labor industry will be most effective, the fruits of industry most abundant, distribution of them most general and most equitable. But by proposing this measure you assert that under free operation of this political and industrial system of ours the fruits of industry are distributed not fairly, but unfairly—so unfairly that to prevent injustice the Government must interfere with the operations of commerce and take from self-supporting industries some of their profits to bestow them on an industry that is incapable of earning sufficient to support itself. [Applause.] Do you not see that by passing such a law you would justify all that the socialist has ever claimed? What has he always contended?

Simply that government can be trusted to distribute the fruits of industry more impartially and evenly than they are distributed under the present economic and political system, and therefore government should be empowered to direct and control all the agencies of production. The difference between the socialist propaganda and the proposal embodied in this measure is that socialism aims to control all industry for the purpose of distributing impartially its entire product among the whole people, while you propose to interfere with industry for the purpose of bestowing some of its fruits on a few people who have not even contributed to swell the volume of production. [Applause.] How can we hope to check the rising tide of socialism if we incorporate into our laws proposals that are worse than socialistic according to the principles of government we ourselves profess to hold? [Applause.] What weight can attach to denunciations of socialism with our lips, while by such acts as this we are proposing that government shall interfere with industry, not in an attempt—however mistaken—to distribute all its fruits impartially among the whole people, but for the deliberate purpose openly avowed of enriching a few favorites from the toil and thrift of the millions whose efficiency in production has made this country the most prosperous in all the world? [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Speaker, do I understand that all of the time in opposition has been consumed?

The SPEAKER. It has.

Mr. OVERSTREET. I yield the remainder of my time to the gentleman from New York [Mr. FASSETT].

Mr. FASSETT. Mr. Speaker, the gentleman from New York [Mr. COCKRAN], who preceded me, has undertaken to condition the form of my reply. Waiving the improprieties of his insistence, out of courtesy to him and out of interest in his inquiry itself I shall yield to his importunities.

He asks whether it is ever profitable to invest capital at a loss; in other words, Is it ever profitable to invest capital without a profit? I answer unhesitatingly, "yes." [Applause.] It has frequently proven so; it all depends upon the meaning and interpretation of the word "profit," for that word involves more than the immediate return; it involves a contemplation of ultimate results. There is a scriptural inquiry:

For what shall it profit a man if he gain the whole world and lose his own soul?

[Applause.]

So I say, What shall it profit a nation if it exclusively contemplates sordid considerations of immediate gain, if it yields to the seductions of the law of the jungle—the law of the tooth and the claw—and for immediate profit allows the strong to prey upon the weak through unrestrained competition, under which the weaker must go to the wall?

The gentleman further asks whether it is justifiable to use the taxing power of government to aid a business which otherwise would run at a loss. Again I answer, unhesitatingly and emphatically, "yes."

The gentleman's argument is the old familiar argument of the free trader; it has been heard in every campaign from every free-trade orator; it is the law of the doctrinaire, the theory of laissez faire; it is the doctrine of free and unrestrained competition, a doctrine which Christian nations have repudiated, and particularly a doctrine detested in this country and utterly departed from in all our cities and in all our States and in the Union of all our States, and in this entire Nation we long ago relegated this relic of barbarism to the limbo of outgrown superstitions. [Loud applause.]

We do not believe that the strongest forces and the strongest men should be permitted to assert their powers unrestrained. It is contrary to the whole doctrine and policy of our law; contrary to all the teachings of our experience [applause]; and it is obnoxious to all our recent reform legislation.

The gentleman inquires if it is ever justifiable to use the taxing power of our Government to enable men to engage in an otherwise losing business. Yes; a thousand times, ten thousand times, yes! The answer comes from the experience of every community in our history. The answer comes from every fac-

tory; the answer comes "yes" from every American industry established in every valley and upon every hill in the United States. [Applause.] The answer comes "yes," "yes," from every city securing new factories and new enterprises through the subsidies of its chamber of commerce. The answer comes "yes" from every State and every community that ever appropriated money for a railroad, a canal, or any industry to tide over its initial years of experiment and loss. The answer comes "yes" from every industry and every vocation in the United States. The answer comes "yes" from forest reserves; from arid-land reclamation; from the destruction of the cotton-boll weevil; from the holding in check the advance of yellow fever; it comes from every department of human industry everywhere in the United States; it comes through the experiences of every day in every year; it comes from the common practice in the application and expenditure of almost every appropriation of money made on the floor of Congress.

This beneficent policy, with its splendid protection, has brought us as a Nation to where we have 90,000,000 people—the richest people, the happiest people, the most comfortable people, the most contented people, the most interesting people, the best housed, the best fed, the best informed people, and with the best hope of any people in the world. [Applause.]

It has brought us to the point where, by the intelligent application of the taxing power of the whole people, we have brought all the people to where this Nation is the wonder and the despair of the world; to a point where it means more to have been born under the Stars and Stripes than to have been born under any other flag under the wide sweep of the stars. [Loud applause.]

Mr. Speaker, when Mr. Huxley, the great scientist, was asked to give his conception of a tragedy, he replied that, in his opinion, it consists of "the explosion of a syllogism by a fact." [Laughter.] We have just been enjoying a wealth of syllogisms. The long suit of the gentlemen of the opposition seems to be syllogisms. [Laughter.] But there has been a woeful poverty of facts, accompanied by a willful suppression and denial of facts by the distinguished orators on the other side.

It shall be my endeavor to traverse the field of facts, and a careful consideration of the official facts of record in this matter of the merchant marine can lead to but one conclusion. I shall endeavor to remain as far as possible outside the field of sentiment, for the patriotic sentiments involved in the consideration of this subject seem to give pain to the gentlemen in opposition; but, after all, there is no worthy principle that does not link itself with sentiment; and when sentiment marches hand in hand with facts, thus leading upward and forward, progressively onward, the conjunction is highly significant.

This question of the restoration of our merchant marine can not be viewed from any false, isolated, or selfish standpoint; it must be considered from the broad outlook of the best interests of the masses—of all our people, for all time. It can not be measured by the tiny foot rule of immediate cent for cent profit and loss; such an attempt is stultifying and ineffectual; it must be measured from a view point broad enough to take in not alone individual interests, but national welfare and ultimate destiny.

Mr. Speaker, I am and have been and always expect to be an ardent advocate of an adequate army and an adequate navy, properly equipped for the desperate purposes for which some day their services may be required; but I hope from my soul, and in this I believe I echo the hope of our own people and of the whole world, that all the navies now in existence, that our own navy, the new navy, our glorious array of battle ships, and all the battle ships yet to be constructed, may never be called upon to fire a shotted gun. I trust that all will be reduced to rust or relegated to the scrap heap.

The very best use and the noblest use to which instruments for the destruction of human life can be put is to prevent their use—forbid them that use; avoid occasion for their use. [Applause.] But we must take this world as we find it; not as we would have it. We must consider men not as they ought to be, but as they are. We must face situations as they exist, not as they may be painted to exist by glowing oratory based upon syllogisms or intellectual dreams; and it is the exigency of existing facts that makes this legislation and legislation along these lines not only desirable, but absolutely inevitable if it is our purpose to reestablish the ancient glory of the American merchant marine.

Our navy has just completed its trip around the world—16 large ships of war. It was said that the trip was an imprudent trip, but it is now admitted that the trip was a glorious inspiration; it has given a thrill of pride to every patriotic American; it established a world's record; it put America first in a great and daring undertaking; it has established the fact to the world that we can build as efficient and as excellent fighting machines as any of our rivals; it has established the excellence of our commanding officers in the American Navy; it has established the excellence of the boys in blue and their superiority in ability to perform the duties of their lower, but important positions. [Loud applause.]

The trip constitutes an object lesson to the world and to ourselves; but there are more lessons than those of war. From the time our fleet left our own shores until our fleet returned again the only American flags our navy saw were those carried at their own mastheads. The accompanying colliers, without whose help they could not move beyond the steaming radius of each individual battle ship, carried the flags of our trade rivals. And this because the lowest price at which American bidders could carry coal at a profit was $8 per ton, whereas our foreign rivals carried the coal for us at $5 per ton; and so our battle ships were followed around the world by the commercially triumphant flags of our commercial rivals.

All the long thousands of miles about the coasts of South America our men looked in vain for a single American flag flying from a single American ship.

At Honolulu they may have seen a few; at Yokohama, a few; at Shanghai, a few; and at Hongkong, a few; but from Hongkong until they returned home again they saw no trading ships carrying the Stars and Stripes.

We have some trade with the growing markets of the world, but our goods are carried by our trade rivals. This was not always so. One hundred years ago there was engaged in deep-sea foreign trade under our flag a total of 981,019 tonnage, more than we have to-day; one hundred years ago we carried in American ships 90 per cent of our trade. In 1861, the highest point we ever reached in deep-sea tonnage, the total number of tons was 2,496,894, and we carried 65 per cent of our own trade. To-day, in ships of all kinds—sailing vessels, steam vessels, and vessels of small size up to the largest size—all told, we have a tonnage of 940,068, and we are carrying less than 10 per cent of our trade. There are less than seven first-class steamers on the Atlantic plying between our ports and the ports of Europe; there are no steamers plying between South American ports and our own ports under the American flag, save four on the Red D Line to ports in the Caribbean Sea. There are but six on the Pacific Ocean engaged in the business of this country; we are already almost eliminated from the great struggle of the ocean carrying trade. To be sure, we have a coastwise tonnage, the largest of any coastwise tonnage in the world, amounting to 6,371,862 tons; but this is strictly coastwise and can not be considered as affecting this question, for this trade we protect by laws forbidding foreign vessels to engage in it. The tonnage among our foreign trade rivals is distributed as follows:

British	18,709,527
German	4,202,553
French	1,952,660
Japanese	1,242,699
Norwegian	1,977,978

While the world's total is 40,325,618. All these nations subsidize, and since 1890 British tonnage has doubled, German tonnage has trebled, and Japanese tonnage increased by ten times.

The contests of the future are not to be naval wars, or wars with guns, or contests with arms. They are to be trade wars, conducted upon a war basis. Already the doctrine of our free traders, so far as summed up in the sentence that the strongest and fittest must survive, is in full swing. It is profit that counts in trade wars as well as patriotism; but it has been the universal experience of the world that those nations enjoy commercial supremacy who dominate the trade routes of the world, and there is no exception whether these routes are upon land or water. The great contests of the coming years are to be to secure trade, and to secure new markets for the manufactures of the country. If we are to secure these new markets, if we are to supply the trade of the world, we must be prepared to fight with the strongest in the world, who are competing for the same opportunity. In every contest for trade supremacy, it is true, we are at liberty to select our own weapons, but it must be remembered in this connection that we are not at liberty to select the kind of weapons with which we would like our rivals to fight. This is a privilege they reserve for themselves; and our method of warfare of necessity must shape itself in each instance in accordance with the weapons which our rivals use, and they all use substantial subsidies—subsidies in one form or another—and they all subsidize enough. While they have been gaining on the seas, we have been vanishing. There is only one single American steamer running on the high seas in open competition, unfavored by legislation or governmental assistance, and that is running at a loss, and that boat is the *Dakota*.

What has brought about this decadence? What has produced this deplorable and alarming situation, rendering it inevitable? There must be a cause for conditions so lamentable. The gentlemen opposing us insist that the cause is wrapped up in what they are pleased to call our "outgrown, antiquated, and discredited navigation laws." They roll this phrase like a sweet mor-

sel under their tongues. But what are these laws and what do they provide? In what respects do they differ from the navigation laws of other countries? I answer, chiefly in three respects: First, the navigation laws establish a better standard of food for the American sailors. This is an item of expense. Second, they require better pay for the American sailor than his comrades under other flags receive. This is another item of expense. The third distinction is that our navigation laws require that no vessel shall sail under the American flag not constructed in an American shipyard, which requires American workmen employed at the American scale of wages. This is another and important additional expense.

Mr. SULZER. Do you say you can not buy abroad? The only thing you can not buy abroad and bring to this country is a ship.

Mr. FASSETT. You can buy a ship abroad and bring it to this country, but not under the American flag. But I can not yield to the gentleman; if I had the time I would be glad to talk with him.

The situation is that we ourselves are to-day at the tail end of the race; but if our navigation laws were wiped off the statute books, if we were permitted to buy our ships in every market of the world and to place the ships so purchased in the deep-sea traffic under the American flag, we could not, as matters stand to-day, live in competition against England, Germany, France, and Japan.

If the distinguished orator from New York [Mr. COCKRAN] and the distinguished orator from Ohio [Mr. BURTON] should associate others of like belief with them and form a corporation, and have the ten best ships in the world presented to them in their corporate capacity, with the sole condition that they run and operate those ships for twenty years, they could not afford to acccept the gift. Our handicaps are not those alone created by the conditions of our navigation laws. Our handicaps are many and are serious, every one of them almost enough to eliminate us from further competition; but when combined they exhibit at once the unhappy condition of our marine.

The first handicap is the higher cost of labor, which is from 50 to 100 per cent.

The second handicap is the higher cost of material, from 20 to 25 per cent.

The third handicap is the higher cost of money, from 2½ to 3 per cent per annum.

The fourth handicap is the higher cost of wages and salaries, running from 50 to 100 per cent higher, man for man, in the American than in the foreign trade.

The fifth handicap is the higher cost of fuel, 25 per cent.

The sixth handicap is the higher cost of repairs, 1 per cent per annum.

The seventh handicap is in the fixing of freight rates. When once an American freight rate is fixed, an American vessel can not change those rates under ten days. Any tramp may come in and cut the rate and take away the cargo, and our people are helpless to move a hand to cut the price.

Mr. TOWNSEND. We can not change our rate under thirty days.

Mr. FASSETT. Thirty days! That makes it even worse.

The eighth handicap, and the one handicap which would make it impossible for us to operate our ships, even if the navigation laws were repealed and our ships bought in open market in competition with our rivals, even if all these handicaps could be eliminated, is the character and amount of government aid given directly and indirectly to the owners and builders of every one of our foreign rivals. I have been amazed, I have been astounded that the apparent hatred for our American marine could go to the extent illustrated in this debate—of denying the well-known official facts of history. Gentlemen have denied the existence of subsidies. This denial must be based upon a technical use of words. I care not whether you call it government contract, government aid, government subsidies, government subvention, or bounties or rebates on state railroads, in whatever form or whatever manner the aid is given, it constitutes a subsidy, governmental assistance.

The gentlemen have said that Japan does not subsidize.

I give the figures from Fairplay, London, February 11, 1909:

The following figures show the growth of the subsidies paid by the Japanese Government:

	Regular lines.	Navigation.	Shipbuilding.
	Yen.	*Yen.*	*Yen.*
1896	134,775		
1900	4,205,729	1,288,761	152,908
1905	2,162,820	240,097	618,640
1906	6,196,182	1,492,020	722,500
1907	6,942,569	1,538,004	788,500
1908	7,686,300	3,438,955	1,995,440

Last year the Nippon Yusen Kaisha received about 6,483,707 yen and the Toyo Kisen Kaisha about 1,763,880 yen. It is stated that in 1907, without the subsidy, the Nippon Yusen Kaisha would have lost about 2,500,000 yen, while the Osaka Shosen Kaisha, despite the large amount of subsidies received, only paid 6 per cent for 1907. It is believed that the large amount of tonnage on the stocks indicates that a heavy increase in the subsidies will have to be reckoned on for the next fiscal year.

In replying to these criticisms the directors of the Nippon Yusen Kaisha state that in the event of the Government stopping its bounties the company will have no alternative but to discontinue the regular lines; and as other Japanese companies—such, for instance, as the Osaka Shosen Kaisha—would not be in a position to take up the services, which but for the subsidies could not be kept up with profit, the lines would have to be abandoned to the encroachment of foreign competitors.

The gentleman said that subsidies would give a temporary stimulus. All subsidies give only a temporary stimulus, but they do give a stimulus, and they give it to the precise extent for which made and provided.

It must be manifest that with these handicaps operating as I have shown we can not possibly meet our rivals on an even keel. We can not meet them upon terms of open competition; and knowing that very fact, gentlemen of the opposition invoke the law of the jungle and free-trade platitudes and sophisms of worn-out philosophy to prevent us putting our hands, as they are pleased to say, in the pocket of the Nation for the purpose of helping an industry in the manifest interests of the welfare of the whole people.

But gentlemen are inconsistent in their attitude. The same argument that they apply here, if applied and followed elsewhere, would have prevented nine out of every ten appropriations which have been made on this floor and made, too, with the assistance and approval of the very gentlemen who are opposing so vigorously this appropriation.

The gentleman from Ohio [Mr. BURTON], at whose mere word we appropriated $84,000,000 this year for the rivers and harbors of the country, and who advocates the future appropriation of untold billions of dollars for the improvement of our inland waterways, never advocated the appropriation of one dollar that did not begin its general blessing in universal benefits by blessing some one particular locality somewhere, somehow, first. All appropriations proceed to be generally useful by being specifically applicable. No appropriation has been made on this floor this winter that did not accomplish its general benefits through special conduits. Every law that appropriates money appropriates it for something, some one, somewhere, and under no circumstances, of course, is it justifiable unless the entire object is the universal good, and we have been in all other respects, save this particular respect, generous and broad gauged in our interpretation of the language of the Constitution. We gave $800,000 to Italy the other day, directly for individual good—the money of the people of the United States. Under the American flag and under the impulse of pure benevolence we approached the Treasury without warrant or authority under the Constitution and withdrew this vast sum, and I am glad we did it. It benefited twice. It blessed those who received and those who gave. [Applause.]

The law to reclaim arid lands first helps some one, some individual who owns the arid lands, before the profits from the enterprise can spread themselves abroad to all the land. When we built the great transcontinental railroads we appropriated billions of dollars' worth of public lands and bestowed them upon private corporations. What for? To help the private corporations build the railroads. What for? To open up the West. What for? To make homes for the people. But how were the people to get the homes? Why, we gave them billions of dollars' worth of public lands, the property of all the people, to individuals. What for? In order that the country might be developed. Develop what? Develop enterprises of all kinds; develop population; develop means of turning the raw-material gifts of nature into the finished materials of commerce, sending them east and sending them west and north and to the south to build up facilities for the creation of values and exchange of values, so that we might rise, be enriched, enlightened, have greater opportunities, and so make it possible for this land to be improved and individual benefits to be conferred in the first instance upon single, separate, private enterprises and people. And so we have made this land, as I said before, the envy and the despair of the world, the joy of the present, and the hope of the future.

"But," some one objects, "the railroads were subsidized as a military necessity." Military necessity was the salve applied to sensitive consciences. But this same consideration would apply now, for this subject has two aspects—the commercial and the national-defense aspects—and the Constitution gives us full authority to build and maintain a navy and provide for the national defense. We not only helped the railroads, but in the early days, while the forests still were surrounding us and our battle was against the deep woods, our forefathers adopted the policy of putting their hands into the Public Treasury and ap-

propriating for private enterprises to build what? To build roads—plank roads, turnpikes, canals, stage lines, and railroads. What for? To develop means of transportation. What for? To develop the country.

Again, we appropriate $146,000,000 for pensions to individuals because of wars that have been and to create encouragement for individual enlistment in case of war that may yet unhappily come.

We appropriate liberally for the extermination of the cotton boll weevil, a matter that does not directly interest the North and West and East, but does interest the very gentlemen who persist in their opposition to this measure.

Again, we have entered upon the enterprise of building the Panama Canal, which will cost from three hundred to five hundred million, for no one yet knows what its final cost will be, and when it is completed we shall not have a deep-sea vessel carrying the American flag to pass through the same.

We have spent millions upon millions of dollars under the leadership of the gentleman from Ohio [Mr. BURTON] to improve the rivers and harbors and to make 40 and 50 foot channels, and there is not a single vessel flying the American flag that needs a 40-foot channel.

Again, this very Post-Office Department illustrates in its annual appropriation bill this year the fallacy of the gentleman's proposition. In the post-office bill this year we appropriated public money for private benefits.

Here in the city of Washington the departmental mail, if sent out by the public at regular rates, would cost $20,000,000 annually; private benefit for public advantage. The periodicals carried free in the county of their publication cost $531,560.94 last year; that is a subsidy pure and simple to individual newspaper owners, but a public benefit.

Again, all second-class matter is carried at the actual cost of 8⅝ cents a pound, but it was actually carried for 1 cent per pound, a loss of 7⅝ cents a pound, and the Post-Office Department lost last year $57,000,000 to aid in the distribution of this matter. The very newspapers that denounced merchant marine subsidies took their pro rata share of this $57,000,000.

This appropriation I am not criticising; I am approving it; it is in the line of public policy. These appropriations were not made by men who keep their eyes glued upon the pages of a ledger, but men who take a wide view of things, who see way beyond to-day into the requirements of to-morrow, because they see in the general distribution of things these appropriations work out to the uniform general welfare and benefit of all the country.

In passing, I notice, Mr. Speaker, that it has been claimed that this specific appropriation is obnoxious because the Pacific Mail will benefit thereby. The Pacific Mail can not avail itself of this appropriation, as I am told, under the law, under any circumstances; but if it could, it could not get a dollar without earning a dollar and doing more than a dollar's worth of good for the whole country.

Mr. Speaker, there are two great features to this question—two great lines of thought and consideration. One is that phase which appeals to commercial ambition, to the desire for profit, to the love of expansion, to the ardor for trade conquests. The other feature is that feature which has been so derisively referred to by the gentleman from New York as the patriotic feature—the feature of national defense and national security.

If any objection of an academic character can be attached to the policy of a ship subsidy, there certainly can be no such constitutional objection urged to the maintenance of the navy and providing for the national defense. There are two great American questions. One is, Will it pay? The other is, Is it right? If the first question is decided in the affirmative, we sometimes do not linger to ask the other. But this particular proposition is both right and it will pay.

Even the gentleman from New York [Mr. COCKRAN] can not be so blinded by his syllogisms and the gentleman from Ohio [Mr. BURTON] can not be so self-hypnotized by his own glittering generalities as not to see that a navy organized for defense can only be defensive when it becomes offensive, and that the purpose of maintaining a navy and an army is in order, when the dire necessity comes, to strike the hardest possible blow at the farthest possible distance from home, in the shortest possible time, with safety to itself. They must see that this can not be accomplished without an army and a navy equipped for this particular purpose. We need supplemental auxiliary vessels both for the battle ships and for the army. We need transports, and scouts, and hospital ships, and supply ships, and coal ships.

We have already spent $300,000,000 upon the new navy, and we must continue to spend large sums constantly in order to meet the requirements of this navy already under way. It would require $200,000,000 to build and equip the necessary supplemental ships. This is a serious question. If we are to undertake to build for the Nation's ownership an adequate supply of the right kind of ships and auxiliaries for the complete auxiliary navy, and a complete fleet to move not less than two army divisions at any given moment, the initial cost to the Government would be not less than $200,000,000. But the outlay of $200,000,000 would require an annual fixed charge of 3 per cent for interest, for the Government can borrow at that rate; 5 per cent for maintenance, for iron ships only last twenty years; 6 per cent for insurance; 3½ per cent for repairs; 6 per cent for salaries and labor; 6 per cent for food; and 6 per cent for fuel; or a grand total expenditure of $71,000,000 in the way of fixed charges annually. If this were done, and the American people would meet such an outlay to maintain our national honor, we would have the difficulties and friction contingent upon finding the men and officers and of controlling and disciplining them; and there would be the increased expense for mere operation, for so large a body of ships and men could not be kept in absolute stagnation, unoccupied in times of peace. They would be earning nothing, and all our naval resources would be in first line of defense. They would have to be constantly occupied to keep them in proper condition for immediate response in times of peril.

To build and maintain and man all the extra ships needed to make the navy useful to its best degree, and the army valuable at the most essential point, would thus be the most expensive way possible to meet an end so desirable and so essential. Whereas by a patriotic, intelligent, and far-sighted policy of proper distribution of subsidies, which is pursued by every one of our trade and naval rivals, we could build up, as once before we had, a peerless merchant marine, which would carry our flag into every sea and our ships into every port, and be developing our foreign trade in times of peace and training men and officers for our protection in times of war; and we should accomplish this purpose in a better, more efficient, and in a cheaper way than by any other method.

Gentlemen have accused us of masking our batteries; of making false pretenses. I repudiate the intimation with scorn and indignation; I mask no batteries. I meet the issue with unflinching determination; there is no other way for us to save our merchant marine save by subsidies, and subsidies in amount and in methods which will meet the amount and the methods of our trade rivals, for, as I have said before, we can not select, ourselves, the weapons with which our enemies will fight us; we can choose our own, and they will choose their own. They have chosen subsidies, and we must inevitably go into a war of subsidies. Our trade rivals subsidize to the extent of nearly thirty-six millions a year. It has been said on this floor that Germany does not subsidize. The gentleman is mistaken; she does subsidize, and gives aid in more than one way and gives aid sufficiently; she gives rebates on all freights carried on her state railroads intended for the export trade.

It has been said here that England does not subsidize—she is the chief offender. In rebates and gifts and contracts, in subvention, in government loans, and in direct subsidies, she expends every year more than $8,000,000.

I have here a statement of the different subsidies of our trade rivals:

Great Britain and colonies.

Cunard Steamship Company	$1,060,788	
White Star	366,682	
Union Steamship Company and Castle Mail	656,910	
P. & O	1,484,130	
Royal Mail to West Indies	121,650	
Orient	827,220	
Elder Dempster	194,640	
Pacific Steam Navigation Company	155,712	
Allan Line (Canada)	200,000	
Canadian Pacific	291,960	
Royal naval reserves	1,792,148	
Great Britain and Canada (Canada)	550,000	
St. John, Halifax, and London (Canada)	40,000	
St. John, West Indies, and South America (Canada)	80,700	
Canada and South Africa (Canada)	146,000	
Canada and Mexico (Canada)	100,000	
Canada and New Zealand (Canada)	50,000	
		$8,118,540

Germany.

North German Lloyd	1,330,000	
North German Lloyd to East Africa	328,455	
North German Lloyd for Japan-Australia line	125,000	
North German Lloyd to New Guinea	55,959	
		1,839,414

France.

Mail subsidies	4,468,129	
Navigation bounties (estimated)	4,138,778	
		8,606,907

Japan.		
Subsidies allowed by Japanese Diet	$3,429,378	
Subsidies allowed by Formosan Government	398,400	
Subsidies allowed by Manchuria	69,720	
Navigation bounty	1,735,010	
Construction bounty	993,739	
Deep-sea fishing	69,524	
		$6,698,771
Norway.		
Figures from commissioner's reports		163,748
Sweden.		
Figures from commissioner's reports		31,844
Austria-Hungary.		
Subsidy	1,717,698	
Navigation and equipment bounty	893,000	
Construction bounty	243,600	
		2,854,298
Italy.		
Subsidy	2,328,917	
Navigation and construction bounty	1,544,000	
		3,872,917
Portugal.		
Navigation subsidy		53,000
Russia.		
Subsidy	1,543,578	
Suez dues repaid	334,750	
		1,878,328
Spain.		
Subsidies	1,840,981	
Shipbuilding bounties	38,600	
		1,879,581
Grand total		35,996,879

Much has been said in this debate by gentlemen on the opposite side about the *Mauretania* and the *Lusitania*. I thank the gentlemen for the names. These magnificent boats—the finest steamers afloat, the best creation of modern nautical skill and ability—were practically donated to the Cunard Line. Nothing has been spared to make them perfect; nothing has been spared which could render them more swift, more strong, more true, more useful. Nothing has been spared to secure economy of administration, of maintenance, and of operation. These magnificent vessels cost $6,500,000 each. The English Government loaned the money to the Cunard Line—to the company—under terms, and in accordance with agreement, whereby the subsidies paid by the Government meet every payment of interest and principal the moment it becomes due. At the end of twenty years the *Mauretania* and the *Lusitania* will not have cost the Cunard Company one cent. All the Cunard Company has had to do, all the Cunard Company will have to do, is to make a profit over and above the cost of maintenance and operation. Now, where would an American be in undertaking to do anything against the *Mauretania* and the *Lusitania*?

Here is where he would find himself: In the first place, I will take the illustration, even if he should buy the ship in England at the same cost. If the American bought the ship in England, he would pay six and a half million dollars for it. So would the Englishman; but the Englishman would get his money for 2¾ per cent and the American would pay 5 per cent for his money. In this one item is a handicap of $146,250 every year on interest. It would cost the American 1 per cent annually more for the repairs; that is, $65,000. It would cost the American $130,000 more a year for the wages and salaries of the officers and crew. It would cost the American $48,750 more a year for the food for the crew, because under our "inadequate navigation laws" it is made necessary to feed a sailor like a man. [Applause.] At the end of one year before our American owner was on an even keel with the Englishman he must earn $390,000 more than the *Lusitania*, and the same is true of the *Mauretania*.

And this is the case where we have been permitted to buy in the foreign market, under my supposition.

But now let us take the conditions as they actually exist were we compelled to build the *Mauretania* or the *Lusitania* in America. It would cost us to build one of these ships $8,125,000. We would pay 5 per cent for our money, $406,250. The Englishman would get his boat at $6,500,000, at 2¾ per cent interest, or $178,750. It would cost us $248,375, or 3½ per cent, for repairs; the *Lusitania* costs 2½ per cent for repairs, or $162,500. It would cost us 5 per cent for wages. The Englishman would pay 3 per cent for wages. We would pay $406,250; the Englishman would pay $195,000. We would pay 4 per cent for food; the Englishman would pay 3½ per cent for food. We would pay $325,000; the Englishman would pay $211,250. We would pay for insurance 6 per cent; the Englishman would pay the same. For depreciation we would have 5 per cent, the same as the Englishman pays. But we are paying this on $8,125,000, so that our insurance bill is $487,500, against the Englishman's of $390,000, and our depreciation is $406,250, as against the Englishman's $325,000, or an annual handicap on account of difference in cost and charges of $995,875. For twenty years, which is the life of the English contract with the *Lusitania*, the handicap would amount of $19,917,500.

To pay a 5 per cent dividend the American would have to earn $406,250; the Englishman would have to earn $325,000, or an annual increase of earnings on the part of the American amounting to $81,250, which, in twenty years, would amount to $1,625,000; or, in other words, in order to be on an even keel with the English boat the American boat in twenty years would have to earn more than the Englishman $21,542,500. In the meantime the *Lusitania* gets a subsidy of $6,500,000, plus the interest at 2¾ per cent.

This is the kind of competition which we are obliged to meet; it is bitter and it is destructive, for, of two ships of equal capacity, officered and manned with equal intelligence, managed by a crew of equal ability, directed by a company of equal sagacity, that one ship will get the business which can carry the trade the cheapest, and that ship can carry the cheapest which costs the least to build, maintain, and operate.

Mr. WILSON of Pennsylvania. Will the gentleman yield for a question?

Mr. FASSETT. I would rather not yield at all, Mr. Speaker. Gentlemen have claimed that could we open our navigation laws so as to permit the purchase of ships in any market we could meet the competition. I think I have effectually disposed of that proposition. If to get free ships would solve the problem, I would be for free ships at once. It must be remembered that already all materials for building ships and equipping ships are admitted free of duty for ships built for the foreign trade, the only restriction being that they can only enter our coastwise trade for two months in any one year, and only one ship has been built under this law on account of this restriction.

Now, gentlemen, the free-ships proposition is a delusion and a snare.

The next proposition or proposal made by gentlemen in opposition is that we should establish preferential duties, and that goods brought in American ships should be permitted to enter on payment of less duty, and that goods exported in American ships should receive a rebate. The trouble with this proposition is threefold.

First, we have solemn treaties with other nations—with all our trade rivals, some 43 treaties—and in all these treaties we have agreed that there shall be no distinction in the treatment of and charges upon goods brought in American bottoms and goods in foreign bottoms, either coming in or going out; and in order to reduce our difficulties and solve this particular problem along this particular suggestion, we would have first to ignore or renounce these treaties, 43 in number, and then rewrite all of them with all our trade rivals and endure all the bad feeling thus engendered and run the risk of all possible friction thus developed, and even meet the possibility of war if we should attempt this backward movement.

The next objection to this proposed solution is that the world has abandoned that method; it has been tried and failed; it created difficulties in every country where tried, leads to suspicion, jealousies, and charges of corruption, so the differential duties have been abandoned. They are antiquated, impracticable, impossible.

A third objection is that more than half of our imports are already on the free list, and there could be no preferential allowances of duties where no duties exist; and as there are no duties on any exports, there could be no rebates on outgoing tonnage. The suggestion, if not a subterfuge, is a meretricious one.

The next proposed solution of our trouble is the proposal that we shall tear down our tariff walls and enter upon the experiment of free trade. Ah, Mr. Speaker, here we have the real crux of the situation. This is the demand of the free trader, the magazine writers, and of our opponents on the other side; this is the demand of Mr. COCKRAN, the demand of the distinguished leader from Missouri; this is the insistent cry of all men who hate the tariff, and who hate protection and who hate the administration of protective laws and the success of the same. Tear down our tariff walls! That is their cry. Tear down our tariff walls! Tear them down in order that material may be cheaper, that wages may be lowered, that prices may be reduced! Tear down the tariff walls in order that no governmental interference or protection shall turn aside the operation of the laws of supply and demand! Tear down the tariff walls in order that all competition may begin to proceed upon natural lines! Tear down the tariff walls to initiate competition in cheapness—in the cheapness of men, in the cheapness of women, in the cheapness of children, in cheaper homes, and cheaper lives. It means competition under the law of the jungle, from which civilized and Christian nations have been for many years turning away.

Under the protective tariff we have lifted up the Nation to a higher plane of living than is enjoyed by our trade rivals. We have come to enjoy better pay, pleasanter homes, more luxurious surroundings. We are living on a better basis, and it is only by virtue of the law of protection that we are thus enabled to live. We have established this higher and more merciful and blessed condition of things by the persistent efforts and the intelligence and virtue of the Republican majority of this country represented here in Congress. [Applause.] We have established it, and we are going to maintain it. [Applause.] We refuse to subject the American people to the remorseless competition of the crowded nations whose toilers are willing to live on the lowest scale and for the smallest pittance.

This industry of carrying goods upon the high seas is the one American industry that has been slaughtered on the altar of protection. I have no qualms in facing it. I agree with the gentleman from Mississippi for once, and I agree with the gentleman from Missouri for once, that the protective tariff has slaughtered our American merchant deep-sea marine. [Applause.] We propose now by means of this bill to change the situation, to bring it under the ægis of protection, and get down to a square deal and fair play.

Adopt free trade, tear down the tariff walls; and when we shall have reduced to the lowest point paid in the country of our closest competitor the wage scale, when material has been reduced to the point reached in the country of our keenest competition, when the whole plane and scale of living has been cut down to the scale enjoyed by our keenest competition, then we shall be able to build ships as cheaply as our competitors. But even then, Mr. Speaker, we shall have to face the enormous handicap of the subsidies given by other governments. [Applause.]

The gentleman from Ohio said that on the high seas all is free and open; that protection can not extend out into the great, broad reaches of the ocean. I say there is no sea broad enough to shut out human competition; and where competition can go, protection can follow. [Applause.] The seas have not been broad enough nor deep enough to shut out foreign subsidies; to this complexion you must come at last.

You may adopt the policy of buying your ships in open market; you may adopt the policy of differential treaties; you may adopt the policy of free trade; but you will yet have to face the foreign subsidies. They are the Ossa of subsidies piled upon the Pelion of lower cost of labor and materials.

Foreign subsidies amount to nearly thirty-six millions a year. Suppose it cost us fifty millions a year. The national profit enjoyed in the form of national safety and security, in ultimate business prosperity, would be purchased cheaply at $50,000,000 a year. We are paying $210,000,000 a year for transportation and importation of our goods in foreign trade. We receive one-tenth of this, leaving $189,000,000 to our foreign rivals. If we could recover our fair proportion by an expenditure of even fifty millions annually, it would prove a profitable business investment. [Applause.]

Gentlemen have been berated and belittled here because they appealed away from the sordid considerations, and from motives of patriotism and love have endeavored to secure this appropriation. They have been accused of wrapping themselves in the American flag for that purpose. It seems to me, Mr. Speaker, that it is quite as dignified and proper to approach the National Treasury under the protection of the American flag, for the purpose of the national improvement and protection, as it is, under that same flag, to bow down before the altars of the false gods of cheapness and servility and pauper labor, under the miserable plea of an incomprehensible economy. [Continued applause.]

How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. FASSETT. Mr. Speaker, it has been assumed that the Republican majority in this Congress invented the idea that the surplus in the Post-Office Department might as well be used to subsidize American packets. I want to say, for the benefit of my friends on the other side, that our chairman will have to divide the honor for that distinction with that distinguished Democrat, Thomas Jefferson.

In Ford's edition of The Writings of Thomas Jefferson, volume 4, page 69, will be found a letter from Thomas Jefferson to Richard Henry Lee on the beginnings of an American navy, in the course of which he says:

> I should be happy to hear that Congress thought of establishing packets of their own between New York and Havre. * * * Could not the surplus of the post-office revenue be applied to this?

Conditions, of course, are widely different, but the very purpose of this bill is to use the surplus postal revenues from our ocean-mail system to build and run American ships that will not only carry our mails, but will also be serviceable as auxiliaries to the national defense.

The gentlemen here say there is no surplus in the Post-Office Department. The general deficit in the Post-Office Department is $16,000,000 this year. There would be an enormous surplus but for the extra cost of delivering second-class mail matter and the continuous extension of the rural free-delivery routes, and every postal route that does not pay is subsidized from some route that does pay, and the ocean route is the route that carries the most profitable mail, and it paid over $8,000,000 last year, and we have as much right, it seems to us, to ask that this surplus be used to subsidize merchant vessels in our trade as the country at large has to apply that surplus to the free-delivery routes or to carry newspapers or magazines for nothing. [Applause.]

Gentlemen object to the term "subsidize." Personally I would never use the synonyms, or any equivocal terms, such as "subvention" or "promotion" or "protection." War is war, and we are engaged in a supremacy war for markets and for trade. We are fighting for permanent, present prosperity and future supremacy. We are fighting with enemies who do not hesitate to employ any and every possible means for victory, and when you recall that our success in this line contemplates not only trade expansion, but national security in times of war, I think we may well call upon you to subsidize; subsidize these other nations off the sea; they have commenced the policy; they are continuing the policy; they are driving us off the sea; they have, indeed, practically driven us off the sea. Now, we must meet the situation as it is and not as it ought to be; we must meet conditions as they arise and not conditions as they are imagined. Japan can not afford to, but she subsidized to the extent of $8,000,000 this year, and next year she will be obliged to use more, but she has succeeded in driving us off the Pacific.

We have only one steam vessel under all the stars that is in actual, unmodified, competition, and that is the *Minnesota*, the sister ship of the *Dakota*, and the *Minnesota* travels at a loss. The Pacific Mail has the advantage of the coastwise laws and of cheaper labor, because that company does not come under the law of 1891, and so it happens that there is only one boat run by a corporation out of pure patriotism at an annual loss, and the Pacific Mail is now, according to Mr. Harriman's recent interview, carrying chiefly cubic feet of air.

South America and the Latin republics are doing a business of two thousand millions of dollars a year. We get of that total amount one-fourth; of that one-fourth we furnish, ourselves, by our own purchases, three-fifths; we have a quarter of their trade. We furnish her 15 per cent of what she buys, but we buy 30 per cent of what she sells.

Gentlemen have said that there are facilities between North and South America, and that is true. But what facilities? Letters can be sent to South America, replies can be had from South America, if you are willing to wait. But our letters go twice across the Atlantic to get once to South America, and so with replies; and a merchant in South America wishing to do business with a man in New York or London can get his letter back from London before his letter reaches the New York merchant. Other matters are sent to and fro with equal inconvenience and uncertainty.

The question for us to face, the question which will not down, is this: Do we want to extend our foreign markets? Is it worth while to seek the markets of the world? Is it worth while to rescue our navy from its present condition and furnish it with an auxiliary fleet? Is it worth while to have a merchant marine on every sea? Is it desirable to have a large reserve, from which sailors as well as ships can be recruited in times of need? These are the questions!

If it is worth while, there is just one way to go about it—and we are concerned with the best way, the only way—we must, in some form or other, pay the price. Now, is the future growth, our future development, and our future security worth the few paltry millions of dollars a year we would have to pay for subsidy until our merchant marine were established?

The trade of South America is increasing at the rate of $100,000,000 a year; a thousand millions in ten years. This interests all of us—the South and the West, the North and the East, the men who raise corn, the men who raise wheat, and those engaged in commerce of various kinds. It is a national question; it is a question for now and for the future. It is not a party question; it is a question of wise, deep, broad business statesmanship.

When England had her war with the Boers—a little war—the price of freight to South America went up because the boats carrying the freight were owned by England and they were called home for use and taken off the sea, and the boats remaining put up their prices. We had no vessels with which to deliver our goods; there was a market for our goods, but we had no boats in which to carry them to the market. What would be said of the business sagacity of John Wanamaker if he permitted

Siegel & Cooper to deliver his goods? That is precisely what we are doing; we are allowing our trade rivals in the newly developed markets of the world to deliver our goods. We are sending no ships whatever to South America south of the Caribbean Sea. We have a few to Europe; but our trade rivals are delivering our goods when they please, and where they please, and how they please, as often as they please, and in the manner they please, and at their own prices.

Absolutely, and in spite of all this, we are growing; in spite of it all our industries are expanding; in spite of it all our prosperity and our wealth are increasing. Every time the sun goes down our wealth has increased by $8,000,000, and this has been true for seven years. The output of our mines is as great as the export trade of the world. The output of our manufacturing enterprises, those enterprises that were established and protected by using the taxing power of the Government to enable private enterprises to make profits which otherwise would have made losses, through a high protective tariff this output exceeds thirteen thousand millions of dollars a year, every dollar of which goes to pay for American homes and American labor and American wages. [Applause.] Our agricultural output, under the overshadowing power of a protective tariff, has increased in equal importance with the output of our mines, and all this wonderful, marvelous growth and development began with the divine courage to think higher than mere immediate temporary profit.

Our interstate commerce exceeds by a thousand millions the export and import trade of all the world, ourselves included. At present we have enough to do at home for our goods. At present, even though the times are slack, the demand is excellent; and two years ago, when the times were not slack, the manufacturer did not have to put his salesmen on the road. Telegraph orders came in faster than they could be filled. Our consuming capacity had not overtaken our capacity to produce at that time; but that is coming, and that is coming soon. It is coming with amazing rapidity.

The South in ten years has increased her manufacturing capacity 680 per cent, and in twelve years her textile industries 1,120 per cent. Pittsburg alone originates more tonnage in iron and steel and manufactures of iron and steel than Germany or England, and when this American giant, this splendid, intrepid American workman, whose ability and creative energies are so frequently extolled in debate by gentlemen of the opposition, becomes fully occupied and grows to his full stature and is turning out the proceeds of the mills, the mines, and the factories faster than we have a capacity to do now, then will arise an appreciation of the importance of this legislation; then will arise a cry for deliverance; then will arise a determination to have foreign markets and seek out new markets, and then we will realize, when it is too late, that our trade rivals, while we have slept, have taken possession of every approach to every market.

Shall we sit here and submit to be tied hand and foot because the distinguished gentlemen in the minority have a misleading conception of immediate profit and of immediate loss upon a cent per cent basis?

It is an unfortunate thing when you are busy with the world to keep your eyes glued on the ledger in the countingroom. Occasionally it is wise to look beyond your own feet across the horizon, and you may occasionally usefully gaze at the stars in the sky and direct your future steps according to their leadings. [Applause.]

Now, let us take our courage in both hands and with convictions equal to our courage, and with that courage and that equal conviction let us solve this problem in the only way in which it can be solved, for there is no other way "just as good." There is no substitution for subsidies. The contest is on; our rivals have entered. They are swinging out upon the broad seas. They have nearly completely subsidized us off the seas. They are shoving us out from foreign markets. We are not getting our share of the increasing commerce of the world. We should encourage the building of our own ships. We must encourage the operation of our own ships. We should encourage the carrying of our own commerce. We must encourage the upbuilding of a great merchant marine for our future protection in times of peril and to secure profit in times of peace, until we reach the point where, without government aid, we can continue to carry our own fair share of all the world's commerce and most of our own and maintain ourselves in our proper place in competition with our rivals. This course is dictated by every consideration of prudence and demanded by every impulse of patriotism. [Long and continued applause.]

The SPEAKER. The time for debate has expired.

Mr. OVERSTREET. In the interest of time, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 175, answered "present" 6, not voting 33, as follows:

YEAS—172.

Acheson	Douglas	Hill, Conn.	Mudd
Alexander, N. Y.	Draper	Hobson	Needham
Allen	Driscoll	Holliday	Nye
Andrus	Durey	Howell, N. J.	Olcott
Anthony	Dwight	Howland	Olmsted
Bannon	Edwards, Ky.	Hubbard, W. Va.	Overstreet
Barchfeld	Ellis, Mo.	Huff	Parker
Bartholdt	Ellis, Oreg.	Hughes, W. Va.	Parsons
Bartlett, Nev.	Englebright	Hull, Iowa	Payne
Bates	Estopinal	Humphrey, Wash.	Pollard
Beale, Pa.	Fairchild	Jones, Va.	Porter
Bede	Fassett	Jones, Wash.	Pray
Bennet, N. Y.	Focht	Keifer	Reeder
Bennett, Ky.	Foelker	Kennedy, Ohio	Reynolds
Bingham	Fordney	Kinkaid	Roberts
Bonynge	Foss	Knapp	Rodenberg
Boutell	Foster, Ind.	Knowland	Sherman
Bradley	Foster, Vt.	Lafean	Slemp
Brownlow	Foulkrod	Landis	Smith, Cal.
Burke	Fowler	Langley	Smith, Mich.
Burleigh	French	Laning	Southwick
Burton, Del.	Gaines, W. Va.	Law	Sperry
Butler	Gardner, Mass.	Lawrence	Sterling
Calder	Gardner, Mich.	Longworth	Stevens, Minn.
Calderhead	Gardner, N. J.	Lorimer	Sturgiss
Capron	Gilhams	Loud	Sulloway
Cassel	Gillett	Loudenslager	Swasey
Caulfield	Goebel	Lovering	Tawney
Cocks, N. Y.	Graff	McCall	Taylor, Ohio
Cole	Graham	McCreary	Thistlewood
Conner	Greene	McGavin	Thomas, Ohio
Cook, Pa.	Guernsey	McGuire	Tirrell
Cooper, Pa.	Haggott	McKinlay, Cal.	Townsend
Coudrey	Hale	McKinley, Ill.	Volstead
Cousins	Hall	McLachlan, Cal.	Vreeland
Currier	Hamilton, Mich.	McMillan	Waldo
Cushman	Harding	Madison	Wanger
Dalzell	Haskins	Malby	Washburn
Darragh	Hawley	Marshall	Weeks
Davis	Hayes	Miller	Wheeler
Dawes	Henry, Conn.	Mondell	Wood
Denby	Hepburn	Moon, Pa.	Young
Diekema	Higgins	Moore, Pa.	The Speaker

NAYS—175.

Adair	Ellerbe	James, Ollie M.	Ransdell, La.
Adamson	Favrot	Jenkins	Rauch
Aiken	Ferris	Johnson, Ky.	Rhinock
Alexander, Mo.	Finley	Johnson, S. C.	Richardson
Ansberry	Fitzgerald	Keliher	Riordan
Ashbrook	Flood	Kennedy, Iowa	Robinson
Barnhart	Floyd	Kimball	Rothermel
Bartlett, Ga.	Fornes	Kipp	Rucker
Beall, Tex.	Foster, Ill.	Kitchin	Russell, Mo.
Bell, Ga.	Fulton	Knopf	Russell, Tex.
Booher	Gaines, Tenn.	Küstermann	Ryan
Bowers	Garner	Lamar, Fla.	Sabath
Boyd	Garrett	Lamb	Saunders
Brantley	Gill	Lee	Shackleford
Brodhead	Gillespie	Lenahan	Sheppard
Brundidge	Glass	Lever	Sherley
Burgess	Godwin	Lindsay	Sims
Burnett	Goldfogle	Livingston	Slayden
Burton, Ohio	Gordon	Lloyd	Small
Byrd	Goulden	Lowden	Smith, Iowa
Caldwell	Gregg	McDermott	Smith, Tex.
Campbell	Griggs	McHenry	Sparkman
Candler	Gronna	McKinney	Spight
Carlin	Hackett	McLain	Stafford
Carter	Hackney	McLaughlin, Mich.	Stanley
Cary	Hamilton, Iowa	Macon	Steenerson
Chapman	Hamlin	Mann	Stephens, Tex.
Clark, Mo.	Hammond	Martin	Sulzer
Clayton	Hardwick	Maynard	Talbott
Cockran	Hardy	Moon, Tenn.	Taylor, Ala.
Cook, Colo.	Harrison	Moore, Tex.	Thomas, N. C.
Cooper, Tex.	Hay	Morse	Tou Velle
Cox, Ind.	Heflin	Murdock	Underwood
Craig	Helm	Murphy	Wallace
Cravens	Henry, Tex.	Nicholls	Watkins
Crawford	Hill, Miss.	O'Connell	Webb
Crumpacker	Hinshaw	Padgett	Wiley
Davenport	Hitchcock	Page	Willett
Davidson	Houston	Peters	Williams
Dawson	Howard	Pou	Wilson, Ill.
De Armond	Hubbard, Iowa	Prince	Wilson, Pa.
Denver	Hughes, N. J.	Pujo	Wolf
Dixon	Hull, Tenn.	Rainey	Woodyard
Edwards, Ga.	Humphreys, Miss.	Randell, Tex.	

ANSWERED "PRESENT"—6.

Chaney	Haugen	Scott	Sherwood
Cooper, Wis.	Nelson		

NOT VOTING—33.

Ames	Howell, Utah	Lindbergh	Reid
Barclay	Jackson	McMorran	Smith, Mo.
Birdsall	James, Addison D.	Madden	Snapp
Broussard	Kahn	Mouser	Watson
Burleson	Lamar, Mo.	Norris	Weems
Clark, Fla.	Lassiter	Patterson	Weisse
Esch	Leake	Pearre	
Fuller	Legare	Perkins	
Hamill	Lewis	Pratt	

So the motion to suspend the rules and pass the bill was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. AMES with Mr. CLARK of Florida.

Mr. BIRDSALL with Mr. LAMAR of Missouri.

Mr. FULLER with Mr. LASSITER.
Mr. HOWELL of Utah with Mr. LEGARE.
Mr. ADDISON D. JAMES with Mr. LEWIS.
Mr. LINDBERGH with Mr. PATTERSON.
Mr. MADDEN with Mr. SMITH of Missouri.
Mr. PEARRE with Mr. WEISSE.
Mr. MCMORRAN with Mr. BROUSSARD.
On this vote:
Mr. MOUSER (in favor) with Mr. COOPER of Wisconsin (against).
Mr. WEEMS (in favor) with Mr. HAUGEN (against).
Mr. BARCLAY (in favor) with Mr. NORRIS (against).
Mr. KAHN (in favor) with Mr. NELSON (against).
Mr. WATSON (in favor) with Mr. ESCH (against).
Mr. JACKSON (in favor) with Mr. PERKINS (against).
Mr. SCOTT (in favor) with Mr. BURLESON (against).
Mr. SHERWOOD (in favor) with Mr. REID (against).

Mr. COOPER of Wisconsin. Mr. Speaker, I am recorded as voting "no." I am paired with the gentleman from Ohio [Mr. MOUSER]. I wish to withdraw my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. COOPER of Wisconsin, and he answered "present," as above recorded.

Mr. SCOTT. Mr. Speaker, I voted "aye." I am paired with the gentleman from Texas [Mr. BURLESON].

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. SCOTT, and he answered "present," as above recorded.

Mr. NELSON. Mr. Speaker, I voted "no." I am paired with the gentleman from California [Mr. KAHN], and I wish to withdraw my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. NELSON, and he answered "present," as above recorded.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CANNON and he voted yea as above recorded.

Mr. CLARK of Missouri. Mr. Speaker, I would like to inquire whether Judge GOLDFOGLE is recorded; he is sick.

The SPEAKER. The gentleman from New York is recorded in the negative.

Mr. CLARK of Missouri. That is the way I want him recorded.

The SPEAKER. Does the gentleman from Missouri know that he is sick and did not vote?

Mr. CLARK of Missouri. No; he was here and voted, and I wanted to ascertain whether he was recorded or not.

The result of the vote was then announced as above recorded. [Great applause.]

Mr. CLARK of Missouri. I move that this bill lie on the table.

Mr. OVERSTREET. Mr. Speaker, I desire to have my name called.

The SPEAKER. But the result has been announced.

Mr. CLARK of Missouri. I rise for the purpose of moving that the bill lie on the table.

The SPEAKER. The bill is back on the calendar.

Mr. CLARK of Missouri. I move to reconsider the vote.

The SPEAKER. There is nothing to reconsider. This was a motion to suspend the rules, and that can not be reconsidered. If the House will be in order and the Speaker can have the floor, the Chair will state that this is a motion to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and pass the same under suspension of the rules. Now, the House has by its vote refused to suspend the rules and discharge the Committee of the Whole House on the state of the Union, and the bill remains on the Union Calendar.

Mr. CLARK of Missouri. There was so much confusion that nobody could tell how it was brought up. I accept the statement of the Chair.

The SPEAKER. The Chair is not responsible for the wild demonstration. [Laughter.]

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent to reconsider the vote.

Mr. MOON of Tennessee. I object.

Mr. OVERSTREET. You can move to lay it on the table. I am trying to aid you gentlemen.

Mr. SHERLEY. You can not do that under a motion to suspend the rules.

The SPEAKER. The gentleman can at any time, if he receives recognition by the Speaker, move to suspend the rules and pass the bill. It is as if the vote had not been taken.

Mr. OVERSTREET. I move to suspend the rules and pass the bill.

Mr. COCKRAN. Oh, Mr. Speaker, I think that decency of procedure would scarcely tolerate such recognition.

FIXING COMPENSATION OF OFFICIALS IN CUSTOMS SERVICE.

Mr. PAYNE. Mr. Speaker, I call up the conference report on the bill (H. R. 21003) fixing compensation of certain officials in the customs service, and for other purposes, and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21003) fixing the compensation of certain officials in the customs service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: Strike out all of the matter inserted by said Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of laborers in the customs service, as he may think advisable, to a rate not exceeding eight hundred and forty dollars per annum.

"SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of inspectors of customs, as he may think advisable, not to exceed in any case the rate of six dollars per diem, and in all cases where the maximum compensation is paid no allowance shall be made for meals or other expenses incurred by inspectors when required to work at unusual hours.

"SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of deputy collectors, assistant appraisers and examiners of merchandise, examiners of tea, and examiners and special examiners of drugs in the customs service, as he may think advisable, not to exceed in any case three thousand five hundred dollars per annum.

"SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of deputy naval officers and deputy surveyors of customs, as he may think advisable, not to exceed in any case three thousand dollars per annum.

"SEC. 5. That section twenty-seven hundred and forty-six of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows, to wit:

"'SEC. 2746. An additional compensation of twenty-five per centum may be continued, at the discretion of the Secretary of the Treasury, to the appraisers, deputy collectors, deputy surveyors, deputy naval officers, and weighers at the port of San Francisco: *Provided, however*, That the compensation so fixed shall not exceed the maximum amounts fixed by law.'

"SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of assistant weighers in the customs service as he may think advisable, not to exceed in any case the rate of four dollars per diem.

"SEC. 7. That hereafter the salary of the Treasurer of the United States shall be eight thousand dollars per annum.

"SEC. 8. That all laws and parts of laws inconsistent with this act are hereby repealed."

And the Senate agree to the same.

SERENO E. PAYNE,
JOHN DALZELL,
Managers on the part of the House.
NELSON W. ALDRICH,
EUGENE HALE,
H. M. TELLER,
Managers on the part of the Senate.

The statement was read as follows:

STATEMENT.

The managers on the part of the House in the conference with the Senate on the disagreeing votes of the two Houses on the bill H. R. 21003, fixing the compensation of certain officials in the customs service, and for other purposes, make the following statement of the result of the agreement arrived at in the conference report:

The Senate amended the House bill by striking out all after the enacting clause and inserting two sections, one fixing the maximum compensation of inspectors of customs, and the other

increasing the salary of the Treasurer of the United States to $8,000.

The House receded from the disagreement to the Senate amendment and concurred with an amendment. The amendment restores section 1 of the House bill; it also restores section 2, fixing the maximum salary of inspectors of customs at $6, instead of $5, as provided in the House bill; it also restores sections 3 and 4, striking out in each section a provision authorizing the Secretary of the Treasury to appoint certain officials named in these two sections.

Section 5 of the House bill, amending section 2746 of the Revised Statutes, is restored with two additional amendments to section 2746, one leaving the additional compensation to be paid to these officers at the port of San Francisco at the same maximum limit, to be approved by the Secretary of the Treasury, and with a proviso that their compensation shall not exceed that provided by law for other officers of a similar character.

Section 6 of the House bill is also restored.

Section 2 of the Senate amendment, fixing the salary of the Treasurer of the United States at $8,000, is agreed to as section 7.

SERENO E. PAYNE,
JOHN DALZELL,
Managers on the part of the House.

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, this is a conference report on a bill that was passed by the House at the last session of Congress to fix the compensation of certain officials in the customs service. I have refused to sign the conference report. The Senate struck out all of the items in the bill as passed by the House and wrote a new bill. The conferees have reached an agreement, which, as I say, I did not sign, and for this reason: I do not think that the agreement as reached between the conferees of the House and Senate is unfair, if we intended to pass the bill at all; but this bill is another effort to increase salaries. It is only a year or two ago when we increased the salaries of the customs inspectors in New York from $4 a day to $5 a day. This bill now increases the salaries of all the customs inspectors in the United States to $6 a day, if the Secretary of the Treasury sees proper to allow it, and experience has shown that when you fix a limitation upward the Treasury Department always recognizes that as the salary intended to be fixed by the Government, and raises it to that limit.

There is another change in the bill that was originally inserted by the Senate and agreed to by the House conferees, and that is to increase the salary of the Treasurer from $6,000 a year to $8,000 a year. Now, I do not contend that possibly some of these officials should not at some time have their salaries increased, but I do say that it is unwise now, in the present condition of the Treasury, to provide for a blanket increase as this bill does. It is no time to increase salaries at all. We are facing a deficit in the Treasury of $150,000,000. We do not know whether we can go through next summer without issuing bonds, and for that reason I think these salary bills should be defeated at this time. We should find out what is the condition of the Treasury, and next winter is time enough, or next year, or the year after, when we find that there is money enough in the Treasury to meet the obligations of the Government, to go into a general increase of salaries, but it is not opportune and it is not wise at this time. More than that, the collection of the customs revenues of this country to-day is costing more than to collect the customs revenues in any other country in the world.

I do not say that it is not necessary for us to increase the salaries of some men, but I do say that there are a great many barnacles carried on the rolls of the customs-revenue service that ought to be cut out, and that we ought not to increase the salaries in any of these customs-service ports until we take up a general bill revising the whole customs-revenue service, cut out the places that are not needed, cut out the barnacles from off the ship, and then adjust the salaries to a proper limit, and for that reason I am opposed to the passage of the bill at this time.

Mr. JOHNSON of South Carolina. Will the gentleman permit a question?

Mr. UNDERWOOD. Yes.

Mr. JOHNSON of South Carolina. Was the salary of these customs-service men not increased a year or two ago on the ground that the customs service had grown and that these people were overworked?

Mr. UNDERWOOD. It was only a year or two ago that this very same argument was made, and the House increased these salaries in the larger ports from $4 to $5 per day.

Mr. COCKS of New York. Does the gentleman understand that that was in lieu of any pay for allowances? They were getting more than $4 at that time. They were allowed expenses.

Mr. UNDERWOOD. Yes; and this intends to make another increase.

Mr. COCKS of New York. Yes; but not as much as the gentleman says.

Mr. PAYNE. Mr. Speaker, this is an agreement which will settle a question that has been agitated for some time before the House, and practically on the lines of the bill which was passed by the House by an overwhelming majority at the last session. I do not need to say anything further. The increase as a draft on the Treasury does not amount to a large sum of money by any means, and the increases are made in the discretion of the Secretary of the Treasury in order that he may reward and encourage faithful inspection, and it is his intention so to do. It applies to all parts of the country wherever there is one worthy of the distinction. This agreement is very largely the House bill. The House yielded to one Senate amendment which allowed a limit to be increased from $5 a day to $6 a day. It is not supposed that many inspectors will be increased to that amount. That is all I care to say, and I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 165, noes 97.

So the conference report was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I present a conference report on the agricultural appropriation bill.

The SPEAKER. The gentleman from Kansas presents a report on the agricultural appropriation bill. The Clerk will read the report.

The report was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 58.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert the following: "twelve million nine hundred and ninety-five thousand and thirty-six dollars;" and the Senate agree to the same.

CHAS. F. SCOTT,
GILBERT N. HAUGEN,
JOHN LAMB,
Managers on the part of the House.
F. E. WARREN,
J. P. DOLLIVER,
H. D. MONEY,
Managers on the part of the Senate.

Mr. SCOTT. Mr. Speaker, I move the adoption of the report.

The SPEAKER. It seems that there are two amendments to this conference report.

Mr. SCOTT. One amendment in conference was that relating to the Country Life Commission, which was brought before the House this afternoon; the other is simply to correct the totals of the bill.

The SPEAKER. Without objection, the conference report is agreed to.

There was no objection.

PENSIONS.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to submit a conference report on Senate bill 9278, and ask that the statement be read in lieu of the report.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the bill on page 2, lines 7 to 11, inclusive.

That the Senate recede from its disagreement to the amendment of the House on page 3, lines 5 to 8, inclusive, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House on page 3, line 11, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House on page 4, lines 5 to 7, inclusive, and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

HENRY E. BURNHAM,
CHARLES CURTIS,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

The statement was read as follows:

STATEMENT.

Statement to accompany report of committee of conference on disagreeing vote of the two Houses on S. 9278.

This bill, as it originally passed the Senate, contained provisions granting pensions and increases of pensions to certain soldiers and sailors of wars other than the civil war, and to certain dependent relatives of such soldiers and sailors, and was passed by the House with amendments. These amendments were disagreed to by the Senate and a conference held. After full conference the conferees agreed as follows:

That the House recede from its amendment to the bill on page 2, lines 7 to 11, inclusive.

That the Senate recede from its disagreement to the amendment of the House on page 3, lines 5 to 8, inclusive, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House on page 3, line 11, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House on page 4, lines 5 to 7, inclusive, and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. LOUDENSLAGER. Mr. Speaker, I move the adoption of the report.

The SPEAKER. Without objection, the conference report is adopted.

There was no objection.

PENSIONS.

Mr. LOUDENSLAGER. Mr. Speaker, I submit another conference report, and I ask that the statement be read in lieu of the report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 9421), granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment on page 1, lines 6 to 9, inclusive.

That the House recede from its amendment on page 2, lines 1 to 4, inclusive.

That the House recede from its amendment on page 2, line 7.

That the House recede from its amendment on page 2, line 10.

That the Senate recede from its disagreement to the amendment of the House on page 2, line 14, and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

HENRY E. BURNHAM,
CHARLES CURTIS,
JAMES P. TALIAFERRO,
Manager on the part of the Senate.

The statement was read as follows:

STATEMENT.

Statement to accompany report of committee of conference on the disagreeing votes of the two Houses on S. 9421.

This bill as it originally passed the Senate contained provisions granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors; and was passed by the House with amendments.

These amendments were disagreed to by the Senate and a conference held. After full conference the conferees agreed as follows:

That the House recede from its amendment on page 1, lines 6 to 9, inclusive.

That the House recede from its amendment on page 2, lines 1 to 4, inclusive.

That the House recede from its amendment on page 2, line 7.

That the House recede from its amendment on page 2, line 10.

That the Senate recede from its disagreement to the amendment of the House on page 2, line 14; and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. LOUDENSLAGER. Mr. Speaker, I move the adoption of the report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PUBLIC BUILDINGS.

Mr. BARTHOLDT. Mr. Speaker, I offer a conference report.

The SPEAKER. The gentleman from Missouri calls up a conference report.

Mr. BARTHOLDT. And I ask that the statement be read in lieu of the report.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28167) to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public building acts, and for other purposes, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 8, 9, 10, 11, 13, and 14.

That the House recede from its disagreement to the amendments of the House numbered 5 and 7, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment so that said amendment shall read as follows:

"SEC. 3. That of the amount heretofore authorized for the United States government building at Boise, Idaho, so much thereof as may be necessary shall be available for the acquisition of additional land: *Provided*, That the limit of cost heretofore fixed shall not be exceeded."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, so that the same shall read as follows:

"SEC. 7. That the Secretary of the Treasury may, in his discretion, disregard the provision requiring sites to be bounded upon at least two sides by streets in so far as the same shall apply to the village of Penn Yan, N. Y."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Change "Sec. 14" to "Sec. 13;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Change "Sec. 15" to "Sec. 14;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment so that amendment shall read as follows:

"SEC. 15. That the item contained in section five of the act of Congress entitled 'An act to increase the limit of cost of certain

public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes,' approved May thirtieth, nineteen hundred and eight, for 'United States post-office at Washington, D. C., five hundred thousand dollars,' be, and the same is hereby, amended so as to add to the same the following provision: 'That if any balance remains within said limit after acquiring the site herein authorized, the Secretary of the Treasury be, and he is hereby, authorized to expend so much thereof as may be necessary in the preparation of the plans for said United States post-office building on said site.'"

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment so that said amendment shall read as follows:

"SEC. 16. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a federal building in the city of Lawton, Okla., and he is authorized to expend for such purpose the proceeds arising from the sale of lots thirty-one and thirty-two of block forty-one of the official plat of the city of Lawton, Okla., as provided for by section thirty-three of the so-called public building act approved May thirtieth, nineteen hundred and eight."

And the Senate agree to the same.

On page 2 of the bill strike out all of section three, being lines 8 to 12, both inclusive.

On page 6 of the bill strike out section thirteen, being lines 3 to 12, both inclusive.

The committee of conference further reports that they have been unable to come to an agreement on Senate amendment numbered 12, same being a provision fixing the limit of cost for the erection of a United States custom-house building at Boston, Massachusetts.

RICHARD BARTHOLDT,
EDWIN C. BURLEIGH,
W. G. BRANTLEY,
Managers on the part of the House.

N. B. SCOTT,
P. J. MCCUMBER,
Managers on the part of the Senate.

The statement was read as follows:

STATEMENT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 28167, having met, after full and free conference have agreed as follows:

The Senate receded from its amendments Nos. 2, 3, 4, 8, 9, 10, 11, 13, and 14, and the House receded from its disagreement to the amendments of the Senate Nos. 5 and 7. The House receded from its disagreement to amendments 1, 6, 15, 16, 17, and 18 with certain amendments thereto.

With the exception of the amendment of the Senate No. 12, a full agreement was reached. This amendment provides for fixing the limit of cost for the erection of an addition to the present United States custom-house building at Boston, Mass., at $1,800,000. The last public-buildings act authorized the acquisition of a site for a new custom-house building at Boston and fixed the limit of cost at $500,000, and the amendment of the Senate proposes to authorize the Secretary of the Treasury to expend the said amount of $500,000 heretofore authorized for an addition to the present building and in addition thereto to fix the ultimate limit of cost of such proposed addition to the custom-house building at Boston at $1,800,000. In other words, an increased authorization of $1,300,000. In view of the fixed policy of the House Committee on Public Buildings and Grounds not to recommend any additonal authorizations at this time—which policy has been strictly adhered to in the preparation of the bill H. R. 28167—the conferees on the part of the House insisted upon the Senate receding from its said amendment No. 12, to increase the limit of cost for the custom-house building at Boston. The conferees on the part of the Senate insisted that the House agree to the said Senate amendment, and your conferees have therefore been unable to come to an agreement on said amendment, and respectfully report such disagreement to the House and ask for further instructions.

RICHARD BARTHOLDT,
EDWIN C. BURLEIGH,
W. G. BRANTLEY,
Managers on the part of the House.

Mr. BARTHOLDT. Mr. Speaker, I move that the conference report be adopted.

The SPEAKER. Without objection, the conference report is agreed to.

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment numbered 12.

The SPEAKER. The gentleman from Missouri moves that the House further insist on its disagreement to Senate amendment numbered 12.

Mr. WEEKS. Mr. Speaker, I move to recede, and concur in Senate amendment numbered 12.

The SPEAKER. The gentleman from Massachusetts moves that the House do recede from its disagreement to Senate amendment numbered 12, and agree to the same.

Mr. BARTHOLDT. I yield three minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, there was so much confusion when the amendment was read before that I ask to have it read again not in my own time.

The SPEAKER. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. WEEKS. Mr. Speaker, last year after a visit to Boston the Public Buildings Committee reported and Congress passed an act appropriating $500,000 to purchase a site for a new custom-house in Boston. The present custom-house was built sixty-five years ago. The business of the port of Boston sixty-five years ago was about 10 per cent of what it is to-day. We are now collecting between $25,000,000 and $30,000,000 a year. The committee was unanimous in its recommendation that there should be a new custom-house, and the $500,000 was appropriated for a site. It was recommended by the Treasury Department, or suggested, that it would require about $3,000,000 for the site and for the custom-house completed. This year, however, an architect has made a plan which suggests building a tower on the present custom-house, and it is estimated that the cost of erecting this tower will be about $1,800,000, possibly less.

Therefore, instead of buying the new site, the present site will be used, and a tower suitable to carry on the work of the customs service will be erected on the old custom-house site. This will make a saving of about $1,200,000. I think myself it will be a saving of more than that. It will give sufficient space for the post and it will not be necessary to purchase another site. The Senate has passed this amendment that the $500,000 appropriated for the site shall be transferred to the building fund, of which $20,000, or such amount as is required, shall be taken from that for the preparation of plans, and $1,300,000 shall be added to it to make the completed building.

Mr. Speaker, this House has been anxious to find some place, somewhere, to save money. This added appropriation is not to be made immediately available. It will require pretty nearly all of the coming year to prepare the plans for the building. The balance of the $500,000 will then be available to apply on the construction of the building, and the $1,300,000 recommended is simply made available but is not appropriated, and it will not be necessary to appropriate it possibly for two years. Now, if the House really wishes to save money, here is an opportunity where the people of Boston can be satisfied with materially less than the anticipated appropriation, because the Merchants' Association and the Chamber of Commerce have adopted resolutions favoring the tower plan. As they will be satisfied with $1,800,000 instead of an expenditure of practically $3,000,000, I think this Senate amendment ought to be adopted and the bill pass the House as amended by the Senate.

Mr. BARTHOLDT. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. KELIHER].

Mr. KELIHER. Mr. Speaker, this proposition is a very simple one. The Committee on Public Buildings and Grounds have reported and Congress voted $500,000 for a site for a new custom-house in Boston. It is impossible to get a site for less than eight hundred thousand or nine hundred thousand dollars. Now, this $500,000 is available, and what we want is this: Instead of coming back next year and asking for enough money to make up three millions or three millions and a half of dollars, the amount necessary for a suitable building, we have devised a plan whereby we can build upon our present custom-house towers, which, with other alterations, will accommodate that work. Consequently, in order that we may start now, in order that we may be immediately relieved from a condition which the committee itself knows to be intolerable, we ask authority to start on a

project that will cost but $1,800,000. It is guaranteeing an absolute saving of $1,200,000 to the United States.

I am in sympathy with the policy of the committee, but I do not believe it should be so rigid as not to allow the Government to save $1,200,000, which even the gentleman himself will have to admit we will save if we are allowed to start now upon this revised plan. Our old custom-house was built in 1845. It was built in the days of ornate architecture. From a utilitarian standpoint it is almost worthless to-day. It is as insanitary as it is unfit for the proper transaction of business. Here we have got everybody in agreement, all interests in Boston in thorough accord, and if we are authorized to start now we will not come knocking at the doors of the Treasury next year asking for what I believe we would get and what I believe the committee believe we deserve and would recommend—$3,500,000. We collect approximately $2,000,000 in receipts at the Boston custom-house every month. Boston is the second largest port of entry in the United States. New York City was given over $7,000,000 for her new custom-house, and we promise, if you will now recede and concur with the Senate amendment, to have a custom-house in Boston which will amply provide for the Government's interests and comport with the dignity of the city, and we will build it for $1,800,000, instead of $3,000,000 that I know the committee would recommend if we waited until next year. [Applause.]

Mr. BARTHOLDT. Mr. Speaker, the only question involved in this matter is whether we shall keep faith with the membership of this House. When we started out at this session we adopted the policy that no new appropriation whatsoever should be made for public buildings or for the purchase of sites. We have adhered to that policy in the preparation of our bill. At least 100 Members of the House were interested in securing additional appropriations at this time.

Mr. PAYNE. I would like to ask the gentleman a question. Do these hundred Members, or any of them, desire to reduce the limit or reduce the extent of the appropriation for the building?

Mr. BARTHOLDT. No, sir.

Mr. PAYNE. This is the only one where they propose to do that?

Mr. BARTHOLDT. The committee turned down all of those requests and yielded in no case to the importunities of Members to grant an authorization or an appropriation. And now at the eleventh hour comes this proposition for Boston, to authorize, in spite of our policy which meant to mete out equal justice to all the Members of this House, an appropriation of $1,300,000 in addition to the $500,000 which has already been authorized——

Mr. SULZER. Will my friend yield for a question?

Mr. BARTHOLDT. In just one minute. I want to say from the standpoint of a practical man there is nothing lost at all, if the gentlemen from Boston content themselves with the $500,000, providing that this amount is made available for the purpose of preparing the plans for the enlargement of their custom-house, and the House proposes that very thing. The gentleman from Massachusetts himself said it will take a year before the plans are ready to be acted upon, so that by the time an additional appropriation is required another Congress will have met, and another public buildings bill, I trust, will have been passed.

Mr. WEEKS. Will the gentleman yield? How will it be possible to make contracts to erect this building unless the $1,300,000 additional is made available for the future appropriation?

Mr. BARTHOLDT. It is not contemplated that any contract should be entered into at this time.

Mr. KELIHER. They are not to be entered into until the plans are completed.

Mr. BARTHOLDT. And only the plans are to be prepared, and so much of the $500,000 as it will cost to prepare the plans is made available by the provision of the House bill for this purpose.

Mr. KELIHER. The gentleman does not dispute that under this new plan at least a million dollars would be saved over the amount orginally figured upon for the project?

Mr. BARTHOLDT. I want to say to the gentleman, in answer to that question, that the Committee on Public Buildings and Grounds heartily favor the plan of enlarging the present building, because it will result in a considerable saving of money to the Government; but we can not now enter upon a policy of appropriation or authorization, because that would be an act of bad faith to at least 100 Members of this House.

Mr. KELIHER. Will the gentleman indicate another project of equal merit among those that he speaks of?

Mr. BARTHOLDT. Yes; there are a great many projects that are very meritorious.

Mr. KELIHER. The gentleman knows our need of a new public building?

Mr. BARTHOLDT. I do.

Mr. KELIHER. And you know that if we can not get this authorization we can not start for another year?

Mr. BARTHOLDT. I have already explained that no time whatever will be lost if we fail to grant the authorization now. I ask for a vote.

Mr. SIMS. Why will it cost more next year to build it on the modification as described by the gentleman than it will this year on the same modification?

Mr. BARTHOLDT. The gentleman is right. It will cost no more then than now. I ask for a vote.

The SPEAKER. The question is on the motion to recede from the disagreement to the Senate amendment and to concur.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BARTHOLDT. Division!

The House divided; and there were—ayes 155, noes 54.

Mr. BARTHOLDT. Tellers, Mr. Speaker.

The question was taken on ordering tellers.

The SPEAKER. Twenty-four gentlemen have arisen; not a sufficient number; tellers are refused; the ayes have it, and the motion prevails.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 26916. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes for the fiscal year ending June 30, 1910;

H. R. 8661. An act for the relief of the Richmond Light Infantry Blues, of Virginia.

H. R. 24835. An act authorizing the necessary resurvey of public lands;

H. R. 1622. An act for the relief of the estate of William J. Cussen;

H. R. 26915. An act making appropriation for the support of the army for the fiscal year ending June 30, 1910;

H. R. 27469. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 28047. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors;

H. R. 27926. An act to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana;

H. R. 8545. An act for the relief of Jackson Pryor;

H. R. 24995. An act for the relief of Nathaniel Huntley;

H. R. 21571. An act for the relief of John T. Freeman;

H. R. 9755. An act for the relief of Charles Lennig & Co.;

H. R. 21492. An act to authorize the sale of certain public lands;

H. R. 24327. An act to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880;

H. R. 4521. An act to reorganize and enlist the members of the United States Naval Academy Band;

H. R. 14290. An act for the relief of Ellis W. Joy;

H. R. 27249. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 28305. An act to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court;

H. R. 28285. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 19655. An act providing for an additional judge for the southern district of New York, and for other purposes;

H. R. 27049. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 26394. An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the

procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 27974. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 28175. An act to amend section 4434 of the Revised Statutes of the United States, and for other purposes;

H. R. 25392. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 8947. An act for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis.

H. R. 15755. An act for the relief of J. C. Haggard, of White County, Tenn.;

H. R. 8558. An act for the relief of R. J. B. Newcombe;

H. R. 2911. An act for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by the U. S. dredge *Cumberland;*

H. R. 13928. An act for the relief of P. H. McDonough, of Bardstown, Ky.;

H. R. 7048. An act for the relief of Henry A. Tolbert;

H. J. Res. 262. Joint resolution extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; and

H. J. Res. 263. Joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 9006. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, approved February 18, 1907;

S. 9373. An act to provide for the sale of isolated tracts of public land in Imperial County, Cal.;

S. 6074. An act to provide for holding sessions of the United States circuit and district courts at Springfield, Mass.;

S. 8058. An act authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior; and

S. 8899. An act granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9351. An act to authorize the Postmaster-General to settle the accounts of Carter and Booker, and for other purposes—to the Committee on Claims.

S. 9191. An act to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district"—to the Committee on the Judiciary.

S. 8929. An act withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described—to the Committee on the Public Lands.

S. 8324. An act for the relief of E. C. Mansfield—to the Committee on Claims.

S. 4434. An act to amend an act entitled "An act to authorize the Secretary of the Navy to loan naval equipment to certain military schools," approved March 3, 1901—to the Committee on Naval Affairs.

S. 4094. An act to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902—to the Committee on the District of Columbia.

S. 185. An act granting pensions to volunteer army nurses of the civil war—to the Committee on Invalid Pensions.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

H. R. 24327. An act to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880;

H. R. 26394. An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 27049. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 27249. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27974. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 8947. An act for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis.;

H. R. 25392. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 9755. An act for the relief of Charles Lenning & Co.;

H. R. 13928. An act for the relief of P. H. McDonough, of Bardstown, Ky.;

H. R. 14290. An act for the relief of Ellis W. Joy;

H. R. 15755. An act for the relief of J. C. Haggard, of White County, Tenn.;

H. R. 19655. An act providing for an additional judge for the southern district of New York, and for other purposes;

H. R. 21492. An act to authorize the sale of certain public lands;

H. R. 21571. An act for the relief of John T. Freeman;

H. R. 2911. An act for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by the U. S. dredge *Cumberland;*

H. R. 7048. An act for the relief of Henry A. Tolbert;

H. R. 8545. An act for the relief of Jackson Pryor;

H. R. 24995. An act for the relief of Nathaniel Huntley;

H. R. 28175. An act to amend section 4434 of the Revised Statutes of the United States, and for other purposes;

H. R. 28046. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27061. An act to provide for the appointment of one additional district judge in and for the western district of Washington, and one additional district judge in and for the district of Oregon;

H. R. 28193. An act to authorize the city of Shreveport to construct a bridge across Red River;

H. R. 23717. An act to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska;

H. R. 5728. An act for the relief of James H. De Coster;

H. R. 28285. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 28305. An act to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court;

H. R. 4521. An act to reorganize and enlist the members of the United States Naval Academy Band;

H. R. 8558. An act for the relief of R. J. B. Newcombe;

H. R. 1622. An act for the relief of the estate of William J. Cussen;

H. R. 26915. An act making appropriation for the support of the army for the fiscal year ending June 30, 1910;

H. R. 27469. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27926. An act to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River in the State of Indiana;

H. R. 28047. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. J. Res. 263. Joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications; and

H. J. Res. 265. Joint resolution to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes.

SURFACE RIGHTS OF ENTRYMEN.

Mr. MONDELL. Mr. Speaker, I call up the following conference report on the bill (H. R. 24834) for the protection of surface rights of entrymen, and ask unanimous consent that the statement be read in lieu of the report.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24834) for the protection of the surface rights of entrymen, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to amendment numbered 1, striking out the word "heretofore," on line 3, page 1, and agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same with an amendment as follows:

Strike out the semicolon at the end of line 12, page 2, and insert a period. Strike out all of lines 13, 14, 15, and 16, on page 2, and insert the following: "Such locator, selector, or entryman who has heretofore made or shall hereafter make final proof showing good faith and satisfactory compliance with the law under which his land is claimed shall be entitled to a patent without reservation unless at the time of such final proof and entry it shall be shown that the land is chiefly valuable for coal."

And that the Senate agree to the same.

F. W. MONDELL,
A. J. VOLSTEAD,
JOS. T. ROBINSON,
Managers on the part of the House.

C. D. CLARK,
JOS. M. DIXON,
J. H. BANKHEAD,
Managers on the part of the Senate.

The statement was read as follows:

STATEMENT.

The amendment of the Senate No. 4, which the conferees disagreed to, in the opinion of the conferees on the part of the House extended and enlarged the provisions of the bill to an extent which the conferees were not justified in accepting.

Amendment No. 1 of the Senate makes the provisions of the bill applicable to entries heretofore or hereafter made. This was strongly urged by the Interior Department and is believed to be in the interest of uniformity of administration.

Amendments Nos. 2 and 3 of the Senate were agreed to with an amendment striking out the last four lines of the bill which these amendments modified and inserting a provision in harmony with the intent of this portion of the bill as it passed the House and with the Senate amendments, and adding a provision in harmony with one of the provisions of Senate amendment No. 4, the effect of which will be to have the question of the coal or noncoal character of the land heard at the time when the entryman presents his final proof.

F. W. MONDELL,
A. J. VOLSTEAD,
JOS. T. ROBINSON,
Managers on the part of the House.

Mr. MONDELL. I move the adoption of the conference report.

The question was taken, and the motion was agreed to.

CONDEMNED CANNON FOR OHIO NORTHERN UNIVERSITY.

Mr. COLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 28411) to grant two cannons to Ohio Northern University, at Ada, Ohio.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to donate to the Ohio Northern University, at Ada, Ohio, two muzzle-loading cannon, now in possession of said university, to be used by the students of said university in military drill: *Provided*, That no expense shall be incurred by the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BRIDGE ACROSS THE MISSOURI RIVER AT YANKTON, S. DAK.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 7640.

The bill was read, as follows:

A bill (S. 7640) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company.

Be it enacted, etc., That section 6 of an act approved March 9, 1904, authorizing the Yankton, Norfolk and Southern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., as amended by the acts approved January 27, 1905; February 5, 1906; March 2, 1907; and February 25, 1908, be, and is hereby, amended by extending the time for commencing the construction of said bridge to March 9, 1910, and by extending the time for completing said bridge to March 9, 1912.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

COPYRIGHT LAWS.

Mr. CURRIER. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill H. R. 28192, agree to the amendments proposed by the committee, and pass the bill.

The SPEAKER. The gentleman from New Hampshire moves to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill, agree to the amendments proposed by the committee covering that bill, and pass the bill.

The bill was read, as follows:

A bill (H. R. 28192) to amend and consolidate the acts respecting copyright.

Be it enacted, etc., That any person entitled thereto, upon complying with the provisions of this act, shall have the exclusive right:

(a) To print, reprint, publish, copy, and vend the copyrighted work;

(b) To translate the copyrighted work into other languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a nondramatic work; to convert it into a novel or other nondramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art;

(c) To deliver or authorize the delivery of the copyrighted work in public for profit if it be a lecture, sermon, address, or similar production;

(d) To perform or represent the copyrighted work publicly if it be a drama or, if it be a dramatic work and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever;

(e) To perform the copyrighted work publicly for profit if it be a musical composition and for the purpose of public performance for profit; and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights: *And provided further*, and as a condition of extending the copyright control to such mechanical reproductions, That whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of 2 cents on each such part manufactured, to be paid by the manufacturer thereof; and the composer may require, and if so the manufacturer shall furnish, a report under oath on the 20th day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the 20th of the next succeeding month. The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit: *And provided further*, That it shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a recording fee, in the copyright office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

In case of the failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this act, not exceeding three times such amount.

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs.

SEC. 2. That nothing in this act shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor.

SEC. 3. That the copyright provided by this act shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the

rights in respect thereto which he would have if each part were individually copyrighted under this act.

SEC. 4. That the works for which copyright may be secured under this act shall include all the writings of an author.

SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations;
(b) Periodicals, including newspapers;
(c) Lectures, sermons, addresses, prepared for oral delivery;
(d) Dramatic or dramatico-musical compositions;
(e) Musical compositions;
(f) Maps;
(g) Works of art; models or designs for works of art;
(h) Reproductions of a work of art;
(i) Drawings or plastic works of a scientific or technical character;
(j) Photographs;
(k) Prints and pictorial illustrations:

Provided, nevertheless, That the above specifications shall not be held to limit the subject-matter of copyright as defined in section 4 of this act, nor shall any error in classification invalidate or impair the copyright protection secured under this act.

SEC. 6. That complications or abridgements, adaptations, arrangements, dramatizations, translations or other versions of works in the public domain, or of copyrighted works when produced with the consent of the proprietor of the copyright in such works, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this act; but the publication of any such new works shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works.

SEC. 7. That no copyright shall subsist in the original text of any work which is in the public domain, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided, however,* That the publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgement or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor.

SEC. 8. That the author or proprietor of any work made the subject of copyright by this act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this act: *Provided, however,* That the copyright secured by this act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or bytreaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal condition aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this act may require.

SEC. 9. That any person entitled thereto by this act may secure copyright for his work by publication thereof with the notice of copyright required by this act; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking ad interim protection under section 21 of this act.

SEC. 10. That such person may obtain registration of his claim to copyright by complying with the provisions of this act, including the deposit of copies, and upon such compliance the register of copyrights shall issue to him the certificate provided for in section 55 of this act.

SEC. 11. That copyright may also be had of the works of an author of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic or musical composition; of a photographic print if the work be a photograph; or of a photograph or other identifying reproduction thereof if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies under sections 12 and 13 of this act where the work is later reproduced in copies for sale.

SEC. 12. That after copyright has been secured by publication of the work with the notice of copyright as provided in section 9 of this act, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, D. C., two complete copies of the best edition thereof then published, which copies, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section 15 of this act; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale, there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section 11 of this act, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this act with respect to the deposit of copies and registration of such work shall have been complied with.

SEC. 13. That should the copies called for by section 12 of this act not be promptly deposited as herein provided, the register of copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of $100 and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void.

SEC. 14. That the postmaster to whom are delivered the articles deposited as provided in sections 11 and 12 of this act shall, if requested give a receipt therefor, and shall mail them to their destination without cost to the copyright claimant.

SEC. 15. That of the printed book or periodical specified in section 5, subsections (a) and (b) of this act, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country; but they shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this act.

SEC. 16. That in the case of the book the copies so deposited shall be accompanied by an affidavit, under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photo-engraving process, that such process was wholly performed within the limits of the United States, and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process or photo-engraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication.

SEC. 17. That any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $1,000, and all of his rights and privileges under said copyright shall thereafter be forfeited.

SEC. 18. That the notice of copyright required by section 9 of this act shall consist either of the word "Copyright" or the abbreviation "Copr.," accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section 5 of this act, the notice may consist of the letter C inclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided,* That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright is subsisting when this act shall go into effect, the notice of copyright may be either in one of the forms prescribed herein or in one of those prescribed by the act of June 18, 1874.

SEC. 19. That the notice of copyright shall be applied, in the case of a book or other printed publication, upon its title-page or the page immediately following, or if a periodical either upon the title-page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title-page or the first page of music: *Provided,* That one notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice.

SEC. 20. That where the copyright proprietor has sought to comply with the provisions of this act with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct.

SEC. 21. That in the case of a book published abroad in the English language before publication in this country, the deposit in the copyright office, not later than thirty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this act, and shall endure until the expiration of thirty days after such deposit in the copyright office.

SEC. 22. That whenever within the period of such ad interim protection an authorized edition of such book shall be published within the United States, in accordance with the manufacturing provisions specified in section 15 of this act, and whenever the provisions of this act as to deposit of copies, registration, filing of affidavit, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book for the full term elsewhere provided in this act.

SEC. 23. That the copyright secured by this act shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bear the author's true name or is published anonymously or under an assumed name: *Provided,* That in the case of any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further,* That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work when such contribution has been separately registered, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then

the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication.

SEC. 24. That the copyright subsisting in any work at the time when this act goes into effect may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or, in the absence of a will, his next of kin, for a further period such that the entire term shall be equal to that secured by this act, including the renewal period: *Provided, however*, That if the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section: *Provided*, That application for such renewal and extension shall be made to the copyright office and duly registered therein within one year prior to the expiration of the existing term.

SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

(a) To an injunction restraining such infringement;

(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in the case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of $1,000 nor be less than the sum of $50, and such damages shall in no other case exceed the sum of $5,000 nor be less than the sum of $250, and shall not be regarded as a penalty:

First. In the case of a painting, statue, or sculpture, $10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Second. In the case of any work enumerated in section 5 of this act, except a painting, statue, or sculpture, $1 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Third. In the case of a lecture, sermon, or address, $50 for every infringing delivery;

Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, $100 for the first and $50 for every subsequent infringing performance; in the case of other musical compositions, $10 for every infringing performance;

(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order;

(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, and in a civil action no injunction shall be granted, but the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section 1, subsection (e), of this act: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section 1, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States.

SEC. 26. That any court given jurisdiction under section 34 of this act may proceed in any action, suit, or proceeding instituted for violation of any provision hereof to enter a judgment or decree enforcing the remedies herein provided.

SEC. 27. That the proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, etc., aforementioned, may be united in one action.

SEC. 28. That any person who willfully and for profit shall infringe any copyright secured by this act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than $100 nor more than $1,000, or both, in the discretion of the court: *Provided, however*, That nothing in this act shall be so construed as to prevent the performance of religious or secular works, such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir, school choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit.

SEC. 29. That any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this act, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon an article duly copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than $100 and not more than $1,000. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport which has not been copyrighted in this country, shall be liable to a fine of $100.

SEC. 30. That the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited.

SEC. 31. That during the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section 15 of this act, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photo-engraving process not performed within the limits of the United States, in accordance with the provisions of section 15 of this act, shall be, and is hereby, prohibited: *Provided, however*, That, except as regards piratical copies, such prohibition shall not apply:

(a) To works in raised characters for the use of the blind;

(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization;

(c) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country;

(d) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four subdivisions following, that is to say:

First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States;

Second. When imported by the authority or for the use of the United States;

Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any State, school, college, university, or free public library in the United States;

Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: *Provided*, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this act, and such unlawful use shall be deemed an infringement of copyright.

SEC. 32. That any and all articles prohibited importation by this act which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: *Provided, however*, That all copies of authorized editions of copyright books imported in the mails or otherwise in violation of the provisions of this act may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud.

SEC. 33. That the Secretary of the Treasury and the Postmaster-General are hereby empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this act, and may require notice to be given to the Treasury Department or Post-Office Department, as the case may be, by copyright proprietors or injured parties, of the actual or contemplated importation of articles prohibited importation by this act, and which infringe the rights of such copyright proprietors or injured parties.

SEC. 34. That all actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the circuit courts of the United States, the district court of any Territory, the supreme court of the District of Columbia, the district courts of Alaska, Hawaii, and Porto Rico, and the courts of first instance of the Philippine Islands.

SEC. 35. That civil actions, suits, or proceedings arising under this act may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found.

SEC. 36. That any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this act may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants.

SEC. 37. That the clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office.

SEC. 38. That the orders, judgments, or decrees of any court mentioned in section 34 of this act arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively.

SEC. 39. That no criminal proceeding shall be maintained under the provisions of this act unless the same is commenced within three years after the cause of action arose.

SEC. 40. That in all actions, suits, or proceedings under this act, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs.

SEC. 41. That the copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this act shall be deemed to forbid, prevent, or restrict the transfer of any

copy of a work copyrighted under this act the possession of which has been lawfully obtained.

SEC. 42. That copyright secured under this or previous acts of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will.

SEC. 43. That every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument.

SEC. 44. That every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded.

SEC. 45. That the register of copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this act he shall furnish to any person requesting the same a certified copy thereof under the said seal.

SEC. 46. That when an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this act.

SEC. 47. That all records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights.

SEC. 48. That there shall be appointed by the Librarian of Congress a register of copyrights, at a salary of $4,000 per annum, and one assistant register of copyrights, at a salary of $3,000 per annum, who shall have authority during the absence of the register of copyrights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law.

SEC. 49. That the register of copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this act, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances.

SEC. 50. That the register of copyrights shall give bond to the United States in the sum of $20,000, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties.

SEC. 51. That the register of copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this act.

SEC. 52. That the seal provided under the act of July 8, 1870, and at present used in the copyright office, shall continue to be the seal thereof, and by it all papers issued from the copyright office requiring authentication shall be authenticated.

SEC. 53. That, subject to the approval of the Librarian of Congress, the register of copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this act.

SEC. 54. That the register of copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this act, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this act he shall make entry thereof.

SEC. 55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain his name and address, the title of the work upon which copyright is claimed, the date of the deposit of the copies of such work, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book the certificate shall also state the receipt of the affidavit as provided by section 16 of this act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same, and the said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration.

SEC. 56. That the register of copyrights shall fully index all copyright registrations and assignments and shall print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalogues for each class of copyright entries, and may thereupon, if expedient, destroy the original manuscript catalogue cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration.

SEC. 57. That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster-General, and they shall also be furnished to all parties desiring them at a price to be determined by the register of copyrights, not exceeding $5 per annum for the complete catalogue of copyright entries and not exceeding $1 per annum for the catalogues issued during the year for any one class of subjects. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time.

SEC. 58. That the record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress.

SEC. 59. That of the articles deposited in the copyright office under the provisions of the copyright laws of the United States or of this act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein.

SEC. 60. That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this act: *And provided further*, That no manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it.

SEC. 61. That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this act, $1, which sum is to include a certificate of registration under seal: *Provided*, That in the case of photographs the fee shall be 50 cents where a certificate is not demanded. For every additional certificate of registration made, 50 cents. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section 1, subsection (e), or for any copy of such assignment or license, duly certified, if not over 300 words in length, $1; if more than 300 and less than 1,000 words in length, $2; if more than 1,000 words in length, $1 additional for each 1,000 words or fraction thereof over 300 words. For recording the notice of user or acquiescence specified in section 1, subsection (e), 25 cents for each notice if not over 50 words, and an additional 25 cents for each additional 100 words. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, $1. For recording the extension or renewal of copyright provided for in sections 23 and 24 of this act, 50 cents. For recording the transfer of the proprietorship of copyrighted articles, 10 cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, 50 cents for each full hour of time consumed in making such search: *Provided*, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time.

SEC. 62. That in the interpretation and construction of this act "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire.

SEC. 63. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed, but nothing in this act shall affect causes of action for infringement of copyright heretofore committed now pending in courts of the United States, or which may hereafter be instituted; but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law.

SEC. 64. That this act shall go into effect on the 1st day of July, 1909.

The amendments offered by the committee were read, as follows:

Amend subsection (e) of section 1 by striking out the word "composer," in line 12, page 3, and inserting in lieu thereof the words "copyright proprietor."

Amend section 7 by inserting after the words "public domain," in line 20, page 6, the following: "or in any work which was published in this country or any foreign country prior to the going into effect of this act and has not been already copyrighted in the United States."

Amend section 15 by inserting after the words "foreign country," in line 12, page 11, the words "and illustrate a scientific work or reproduce a work of art."

Amend subsection (b) of section 25 by striking out the words "one thousand," in line 23, page 17, and inserting in lieu thereof the words "two hundred."

Amend subsection (e) of section 25 by striking out the words "and in a civil action no injunction shall be granted, but," in lines 11 and 12, page 19, and insert in lieu thereof the following: "but in a civil action an injunction may be granted upon such terms as the court may impose, and."

Also by inserting in line 21, page 19, after the words "copyright office," the words "sending to the copyright office a duplicate of such notice."

AMENDMENTS TO CORRECT TYPOGRAPHICAL ERRORS.

Page 15, line 10, change "bear" to "bears."
Page 18, line 13, change "very" to "every."
Page 20, line 18, change "misdemeaner" to misdemeanor."
Page 21, line 9, change "an article" to "any article."

Mr. GAINES of Tennessee. I demand a second.
Mr. MANN. Is the gentleman opposed to the bill?
Mr. GAINES of Tennessee. I think I am.
The SPEAKER. Under the rules a second is ordered.

SENATE BILLS.

Mr. MANN. Mr. Speaker, pending that, I ask unanimous consent that the special order concerning Senate bills on the Private Calendar may be continued over to-morrow on the same terms.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11.50 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York asks unanimous consent that the House take a recess until 11.50 to-morrow morning. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Accordingly (at 7 o'clock and 8 minutes p. m.) the House was declared in recess.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the secretary of the Board of Visitors to West Point, transmitting the report of the board (H. Doc. No. 1495)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a report as to cost of transportation of fractional silver coin (H. Doc. No. 1496)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting a statement of documents distributed by the War Department under the act of January 12, 1895 (H. Doc. No. 1497)—to the Committee on Military Affairs and ordered to be printed.

A letter from the Acting Secretary of Commerce and Labor, transmitting report of Capt. Godfrey L. Carden on the machine-tool trade in Europe (H. Doc. No. 1498)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred as follows:

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 8929) withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described, reported the same without amendment, accompanied by a report (No. 2324), which said bill and report were referred to the Committee of the Whole House.

Mr. DAWES, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 28411) granting two cannons to Ohio Northern University, at Ada, Ohio, reported the same without amendment, accompanied by a report (No. 2306), which said bill and report were referred to the Committee of the Whole House.

REPORT OF COMMITTEE ON PRIVATE BILL.

Under clause 2 of Rule XIII,

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 12275) for the relief of the Greenbrier Distilling Company, of Louisville, Ky., reported the same without amendment, accompanied by a report (No. 2300), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 24345) to amend an act entitled "An act to amend an act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia," approved May 29, 1908, reported the same adversely, accompanied by a report (No. 2299), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 28423) granting an increase of pension to John Vetor, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LAMAR of Florida: A bill (H. R. 28427) to amend an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 28428) to amend the act to regulate commerce as amended June 29, 1906, to prevent unreasonable advances in rates of transportation of interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 28429) to amend section 4 of the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 28430) to amend the act to regulate commerce and to regulate and control the consolidation of lines of transportation and the issue of capital stock, bonds, and other securities thereof—to the Committee on the Judiciary.

By Mr. LAMB: Joint resolution (H. J. Res. 267) regulating the expenditure of money appropriated by the Congress of the United States—to the Committee on Appropriations.

By Mr. PAYNE: Concurrent resolution (H. C. Res. 77) providing for the printing of 1,000 copies of notes on tariff revision, prepared under the direction of the clerk of the Committee on Ways and Means, etc.—to the Committee on Printing.

By Mr. GRONNA: Memorial of the legislature of North Dakota, in favor of the enactment of child-labor laws—to the Committee on the Judiciary.

By Mr. MARTIN: Memorial of the legislature of South Dakota, asking Congress to maintain and increase the tariff upon wool—to the Committee on Ways and Means.

By Mr. MARSHALL: Memorial of the legislature of North Dakota, in favor of the enactment of child-labor laws—to the Committee on the Judiciary.

By Mr. KINKAID: Memorial of the legislature of Nebraska, asking for appropriation for a clock to be placed in the United States federal building at Lincoln, Nebr.—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CAPRON: A bill (H. R. 28431) granting an increase of pension to Charles H. Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28432) granting an increase of pension to John Cotter—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 28433) granting a pension to Sarah Craig—to the Committee on Pensions.

Also, a bill (H. R. 28434) for the relief of Mrs. Mary J. Welsh Pate—to the Committee on Claims.

By Mr. McHENRY: A bill (H. R. 28435) granting an increase of pension to Daniel Bubb—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Mrs. A. B. McGrew and other citizens of Pennsylvania, favoring H. R. 18445, for treatment of tuberculosis—to the Committee on Appropriations.

By Mr. ANTHONY: Memorial of the legislature of Kansas, against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. ASHBROOK: Petition of Oak Grove Grange, No. 1558, of Coshocton County, Ohio, favoring parcels-post and postal savings bank legislation (S. 5122 and 6484)—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Warsaw Milling Company, of Warsaw, Ohio, favoring a maximum and minimum duty on flour, the minimum at least 25 per cent below the prevailing duty—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of residents of Vassalboro, Me., quarterly meeting of Friends, favoring legislative regulation of interstate commerce in intoxicating liquors—to the Committee on the Judiciary.

By Mr. CALDER: Petition of the American Lithographic Company, against enactment in H. R. 28192 of the exception, viz, "except where in either case the subjects represented are located in a foreign country"—to the Committee on Patents.

Also, petition of Brooklyn Lodge, No. 22, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

Also, petition of the Public Library of the District of Columbia, favoring H. R. 11758 (Takoma Park branch library bill)—to the Committee on the District of Columbia.

Also, petition of William Lloyd Garrison Post, No. 207, against erecting monuments to confederate soldiers in Arlington Cemetery—to the Committee on Military Affairs.

Also, petition of Ernest W. Stratmann, favoring amendment of paragraph 638 of the present tariff act so as to permit hospitals to import surgical instruments free of duty—to the Committee on Ways and Means.

Also, petition of the National Pocahontas Memorial Association, against S. 4453, for a Pocahontas monument at Jamestown—to the Committee on the Library.

Also, petition of the United Confederate Veterans, favoring amendment of the Hepburn law so as to give free transportation to the Grand Army of the Republic and the United Confederate Veterans—to the Committee on Interstate and Foreign Commerce.

Also, petition of S. W. Eccles, president of the Copper River *Railway Company* and the Northwest Railway Company, against H. R. 25553, for relief of the Alaska Pacific Railway and Terminal Company—to the Committee on the Territories.

Also, petition of the superintendent of weights and measures of New York, favoring the Mann bill, relative to marking the net contents of commodities put up in containers—to the Committee on Interstate and Foreign Commerce.

By Mr. CAPRON: Petition of West Kingston (R. I.) Grange, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Charles H. Robinson and John Cotter—to the Committee on Invalid Pensions.

Also, petition of Westerly Lodge, No. 678, Benevolent and Protective Order of Elks, for legislation creating a reserve in the State of Wyoming for the care of the American elk—to the Committee on the Public Lands.

Also, petition of the Audubon Society of Rhode Island, favoring bill to protect migratory birds—to the Committee on Agriculture.

Also, petition of Cumberland Lodge, No. 1, Amalgamated Association of Iron, Steel, and Tin Workers, of Valley Falls, R. I., favoring present duty on tin plate and repealing drawback provision of the Dingley law on tin plate—to the Committee on Ways and Means.

Also, petitions of the congregation of the Methodist Episcopal Church of Woonsocket; the Society of Friends of East Greenwich; the Woman's Christian Temperance Union of Cranston; the Clark's Mills Woman's Christian Temperance Union; the Woman's Christian Temperance Union of East Greenwich; the congregations of the Rodger Williams Baptist Church, of Providence; the Advent Christian Church of Providence; the Carolina Free Baptist Church, of Charlestown; the First Presbyterian Church of Woonsocket; the Methodist Episcopal Church of East Greenwich; and the First Baptist Church of East Greenwich, all in the State of Rhode Island, favoring bill regulating shipment of liquor into prohibition States—to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of Federated Trades Council of Milwaukee, protesting against the sentencing of President Gompers and others and against "court-made laws in violation of their constitutional rights"—to the Committee on the Judiciary.

By Mr. COOK of Colorado: Petition of business firms of Colorado, against an increase of duty on kid gloves—to the Committee on Ways and Means.

By Mr. DRISCOLL: Petition of Hudson Brothers and others, of New York State, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FRENCH: Petition of citizens of Sandpoint, Potlatch, Culvers Spur, and Coeur d'Alene, all in the State of Idaho, against reduction of the duty on lumber—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the National Child's Labor Commission of New York, favoring the children's bureau bill—to the Committee on Expenditures in the Interior Department.

Also, petition of W. W. Hixon, of Rockford, Ill., favoring increase of duty on foreign postcards and picture cards—to the Committee on Ways and Means.

By Mr. FULTON: Paper to accompany bill for relief of William E. Woodward (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. GOULDEN: Petition of the Brotherhood of Locomotive Engineers, favoring H. R. 26400—to the Committee on Military Affairs.

Also, petition of the Consumers' League of New York City, favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. GRONNA: Petition of citizens of Berwick, N. Dak., for removal of the tax on stills—to the Committee on Ways and Means.

Also, petition of the Commercial Club of Harvey, N. Dak., for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. HINSHAW: Memorial of the legislature of Nebraska, for placing a large clock wih four dials on the federal building in Lincoln—to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Giltner, Nebr., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of New Brunswick (N. J.) Lodge, Benevolent and Protective Order of Elks, for an American elk reservation in Wyoming (H. R. 21980)—to the Committee on the Public Lands.

Also, petition of the Board of Trade of Long Branch, N. J., favoring purchase of the McCall residence at Long Branch, N. J., for a summer home for the President—to the Committee on Appropriations.

By Mr. HOWELL of Utah: Petition of Ogden Lodge, No. 719, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. JONES of Washington: Petition of laborers, skilled and unskilled, of the "Indian Empire," State of Washington, protesting against removal of tariff on lumber—to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of York (Pa.) Lodge, No. 213, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. LINDSAY: Petition of the American Protective Tariff League, against a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of the Brotherhood of Locomotive Engineers of Albany, N. Y., favoring H. R. 26400—to the Committee on Military Affairs.

By Mr. McMORRAN: Petition of Riley Center (Mich.) Grange, No. 569, favoring H. R. 15837, for the creation of a national highways commission—to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of certain residents of Philadelphia, favoring S. 5117 and H. R. 18445, for treatment of tuberculosis—to the Committee on Appropriations.

By Mr. NORRIS: Petition of residents of Campbell, Nebr., against parcels-post and postal savings bank legislation—to the the Committee on the Post-Office and Post-Roads.

Also, petition of the North Platte Water Users' Association, favoring direct appropriations by Congress for irrigation purposes, surveying, engineering, etc.—to the Committee on Irrigation of Arid Lands.

By Mr. PARSONS: Petitions of George Goldstone and other citizens of New York; the New Orleans Board of Trade; the Scotten Avenue Baptist Church, of Detroit, Mich.; the Woman's Club of Maroa; and the Cleveland (Ohio) Council of Women, favoring the children's bureau bill—to the Committee on Expenditures in the Interior Department.

By Mr. PEARRE: Petition of Frederick (Md.) Lodge, No. 684, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. PRAY: Petition of citizens of Superior, Mont., against S. 3940 (Johnston Sunday bill)—to the Committee on the District of Columbia.

By Mr. ROBINSON: Petition of Wilmar Union of F. E. and C. U. of America, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. STANLEY: Petition of the Henderson (Ky.) Commercial Club, favoring a liberal river and harbor bill at the extra session of the Sixty-first Congress—to the Committee on Rivers and Harbors.

By Mr. STURGISS: Petition of E. Ware & Son and B. H. Brosius, of West Virginia, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Brotherhood of Locomotive Engineers of Albany, N. Y., favoring H. R. 26400—to the Committee on Military Affairs.

By Mr. TIRRELL: Petition of R. W. Grubb and others, against parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: Petition of L. P. Fountain and others, of Warren, Ark., against reduction of tariff on lumber—to the Committee on Ways and Means.

Also, petition of John Holman and others, of Crossett, Ark., against reduction of tariff on lumber—to the Committee on Ways and Means.

By Mr. WEBB: Petition of R. F. Smith and others, of Lincoln, N. C., against parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: Petition of W. J. Pierce and others, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of James V. Callaghan, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *March 3, 1909.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

Mr. KEAN. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report a substitute for Senate resolution 309, which was referred to that committee, and I ask for its present consideration.

Mr. CLARKE of Arkansas. I understand that this is a continuation of yesterday's session.

Mr. HEYBURN. No; we adjourned yesterday.

Mr. CLARKE of Arkansas. I was going to say that if agreeable to the Senator from Idaho we will lay over the unfinished business until 11 o'clock to-day.

Mr. HEYBURN. I will have to have some little conference in regard to it and understand the purpose before doing it.

Mr. CLARKE of Arkansas. I want to know from the Senator from Idaho if it is agreeable that the pending business may be postponed until 11 o'clock.

Mr. GALLINGER. I ask that the resolution reported by the Senator from New Jersey [Mr. KEAN] be read.

The VICE-PRESIDENT. The Secretary will read the resolution.

Mr. CLARKE of Arkansas. I make an objection.

The VICE-PRESIDENT. The Senator from Arkansas objects.

Mr. KEAN. I have other reports to present.

Mr. GALLINGER. I have a conference report to submit.

Mr. CLARKE of Arkansas. I suggest the absence of a quorum. If we are going to conduct public business, we may as well have a quorum.

The VICE-PRESIDENT. The Senator from Arkansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beveridge	Dick	Hemenway	Overman
Brandegee	Dixon	Heyburn	Owen
Brown	Flint	Johnston	Page
Burkett	Frazier	Kean	Paynter
Burrows	Frye	Kittredge	Perkins
Clapp	Fulton	La Follette	Richardson
Clark, Wyo.	Gallinger	Long	Scott
Clarke, Ark.	Gamble	McCumber	Smith, Md.
Clay	Gary	Martin	Smoot
Cullom	Gore	Milton	Sutherland
Cummins	Guggenheim	Money	Teller
Daniel	Hansbrough	Nelson	Wetmore

Mr. CLAY. I desire to state in behalf of my colleague [Mr. BACON] that he has been detained at home Monday, yesterday, and to-day on account of sickness, and will probably not be able to be in the Senate during the present session.

The VICE-PRESIDENT. Forty-eight Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 8640) to extend the time for the completion of the bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company.

The message also announced that the House had agreed to the reports of the committees of conference on the amendments of the House to the following bills:

S. 9421. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors; and

S. 9278. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war, and to certain dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 21003. An act fixing the compensation of certain officials in the customs service, and for other purposes;

H. R. 24834. An act for the protection of the surface rights of entrymen; and

H. R. 27053. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

The message also announced that the House had passed a bill (H. R. 28411) to grant two cannon to Ohio Northern University, at Ada, Ohio, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 28411. An act to grant two cannon to Ohio Northern University, at Ada, Ohio, was read twice by its title and referred to the Committee on Military Affairs.

DR. CHARLES A. L. REED.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, stating, by direction of the President, and in response to the resolution of the Senate of the 25th ultimo relative to the nomination of Dr. Charles A. L. Reed, of Cincinnati, as first lieutenant, Army Medical Reserve Corps, that whatever communications may have been made covered by the resolution are confidential in character and not believed to be in the best interest of the service to be made public (S. Doc. No. 754), which was referred to the Committee on Military Affairs and ordered to be printed.

MACHINE TOOL TRADE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Capt. Godfrey L. Carden, United States Revenue-Cutter Service, detailed as special agent on the machine tool trade in Germany, France, Switzerland, Italy, and the United Kingdom (H. Doc. No. 1498), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

REPORT OF EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, pursuant to law, a report of the excise board of the District for the fiscal year ended October 31, 1908 (S. Doc. No. 755), which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Wilkinson Call, ex-Senator of the United States from the State of Florida, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C.

To the Senate of the United States, Washington, D. C.:

The petition of Wilkinson Call, a citizen of the State of Florida and of the United States of America, who was for eighteen years continuously a Senator of the United States from the State of Florida, respectfully prays:

That the credentials of D. U. Fletcher, commissioned by Albert Gilchrist, claiming to be governor of the State of Florida, to be a Senator of the United States to fill the term commencing on the 4th of March, 1909, shall be referred to the Committee on Privileges and Elections of the Senate, to inquire and report to the Senate whether or not the said Albert Gilchrist is lawfully governor of the State of Florida, competent to appoint a Senator of the United States; and respectfully avers that the said Gilchrist is not the governor of the State of Florida, lawfully elected and qualified in the manner and under the conditions required by the Constitution of the United States and by the constitution of the State of Florida;

Because there has been no election in the manner and under conditions required by the Constitution of the United States and of the State of Florida; that the alleged election under which the said Albert Gilchrist claims to be governor was made in violation of the express terms of the election laws of the State of Florida and in violation of the conditions prescribed by the laws of the United States, and also the Constitution of the United States and its amendments for such election;

Because under the alleged law of the State, known as a law for a primary election, the power to prescribe the conditions and regulations

for primary election of each party is conferred upon a committee of citizens, who, in the Democratic party, have prescribed the following unconstitutional requirements:

1. Additional qualifications for governor, United States Senator, National Representative, and other public offices not prescribed in the Constitution of the United States or the State of Florida, to wit, the payment of $250 to the said committee, and a pledge to abide by the regulations under which the primaries are held. Thus the rights of the members of the Democratic party in Florida have been abridged for four years, and they are kept from voting for candidates who are duly qualified under the Constitution of the United States and of the State of Florida.

2. Said committee further prescribed that no ballot should be counted except such as were furnished by the said committee, thus further abridging the elector's privileges.

3. Said committee has prescribed a regulation in conflict with the registration law of the State, namely, a change in the time for registration, making it six months earlier than required by law.

4. Said committee has further prescribed that no person shall be voted for who is not of the white race, thus violating Articles XIV and XV of the Constitution of the United States.

5. The regulations further provide that the person chosen for each office shall be the choice of a majority of the whole number of persons voting therefor, whereas the State law provides for an election by plurality.

In addition to the foregoing valid grounds of objection to the right of Albert Gilchrist to the office of governor of the State of Florida are the following:

The said primary election was held under the influence of a corporation in combination with the committee of citizens controlling the so-called "Democratic party," and your petitioner avers that under the violation of the laws of the State of Florida the entire state government (lawfully organized and constituted) has been entirely subverted, and that the State is now governed without authority of the law by this combination, the open and declared purpose and object of which is to subvert the lawful constitution and to put in place thereof a government not organized or known either to the laws of the United States or to the State of Florida.

Your petitioner submits to your honorable body that the evil influence upon the people and the whole body politic by the substitution of the Roman form of consular government, established in Florida by the aforesaid corporation, is shown in the policies adopted and which has culminated in the appointment of D. U. Fletcher by the alleged governor, Albert Gilchrist.

The administration of the said Albert Gilchrist has been distinguished by another marked violation of the laws of the United States and the State of Florida, in the insecurity of life and property, and by the disregard, in some noted instances, of the legal methods and rules of procedure by persons exercising judicial power. For proof of the foregoing all that is needed is an examination of the records in the cases in the alleged courts of Florida.

The present administration has also been distinguished by the revival of the convict-labor trade, namely, the sale of the forced labor of convicts, of both the white and colored races, by the preceding administration by a continuance of the sale, a notable instance being the case of the sale (en masse) by the alleged governor of the aforesaid convict labor to persons belonging to the Democratic primary, and the resale for an alleged advance of $100,000 to persons interested in the phosphate and turpentine camps.

Your petitioner further respectfully submits that if the Senate of the United States be constituted of persons chosen by the means herein described, the way is provided for the overthrow of the Government of the United States, to preserve which so great a sacrifice of human lives and taxable resources has been made.

Your petitioner also submits to your honorable body that this great scheme of our National Government of coordinate power, legislative, executive, and judicial, in which the supreme legislative power has been vested in a Senate and House of Representatives, has conveyed to your honorable body the sole power of determining the qualifications and return of its Members (act 3, art. 2), and that the exercise of its supreme prerogative is the only means which the people of the United States, in this particular, have for the protection of their state government.

Your petitioner further shows that the said election laws of the State of Florida are all of them made under the influence of a primary election and really constitute a treasonable conspiracy against the constitution and form of government established by it and intended to be perpetual; that the pretenses under which this is done are in themselves plainly unreasonable and void; that it is commonly contended by its advocates that treason when committed by a party or combination of men is not unlawful, but may be done with impunity; that the provisions of the primary law which require all persons voting in the primaries to be bound by the resolutions of the party are only party resolutions and therefore are not within the terms of the Constitution; that is to say, the political party may organize a rebellion and revolution or adopt a nullification or secession platform and bind its members to it and yet not be within the provisions of the Constitution.

Your petitioner respectfully shows that elections in Florida to the legislature are made under this primary, and that the members elected are pledged to vote for no one but one subject to the primary law and pledged to violate the Constitution and are permitted to vote for no one but the person who is pledged to vote for none but a white man, and a white man who is subject to the primary law and himself pledged to vote for no one who has not paid his contribution as a candidate to the committee.

Your petitioner further shows that under the provisions of this fraudulent and unconstitutional law more than two-thirds of the people of Florida are disfranchised of their legal rights and prevented and forbidden from voting; that the election in which D. U. Fletcher claims to have been elected by men themselves pledged to a doctrine of nullification and secession; and that the said D. U. Fletcher was an active supporter of the treasonable doctrine of nullification and secession by a primary claiming to speak in the name of the State, in which all the people who were loyal subjects to the United States and supporters of the Constitution were excluded from voting; and that this treason against the United States and against the perpetuation of this Government was promoted, supported, and caused by the Standard Oil Company with its great revenues and by corrupting the voters and people of the State at large.

Your petitioner calls the attention of the Senate to the fact that the vote by which the said D. U. Fletcher claims to have been chosen to the Senate of the United States was, as well as your petitioner remembers, about 40,000, out of a voting population of about 150,000 qualified voters, and only subject to disqualification under the state constitution by an educational test.

Therefore your petitioner respectfully prays for a full and complete evidence of all the facts of the said election and appointment be taken, and prays that said D. U. Fletcher be not seated as a Senator from the State of Florida.

All of which is respectfully submitted.

And the subscriber further submits that he was a candidate for the office of Senator and was prevented from being voted for by the said primary law, and that he would have received a majority of qualified voters under the Constitution of the United States and of the State of Florida if they had been allowed to cast their ballots, as required by the Constitution of the United States.

Your petitioner, the contestant of the said D. U. Fletcher for a seat in the Senate of the United States, respectfully shows as an evidence of the entire subversion under this primary law, if it be called a law, of all legal and proper methods of legislation and of the constitutional rights of the people of the State under the Constitution of the United States and of the State of Florida is shown by the proceedings in the United States court of the southern district of Florida in the case, which will be found verified by the records of said court under a sale of the Jacksonville J. T. & K. W. Railroad Company. The said road, with all of its lands, rights, depots, and appendages, was sold for a gross sum of about $7,000 a mile, and bought by a railroad company operating under the state law, and then bonded for $30,000 a mile, which debt was imposed upon the people of the State making use of said road; and under the said primary not one word was said of this gross outrage upon the people; and in which imposition the said D. U. Fletcher was a prominent advocate and defender, as the contestant is informed and believes, and prays that proper inquiry may be made upon the subject and proof taken of the facts; and it will be disclosed in such evidence that no greater outrage was ever committed than this fraud upon the people of Florida, and that the legislature elected under this primary law is not a lawful body and all of its proceedings are void and of no constitutional right and authority, but are subject to greater well-founded objections than was the open and armed defiance of the Government of the United States in the great civil war between the United States and the Confederate States, which, at least, was a revolution authorized by the then state authorities and suppressed only by armed force, while the present action of the State of Florida involves both secession and nullification and complete subversion of the legal authority of the Constitution of the United States and of the proper organized State of Florida.

WILKINSON CALL,
Ex-United States Senator from Florida.

Mr. SCOTT presented a joint resolution of the legislature of West Virginia, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint resolution 9, urging the Congress of the United States to establish a national bureau of mines.

Resolved, That the legislature of West Virginia again urges upon the Congress of the United States the prompt establishment of a national bureau of mines.

The frequency of the recurring disasters and the increasing lists of fatal accidents in the best equipped mines of the country, in spite of the extra precautions taken and warnings from the investigations by the Government during the present year, but serve to illustrate the necessity of having the continuous work of a well-organized national bureau of mines, the investigations of which will aid the States and the miners in adopting and carrying measures looking to greater safety.

Resolved, That copies of the resolution be sent to the Senators and Representatives at Washington from West Virginia, and that they are respectfully requested to aid in securing the prompt passage of the pending bill, looking to the establishment of such a bureau.

Mr. LA FOLLETTE presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Chapter —, Laws of 1909.

Joint resolution petitioning the Congress of the United States for the enactment of a law creating a volunteer retired list.

Whereas it has been the policy of this country from the beginning to maintain a small Regular Army, and in times of war to rely upon the patriotism of the people to rally as volunteers in defense of the national flag; and

Whereas it is a recognized fact that the civil war—1861 to 1865—forms the most sanguinary chapter in the history of the world; that the Regular Army during that struggle was maintained at about 25,000 men, while the volunteers numbered more than 2,500,000 of officers and enlisted men; and

Whereas it is a recognized fact that the union of these States was preserved, and the national authority maintained by the patriotism, fortitude, and valor of the volunteers, to whom this great united people, now enjoying the inestimable blessings of a preserved Union, owe a debt of gratitude that can never be paid: Therefore

Resolved by the senate (the assembly concurring), That we request the Senators and Representatives of the Sixtieth Congress from the State of Wisconsin to aid in the prompt enactment of a law in effect creating a volunteer retired list upon which may be placed with retired pay, upon application, the surviving volunteer officers of the army, navy, and marines of the United States and enlisted men who served with credit during the civil war, such survivors now constituting a small remnant of that body of gallant men who led the Union forces to final victory.

Resolved further, That in our opinion the precedents of congressional legislation fully justify the enactment of this law, namely: The acts of 1828 and 1832 granting retired pay during life to the surviving officers and enlisted men of the army, navy, and marines of the Revolution; the act of 1901, retiring Charles A. Boutelle, a volunteer officer of the Union Navy with the rank and retired pay of captain of the navy; the acts of 1904, 1906, and 1907, granting increased rank and retired pay to the officers of the Regular Army and Navy, based solely on the ground

that they had "served with credit during the civil war;" and the act of 1905, providing for the retirement of two officers of volunteers, namely, Gens. Joseph R. Hawley and P. J. Osterhaus, with rank and retired pay of brigadier-generals: Therefore it is further

Resolved, That in our opinion the surviving officers of volunteers of the army, navy, and marines and enlisted men who served with credit in the great war for the preservation of the Union are entitled to receive from the National Government honors and emoluments equal to those which had heretofore been bestowed upon those who served in time of war in defense of the country.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. KNOX presented petitions of Local Union No. 2263, of Sligo; Local Union No. 18, of Philipsburg; Local Union No. 199, of Plumville; Local Union No. 830, of Dunlo; Local Union No. 1854, of Rattler; Local Union No. 176, of Winburne; Local Union No. 2342, of Lawsonham; Local Union No. 2098, of Antrim; Local Union No. 2030, of Byrnedale; Local Union No. 2383, of Vintondale; Local Union No. 521, of Sonman; Local Union No. 1857, of Van Ormer; Local Union No. 375, of Madera; Local Union No. 2408, of Sykesville; Local Union No. 1683, of Six Mile Run; Local Union No. 9, of Expedit; Local Union No. 1305, of Rimersburg; Local Union No. 2265, of Rimersburg; Local Union No. 2426, of Hawthorn; Local Union No. 2064, of Frugality; Local Union No. 252, of Mineral Point; Local Union No. 1493, of Gallitzin; Local Union No. 34, of Amesville; Local Union No. 738, of Coal Glen; Local Union No. 2017, of Lloydell; Local Union No. 924, of Carrolltown; Local Union No. 2045, of Force; Local Union No. 1924, of Bitumen; Local Union No. 2296, of Crenshaw; Local Union No. 617, of Barnesboro; Local Union No. 2305, of Boardman; Local Union No. 2601, of Conifer; all of the United Mine Workers of America, in the State of Pennsylvania, praying for the enactment of legislation creating a Bureau of Mines and Mining; which were ordered to lie on the table.

Mr. STEPHENSON presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Chapter —, Laws of 1909.

Joint resolution petitioning the Congress of the United States for the enactment of a law creating a volunteer retired list.

Whereas it has been the policy of this country from the beginning to maintain a small Regular Army, and in times of war to rely upon the patriotism of the people to rally as volunteers in defense of the national flag; and

Whereas it is a recognized fact that the civil war—1861 to 1865—forms the most sanguinary chapter in the history of the world; that the Regular Army during that struggle was maintained at about 25,000 men, while the volunteers numbered more than 2,500,000 of officers and enlisted men; and

Whereas it is a recognized fact that the union of these States was preserved and the national authority maintained by the patriotism, fortitude, and valor of the volunteers, to whom this great united people, now enjoying the inestimable blessings of a preserved Union, owe a debt of gratitude that can never be paid: Therefore

Resolved by the senate (the assembly concurring), That we request the Senators and Representatives of the Sixtieth Congress from the State of Wisconsin to aid in the prompt enactment of a law in effect creating a volunteer retired list upon which may be placed with retired pay, upon application, the surviving volunteer officers of the army, navy, and marines of the United States and enlisted men who served with credit during the civil war, such survivors now constituting a small remnant of that body of gallant men who led the Union forces to final victory.

Resolved further, That in our opinion the precedents of congressional legislation fully justify the enactment of this law, namely: The acts of 1828 and 1832, granting retired pay during life to the surviving officers and enlisted men of the army, navy, and marines of the Revolution; the act of 1901, retiring Charles A. Boutelle, a volunteer officer of the Union Navy, with the rank and retired pay of captain of the navy; the acts of 1904, 1906, and 1907, granting increased rank and retired pay to the officers of the Regular Army and Navy, based solely on the ground that they had "served with credit during the civil war;" and the act of 1905, providing for the retirement of two officers of volunteers, namely, Gens. Joseph R. Hawley and P. J. Osterhaus, with rank and retired pay of brigadier-generals: Therefore it is further

Resolved, That in our opinion the surviving officers of vounteers of the army, navy, and marines and enlisted men who served with credit in the great war for the preservation of the Union are entitled to receive from the National Government honors and emoluments equal to those which had heretofore been bestowed upon those who served in time of war in defense of the country.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. STEPHENSON presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Joint resolution asking Congress of the United States to enact into law H. R. 39.

Whereas it has come to the knowledge of the legislature of the State of Wisconsin that a measure is pending before the Congress of the United States (H. R. 39) intending to extend the limits of the Shiloh National Military Park, for the purpose of showing, by appropriate markers, the movements of the confederate army in its approach to Shiloh and the movements of the Union Army, under General Halleck, in its advance from Shiloh to Corinth, and for making the said park accessible at all times to those who desire to visit it; and

Whereas this State, as well as the Government of the United States, the States of Illinois, Indiana, Iowa, Minnesota, Pennsylvania, Ohio, Alabama, and Tennessee, have expended large sums of money by erecting monuments therein and otherwise beautifying the same: It is therefore

Resolved, That the legislature of the State of Wisconsin respectfully asks and urges the Congress of the United States to enact at the earliest moment practicable said bill (H. R. 39) into law, so as to enable as many people as possible to visit this beautiful park, made historic by one of the most sanguinary battles fought during the civil war.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. STEPHENSON presented a petition of the Twentieth Century Club, of Oshkosh, Wis., and a petition of the Consumers' League of Milwaukee, Wis., praying for the passage of the so-called "children's bureau" bill, which were ordered to lie on the table.

He also presented petitions of Local Lodge No. 300, of La Crosse; of Local Lodge No. 641, of Stevens Point; and of Local Lodge No. 962, of Kaukauna, all of the Benevolent and Protective Order of Elks, in the State of Wisconsin, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Consumers' League of Milwaukee, Wis., and a petition of the Twentieth Century Club of Oshkosh, Wis., praying for the enactment of legislation providing for a uniform national age standard for child labor, which were referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of Local Lodge No. 188, Benevolent and Protective Order of Elks, of Portland, Me., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURNHAM presented a petition of Local Lodge No. 184, Benevolent and Protective Order of Elks, of Dover, N. H., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. KEAN presented a memorial of the Lehigh Valley Lodge No. 601, Brotherhood of Locomotive Engineers, of Jersey City, N. J., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which was referred to the Committee on Interstate Commerce.

He also presented petitions of Local Lodge No. 848, of Mount Holly; of Local Lodge No. 1075, of Rahway; of Local Lodge No. 434, of Bayonne; of Local Lodge No. 74, of Hoboken; of Local Lodge No. 1070, of Lambertville; and of Local Lodge No. 324, of New Brunswick, all of the Benevolent and Protective Order of Elks, in the State of New Jersey, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. NELSON presented a petition of Local Lodge No. 342, Benevolent and Protective Order of Elks, of Crookston, Minn., and a petition of Local Lodge No. 44, Benevolent and Protective Order of Elks, of Minneapolis, Minn., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT. I submit a conference report, and ask for its adoption; and I also ask to have the report printed.

The VICE-PRESIDENT. The Senator from West Virginia submits a conference report, which will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 16, 18, 20, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 11, 12, 13, 15, 19, 22, 23, 25, 29, and 30, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one thousand;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "twenty-six thousand eight hundred and seventy-three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "one thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of matter proposed in said amendment insert "For five small electric motors, at one hundred dollars each, five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "twenty-four thousand and thirty-three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "eight hundred and two thousand nine hundred and eighty-six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "one thousand five hundred dollars," so that the amendment will read: "For preserving and marking Revolutionary forts, redoubts, and batteries, and other historic sites, situated within the limits of the West Point Military Reservation, one thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment, insert "twenty-eight thousand five hundred and thirty-five;" and the Senate agree to the same.

N. B. SCOTT,
J. A. HEMENWAY,
MURPHY J. FOSTER,
Managers on the part of the Senate.

J. A. T. HULL,
A. B. CAPRON,
WM. SULZER,
Managers on the part of the House.

STATEMENT.

The managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, submit the following written statement in explanation of the effect upon the total appropriation carried by the bill resulting from the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amount of bill as passed by Senate		$2,541,421.33
Amounts dropped in conference:		
Pay of stenographer and typewriter in adjutant's office	$100.00	
Expenses of Board of Visitors	500.00	
Typesetting machine	3,700.00	
Paper-cutting machine	700.00	
One small electric motor	100.00	
Closets for stock and office furniture	600.00	
Landscape improvement	2,500.00	
Preserving and marking Revolutionary forts, etc	1,700.00	
		9,900.00
Amount of bill as reported by conferees		2,531,521.33

Totals carried under each heading in bill as reported by conferees:	
Permanent establishment (not changed)	331,800.00
Extra pay of officers on detached service (not changed)	29,300.00
Pay of enlisted men (not changed)	188,415.33
Pay of civilians (decreased $100)	77,358.00
Current and ordinary expenses (decreased $5,600)	124,033.00
Miscellaneous items and incidental expenses (not changed)	52,080.00
Buildings and grounds (decreased $4,200)	1,728,535.00
Amount of bill as reported by conferees	2,531,521.33

N. B. SCOTT,
J. A. HEMENWAY,
MURPHY J. FOSTER,
Managers on the part of the Senate.

The VICE-PRESIDENT. The Senator from West Virginia asks for the present consideration of the conference report.

Mr. CLARKE of Arkansas. I object, Mr. President.

The VICE-PRESIDENT. The question is for the Senate to determine. Shall the Senate proceed to the consideration of the conference report?

Mr. CLARKE of Arkansas. On that motion I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I announced my pair with the senior Senator from Missouri [Mr. STONE]. I transfer that pair to the senior Senator from New York [Mr. PLATT] and vote "yea."

Mr. CLAY. I wish to announce that my colleague [Mr. BACON] is paired during the remainder of the session with the junior Senator from Nevada [Mr. NIXON].

The result was announced—yeas 47, nays 4, as follows:

YEAS—47.

Beveridge	Cullom	Hansbrough	Money
Borah	Cummins	Hemenway	Nelson
Brandegee	Curtis	Heyburn	Overman
Brown	Daniel	Kean	Owen
Burkett	Dixon	Kittredge	Page
Burnham	Frazier	La Follette	Richardson
Burrows	Frye	Lodge	Scott
Clark, Wyo.	Fulton	Long	Smith, Md.
Clarke, Ark.	Gallinger	McCumber	Smoot
Clay	Gamble	McLaurin	Sutherland
Crane	Gary	Martin	Wetmore
Culberson	Guggenheim	Milton	

NAYS—4.

Clapp	Gore	Johnston	Paynter

NOT VOTING—41.

Aldrich	Dick	McCreary	Stephenson
Ankeny	Dillingham	McEnery	Stone
Bacon	Dolliver	Newlands	Taliaferro
Bailey	du Pont	Nixon	Taylor
Bankhead	Elkins	Penrose	Teller
Bourne	Flint	Perkins	Tillman
Briggs	Foraker	Piles	Warner
Bulkeley	Foster	Platt	Warren
Carter	Hale	Rayner	
Davis	Hopkins	Simmons	
Depew	Knox	Smith, Mich.	

So the motion was agreed to, and the Senate proceeded to the consideration of the conference report.

The VICE-PRESIDENT. The question is on agreeing to the report.

Mr. CLARKE of Arkansas. Mr. President, the report is presented in what is probably the usual form. For instance, it says that the Senate recedes from amendment No. 25 and that the House recedes from amendment No. 26. The conferees may understand perfectly well what that means, but it is of the essence of legislation that those whose concurrence is necessary to make it law should know what they are doing.

I ask that the items disposed of in conference be indicated in connection with the numbers by which they are identified in the arrangement perfected by the conference committee, so that we may know what the Senate has a right, I think, to know, what the Senate is called upon to agree to.

I want an intelligent understanding of the report, not with any view of resisting it, because I am satisfied the conferees have displayed their usual conscientious sense of what is right. I have no reason to believe that they have departed from it on this occasion, but I think we ought to know what we are doing. I do not know what amendment No. 25 is. The Senate does not number its amendments. That is an arrangement perfected after the bill leaves this Chamber, and we should know what we are called upon to ratify when the report is presented here.

I have always believed that this is an unfair method of making a report, but my judgment is based on an experience so limited that I do not feel at liberty to attempt to make my view upon the matter the general rule. However, I make no question of the fact that there comes a time when we ought to know what we are doing. An amendment may relate to a matter of salary; it may relate to a matter of some disputed question of appropriation to which there may be objection here.

In order that we may vote intelligently upon the adoption of the report, as we ought to know what we are voting upon, I ask that the Secretary identify each amendment.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. First, that the Senate recede from amendment numbered 14:

Page 19, after line 10, insert: "For one typesetting machine, $3,700."

Second, that the Senate recede from amendment numbered 16:

Page 19, after line 10, insert: "For one paper-cutting machine, $700."

The Senate also recedes from amendment numbered 18:

Page 19, after line 10, insert: "For closets for stock, and office furniture, $600."

The Senate also recedes from amendment numbered 20:

Page 25, line 5, after "all," insert: "For expenses of the Board of Visitors and."

The Senate also recedes from amendment numbered 26:

Page 30, after line 2, insert:
For beginning the development of the general plan for landscape improvements of the West Point Military Reservation, designed under contract by authority of the Secretary of War, $2,500.

Mr. SCOTT. I think the Senator will notice now that we used great economy. In all the amendments the Senate conferees receded from there was a saving of money to the Government. I hope now he will allow the conference report to come to a vote.

Mr. CLARKE of Arkansas. I have no objection, because it has received the indorsement of the conferees of the Senate and House. I only wanted to know what we are doing.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

BUILDING ASSOCIATIONS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6055) to amend section six hundred and ninety-one of subchapter seven, building associations, of the Code of Law for the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows:

Strike out the words "one hundred" in line 4 of said amendment and insert in lieu thereof the words "two hundred and fifty," and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered two, and agree to the same with amendments as follows: Page 3, line 5, strike out all after the word "act" down to and including the word "act" in line 7, with amendments as follows: On page 3 of the bill, in lines 4 and 5, strike out the words "except corporations organized under and availing themselves of the privileges of this act;" and in line 10, after the word "act," insert the following: "*Provided*, That building associations heretofore organized and in actual operation before the passage of this act need not be incorporated;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered three, and agree to the same with amendments as follows: Strike out the words "the District of Columbia or," in line 3 of said amendment, and insert in the same line, after the word "Territory," the words "except the District of Columbia;" and also strike out the word "twenty," in line 11 of said amendment, and insert the word "ten;" and the House agree to the same.

J. H. GALLINGER,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.

S. W. SMITH,
J. HAMPTON MOORE,
J. DAVIS BRODHEAD,
Managers on the part of the House.

The report was agreed to.

ESTIMATES AND APPROPRIATIONS.

Mr. HEMENWAY. Mr. President, in my four years' service in this body I have not occupied much of the time of the Senate in debate. I think, however, that at this time I owe it to Congress to make a brief statement as to appropriations for the last seven years. I would have prepared the statement covering a longer period had my time not been so completely taken up in performing the many duties assigned to me.

The press of the country, in view of the alarming deficit which the Treasury reports show from day to day and month to month, is filled with editorials criticising Congress for its extravagance, and, with no defense made by Congress, the people of the United States are led to believe that Congress alone is responsible for the large appropriation and expenditure of money.

I show by the statement which follows that Congress in the last seven years reduced the estimates sent to us by the Executive over $274,000,000.

Mr. CLARKE of Arkansas. Will the Senator read it? I should like to hear it.

Mr. HEMENWAY. It is a short statement. I will read it.

Estimates for expenses of the Government submitted to Congress by the Executive, including supplemental and deficiency estimates, and appropriations made thereunder for the fiscal years 1903–1910.

Year.	Estimates.	Appropriations.	Reduction of estimates.
1903 [a]	$826,478,318.47	$800,624,496.55	$25,853,821.92
1904	765,456,776.30	753,058,506.02	12,398,270.28
1905	830,974,206.79	781,172,375.18	49,801,831.61
1906	835,260,367.21	820,184,634.96	15,075,732.25
1907 [b]	907,144,696.87	879,589,185.16	27,555,511.71
1908	943,190,643.68	920,798,143.80	22,392,499.88
1909	1,079,449,288.96	1,008,397,543.56	71,051,745.40
1910 [c]	1,100,000,000.00	1,050,000,000.00	50,000,000.00
	7,287,954,298.28	7,013,824,885.23	274,129,413.05

[a] Includes $50,130,000 in estimates and appropriations for purchase and to begin construction of the Panama Canal.
[b] Includes $26,348,281.40 submitted in special document for the Panama Canal.
[c] Estimated.

I invite the attention of the country to this table, which is an accurate statement as to estimates received by Congress and appropriations made. It shows the facts, and although the estimates were not reduced to the extent many of us wanted, Congress has not added to its popularity with the people by the reductions it did make, for on the whole the people have been with the Executive in urging that all recommendations of the Executive be carried out.

I do not make this statement in a spirit of criticism, but to put before the country the facts. If Congress had not stood against the pressure brought by both executive departments and by citizens, in place of having to-day a cash balance in the Treasury, which I admit is rapidly melting away, we would have been compelled to issue bonds to pay running expenses.

I hope the people of the United States will turn from the sensational headlines long enough to read this statement of facts, and when additional taxes are levied, which the people

will have to pay, they can understand that Congress is not wholly at fault. The Member of Congress, whether in Senate or House, who serves upon the committee having in charge an appropriation bill and performs the unpleasant duty of saying "no" to the demands of the executive department of the Government, does not have a pleasant duty to perform. He is not complimented in the headlines of the newspapers. He secures the ill will of the executive department and often of his colleagues by having to stand against their requests.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. Mr. President, I move that the Senate proceed to the consideration of the conference report on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. CLARKE of Arkansas. I make the point of order that there is no quorum present.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Cummins	Hemenway	Paynter
Beveridge	Daniel	Heyburn	Perkins
Borah	Dick	Kean	Richardson
Brandegee	Dillingham	Kittredge	Scott
Briggs	Dixon	McCreary	Simmons
Brown	Frazier	McCumber	Smith, Md.
Burkett	Frye	Martin	Smoot
Carter	Fulton	Milton	Sutherland
Clapp	Gallinger	Money	Teller
Clark, Wyo.	Gamble	Nelson	Tillman
Clarke, Ark.	Gary	Nixon	Wetmore
Culberson	Gore	Owen	
Cullom	Hansbrough	Page	

The VICE-PRESIDENT. Fifty Senators have answered to their names. A quorum of the Senate is present.

The question recurs on the motion of the Senator from Idaho [Mr. HEYBURN].

Mr. CLARKE of Arkansas. Mr. President, I rise to a point of order—that the motion is not in order at this time under the second subdivision of Rule VII. I understand that our meeting this morning was the result of an adjournment instead of a recess; and in connection with that point, I call the Chair's attention to this language of the rule:

2. Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee—

I take it that a conference report is a report of a committee in the sense of this rule—

or other subject upon the calendar shall be entertained by the presiding officer unless by unanimous consent.

The VICE-PRESIDENT. The Chair thinks the point of order is not well taken and that the rule cited by the Senator from Arkansas does not apply to the consideration of a conference report. Nothing is in order but a vote upon the motion of the Senator from Idaho.

Mr. CLARKE of Arkansas. I call for the yeas and nays on the motion.

The VICE-PRESIDENT. The Senator from Arkansas demands the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Idaho, that the Senate resume the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The motion was agreed to.

The VICE-PRESIDENT. The Secretary will resume the reading of the conference report.

Mr. CLARKE of Arkansas. I ask unanimous consent to dispense with the further reading of the report.

The VICE-PRESIDENT. The Senator from Arkansas asks unanimous consent that the further reading of the report be dispensed with. Is there objection?

Mr. CLAPP. Mr. President, if we should do that now as to the remainder of this report, it would leave the Senate in the same dense ignorance as to its contents in which we found ourselves yesterday when the Senator from Arkansas was so anxious to have the report read.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Arkansas [Mr. CLARKE]?

Mr. ALDRICH. Mr. President, I hope that the reading will be dispensed with, and I shall be very glad to have the Senator from Arkansas [Mr. CLARKE] express to the Senate his reasons for his opposition to this measure.

The VICE-PRESIDENT. Without objection, the further reading of the conference report will be dispensed with.

Mr. HEYBURN. I ask for the adoption of the report of the committee of conference.

The VICE-PRESIDENT. The question is on agreeing to the conference report submitted by the Senator from Idaho [Mr. HEYBURN].

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. CLARKE of Arkansas. I yield to the Senator from Mississippi.

Mr. MONEY. Mr. President, I object very much to the reenactment of section 24 of this bill, which I will ask the Secretary to read. It is the section which prohibits any officer to carry troops or marines to any voting place, except to repel armed enemies or to keep the peace.

The VICE-PRESIDENT. The Secretary will read section 24 at the request of the Senator from Mississippi.

The Secretary read as follows:

SEC. 24. Every officer of the army or navy, or other person in the civil, military, or naval service of the United States who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than $5,000 and imprisoned not more than five years.

Mr. MONEY. Mr. President, I can not believe that the Senate of the United States in the year 1909 intends to repeat anew the legislation of thirty-odd years ago. This act was passed in 1872 during the reconstruction period, when the North, represented by the Congress of the United States, was passing legislation, much of which was afterwards declared unconstitutional by the Supreme Court of the United States, much of which was extremely oppressive and unjust, much of which disregarded the civil rights of the country, because the military influence was then paramount, much of which legislation was especially humiliating and injurious to the southern section, which, although peace had spread its wings over a battle-ravaged section, marked by lonely chimneys and many graves, when such legislation was not only unwise and unconstitutional, but extremely vindictive in its character and punitive in every respect to a people who had surrendered their arms, and which expressed not the wisdom nor the patriotism of the country, but simply the resentment and the desire to punish those who had been traitors, as was said, to the Constitution and the Union. It is painful to any reader of our history to go over the legislation of that unfortunate period. It was as disgraceful to the North as it was humiliating and hurtful to the South.

In spite of everything, the South, by its natural resources and the independence and unconquerable will of its people, by their sustained purpose and all those qualities which have adorned the highest type of manhood anywhere in the world in all the annals of human history—in spite of it all, the southern people rose at last and asserted themselves, regained their own government, and are back to-day in the house of their fathers.

While there may have been some excuse then for men who had gone through the trials of four years of bloody struggle, there is no excuse to-day for politicians, who have seats in this body, to endeavor, for any purpose whatever, to revive this archaic legislation, which was a disgrace at the time at which it was passed, and which would cast a blot upon the fair fame of this Congress if it should be repeated to-day.

Now, it may be said——

Mr. BEVERIDGE. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. MONEY. Certainly, I yield to the Senator.

Mr. BEVERIDGE. Are the sections of the conference report to which the Senator now refers already on the statute book?

Mr. MONEY. I am very glad the Senator asked me that question. The Senator is very much like Falstaff. [Laughter.]

Mr. BEVERIDGE. Not in every particular.

Mr. MONEY. Oh, no; in only one. Falstaff said he was not only a witty man, but he was the cause of wit in others. The Senator from Indiana is not only very intelligent and vivid in his mental processes, but he awakens the intellectual processes of other people.

Mr. BEVERIDGE. Thank you.

Mr. MONEY. And I am very much obliged to him for a new start.

Well, Mr. President, this provision is in the statute book, and it will be in the statute book whether this bill fails or not. So nothing will be lost in this particular respect if the bill should fail of passage.

Mr. BEVERIDGE. I want to ask another question, with the Senator's permission.

Mr. MONEY. Certainly; the Senator may ask as many questions as he pleases.

Mr. BEVERIDGE. I will ask the Senator one more question.

Mr. MONEY. Do not cut yourself off. I will extend your time. [Laughter.]

Mr. BEVERIDGE. I ask the question—and I am much obliged to the Senator—then, if the bill should be enacted, it does no more than what is already on the statute book; it enacts no new laws upon this particular subject; and, if the Senator from Mississippi succeeds in defeating it, he has still accomplished nothing, because it is still on the statute book.

Mr. MONEY. Mr. President, it is quite evident that everything depends on the point of view. It is said that no two people in the world see the same rainbow, because from each of several points of view the sun reflected upon the falling drops of water reflects different prisms of light and color.

I have been endeavoring to say ever since I took the floor—and I thought I had the attention of the honorable Senator from Indiana, but evidently he was not paying attention to me at all——

Mr. BEVERIDGE. Yes; I listened carefully.

Mr. MONEY. Then, you did not understand me; and it is not very often that so acute an intelligence as that of the Senator from Indiana needs a statement twice repeated; but I will go over it again, although I want to get on.

The point in this matter is not particularly whether the law stays in or goes out, but that this Congress, at this late day, after the passions and the tumults and the noise and the shouting of captains and the dust have settled and passed away, in a moment of calm reflection, with a reunited country, with the restoration of good feeling, when every section of this country—my State as well as others—is pouring its contingent into the capital to witness the inauguration of a man elected by the Republican party, and a Northern man, to the Presidency of the United States, with the utmost good feeling for him and the kindest wishes for his successful administration, the Congress here wants to reenact legislation born of a vindictive desire to punish somehow or other the so-called "traitors" of the South. That is the objection. It matters not whether this bill passes or fails, this legislation remains upon the statute books. But what is the good unless it is to endeavor to hammer into us what I believe is unconstitutional legislation?

I want to say, Mr. President, that, so far as I am acquainted, there is not on the face of this planet a solitary free people who permit troops to be at the polls at all. If I am wrong, I am willing and would be glad to be corrected.

I know that in Great Britain, from which we take our laws, our customs, our speech, and our thought, and of whose blood we are proud—to-day the greatest administrative and executive nation that ever flourished in all the annals of time—so well do they preserve their liberties that King Edward to-day is the greatest sovereign that ever existed. His dominion spreads over one-fifth of the land surface of the globe. His subjects number 410,000,000. He has more Mohammedans in his Kingdom than there are in all the balance of the earth. He has almost all of the Brahmins there are in the world. He has Buddhists by the hundreds of thousands and millions; he has Christian people everywhere; and Africans with a hundred unknown fetishes and gods; and he manages, with the little military base of a few islands between the German Ocean and the Atlantic Ocean, to keep them all in subjection, not by force of arms, but by the justice of the laws and the equity of their administration. They will not permit a soldier to be at the polls under any pretext whatever—not to resist armed enemies of Great Britain; not to keep the peace at the polls; not under any consideration. On the contrary, Mr. President, even when the polling is taking place in a garrison town of Great Britain, the garrison must march out and remain 2 miles from the polls for two days while the election is going on, for fear that the military power may somehow assert itself as paramount to the civil authority. Great Britain believes that by the processes of her courts, by her constabulary, by the sense of obedience to her just and wise laws, she can preserve peace at the polls without the intervention of the bayonet.

Here in this great Republic, whose proud boast it is that it is of, for, and by the people, where we are going on the assumption—sometimes quite a violent one, it is true, but still upon the assumption—that we are capable of governing ourselves without soldiers, that the ballot is the mighty instrument that speaks the freeman's will, and that its representatives here and in the other House are simply to voice what the people themselves, the sources of all authority, shall declare to be the law, we can secure our liberties by a declaration at the polls, protected only by the courts of the country executing the laws passed in pursuance of the Constitution.

Mr. President, I have a vivid recollection of having once gone to the polls in my little village in Mississippi to vote, and I found a soldier on each side of the ballot box with bayonets crossed. I turned and went away; I did not vote; and I want to say that it was the only day in the history of that town that they had any election riot, and that was because the soldiers were at the polls. In 1876, when it seemed that the possibility of the administration of this Republic was hanging in the balance, that wise, magnanimous man and great captain, General Grant, would not send troops to South Carolina, Louisiana, and Florida, when the Republicans there begged him to send them. He said: "We have had too much of this thing of soldiers at the polls. Let the people themselves manage their own affairs.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. MONEY. Certainly.

Mr. TILLMAN. To what election does the Senator allude?

Mr. MONEY. I allude to the election of 1876.

Mr. TILLMAN. The Senator is entirely mistaken, so far as South Carolina is concerned, because we had a brigade of troops sent to South Carolina in 1876. There were at the precincts in my county a thousand troops. One regiment was sent to Edgefield. I will tell you about it after a while.

Mr. MONEY. Tell it right now, because I want to hear it.

Mr. TILLMAN. It would take too long. I want you to go on. You are making a logical, forceful, and eloquent speech; but I am going to tell all about the negroes of this country after a little while.

Mr. MONEY. I am always glad to be interrupted by the Senator from South Carolina. It is true that his manners have not that "repose" which marks the caste of Vere de Vere.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. MONEY. Certainly.

Mr. FORAKER. I just came into the Chamber in time to hear the statement of the Senator that General Grant, while President of the United States, declined to send troops to many of the Southern States to enforce the rights of citizens at the ballot box.

Mr. MONEY. No; I did not say any such thing. I beg the Senator's pardon.

Mr. FORAKER. Was not that the Senator's statement?

Mr. MONEY. No; I did not say that.

Mr. FORAKER. That is as I understood it.

Mr. MONEY. The Senator is entirely mistaken.

Mr. FORAKER. And if I am correct in my understanding, in defense of the memory and public record of General Grant, I want to say that the Senator is mistaken.

Mr. MONEY. No; I am not mistaken, because I did not say what the Senator thinks I did.

Mr. FORAKER. I said "if I correctly understood the Senator." What was it he said, if he will be kind enough to inform me?

Mr. MONEY. There is no trouble about repeating it. I said, when General Grant was asked to send troops down there he declined to do it. I did not say to prevent people being deprived of their right to vote, but to prevent people having the right to vote. They were white people. The troops were to be sent down to see that nobody but negroes should vote. That it what they wanted with them, and I said he refused to send them.

I am corrected by my friend from South Carolina [Mr. TILLMAN] as to his State. I am always glad to be interrupted by the Senator from South Carolina, because he generally knows what he is doing, and he is always in earnest.

He is a little bit explosive, but he is always in dead earnest and means what he says. I did not know, however, that I was mistaken as to that. I know that the demand was made in Mississippi, and it was declined; and I understood the same demand was made from Florida and Louisiana and declined; but I am willing to be corrected on that or anything else. I want to say further that I do not want anybody here to suppose that I have declined to be interrupted or corrected. I have no desire in the world to keep on repeating my mistakes. I want to correct them. I now want to say further that I am not only willing to be corrected as to the facts, but if there is any fault in my argument I would like also to be corrected as to

that. I will consider it as a personal favor to me, for if I am mistaken, I want to know better.

If I am right, thy grace impart,
Still in the right to stay;
If I am wrong, oh teach my heart
To find that better way.

That is part of "The Universal Prayer" of Alexander Pope, which is the best summing up of the creed of a Christian in the world.

Mr. President, the elections are held by the several States of this Union; they are held under their laws; and while it is true that in the election of Representatives Congress has a right to alter or amend, and so forth, still the elections are held under state laws. That has been well established by the decision in the case of Seybold, I believe it was, in Maryland, by the Georgia case, and by I do not know how many others. There is no doubt about that; and elections are held now by the States under the state laws. They are no longer held by marshals of the United States nor by officials appointed by any executive officer of the United States; they are held by the States themselves; and, according to the Constitution, troops can not be introduced into a State unless at the demand of the legislature, or of the governor if the legislature is not in session. That is well acknowledged; it has been thrashed out many times by the Supreme Court of the United States; and it ought never to have been questioned for a single *moment*, because the reasoning is so clear from the mere reading of the text that it is unnecessary, it seems to me, ever to dispute the matter or carry it to any court.

If there should be a disturbance at the polls, the State is quite sufficient to put it down. It has its constabulary, its executive officers, and all the machinery of the courts. The processes of the courts are uninterrupted everywhere, and the man who makes any trouble at the polls will be punished as he deserves and as the law directs. I do not suppose there is a Senator here who doubts to-day, whatever might have been the case in 1872, that every sovereign State in this Union is quite able to carry out her own laws and protect her own ballot boxes. Even if the Congress of the United States should change its laws so as to provide for holding these elections by their own marshals, their own judges, and their own registrars of election, would they have any use for soldiers at the polls? Is not the civil authority quite sufficient for a civil action, for a civil process, for a performance by a citizen of a civic function? Are the people incapable, in other words, of governing themselves? Are we to have a militarism implanted upon this broad and solid foundation of popular liberty that has been laid in the bone, cemented by the blood of our ancestors, and consecrated by the tears and prayers of the noblest women God ever made in the world? Have we become so degenerate that in times of profound peace, with the passions of controversy, it was hoped, laid forever, this old legislation is to be repeated to remind us that there is still somewhere in the Senate of the United States and in the House of Representatives a feeling that makes it necessary to have soldiers interfere with the elections?

Now, of course there has been, can be, and there is going to be a great deal said about the frauds practiced at the ballot box. I heard a speech delivered here by a distinguished Senator concerning an election in Mississippi, and I had the satisfaction of answering him and showing that there was not a single correct statement from the beginning to the finishing of it. It dealt with instrumentalities unknown to our law which he imagined to be there. He seemed to have got information from the newspapers, and they seemed to know nothing about it, any more than he did.

Mr. President, there always will be frauds wherever there is a poll of the people's vote. There will be frauds everywhere in the legislatures of this world, I care not how honorable they may be. There will be frauds in executive places. There were frauds in one of the greatest monarchies of this world that caused one of the most bloody and disastrous wars that that country ever experienced in the history of its existence. The frauds go on just like all the various social sins go on—reprehensible, condemned by everybody, yet as ineradicable as any one of the vices that are in the blood of humanity. You can not go too far back to escape the history of the ballot-box frauds, and you can not by your ken penetrate the future far enough to imagine the condition of a country where there will not be any more cheating at the ballot box.

I recollect now, as others will also, that in one of the magnificent and grand trilogies of Æschylus, the greatest dramatic poet that ever yet has existed—I believe it was in the Eumenides, the last one of that great trilogy involving the fate of Agamemnon, Orestes, Clytemnestra, and Electra. Orestes, you recollect, was the son of Agamemnon, the leader of the Greek forces against Troy.

As I recollect that great tragedy—it has been a good while since I read it—Agamemnon, the King of Argos, at the siege of Troy, returned after ten years to his home. He found his queen, Clytemnestra, on the throne with a paramour. The day he got home she murdered him in the bath. Her son, Orestes, fled the country. He wandered up and down through Asia Minor and Greece, discontented with himself and his fate, and suffering everything but quiet. One of Longfellow's most beautiful poems begins:

Peace, peace, Orestes-like, I breathe the prayer.

At last he went to the oracle of Apollo at Delphi, and the Pythian priestess told him he would have no peace until he slew the slayer of his father. Obeying the command of the gods, he returned and slew his mother.

The Furies, whose duty it was to bring men to punishment for their crimes, prosecuted him for matricide. Pallas, the goddess of wisdom, intended to judge the case. The Erinyes objected, because the goddess had never had a mother. The old tradition is that Jupiter felt a pain in his head, and Vulcan, the blacksmith, cut open his head with a sharp ax and Pallas sprang forth full-armed. Pallas admitted that the plea was good to her jurisdiction, that she had a father but no mother, and could not feel as others felt the guilt of a matricide. A jury from Athens, a great jury of many hundred people, the wisest people, was assembled to hear and judge the cause. The Elder of the Furies prosecuted the case. She dwelt upon the horrors of the crime of matricide, of the unfailing fertility of the mother's heart to sacrifice itself and herself, her whole life of self-abnegation, the tenderness, the solicitude, the suffering for the sake of the boy who at last turned his hand and slew her, and the chorus put in its declaration against such a crime. Apollo defended the case, as I recollect, and said: "This culprit came to my oracle and was commanded to do what he did, and that is sufficient. But in addition he has offered propitiatory sacrifices to me, and he is acquitted of all guilt, because he followed the oracle of my shrine." After all that the votes were put in an urn, after the manner of the Greek people. They put pieces of paper in a great urn, and when they were about to be counted out, Apollo said: "Guard carefully the ballots as they fall from the urn lest there be a fraud in the count."

This shows that ballot-box stuffing was indulged in a long time ago. Æschylus wrote four hundred and fifty years before the Christian era, and the scene of this transaction was a thousand years before the day of Æschylus, even if we have any correct history of that time. Homer, who gave the history of the Trojan war and the deeds of Agamemnon, wrote eleven hundred and fifty years before that. So you see, Senators, we have had frauds coming on down as far as we have any record of a vote, and we are going to have them extended to the furthest future until our planet disappears from the solar and astral system.

I recollect a very distinguished man, the presiding officer of this body, known everywhere for the affluence of his eloquence and his knowledge, his brilliant rhetoric and keen wit, who said here once that purity in politics was an "iridescent dream." I do not subscribe to that, but if you expect to have an absolutely pure ballot, it will be after the millennium has come and the men of this country saints or angels—the elect.

Mr. FORAKER. If I may, I inquire whether the Senator was about to conclude.

Mr. MONEY. No; not by any means.

Mr. FORAKER. Then I should like to ask the Senator a question.

Mr. MONEY. As many as you please. I always like to indulge my friend the Senator from Ohio.

Mr. FORAKER. It is a question I should like to have answered by somebody who can speak, by somebody as a representative, as the Senator is, of the South and of southern men, especially of his political affiliations. The question I should like to have him answer, if he can do it readily, for I do not want to divert him from his argument——

Mr. MONEY. It is no diversion at all.

Mr. FORAKER. The question is, What is the solution of the race problem that the people of the South want, if the Senator can state it? I speak with reference to the political rights of the colored men of the South.

Mr. MONEY. Of course I always listen with great respect to any question from my distinguished friend the Senator from Ohio, and I will diverge from my line of argument to answer his question briefly. But it was not at all in point, for I am speaking now of the law passed in 1872, stationing troops at

the polls to preserve the peace. It has not occurred to a single man in the last thirty years that such a thing could or should be done. But I will answer him if he desires.

Mr. FORAKER. If the Senator will indulge me for a moment, I do not know what particular question the Senator was discussing. I came in the Chamber a few moments ago, when the Senator was in the midst of his argument, and I have not learned what caused him to take the floor. But I have been listening with great pleasure to the Senator, as I always do.

Mr. MONEY. I thank you for the compliment.

Mr. FORAKER. It may be that the law the Senator mentions is not necessary any longer. It may be it never was necessary. But that is not what concerns us. We frequently discuss here what is not really before the Senate. Therefore I apologize to the Senator for causing a diversion. I should like some man to tell us what is the solution of this problem that the South would like to work out; and the importance of that—I will be frank about it—is in the fact that I saw it stated in the newspapers a few days ago that a very distinguished Republican had announced that he had come to the conclusion—I am not trying to quote his exact language—that the people of the South understood this question better than the people of the North, and because of that fact it was the duty of the North to stand aside and let the people of the South work out a solution of it.

I should like to know, before I commit myself as a Republican to that proposition, what is the solution the people of the South want to work out; and if that causes the Senator to digress, I beg his pardon, and I will ask the question at another time. But if at any time before he takes his seat he can answer it, I shall be obliged to him.

Mr. MONEY. It is entirely unnecessary for the Senator from Ohio ever to apologize for interrupting me.

Mr. FORAKER. Thank you.

Mr. MONEY. In the first place, the good feeling between us is so great that I never consider any interruption from him as anything but a personal favor to myself for having attracted his attention.

Mr. FORAKER. If the Senator will allow me, I have no feeling whatever about this matter.

Mr. MONEY. I understand that. I know very well the Senator is considering the whole race question from a purely academic point of view.

Mr. FORAKER. I should be glad to have the Senator's view on that question. I have no feeling about it, and the question is not asked in any controversial sense.

Mr. MONEY. I am perfectly willing to give my views. I was not about to do so, but I will if the Senator desires it.

Mr. FORAKER. I will take the liberty of reminding the Senator again as to the political status of the colored race.

Mr. MONEY. I understand. As to the utterances of the distinguished gentleman—I suppose the Senator refers to the President-elect, Mr. Taft, from some speeches made by him lately—I was disposed to treat the utterances of the President-elect with very kindly consideration.

Mr. FORAKER. I want to say, since mention has been made, that I did not do that. I have not any question that President-elect Taft desires to do what is right and just——

Mr. MONEY. I think so.

Mr. FORAKER (continuing). For the whole country and all the people in the country; but he has announced, if the newspapers have correctly reported him, a very important proposition, and it is one about which, now that it has been thus announced, I for one should like to be informed.

Mr. MONEY. I hope the distinguished Senator from Ohio will not judge our new President by anything he may see in the newspapers about him.

Mr. FORAKER. I do not. I said I saw it in the newspapers. I do not know whether it is true.

Mr. MONEY. We see so many things in the newspapers which torture our credulity that we can not take every one except cum grano salis.

Mr. FORAKER. That statement appeared in the newspapers, and it has not been contradicted.

Mr. MONEY. It has not been. It is "nuts" for newspaper men to get into a controversy with a public man. For instance, I saw the other day, in a Philadelphia newspaper, one whole page covered by a lurid cartoon headed "The dangers that confront President Roosevelt in Africa." The picture below represented two white men with beards, with helmets on, and guns in their hands, and a naked negro was between them and the tiger—a royal Bengal tiger, about 25 feet long, judging by the height of the men, with his tawny skin and symmetrical stripes, crouched in the rushes. That shows how accurate the newspapers are.

I would think the President has fallen into the newspaper error, if I can believe the newspapers—which I do not. The President of the United States said he was going to Africa to shoot lions and tigers, and he said in his note to the Smithsonian Institution that they would miss a rare chance if they did not get up an expedition to take him there and to get the spoils of his bow and spear, because, he said, he was a "faunal naturalist." That is the way he has labeled himself. If Ithuriel's spear would touch the label, the truth would appear a faunal humbug, because there never was a tiger in Africa and there never will be until some one catches one and puts him in a cage and carries him there. The tiger is strictly an Asiatic beast, although the bones of the tiger, as naturalists say, have been found in America and Europe. But he is purely an Asiatic beast, and is almost exclusively confined to the region south and west of the Hindu Kush range of mountains. But, of course, the newspaper man does not know anything about that. He only takes what he saw in another newspaper about what the President said, and I have no idea the President has said anything of that sort. He knows very well, if he is a "faunal naturalist," that there is no such thing as a tiger in the whole of Africa. If you want to talk about the negro, the other part of Africa——

Mr. FORAKER. We will assume that newspaper statements are not always correct. We have had experience to that effect. I should like to know, then, without regard to the statement to which I refer, what the Senator thinks.

I understand there is objection to this proposed legislation; that the Senator does not want the negro to be allowed to sit on a jury. I understand that he does not want any of the legislation that is found in the chapter under consideration, on the statute books now, to be reenacted. There is no proposition to add new legislation. But the Senator, before he will accede to the adoption of this penal code, wants all that stricken out because of its bearing upon the negro. Now, without regard to those particular and specified objections, I want to know in a general way, simply and briefly, what the solution is.

Mr. MONEY. I will not follow an illustrious example and say that the Senator from Ohio would deliberately and maliciously misrepresent me, because he would not. I have not said that all the provisions should be stricken out. I have addressed myself only to the twenty-fourth section, about troops at the polls. That is the only section about which I have been concerning myself.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. MONEY. Certainly; just as much time as the Senator wants, and as many questions as he desires to propound.

Mr. FORAKER. I did not mean to include the Senator's objection to anything to which he had not objected.

Mr. MONEY. Not at all.

Mr. FORAKER. He objected to all of it. Some one here told me that his objections ran to the whole chapter. I will withdraw what I said in that connection——

Mr. MONEY. I do not want you to.

Mr. FORAKER (continuing). And just ask the Senator to answer the one question—What is it you want?

Mr. MONEY. I object to the Senator withdrawing anything. Whatever he says is well said and to the point, and, while he misunderstood me, yet we all misunderstand each other at some time. We hear of a man being absorbed by one idea, and intellectually dead to any other idea, and sometimes we wonder, when a man gets one idea, how awfully lonesome it must be by itself; and we sometimes wonder how, when some men get an idea at all in the head, it can live in the inhospitable desolation of scorched sand, sun-blistered rocks, and the wind-swept waste of that barren mentality. I do not mean so to classify my friend, because I know he is one of the strongest men in this body and he understands how I appreciate him.

He wants to know how I feel about the negro. I am not one of those people who affect indifference to great questions, nor have I any particular modesty about stating my position. I want to deal frankly with the Senator. I desire to say this, then, which I think will sum up what I think about it: In the first place, I want to say that I do not agree with President-elect Taft that this is a southern question, or a sectional question, or a political question—about the negro. It is as purely a national question as any that can possibly come up out of the pregnant womb of time. There can be to-day no greater question that can agitate the minds of the liberty-loving people of this country than this question. He mistakes when he thinks it is a southern question. I understand he also thought the southern people were dealing with it in the States, and they knew better what to do in their respective States than anybody outside of those States; and in that conclusion I hold that the President-elect is absolutely correct. I do not believe there is a citizen of any State in this Union who can speak so well for

the interests of any State as the inhabitants of that State can speak for themselves, and to deny this is to strike at the very root of self-government. To deny this is to destroy the central idea of this Republic, that self-government is best for all men.

We boast of our Anglo-Saxon blood. It is mixed, of course, with currents from a thousand streams, but it all comes from that central source in the high plateaus of central Asia, east of the Caspian Sea and north of the Hindu Kush Mountains. Waves of emigration came successively, one after the other, penetrating northern Europe, driving out the Turanians and leaving there the Fins, the Laps, the Samoyedes, and so forth, but in great part supplanting them. There came on wave after wave—the Teutons, the Goths, the Vandals, the Celts, the Cimbri, the Gauls, the Franks; and then the Greeks, pausing a while in the mountains of Phrygia, sent forth swarms of semimythical Pelasgians. We have blood of them all, and I believe it is the best composite of any in the world. It has been in the forefront of the civilization of this world. It has been the great inventor, the great legislator, the great administrative people of the world.

Now, of course, there are virtues in all the races of men. The Turanian had his particular specialty. He was a brave man, successful in mining and making tools of metal before our forefathers knew it. I say our forefathers—dating away back yonder.

We here in the United States came from the tribe which first went over and drove the inhabitants from Great Britain, and then spread over Ireland, Scotland, and Wales, and left in Wales and Scotland and Ireland almost untouched the primitive first people. But their blood is mixed with those from all along the southern shore of the Baltic, the Scandinavian blood, the Northmen who conquered Normandy and made it for hundreds of years the seat of refinement, education, and chivalry, that gave to the world the best people that ever lived on top of the globe. From those Teutons we got the idea of local self-government—that every community has a right to arrange its own affairs, untouched by any central government whatever, but getting together for great purposes of national import; for instance, for war. They elected their civil ruler, but when war was on hand they elected their war chief, and nobody said them nay. The characteristics of those people were their personal love of liberty, their high spirit of adventure, their willingness to take all responsibility, their ability to rise to the demand of every occasion, and one of the grandest features of it all was their profound respect and love for women.

No polygamy ever existed there. Their women were much respected and reverenced and were treated almost like goddesses. No important move was ever made in peace or war without first taking counsel with their wives. We have inherited that sentiment to the extent that no other modern people enjoy, in my opinion, and along with all these good qualities that came from all these races we are here, it is true, the composite of many streams, but all from the original fountain flowing out from the original Aryan home in Asia during the last five thousand years of history and for untold centuries beyond. But to-day we are here with their attributes still obtaining, with their high purpose still unfaltering, with their capacity for self-government, with their control of their individuality, and with their demand upon every government of which they have been a citizen that their individual rights shall be respected. And when such men as Sam Adams, of Massachusetts, who may be called the father of American independence; such men as Patrick Henry, of Virginia, the great orator of the Revolution; such men as Richard Henry Lee, of Virginia, objected to the provisions of the Constitution as framed by the convention, it was because, to use the language of Jefferson, it suffered the vital lack of a bill of rights, and the personal liberty of the citizen had not been guaranteed by that instrument. Hence followed the first ten amendments recommended by nearly every one of the thirteen States and adopted at the first meeting of Congress.

Mr. President, as I believe I remarked the other day, there is to-day going on among civilized peoples a most remarkable movement in two directions. According to my opinion, from what I can learn, in the first place, in every monarchy in the world within the pale of Christianity and outside of it, in the Turkish Empire, in the Persian Kingdom, and elsewhere, the people are demanding more rights and are getting them. The young Turks imposed a parliament upon the Sultan. The revolution forced a constitution from the Shah.

Every day we have been gaining in all the nations of the world great accessions to popular rights, and yet in this Republic and in the others that are copies of this the people have steadily been losing their rights to a usurping executive or legislative body. It has been a steady trend, almost without a break, begun through the exigencies in this country of a civil war, which taxed all the resources and energies of a great people, when it seemed necessary to yield popular right that the Executive might be unhampered in waging a war to preserve the territorial integrity of this Union. So what was only tolerated at first, became a matter of course until the old proverb "Give an inch and they will take an ell" was followed so rapidly that to-day we are about to end an administration in which the progress has been so rapid that it makes a man dizzy to notice it. We have commissions appointed, not by authority of law, but in defiance of law. We have letters from the Executive demanding that the expense of the publication of their reports, and so forth, shall be made without regard to the will of Congress or the wish of the people who pay the taxes for these burdens imposed without any authority of law. We have had all sorts of things that I will not name in the Senate, because they are hardly worthy of mention. But they are important, even though they are trivial, as showing the trend of things; and so this double movement is going on throughout the world: In monarchies—subjected people—they are claiming and gaining enlarged liberty every day, and a free people are losing it every day. This is not unnatural.

We live to-day in the most artificial form of government in the world. The natural form of human government is a pyramid, resting upon its broad base and going up to the apex, the sovereign. That is the strongest body known—the pyramid. But here we are all on the same level of equality and right, and we are to-day struggling with the common proverb "Eternal vigilance is the price of liberty," to maintain the heritage bequeathed to us by our sires. Are we to be successful? I doubt it, because no people on God's earth have ever yet achieved that success for any great length of time. Our one hundred and twenty-five years is but a span in the life of a great nation. While the Greeks and the Romans were a thousand times more devoted to liberty than we ever will be, we made sacrifices, we thought, and we fought for two or three years, not for liberty, but for representation in Parliament, for the representation that should accompany taxation. It was a representation that should accompany taxation as a first due to the taxpayer. We did not dream of liberty. You will find in the documents published by that Congress where, while the war was flagrant, an humble petition was made from the Provincial Congress to George III, signing themselves "Your Majesty's most humble, most obedient, and most respectful servants." In a few indomitable minds alone there burned the sacred love of liberty that would compromise at nothing except absolute national independence, and that fire permeated the mass and grew at last into the Declaration of Independence, written by a young man of Virginia 33 years old.

As I said, the Greek and the Roman loved his country better than we. It was the pride and glory of a citizen of any of the Greek republics or of Rome to die for his country. "To die for one's country is sweet and decorous," was an old Latin proverb. A man lost position and status because he failed in something he owed the republic. We would never have had that matchless history of the Peloponnesian war if Thucydides had been successful as an Athenian general in preventing the ravages of the island allies of Athens by Brasidas, the Lacedæmonian general, but because of lack of success the great military commander of the Greeks was banished. Aristides was banished, who was also surnamed "The Just." Æschylus, the great tragic poet, was banished; yet when he died abroad, a solitary exile, he wrote his own epitaph and, unmindful of the glories of his pen, of the undying laurels that clustered around his brow as a poet, he said in that epitaph: "Here lies Æschylus, who fought with the long-haired Medes at Marathon." His glory was, in that dying moment, that he had drawn his sword and fought for his country.

Yet those people lost their liberties. They were ruled by tyrants, and they did all they could to resist them, but it has seemed to be the inevitable fate of men who want to govern themselves that they can not long succeed.

I was pained to hear not long ago a most distinguished gentleman, soon to become an ornament to this body, declare in his speech of acceptance before his legislature that he was of the strict Hamiltonian school, and I was rejoiced when another one, who will take the place of our esteemed friend from Ohio [Mr. FORAKER], declared to his legislature that "the great object of your legislature to-day is to preserve the rights of your State. Mine as a Senator of the United States is to see that they are preserved."

Now, what did Hamilton seek? His plan was submitted, as you all know, to the convention that we should have a government as closely copied after that of Great Britain as possible, omitting the word "king." Rome did the same thing. The people would not hear of rex, because it reminded them

of Tarquinius Superbus and all the horrors of the early kings of Rome; but that wonderful man Octavius, called Augustus, at the age of 18 returned from school and formed a coalition that defeated the first triumvirate and then defeated his colleagues and became the master of Rome. He could not receive the title of rex, but he was thirteen times named consul and repeatedly imperator. So those people lost their liberties. "Eternal vigilance is the price of liberty," and its penalty is the loss of liberty.

I am laying a foundation for my answer to the question by this exceedingly brief and cursory retrospect of ancient history. No people on earth have ever been able to establish popular liberty. I have shown what it was under the most artificial form of government in the world—the most difficult to maintain—and consequently our form of government has not been imitated by nations who have any sort of capacity for achieving success, not because the theory was not good, but because the theory of government was too good. In other words, it is impracticable, just as that distinguished Chinese statesman and ambassador, Wu, in a celebrated letter written four years ago, stated why he was a heathen. He said:

There is no objection to Christianity as a theory, but as something practical it is entirely out of the question. We tried such a system in China five or six thousand years ago, but we had to get a philosophy that the people could live up to. No people ever obey the precepts of the Christian religion; the whole system is a failure. Theoretically it is all right, but practically it is a failure.

So it has proven heretofore with the government of the people by themselves.

Mr. TILLMAN. Will the Senator pardon me?

Mr. MONEY. Certainly.

Mr. TILLMAN. I do not know whether others are as deeply interested in this discussion as I am, but I know there is not a quorum in the Chamber, and I think we ought to have more Senators here to hear our learned friend, because he knows more about this question, perhaps, than any other man in the Senate or in the country.

Mr. MONEY. I hope the Senator will not call Senators in. All are here who want to hear me.

Mr. TILLMAN. We will bring the balance in for a time, anyway.

Mr. MONEY. I do not want any man to hear me who does not want to hear me. The most repugnant thing to a speaker is a reluctant audience. It is like—

A twice-told tale
Vexing the dull ear of a drowsy man.

I do not want an audience who do not want to hear me.

Mr. TILLMAN. A great many do not know that the Senator is speaking.

Mr. MONEY. I do not flatter myself that anybody wants to hear me now, but I want to answer the Senator from Ohio, if I have time.

Mr. TILLMAN. All Senators on both sides want to hear that. I do. I make the point that there is no quorum present.

Mr. HEYBURN. Mr. President, I make the point of order against the request of the Senator from South Carolina.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. HEYBURN. I should like to state my point of order. There has been no business transacted since the last call of the Senate.

Mr. MONEY. The Senator is mistaken if he thinks that my speech is not business.

The VICE-PRESIDENT. The Senator from Idaho is technically correct, but under the circumstances the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Curtis	Hemenway	Page
Bankhead	Dick,	Heyburn	Paynter
Beveridge	Dillingham	Kean	Perkins
Borah	Dixon	Kittredge	Piles
Brandegee	Dolliver	Knox	Richardson
Brown	Elkins	La Follette	Scott
Bulkeley	Flint	Lodge	Simmons
Burkett	Foraker	Long	Smith, Md.
Burnham	Foster	McCreary	Smoot
Carter	Frazier	McCumber	Stephenson
Clapp	Frye	McEnery	Stone
Clark, Wyo.	Fulton	McLaurin	Sutherland
Clarke, Ark.	Gallinger	Martin	Taliaferro
Clay	Gamble	Milton	Tillman
Crane	Gore	Money	Warner
Culberson	Guggenheim	Nelson	Warren
Cullom	Hale	Nixon	Wetmore
Cummins	Hansbrough	Owen	

The VICE-PRESIDENT. Seventy-one Senators have answered to their names. A quorum of the Senate is present. The Senator from Mississippi will proceed.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. MONEY. Certainly.

CARE OF DEPENDENT CHILDREN.

Mr. OWEN. I ask permission to present a little resolution providing for the printing of 5,000 copies of the report of the children's conference, if there is no objection.

Mr. KEAN. Let us hear it read.

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution, as follows:

Ordered, That there be printed 5,000 copies of the report of the conference on the care of dependent children (S. Doc. No. 721, 60th Cong., 2d sess.), of which 1,000 shall be for the use of the Senate and 4,000, of which number 500 shall be bound in cloth, shall be for the use of the conference.

Mr. KEAN. Is there an estimate accompanying the resolution? Should it not go to the Committee on Printing?

The VICE-PRESIDENT. Will the printing cost less than $500?

Mr. OWEN. The estimate shows that the cost will be less than $500.

The resolution was considered by unanimous consent and agreed to.

CONGRESSIONAL DIRECTORY.

Mr. KEAN. Will the Senator from Mississippi yield to me to make a report from the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. MONEY. Certainly.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution No. 308, submitted by the Senator from Florida [Mr. MILTON] on the 27th ultimo, to report it without amendment. Let the resolution be read.

The resolution was read, as follows:

Resolved, That the Committee on Printing be, and hereby is, authorized to have prepared and published an edition of the Congressional Directory for the use of Congress at its forthcoming extra session, copies of which shall be laid on the desks of Members within one week from the assembling thereof. And the Secretary of the Senate is directed to pay from the contingent fund for compiling, editing, and indexing the said edition the compensation usually allowed.

Mr. MILTON. I ask for the immediate consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

REVISION AND CODIFICATION OF LAWS.

Mr. KEAN. I am also directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the joint resolution (S. R. 140) to create a joint committee to consider the revision and codification of the laws of the United States, to report it without amendment. I will ask the Senator from Idaho to make some explanation of the joint resolution.

Mr. HEYBURN. Mr. President, the joint resolution is similar to one that has been passed by both Houses at the end of each Congress ordering that the work authorized some years ago might be continued.

The work consists of the revision of the statutes of the United States, and I would say that the committee has proceeded with the work until perhaps three-fourths of it is now ready for consideration. I had an estimate from those engaged upon it which, I think, justifies me in saying that it can be finished by fall—along in September or October. It will depend somewhat on the amount of new business given to the committee by this Congress. The laws of this Congress will, of course, be written into the work when it comes in. It should all be ready to be reported at the next Congress. There will be written into the codification really all the law. The bill under consideration composes only a small part of this great work, and if the resolution is not passed and the committee continued, of course it would be a great loss to the Government. The work would necessarily have to be abandoned.

Mr. KEAN. I ask that the joint resolution be put on its passage.

The VICE-PRESIDENT. The Senator from New Jersey asks for the present consideration of the joint resolution.

Mr. CULBERSON. With the meager information I have, I object to its present consideration.

The VICE-PRESIDENT. Objection is made to the present consideration of the joint resolution, and it goes to the calendar.

Mr. KEAN subsequently said: The Senator from Texas [Mr. CULBERSON] objected to the joint resolution for continuing the commission on the revision of the laws. He withdraws his objection, I understand, and I ask for its present consideration.

Mr. CULBERSON. In order that I might inquire as to the status of the commission, which at one time was in existence to codify the laws, I objected to the consideration of the resolu-

tion. Understanding now that the commission is no longer in existence and that the committee of the two Houses are proceeding to the work formerly done by the commission, I withdraw the objection.

Mr. GORE. Mr. President, I desire to object.

The VICE-PRESIDENT. The Senator from Oklahoma objects to the present consideration of the joint resolution. It will go to the calendar.

EMPLOYMENT OF STENOGRAPHER.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution, which was considered by unanimous consent and agreed to.

Senate resolution 322.

Resolved, That the stenographic services employed by the Committee on Printing upon matters referred to said committee be paid from the contingent fund of the Senate.

Mr. BURNHAM. Mr. President, I desire to present two conference reports.

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Hampshire to present a conference report?

Mr. MONEY. I yield for the presentation of a conference report.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURNHAM submitted the following report:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 9278) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment to the bill on page 2, lines 7 to 11, inclusive.

That the Senate recede from its disagreement to the amendment of the House on page 3, lines 5 to 8, inclusive, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House on page 3, line 11, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House on page 4, lines 5 to 7, inclusive, and agree to the same.

HENRY E. BURNHAM,
CHARLES CURTIS,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

Mr BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment on page 1, lines 6 to 9, inclusive.

That the House recede from its amendment on page 2, lines 1 to 4, inclusive.

That the House recede from its amendment on page 2, line 7.

That the House recede from its amendment on page 2, line 10.

That the Senate recede from its disagreement to the amendment of the House on page 2, line 14, and agree to the same.

HENRY E. BURNHAM,
CHARLES CURTIS,
JAMES P. TALIAFERRO,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

REFERENCE OF CLAIMS.

Mr. FULTON, from the Committee on Claims, reported the following resolution (S. Res. 320), which was considered by unanimous consent and agreed to:

Resolved, That the claims of John M. Jamieson (S. 105); John Whittington (S. 168); Thomas McCallister (S. 173); Henry R. Bryan (S. 267); Mary N. Bryan (S. 268); estate of James A. Suydam, deceased (S. 270); Orrin R. Smith (S. 454); I. J. Humphreys (S. 488); W. W. Wright (S. 743); estate of Edward N. Peyton, deceased (S. 744); estate of M. W. Garrison, deceased (S. 745); estate of Abraham Cassell, deceased (S. 746); heirs of Jacob Hufty, deceased (S. 812); heirs of George W. Hockensmith, deceased (S. 813); estate of Patrick Dooling, deceased (S. 1056); the State of California for arms, ordnance and ordnance stores, quartermaster's supplies, medical property, signal property, and other stores, supplies, and property belonging to said State and furnished by the United States and lost or destroyed in the city of San Francisco, State of California, in the earthquake of April 18, 1906, and the fire subsequent thereto (S. 1180); estate of Cyprian T. Jenkins, deceased (S. 1398); Joseph H. Fesperman (S. 1763); heirs and estate of Pierre C. Richard, deceased (S. 1960); Lucy A. Monroe (S. 1987); James W. Person and Isabella N. Person (S. 2025); William J. Briggs (S. 2074); Margaret Emma Brown, Kate D. Jarnagin, John Jacob Hubbard, and Georgia B. Teague, heirs of Mary J. Hubbard, deceased (S. 2117); Frances A. Lacy, heir of William B. Lacy, deceased (S. 2170); estate of James M. Hinton, deceased (S. 2318); W. C. Morgan (S. 2320); heirs of William Haynes Kilby, deceased (S. 2332); estate of Peter H. Knight (S. 2339); W. J. Winsett (S. 2367); Sally B. Sands, Charlie M. Sands, B. F. Sands, and A. T. Sands, heirs of Bird Sands, deceased (S. 2369); heirs of Harriet G. Woods, deceased (S. 2378); Mrs. Mercy C. Harvey (S. 2680); G. R. West (S. 2381); estate of Richard M. Harrison, deceased (S. 2776); estate of James L. Miller (S. 2831); Monroe Stevens (S. 2842); heirs and estate of George E. House, deceased (S. 2962); William S. Shaw (S. 2973); Bath Iron Works and others (S. 2983); William P. Watson, executor of Samuel Watson, deceased (S. 3183); Mahala C. Carter (S. 3506); Henry Snider (S. 3572); Alexander P. Hart, heir of Joseph Hart, deceased (S. 3575); estate of David Blackman, deceased (S. 3576); William Hodgson (S. 3793); Thomas L. How, heir of James J. and Isaac S. How, deceased (S. 4004); estate of David C. Hamill, deceased (S. 4038); estates of W. M. Purcell and Martha Purcell, deceased (S. 4040); estate of Zeno T. Harris, deceased (S. 4044); estate of John W. McKissock, deceased (S. 4162); heirs of Bethel A. Smith, deceased (S. 4254); heirs of Peter Johnson (S. 4318); heirs of Joseph Medina, deceased (S. 4343); trustees of the Methodist Episcopal Church of Middletown, Md. (S. 4372); Mrs. E. W. Williams (S. 4411); legal representatives of Sarah Henson (S. 4467); estate of William H. Fuqua (S. 4468); estate of James T. Gaines, deceased (S. 4501).

Heirs of Josiah White, deceased (S. 4636); Mary C. Turner, Frank C. Turner, Mattie C. Turner, Clifton Turner, and Katie Turner (S. 4769); legal representatives of Samuel A. Craddock (S. 5156); Old School Presbyterian Church of Helena, Phillips County, Ark. (S. 5168); Sarah A. Sutton (S. 5211); John T. Brickwood, Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger (S. 5228); heirs of Abner J. Leavenworth, deceased (S. 5243); estate of R. M. McClelland, deceased (S. 5353); James T. Dowdy (S. 5376); estate of Robert Pruitt, deceased (S. 5377); heirs and estate of J. R. B. Eldridge, deceased (S. 5381); John J. Curran in his own right and as sole heir of Murty Curran, deceased (S. 5575); estate of Elijah Lumpkin, deceased (S. 5638); estate of Robert Kirkley, deceased (S. 5835); estate of George Patten, deceased (S. 5841); Augusta W. Seely (S. 6172); E. W. and A. Cross (S. 6299); Edward McDevitt (S. 6695); heirs or estate of William Civiels, deceased (S. 6728); estate of Hardy H. Waters, deceased (S. 6881); Capt. Edward Cahalan and the heirs of Milton C. Espey, Edmund P. Wilcox, and Hampton L. Lee, deceased (S. 6904); Benjamin F. Harris (S. 6968); Charles A. Davidson and Charles M. Campbell (S. 6982); estate of John W. Anderson, deceased (S. 7085); William F. Gilluly for actual expenses incurred by him as a United States commissioner of the northern district of the Indian Territory while absent from his official headquarters on official business (S. 7213); trustees of Timber Ridge Presbyterian Church (S. 7477); heirs of Augustus and Christine Rich, deceased (S. 7545); Martha J. Sibley (S. 7708); Mrs. Mary Tullis (S. 7709); legal representatives of Burgess Hammond, deceased (S. 7753); estate of Hampton Hudgens, deceased (S. 7825); trustees of the University Street Primitive Baptist Church, of Nashville, Tenn. (S. 7826); estate of William P. Campbell, deceased (S. 7886); heirs of William W. Davis, deceased (S. 7887); heirs of Simon Rockwell, deceased (S. 7888); Lillie L. Penrod (S. 7891); estate of George W. Strallman, deceased (S. 7893); heirs of Nash L. Cox, deceased (S. 7902); heirs of James C. Conner, deceased (S. 8037); Third Presbyterian Church of Memphis, Tenn. (S. 8038); Abner Souder (S. 8041); heirs of G. W. Christenberry, deceased (S. 8044); estate of R. S. Simonton (S. 8074); Andrew J. Baker (S. 8117); Martin H. Avey (S. 8120); trustees of the Presbyterian Church of Stanford, Ky. (S. 8130); board of education of Versailles, Ky. (S. 8131); Laurel County, State of Kentucky (S. 8134); Scott County, State of Kentucky (S. 8135); Livingston County, State of Kentucky (S. 8136); Joseph Flewheart (S. 8161); William P. Trimble, surviving executor of Isaac R. Trimble, deceased (S. 8162); trustees of the First Presbyterian Church of Warrensburg, Mo. (S. 8168); Barry County, State of Missouri (S. 8169); Johnson County, State of Missouri (S. 8170); Newton County, State of Missouri (S. 8171).

Estate of Willis Allman, deceased (S. 8172); estate of Jesse Page, deceased (S. 8173); Andrew P. Shaw (S. 8182); Mrs. V. R. Davenport (S. 8221); heirs of Elizabeth Brinkley, deceased (S. 8236); heirs or estates of R. H. Groomes, James Cavert, and Obediah Hurt, late of the firm of Groomes, Cavert & Co., and others (S. 8237); heirs or estates of John Derryberry and Kiziah Derryberry, deceased, and others (S. 8239); heirs of W. W. Lemmon and Elizabeth Chinn Lemmon, deceased (S. 8240); heirs or estates of Joseph Leftwich and of Eliza Leftwich, deceased, and others (S. 8270); heirs or estate of Henry Doyle, deceased, and others (S. 8271); Sanger & Moody (S. 8278); trustees of the Morris Methodist Episcopal Church South, of New Kent County, Va. (S. 8296); heirs of James Y. Brame, deceased (S. 8423); estates of Samuel Brockman, P. H. Porter, and Frederick Klooz, deceased (S. 8463); estate of George H. Stovall (S. 8512); estate of William Duncan, deceased (S. 8513); Christian J. White, living, and the estates of James H. White and Elizabeth White, both deceased (S. 8514); James City Methodist Chapel, of James City County, Va. (S. 8538); W. F. Parker (S. 8546); Wentworth Street Lutheran Church, of Charles-

ton, S. C. (S. 8549); Christian Church of Stanford, Ky. (S. 8557); heirs of Joshua Hill, deceased (S. 8615); B. C. Thompson, of Lyons, Toombs County, Ga., for moving obstructions from Oconee River and making it navigable (S. 8624); Providence Methodist Episcopal Church, of Sussex County, Va. (S. 8626); curators of Central College, of Fayette, Mo. (S. 8671); heirs or estate of Mrs. Ellen Morrissey and James Morrissey, deceased, and others (S. 8701); Gen. John R. McGinness (S. 8702); John H. Hickey (S. 8749); A. O. Hall (S. 8750); John R. Adams (S. 8751); wardens and vestry of St. Peter's Episcopal Church, Rome, Ga. (S. 8798); heirs of Aaron W. Da Costa (S. 8813); heirs and legal representatives of John B. Hays (S. 8815); heirs or legal representatives of Frederick Wyand, deceased (S. 8816); trustees and consistory of Mount Vernon Reformed Church, of Keedysville, Md. (S. 8817); heirs and legal representatives of Michael J. Brown (S. 8818); M. G. Jetton, J. P. Jetton, D. M. Jetton, B. H. Jetton, and M. G. Williams, heirs at law of Mitchell Jetton, deceased (S. 8836); Davis W. Hatch (S. 8840); Abbie P. Anderson and the heirs or estate of William A. Watkins, deceased (S. 8843); heirs or estate of Cornelius C. Cunningham, deceased, and others (S. 8844); heirs or estate of George W. McCabe, deceased, and others (S. 8845); legal representatives of William C. Blalock, deceased (S. 8871); Hannah J. Jones, executrix of Emanuel Jones, deceased, a British subject (S. 8951); heirs of Mrs. Elizabeth Hynes, deceased (S. 8952); heirs of Eldred Nunnally, deceased (S. 8954); Joseph E. Adams and others (S. 8967); estate of Joseph Kulage, deceased (S. 8983); heirs of W. D. McDowall, deceased (S. 9066); estate of Samuel L. Gilbert, deceased (S. 9072); estate of Andrew Reece (S. 9073).

J. W. Murry, sr. (S. 9074); estate of James L. Romine, deceased (S. 9075); heirs of H. O. Kilpatrick, deceased (S. 9076); heirs of Leonard Daniel, deceased (S. 9078); Belson Wiley Owens (S. 9079); heirs of Joseph L. Bernard and Anna Holmes Bernard (S. 9090); estate of Patrick Dooling, deceased (S. 9091); Hibernia Bank and Trust Company of New Orleans, La., successor to the Union Bank of Louisiana (S. 9092); James B. Clift, administrator of the estate of John Clift, of Stafford County, Va. (S. 9098); estate of Samuel Fitz, deceased (S. 9099); heirs at law of James B. Hill (S. 9114); Nathan Van Beil and others (S. 9117); heirs of Frederick S. Poole, deceased (S. 9125); John W. Twiggs and others (S. 9129); heirs of the estate of John Hogan (S. 9152); Cornelius Ruffin and others (S. 9159); heirs of Richard Littell (S. 9169); Mrs. S. P. Prowell, administratrix of the estate of Dr. John H. Jones, deceased (S. 9186); Rear-Admiral John J. Read, U. S. Navy, retired (S. 9210); owners of the schooner T. P. Leined or their legal representatives (S. 9211); Adolph M. Cohen (S. 9212); Mary Bethoon Hanserd (S. 9230); Seaboard & Roanoke Railroad Company (S. 9234); John W. Alves (S. 9236); Elleanor Gibson Whitney (S. 9237); John H. Brown and certain other naval officers and their heirs or legal representatives (S. 9254); heirs of Daniel W. Brown, deceased (S. 9287); heirs of Tirzah P. Brown, deceased (S. 9288); Christian Church of California, Ky. (S. 9290); estate of F. F. Lucas, deceased (S. 9320); estate of James O. Harrison, deceased (S. 9322); heirs or estate of John E. Stevenson, deceased, and others (S. 9330); heirs or estate of Peter Baker and others (S. 9331); estate of John W. White, deceased (S. 9332); Mrs. Bathsheba Gordon (S. 9333); heirs or estate of Gideon Robinson, deceased, and Margaret Robinson, deceased, and others (S. 9340); heirs or estate of Jackson Higginbotham, deceased, and others (S. 9341); Methodist Episcopal Church of Friars Point, Miss. (S. 9367); Grafton Christian Church of Grafton, Va. (S. 9389); Presbyterian Church at Greenville, Miss. (S. 9394); trustees of the Mouth of Greenbriar Baptist Church of West Virginia (S. 9397); heirs or legal representatives of Stephen M. Holt (S. 9407); John C. Stoutenborough, of Richmond, Ala. (S. 9426); heirs of Charles H. Wright, deceased (S. 9429); estate of John McQuiddy, deceased (S. 9431); E. D. Miller, estate of G. Colhoun, S. B. Crow, James Tate, and others (S. 9446); Orlando B. Willcox and certain other army officers and their heirs or legal representatives (S. 9448); trustees of White Oak Church, of Dinwiddie County, Va. (S. 9451); heirs of A. Cohn (S. 9453); Mrs. A. C. Lester and others (S. 9457); James M. Beattie (S. 9463); Charles Hector Larocque or his heirs or representatives, and others (S. 9467); heirs or estate of Eliza E. Spencer, deceased, and others (S. 9468); heirs or estate of John Owings, deceased, and others (S. 9469).

Heirs of John Allison, deceased (S. 9470); heirs or estate of A. Underwood and others (S. 9476); Mrs. Mary E. Pillow and others (S. 9477); estate of Samuel P. Caughman, deceased (S. 9480); John O. Adams and others (S. 9481); heirs of John W. Norwood, deceased (S. 9482); heirs of Erdman Bodenshatz, deceased (S. 9483); Cumberland Presbyterian Church of Shiloh, Alcorn County, Miss. (S. 9493); Mary M. Kennedy, Esther A. Pierce, Alfred Jemison, King Pierce, John H. Pierce, C. S. York, Dwight Jemison, and others (S. 9494); James McGeary and others (S. 9500); Cyrus H. Abbott and others (S. 9501); estate of Caleb Maratta, deceased (S. 9506); lawful heirs of George Henry Guerard (S. 9521); certain government contractors (S. 9523); certain American citizens (S. 9524); Francis Beach and certain other army officers and their heirs or legal representatives (S. 9529); Grace Evangelical Lutheran Church of Winchester, Va. (S. 9530); Presbyterian Church at Greenville, Miss. (S. 9535); Shelby Lodge, No. 162, Ancient Free and Accepted Masons, Bristol, Va. (S. 9536); Joseph Roberts and certain other army officers and their heirs and legal representatives (S. 9537); city of Newport, Ky. (S. 8558); McCracken County, Ky. (S. 8132); county of Jessamine, Ky. (S. 8133); heirs of Augustus H. Johnson, sr. (S. 5828); Prairie County, in the State of Arkansas (S. 9393); heirs of John Nutt, deceased (S. 4018); the estate of David B. Tennant, deceased (S. 1038); George C. Wedderburn (S. 7002); heirs and widow of Edward S. Brown (S. 1039); estate of John P. Kelly, deceased (S. 9388); heirs of William A. Elmore, deceased (S. 8295); estate of W. H. Harrison, deceased (S. 2020); legal representatives of S. A. Buckner (S. 2017); heirs of John H. Rixey, deceased (S. 2006); Benjamin M. Yancey (S. 2009); Virgil A. Fitzgerald (S. 3697); William J. Lewis (S. 3698); estate of William Shreve, deceased (S. 2011); Napoleon B. Watkins (S. 2013); estate of W. H. Stringfellow, deceased (S. 1994); estate of Horace L. Kent, deceased (S. 9088); estate of William L. Hollis, deceased (S. 9089); estate of Peter McEnery, deceased (S. 9233); estate of John B. Ege, deceased (S. 2015); estate of John W. Stone, deceased (S. 3719); heirs of Dr. Robert H. Power, deceased (S. 9390); heirs of the estate of James L. Miller, deceased, and others (S. 9528); Edward De Leon (S. 7870); heirs of John Allison (S. 7488); heirs of Ira G. Wood (S. 1826); heirs of Thomas W. White (S. 6643); heirs and estate of William B. Ott (S. 3704); heirs of John Starke, deceased (S. 9534); estate of Calvin Read (S. 1397); Thomas R. Webb (S. 1400); now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the Tucker Act. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

HARBOR IMPROVEMENTS.

Mr. GORE. Mr. President, I wish to submit a resolution.

The VICE-PRESIDENT. Does the Senator from Mississippi yield the floor for that purpose?

Mr. MONEY. Yes, sir; for that purpose.

Mr. GORE. I submit a resolution, and ask for its present consideration.

The Secretary read the resolution (S. Res. 321), as follows:

Resolved, That the National Waterways Commission is instructed to investigate and report to Congress the number and names of all the harbors which have received government aid, the present and proposed depth and frontage of such harbors, and the ownership of the wharfage fronting thereupon, whether public, corporate, or individual, giving the names of each owner and the amount in each case.

Mr. ALDRICH. Let the resolution go over.

The VICE-PRESIDENT. The resolution will be printed and lie on the table.

ALEXANDER HAMILTON MEMORIAL.

Mr. WETMORE. Will the Senator from Mississippi yield to me?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. MONEY. Certainly; I yield with pleasure.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred the joint resolution (H. J. Res. 225) authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C., to report it favorably without amendment, and I ask unanimous consent for its immediate consideration.

Mr. GORE. Mr. President, I object.

The VICE-PRESIDENT. Objection being made, the joint resolution will go to the calendar.

Mr. GORE subsequently said: I desire to withdraw my objection to the joint resolution reported by the Senator from Rhode Island [Mr. WETMORE].

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to create a commission, to be composed of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, the Secretary of the Treasury, and the president and secretary of the Alexander Hamilton National Memorial Association, to select a site upon the property belonging to the United States in the city of Washington, other than the Capitol and Library grounds, for the erection of the Alexander Hamilton memorial to be presented by the Alexander Hamilton National Memorial Association to the people of the United States.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. OWEN. Would it be in order to be heard with regard to the Hamilton memorial joint resolution?

The VICE-PRESIDENT. It has already been passed by the Senate, and a motion to reconsider would have to be made.

NAVAJO RESERVATION INVESTIGATION.

Mr. CLAPP. I present a copy of the correspondence and testimony taken by Col. H. L. Scott during the investigation of charges preferred by Rev. H. R. Antes regarding the trouble on the Navajo Reservation two years ago. I move that the correspondence be printed as a document (S. Doc. No. 757).

The motion was agreed to.

BILLS INTRODUCED.

Mr. RICHARDSON introduced a bill (S. 9538) to correct the military record of George Baker, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CLAY (for Mr. BACON) introduced a bill (S. 9539) for the relief of the estate of James Hart, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 9540) providing for the establishment of the Central National Bank of the United States, and for other purposes, which was read twice by its title and referred to the Committee on Finance.

Mr. DANIEL introduced a bill (S. 9541) for the relief of James F. Carr, which was read twice by its title and referred to the Committee on Claims.

HORSE SHOE BEND BATTLEFIELD COMMISSION.

Mr. BANKHEAD. I present a memorial of the Horse Shoe Bend Battlefield Commission, created by the State of Alabama, relative to the establishment of a military park on the Horse Shoe Bend battlefield, the battle having taken place March 27, 1814, between the Americans and Creek Indians. I move that the memorial be printed as a document (S. Doc. No. 756).

The motion was agreed to.

WITHDRAWAL OF PAPERS—JAMES CASSIDY.

On motion of Mr. TELLER, it was

Ordered, That James Cassidy be permitted to withdraw from the files of the Senate the papers filed with Senate bill No. 1315, Fifty-seventh Congress, first session, for the relief of James Cassidy, no adverse report having been made thereon.

SECRET PROCEEDINGS AND DEBATES OF THE FEDERAL CONVENTION.

On motion of Mr. BAILEY, it was

Ordered, That there be printed and bound for the Senate 1,500 copies of Senate Document No. 728, Sixtieth Congress, second session, Secret Proceeding and Debates of the Federal Convention.

TENNESSEE COAL AND IRON COMPANY.

Mr. OVERMAN. I move that the views of individual members of the Committee on the Judiciary, submitted by Mr. CULBERSON on yesterday, in relation to the resolution concerning the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation, be printed as a document (S. Rept. No. 1110, part 2).

The motion was agreed to.

ENLARGED HOMESTEADS.

On motion of Mr. DIXON, it was

Ordered, That 5,000 copies of public act No. 245 (S. 6155), to provide for an enlarged homestead, be printed.

REVISION OF THE PENAL LAWS.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. MONEY. Mr. President, I do not know exactly where I left off, but it does not make any difference. I will say that philologists have discovered the roots of words in the original families of the human race; and, when carried down in the ramifications of the family and pursued through generations, they derive from those words facts that are extremely valuable. The very word "Aryan," with which the ethnologist denoted those people who are to-day considered the white people, means noble, superior, honorable. The present name of Persia is Iranistan, Iran being the same as Aryan—noble, superior, honorable, and istan meaning land; for instance, Afghanistan, land of Afghan; Baluchistan, the country of the Baluches; Turkestan, the land of the Turks; Hindustan, the land of the Hindus.

Mr. President, a little time ago note the dominant characteristic of that race from which we are proud to claim our descent. They did not in the first eras of the world's history take the leading part which they do now. We came on the stage of action as a dominating and governing and colonizing people after the Hamitic races had perfected a civilization which is so remarkable in its architectural remains especially, and in its literature and customs, that they have been to-day the wonder of mankind. They were supplanted by the Semitic races, who carried their civilization to a great pitch of glory, who built the most enormous cities and established empires that were as wide as the continents of Asia and Africa. They, too, went their way. The Aryan, still existing as a primitive people, in all their successive families and branches have always stubbornly maintained their independence, their individualism, their character for enterprise, and their willingness to take responsibilities.

After a while letters and architecture and some of the forms of more civilized government established themselves, and they became the great ruling race of the world. There is nothing in the history of the past that will for an instant tolerate the idea of losing the proud hegemony of all the races.

Mr. President, I have noted the struggle those people made in that the highest form of civilization with which we are acquainted in ancient history—the Greek. The Greeks were not only physically the most beautiful people who ever lived, but by far the most acute and subtly intellectual. They have furnished to the world the greatest epic poem that was ever written, the greatest tragedy, the highest principles of human philosophy, the greatest specimens of oratory that were ever uttered, and the wittiest comedies that ever have been written. They have given us forms of government and examples of individual devotion to the state; they have given us the greatest examples of self-abnegation and public spirit.

Mr. President, the struggle of those people to maintain their liberties, considering their extreme advancement, especially in the golden age, the age of Pericles, the classic age of the Greeks, is one that fills the inquiring mind of the student with melancholy. Here was a nation of people as proud of their history and personally of themselves as has ever been known. They had achieved progress in sculpture, in painting, in architecture, in poetry, in philosophy, in eloquence and oratory, and in rhetoric, which, as some English critic once said, was not only the admiration, but the despair of succeeding peoples. They made every effort that men could make to keep in their grip the loosening bands of their political freedom. Their orators thundered their eloquence in the agora, their philosophers taught in the sacred grove of the academy. Socrates gave his disciples those profound lessons that reach to the immortality of the soul and the first vital principles of human action and human life, the copy of other philosophers since his day. It was the criticism of another Englishman that his great disciple, Plato, had set the pace for succeeding philosophers and that modern philosophers were original exactly in proportion as they stole from Plato. They had the great tragic poets, Æschylus, Sophocles, and Euripides, who lashed the faults and foibles and weaknesses of their time; and Aristophanes, who was said to have been the wittiest man in the wittiest age of the wittiest people who ever lived, wrote his immortal comedies, every one of them to chastise public vice, to call the people, the Athenians, in a spirit of profoundest patriotism to assert their manhood and do their duty to their country, to maintain the tottering fabric of their freedom, to restore the ancient glory of Athenian freedom, to prevent what we call to-day "the permeation of the commercial spirit." It was called "the commercial spirit" even then, and it sapped the foundation of Athenian liberty. There was a law of Athens that no poet could produce his play more than once, but because this great writer had so effectively worked for the Athenian public, they waived the rule in his case. Æschylus was granted not only that privilege, but they granted the privilege to his children and to his grandchildren, so that they could continue to reproduce his immortal tragedies.

Their rulers, if they could be said to have any, continually admonished the people of the blessings that "brighten as they take their flight." They were told over and over again in all the thunders of Demosthenes's eloquence and of his great rival, Æschines, who was punished because he failed in the great oratorical contest concerning the crown, that they were about to lose their liberties, but the people went on, unconscious of the catastrophe which was hastening to meet them. So it is with all other free people of this world. The Lacedæmonians, for instance, of Sparta, who were probably the hardiest race of free people that ever lived and more devoted to liberty than any other, belonged to the Dorian branch of the Greek family. When they came down from the mountains of Macedonia and invaded Bacotia, driving the Thebans from their city, and came on across to the Isthmus of Corinth and invaded the Peloponnesus, and what was Lacedæmonia or Laconia, there they found people of their own blood, Greek, as they were, not, perhaps, true Hellenese, but belonging to the same great branch of the Aryan family, a people more civilized than themselves, cultivating the ground. These hardy hunters and warriors made their homes at Sparta. They never built a wall around their city. It was the only city in all antiquity that had no wall. When an ambassador asked them why Sparta alone of all the cities had no wall, the king or ruler responded, "The breasts of the Spartans are the walls of Sparta." They were a military garrison in the midst of a people of their blood, but not exactly of the same kin. They kept them in subjugation, but they were free farmers.

They tilled the fields and they had a right to all they made. They marched with their helots to the field of battle. Every Lacedæmonian had seven helots to attend him in the campaign. They carried his armor; they procured and cooked his food; they combed his long hair, of which every Spartan warrior was proud. In their battles they used their weapons with as much effect as their masters; in fact, it is related by a historian that in one great battle with an enemy who had been subjugated, but who twice had put them on the verge of destruction, the helots, who were with them as their slaves, had been so gallant in the battle that they were declared worthy of some public memorial. Nine thousand of them were marched in the streets of Athens and were publicly crowned with flowers. They were lauded by orators, who extolled their valor, and then were told to disperse. When they got away from the town, they were set upon and massacred to the last man. Why? The Spartans said, "These people outnumber us; they are too brave a people for us to hold longer in subjugation, but the instinct of

self-preservation demands that we shall commit an atrocious act to preserve ourselves." It was the sailor pushing the other from the plank in mid-ocean to save his own life. It comes to us down the dim mist of the ages as an act that ought to be a blot forever on the fair fame of the Spartans, but to their minds it was the preservation of the Spartan race.

Their women, Mr. President, were so wise that no Spartan warrior ever thought of taking any action without consulting with his wife; and we are told that when Cleomenes received the Persian ambassador, the ambassador laid before him first the request that everybody should leave the chamber, and they were ordered out. The ambassador said, "Send away the child," referring to Gorgo, the 9-year-old daughter of Cleomenes. The King responded, "She is only 9 years old; let her play." The ambassador began his speech—a very seductive speech. It tempted the Spartan King with splendors he had never dreamed of—magnificent presents and honors from him whom the Greeks were pleased to call "the great King." After a while the girl stopped from her play and said to her father, "Get up, father, and leave the room or this stranger will corrupt thee;" and the king told the ambassador to leave the hall. The daughter was afterwards the wife of Leonidas, who fell at Thermopylæ, and sister-in-law of Pausanias, who won the greatest battle the Greeks ever fought—the battle of Platæa, where the Lacedæmonians, Athenians, and a few Legæans destroyed 300,000 Persians under Mardonius, and their Theban and other allies.

The influence of the Spartan women over the Spartan men is illustrated by the answer of this same Gorgo to one who said to her: "Sparta is the only country in the world where the women rule the men." She replied: "And the Spartan women are the only ones who give birth to men," meaning, as was true, that they were the most masculine of men.

The Greek laws were an outgrowth of that system of military discipline which made the Spartans invincible in war until Epaminondas, the greatest of the Greek generals, overcame the Spartans at Leuctra.

The Athenians had helots, but they were of the same blood as themselves, though not the same people. Generally they kept them in subjection. There is no intimation in any book that any of them were permitted to enjoy the freedom of the master race and to share the responsibility of government. In fact, it was a law at Athens that no Athenian could marry a woman of foreign birth. Their greatest ruler, Pericles, lived with Aspasia, a native of Asia Minor of Greek blood. She bore him a family of children and was celebrated as the most beautiful woman of her time, and she was so intellectual that it is said she wrote the greatest oration Pericles ever delivered, his speech in honor of the dead at Samos. In his old age he brought his son before the asssembly and with tears begged that he might be admitted to Athenian citizenship.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. MONEY. Certainly.

Mr. FORAKER. I am called to go from the Chamber for a short time——

Mr. MONEY. I will let you off.

Mr. FORAKER. I wanted to ask the Senator how soon he would reach the place where he wants——

Mr. MONEY. Tell me how long you will be gone. I will try to go on until you get back. [Laughter.]

Mr. FORAKER. I thought I would stay.

Mr. MONEY. No; I would rather you would go, and I will hold up until you get back.

Mr. FORAKER. I should like to ask the Senator to give me an answer to the question——

Mr. MONEY. Can not the Senator see that I am coming right up to that now. I am now laying the predicate for my answer. I do not believe the Senator has heard a word that I have said.

Mr. FORAKER. I have heard everything except for the last three or four minutes, when I was engaged in conversation with my successor, who just came into the Chamber; but with that exception I have heard everything the Senator has spoken and have been very greatly interested in what he has said, although I had hoped that he would get the predicate laid and reach the question.

Mr. MONEY. I am afraid, Mr. President, I have not been very lucid in my remarks.

Mr. FORAKER. Oh, yes.

Mr. MONEY. The Senator could not have understood what I was saying.

Mr. FORAKER. I did understand that it was the predicate, but I did not know how much predicate there might be. [Laughter.]

Mr. MONEY. There will be enough for you to go out and come back. [Laughter.]

Mr. President, I was saying that the Greeks were a people of tremendous individualism, of the highest development, probably, known in history, with the most devoted love of country, and inspired with public spirit more largely than any people whom I know anything about, except, perhaps, the Hollanders in their contest for liberty with the Spaniards, and the Boers in South Africa, and one or two others. I know no greater example than theirs of devotion to liberty, not only individual liberty, but the liberty of the people to control their own government.

When there is a lack of capacity, we must seek the cause, and it is found in that cause which originates in the saying that "Eternal vigilance is the price of liberty." Eternal vigilance is not the price of slavery. The subject of a king can sleep out his days and wake up a subject, having lost nothing and gained nothing, but the free man can not sleep any more than the sentinel upon his post. If he does, he invites the inroads of enemies upon his constitution, as the sentinel who sleeps invites the enemy into his camp.

These people refused to share their power with people of their own color and of their own blood. Why? From any dislike to them? Not at all; but from the instinct of self-preservation, for love of their institutions, for inherent dread in their minds that these helots were unable to conceive and maintain proper institutions as they conceived and maintained them.

There is not in the history of the world an instance where a dominant people have ever shared the powers of self-government with an inferior race. The very word "caste" is a Hindoo word, and has a meaning where it originated very much stronger than that we give it. In Hindoo "caste" prevents absolutely the association of one class with another class; they can not eat at the same table; they can not drink from the same vessel; they can not live in the same house; they must be separated everywhere, and marriage between members of different castes is simply disgraceful and prohibited. What does "caste" mean? In the Hindoo language it means color. That is what "caste" means—color—and that is all it meant originally.

As you all understand, that vast peninsula, with some three hundred and odd million people, or about 280,000,000, under British rule to-day, has in it an enormous heterogeneous mass of people of every family. There are a great many languages and over 80 dialects spoken in that peninsula. You will find to-day the remains of some Turanian races that first came down upon that country and subdued the original inhabitants. They are found in the Dekkan and through the Punjab, which, as you know, means "five rivers." They are still working there, and they are just the same now as they ever were. Then there are the remains of another darker colored people. There are some Turanians up in the mountain country, who have blue eyes and lighter complexions than those farther down, where the Aryan family, or what is called the "Hindoo-European," came from—the main source of the human family in central Asia. They went down through the passes of the Hindu Kush, ravaging and subduing one nation after another, penetrating to the utmost point of the peninsula.

They are still there, retaining their language, retaining their peculiar Aryan features, although some of them are very dark on account of climatic conditions; yet they never mix. They are still preserving their purity of blood. This condition has caused an infinite division of principalities in India, agglomerated now and then under some great chief; for instance, all of northern India, in the Great Mogul Empire established by Timur, the great Tartar chief, commonly called "Tamerlane," extending from the Jumna to the Indus and south as far as Delhi.

The word "caste" means color. It meant an absolute separation because of the instinct of self-preservation, and there is no record anywhere where a race has been improved by the admixture of another, an inferior race. There has been a tremendous improvement by the admixture of blood from the same family, but coming through different currents. There is no doubt but that the Greeks, descending from a civilization of enlightenment and culture, but becoming a little bit effeminate, were enormously improved by the infusion of the Goths and the Gauls. You recollect Brennus went down there three hundred years before Christ with 150,000 Gauls and swept over that country. It is true that the Gauls attacked the temple at Delphi and 150,000 disappeared forever, but they came in successive waves. They went all over Thrace and Macedonia, and they got into what is now Rumelia and Bulgaria, crossed over the Hellespont, and established themselves in Asia Minor. That was before the time of our Savior, and Galicia was

named from the Gauls, who had taken possession of it. The infusion of the strong blood of these hardy, vigorous, simple men was a tremendous impetus to the Greek stock, which had begun to decay.

The same thing happened in Italy. The Etruscans first, as you all know, came to the upper part of the Italian peninsula. They left those tremendous remains that we call Cyclopean. They were a branch of the same family as the Greeks.

The Roman stock—and the Romans were another branch of the same family—was greatly improved in the third, fourth, and fifth centuries by the fresh infusion of Gallic and Gothic blood; and when the alliance was made between the Roman Emperor and the Gothic King Alaric there was another absorption by intermixture of two bloods from a common stock, resulting in an improvement. But whenever there has been an instance in history where any superior race has admitted the infusion of the blood of a weaker or much inferior race, there has been general deterioration by that amalgamation. In other words, miscegenation is not a fault; it is a crime against nature.

There is not to-day in all the history of the world any country where a superior people have admitted to partnership in self-government a confessedly inferior people without most disastrous results. In the great empire of Edward VII there is the new confederation of Australia. They have a prohibitory tax of $500 a head upon any man not of white color and blood, even if he is a British subject. They make their laws and govern themselves. I suppose the King of England, in privy council, could repeal the law. I do not know whether that is true or not, I do not know how the British constitution is changed; but I recall that in provincial times in this country, when Virginia put a prohibitory tax of $350 upon the head of every slave brought into her dominions and South Carolina a tax of $275, that George II, I think it was, vetoed it, because he and his courtiers all had stock in a slave-trading company and slave-trading ships. That is the reason why Virginia and South Caroline were flooded with negroes. They tried to stop it, but could not do it. To-day Australia will not permit one of their fellow-subjects of Great Britain not of the white race to come into their dominions unless he pays a head tax of $500, which is simply intended to be and is prohibitory. It makes no difference whether he is a Jap, a Chinaman, a Hindoo, or of the hundred other varieties from South Africa—Kaffirs, etc.—or the Maoris from New Zealand. They need labor, for Australia is a wonderful continent of about 3,000,000 square miles.

It is absolutely a virgin country and is capable of enormous production. They want labor. No labor in the world is as high priced as that in New Zealand and in Australia. In no country is there a greater output per man. They want all the labor they can get, but they deny themselves this inferior race of labor because they know the danger of the presence in their midst of an inferior race. They will after a while claim one privilege and then another until exact social and political equality will be finally demanded.

Shall we despise the lessons of all the world? Are we to consider that we are the only wise people in existence? It is said that history is philosophy teaching by example; and we are wise men. Shall we fail to take these lessons?

We have undertaken a task which, as I have said, is the most difficult ever undertaken. We have people here, and will soon have more, who believe the Hamiltonian idea was right; that we ought to copy as closely after Great Britain as possible. The Great Britain of the time of Alexander Hamilton was not at all the Great Britain of 1909. The people then had few liberties. Their organized charities did not amount to a row of pins. The common, plain people were in a condition so deplorable that it took a tremendous fight to get free breadstuffs into the country. Now the country is improving all the time from the Great Britain of Alexander Hamilton's day.

A part of his plan was that the President should hold office for life; that Senators should be appointed by the President for life; and that the governors of the States should be appointed by the President for life. In other words, Alexander Hamilton was for a strong monarchy without the name of a king. He did not want the name of king, because the name of king would be extremely repugnant to men who had just poured out their heart's blood as the greatest libation that ever can be offered upon the altar of liberty. They would not listen with patience to such a suggestion.

These are the principles that we have been told lately are to be revived. They are the principles that actuate gentlemen who sit here with us on questions involving the whole country. Alexander Hamilton declared that it would be impossible for the common people to govern themselves. He said, if your government is to stand it must be a government of the better class. I quote his exact language, "it must be a government of the better class." His great antagonist and friend, Thomas Jefferson, said, on the other hand, we must trust the people with power; and if that power is abused, give them more power. In other words, this is a government by the people for their own sake, and they have established it for their own sake.

We have been told that the Declaration of Independence says that "all men are created equal." He is a very shallow thinker, or does not think at all, who imagines for a moment that that was meant to include anybody except the white people of the world. The author of that declaration owned, down at Shadwell, on the South Anna River, in Albemarle County, Va., a great number of slaves. Did he mean to say that those slaves were born free and equal with him, that those slaves, that were found everywhere from Maine down to Florida, were born free and equal with the men who had fought and obtained their liberty? He did not mean anything of the kind. They did not mean that in New England. James Otis, the great Massachusetts orator of the Revolution, made an impassioned speech to the Massachusetts general assembly, I believe it was, for the emancipation of their slaves. What was the result? They hooted at him. John Adams, the first President after George Washington, the man who Thomas Jefferson said was the great Demosthenes of debate in the Provincial Congress, who has given to his country a succession of most illustrious men in his descendants, said that he "shuddered with horror" at such utterances, and he did not know what the result would be if they were continued.

You know that Providence, the home town of the distinguished Senator from Rhode Island [Mr. ALDRICH], was the center of the slave trade. A little town of some 7,000 inhabitants was the center of the industry. How did they get it? They sent out slave ships to the slave coasts and bought negroes that had been sold half a dozen times by Krus on that coast, and they would ship them to Barbados, to Jamaica, and elsewhere, and bring home molasses, which was brought to Newport and converted into rum and the rum carried back and bought by the same negroes; and so it went around.

I recollect also the great jealousy which the people of Rhode Island showed at the presence of those negroes. I recollect seeing in a newspaper that antedates the Revolution that to teach a slave to read or write was prohibited for the reason that if he could sign a passport it would take him across the ferries, and he might gain his freedom. I also recollect another thing, Senators, that the papers of that date show, and that is that the crime of rape was extremely frequent on the part of those slaves, and they were regarded with great horror on that account. At last, when New England rose to the point of emancipating them, it was not because of any humanitarian principles, but the slaves of New England were emancipated for economic reasons, and for none other whatever.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. MONEY. Certainly.

Mr. FORAKER. I desire to ask the Senator another question, if I do not interrupt him.

Mr. MONEY. Not at all.

Mr. FORAKER. I understood him to say that the expression in the Declaration of Independence that "all men are created free and equal" does not apply and was not intended to apply to colored men.

Mr. MONEY. The Senator understands me correctly.

Mr. FORAKER. And he cited as an argument in support of that contention the fact that the author of the Declaration of Independence was a slaveholder——

Mr. MONEY. Yes.

Mr. FORAKER (continuing). And could not, therefore, in writing that Declaration have had reference to slaves. The Senator does not contend that the negroes were not included in the designation "men." The Senator does not go that far, does he?

Mr. MONEY. Oh, yes; I do.

Mr. FORAKER. That is what I want to know.

Mr. MONEY. And I believe every man who signed the Declaration of Independence was also a slaveholder. I do not know an exception.

Mr. FORAKER. Assuming that they were, I wish to know whether the Senator rests it alone on the fact that the authors of the Declaration of Independence were slave owners, or whether he rests it upon the fact that colored persons were not men.

Mr. MONEY. I said it was impossible for slave owners to say in a document like the Declaration of Independence that all men are born free and equal and mean their slaves. The question over which they were fighting was the equality by birth

in freedom of themselves with their British fellow-subjects. I desire to say, also, that I do not believe there was a member of the convention who was not a slave owner. I know that that great polemic, Jonathan Edwards, probably the greatest ever produced in this country, had negroes of his own, which he left in his will; and that great Methodist revivalist and evangelist, George Whitefield, said he would like to own two or three slaves to attend to his comfort in his old age. But they also said that a man who did not believe in witchcraft was an unbeliever and did not believe in the Bible.

Mr. FORAKER. We are all familiar with those historical facts, but I want to know whether the Senator contends that the negroes were not men?

Mr. MONEY. Oh, no.

Mr. FORAKER. No; of course not. They were men. Inasmuch as in the organic law of the country by amendment we have made the negroes free, does he still contend that the Declaration of Independence is not intended for their benefit as well as for the benefit of white men?

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. MONEY. Let me answer that. I want to be frank with the Senator from Ohio. I have said what the Declaration of Independence intended. The declaration never contemplated the amendment you speak of.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. MONEY. Certainly.

Mr. GORE. I desire to send something to the desk to be read as throwing collateral light on this matter.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The SECRETARY. Bates's Annotated Ohio Statutes, constitution of the State of Ohio, page 3719:

ARTICLE V. ELECTIVE FRANCHISE.

SECTION 1. Who may vote: Every white male citizen of the United States of the age of 21 years, who shall have been a resident of the State one year next preceding the election, and of the county, township, or ward in which he resides such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.

Mr. FORAKER. Will the Senator from Mississippi yield to me for a moment until I remark that the word "white" does still stand in the constitution of the State of Ohio, as the Senator has called it to our attention, but it stands there because the Democrats were in the ascendency at the time when we undertook to strike it out.

Mr. MONEY. I reply, very well——

Mr. FORAKER. And I imagine there was no further effort made to strike it out, because by the amendment to the National Constitution it was stricken out of every constitution in the whole United States. It was stricken out of the constitution of the State of Mississippi and kept out of the constitution of Oklahoma, as well as stricken out of the constitution of Ohio.

Mr. MONEY. I recollect distinctly that when the vote was taken to strike it out, in 1867, it was beaten by 257,000 votes in the State of Ohio. I do not care whether they were Democrats or not. It was the State of Ohio, and it was the people of Ohio who voted. I referred to the fact in 1894 in repealing these odious election laws. It is nothing in the world to have it in the constitution, because it was in the constitution of Kansas that no confederate soldier could vote. Yet a confederate soldier of distinction sat here as a Senator and in the other House. It became a mere relic. It was not expunged. The Senator from Ohio knows—great lawyer that he is—that to-day the British people do not repeal formally their old laws. They are printed even after they are dead and obsolete as the laws of the Medes and the Persians.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. MONEY. Certainly.

Mr. GORE. The Senator has stated what I intended to say in response to the Senator from Ohio.

Mr. MONEY. Excuse me; I did not know you were up.

Mr. GORE. When there was pending a constitutional amendment to repeal or annul this section in the Ohio constitution, it was voted down by an overwhelming majority at the polls, and the legislature of Ohio revoked its ratification of the fourteenth amendment. When the fifteenth amendment was first considered by the legislature, it was rejected, and subsequently reconsidered.

Mr. FORAKER. When the legislature of Ohio revoked its ratification previously given to the fourteenth amendment, the legislature was Democratic, and it was a Democratic legislature that revoked it.

Mr. BAILEY. I would expect a Democratic legislature to be that wise.

Mr. FORAKER. I wish, with the indulgence of the Senator from Mississippi, simply to remind him that I asked him a while ago a question which, as I understand, he has not yet answered.

Mr. MONEY. I am getting to it.

Mr. FORAKER. I was apprehensive that the Senator had forgotten it.

Mr. MONEY. I hope the Senator will quiet his apprehension.

Mr. FORAKER. I will do that.

Mr. MONEY. I hope he will rid his mind now of any impression that I am going to run away from any issue or dodge any question. I am going to meet it.

Mr. FORAKER. I am not asking it in a frivolous way or to interrupt the Senator.

Mr. MONEY. I did not mean that.

Mr. FORAKER. But I want the benefit of the Senator's answer.

Mr. MONEY. I am going to give it to the Senator directly; but I can not give it to him wrong end first.

Mr. FORAKER. So the Senator is going to do it; that is all.

Mr. MONEY. I feel I am making a failure if the Senator from Ohio can not connect what I said with the answer to his question. I have been trying to prove here for some time that every people that ever lived have been afraid to have inferior people in partnership with them in the government of themselves. That is what I have been trying to show.

Mr. FORAKER. So that, if the teachings of history amount to anything, they are that an inferior race should not participate at all in the government of a country.

Mr. MONEY. That is exactly what history does teach.

Mr. FORAKER. And the Senator stands for the teachings of history?

Mr. MONEY. I have not got to that yet. You anticipate.

Mr. FORAKER. Will not the Senator answer now?

Mr. MONEY. I will answer when I get to the right place. But the Senator will not undertake to cut me off in the middle of the argument.

Mr. FORAKER. No.

Mr. MONEY. I have been stating the major and minor premises. Now I have got to argue the conclusion.

It is impossible to answer in the Senator's way, because I think it would be an extremely unsatisfactory thing to his mind. It is very important that we understand the reasons for the answer before we get the answer, and I am proceeding to give reasons, and abundant ones. They are as plentiful as blackberries in July. It is no trouble to give reasons for the ground I take.

I think it is understood and conceded that the most difficult task in the world for any people is to govern themselves, and that it requires an exceedingly high type of manhood to do that. We must recollect that there are about 90,000,000 people in this great Republic, or will be, according to the next census, and of that number over one-ninth are colored, and not only an inferior race, but at the very end of the human scale. One is at the top, the other at the bottom. These distinctions do not rest simply upon color, because the people who come of Indo-Germanic ancestry are almost as black as the Zulus. They are very dark brown at least. The term "Indo-Germanic" does not designate a people or a place. It means a language; that is all. We designate the people who have the same common Sanskrit root for words, like "father" and "mother," "cook" and "fire." When we find people scattered all over the world with a language founded upon root words, as they are called by the philologists, we have reason to believe they all come from the same source.

I wish to say another thing to the Senator from Ohio. There is a great deal said about skin government, and legislating against the negro because he is black, and so on. The race differences have been assigned by ethnologists upon different principles. Cuvier and Agassiz were great anatomists, and they founded their division of the human family upon the anatomy of the human frame. They saw a tremendous difference in the physiology and especially in the anatomy of the human frame. For instance, the Mongolian is very broad between the parietal walls of the skull; very short from the forehead to the cerebellum; a very broad face; a round skull. The negro is exceedingly thin between the parietal walls, and so is the Aryan, but the Aryan is exceedingly high in his head. The white man has his head above his face; the negro has his head behind his face.

These, among others, are the reasons by which Cuvier and Agassiz, and I believe Fignier and a good many other writers, have classified the human race.

I desire to say further that Agassiz was so contemptuous of the linguistic division—that is, upon language—that he wrote a preface to a great book, Knott and Gliddon's Types of Mankind, and in that preface he ridiculed exceedingly any attempt to build up the human family and associate them by a common stock of words in the original, what we call "root or primitive words," such as I mentioned a while ago. He made great fun of it. He is well answered by Charles Loring Brace and by a good many others, and Blumenbach, who was for one hundred and thirty years a leading authority on the divisions of the human family.

We have Prichard and Latham and Tyler. But taking them altogether, whether you classify the human race to-day, the families of to-day, into great races, the primitive, original races, either by tongue or by anatomy or objectively—that is, by color—it comes at last to the same grand divisions almost entirely.

Now and then there seems to be a blend, as was contended by Huxley, who probably made the most scientific division of the human family of all the writers upon anthropology. He asserted that the dark complexion of the people upon the southern coast of Europe, along the Mediterranean, was caused by admixture at some time or other with the Australians, which is simply a geographical and physical impossibility in that remote age, when transportation facilities were not known and when two great seas intervened. He called them the "melanochroic" race. We have no authority for that, and I can not see any application, and I reject, so far as I am concerned, any proposition of that sort. I think climatic conditions may have produced the changes.

There is a great diversity of opinion upon this subject, as upon almost every other. But there are different groups of all the families of the world. Of course there is a tremendous blend, generally from the same original families, but sometimes from those who have been subjugated; and in some instances the subjugated people have left their impress upon their conquerors. They have adopted their language and, in some instances, their religion. Of course it was impossible for the Saracen race, a dark race, to overrun Spain for eight hundred years without leaving their impress. So with the Andalusians and the Catalonians, all of whom were very dark people. When we get to the real Spaniard, the descendant of the Goth, found in Castile and Galicia and New Leon and parts of Spain, we find people who are fair skinned, blue eyed, light haired. They are all Spaniards.

Mr. BAILEY. If it suits the convenience of the Senator from Mississippi at this moment, I will ask him to yield to me while I make a motion, of which I gave notice yesterday afternoon.

Mr. MONEY. I yield for that purpose.

Mr. HEYBURN. I think it would require more than the consent of the Senator having the floor, because it really postpones the consideration of the pending measure.

Mr. BAILEY. It would not require more than that to enable me to make a motion to take up the resolution.

Mr. HEYBURN. No. I did not know how far the intention of the Senator from Texas went.

Mr. BAILEY. I am simply going to move now that the Senate proceed to the consideration of the resolution.

Mr. HEYBURN. I hope that will not prevail.

Mr. ALDRICH. I hope the Senator from Idaho will allow the matter to be disposed of.

Mr. HEYBURN. It sets aside this business.

Mr. ALDRICH. Of course, but you can take it up again when that matter is disposed of. It will be disposed of very promptly. I hope the Senator——

Mr. BAILEY. I will say to the Senator from Idaho that unless there is very much more extended debate on this matter than I now expect it will not delay the proceedings of the Senate very greatly.

The PRESIDING OFFICER (Mr. HOPKINS in the chair). The Senator from Texas moves the consideration of a resolution, which will be stated.

Mr. HEYBURN. I would ask the Senator a question, if I may be indulged. I desire to know before yielding the extent to which the resolution is to be debated. I understand the resolution is with regard to the power of the Senate to require a report from the head of a department. Am I correct?

Mr. BAILEY. A reading of the resolution would probably answer the Senator's question; and inasmuch as under the motion it must be reported to the Senate, if that is not sufficient I will answer the question further.

Mr. HEYBURN subsequently said: I move that Senate bill 2982 and the conference report now pending be referred back to the conferees and that the Senator from Arkansas [Mr. CLARKE] be substituted for the Senator from Mississippi [Mr. MCLAURIN]. This substitution is made at the request of the Senator from Mississippi [Mr. MCLAURIN], on account of his ill health, as there may be a protracted session of the committee.

The VICE-PRESIDENT. The Senator from Idaho moves that the conference report upon the criminal code be recommitted to the committee having it in charge and that the senior Senator from Arkansas [Mr. CLARKE] be substituted as one of the conferees on the part of the Senate in place of the Senator from Mississippi [Mr. MCLAURIN]. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28105) granting additional authority to the Secretary of the Treasury to carry out certain provisions of public-building acts, and for other purposes, and recedes from its disagreement to the amendment of the Senate No. 12, and agrees to the same.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TAWNEY, Mr. VREELAND, and Mr. BRUNDIGE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 7640. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company;

H. R. 21896. An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes;

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.;

H. R. 28243. An act to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes; and

H. R. 24834. An act for the protection of the surface rights of entrymen.

GENERAL DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. GALLINGER, and Mr. TELLER conferees on the part of the Senate.

RELATIONS BETWEEN CONGRESS AND THE EXECUTIVE DEPARTMENTS.

Mr. BAILEY. I move that the Senate proceed to the consideration of the resolution.

The PRESIDING OFFICER (Mr. HOPKINS in the chair). The resolution will be read for the information of the Senate.

The Secretary read Senate resolution 317, submitted by Mr. BAILEY on the 1st instant, as follows:

Resolved, That the response which the Secretary of the Treasury made under date of April 13, 1908, to a resolution of the Senate adopted February 18, 1908, shall be returned to him by the Secretary of the Senate, with the statement that the Senate of the United States declines to receive any communication from the head of any department which denies, either expressly or by implication, its right to demand all papers and information in the possession of any department and relating to matters within its jurisdiction or control.

Resolved further, That the Secretary of the Senate be instructed to examine the files of the Senate for the Sixtieth Congress, and whenever

he finds a similar communication from the head of any department stating that such communication was made by the direction of the President, or an equivalent expression, he shall return the same to the head of the department making it, with the statement specified in the foregoing resolution.

Mr. ALDRICH. It should be stated, perhaps, as a part of the parliamentary condition that there is a motion pending, made by myself, to refer the resolution to the Committee on the Judiciary.

The PRESIDING OFFICER. The motion pending is that the resolution be referred to the Committee on the Judiciary.

Mr. CUMMINS. Mr. President——

Mr. ALDRICH. That is not in order.

Mr. CUMMINS. I desire to offer a substitute for the resolution proposed by the Senator from Texas.

Mr. ALDRICH. The question first comes on taking up the resolution.

The PRESIDING OFFICER. The substitute will not be in order until the Senate disposes of the question whether it will proceed to the consideration of the resolution.

Mr. BAILEY. I hope the Senator from Rhode Island will withhold his motion to refer until the Senator from Iowa can offer his amendment.

Mr. ALDRICH. Undoubtedly. But the first question is on taking up the resolution.

Mr. BAILEY. Yes.

Mr. ALDRICH. It is not yet before the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas that the Senate proceed to the consideration of the resolution proposed by himself.

The motion was agreed to, and the Senate proceeded to consider the resolution.

Mr. BAILEY. Before the Senator from Iowa offers his substitute I simply wish to call the attention of the Senate to a matter that has been called to my attention within the last half hour, and I think the Senate will then perceive that after all this is a matter of more practical importance than we thought the day before yesterday, when I proposed the resolution.

On the 28th day of May, 1908, the Senator from Wisconsin [Mr. LA FOLLETTE] introduced a resolution, which I will ask the Secretary to read.

The Secretary read as follows:

Senate resolution 205, by Mr. LA FOLLETTE, May 28, 1908.

Resolved, That the Secretary of the Department of Commerce and Labor be, and he is hereby, directed to institute an investigation into all the telegraph and telephone companies engaged in the conduct of an interstate business as to the methods used in handling the public's business, the wages paid telegraphers, telephone operators, and other employees of such companies, and the working conditions of the employees thereof, together with a statement of the receipts and expenditures of such companies for a period of five years.

And he is further directed to report the result of such investigation to the Senate on the first Monday in December, 1908.

Mr. BAILEY. Instead of reporting the result, as that resolution directed him to do, on the first Monday in December, 1908, the response did not reach the Senate until the 16th day of February, 1909. I have here the CONGRESSIONAL RECORD for Tuesday, February 16, and I find this paragraph:

The Vice-President laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, by direction of the President and in response to a resolution of May 28, 1908, a report showing the results of an investigation made by the Bureau of Labor into the Western Union and Postal Telegraph companies (S. Doc. No. 725), which, on motion of Mr. KEAN, was, with the accompanying paper, referred to the Committee on Interstate Commerce and ordered to be printed.

Mr. President, not only did the head of this department refuse to obey the command of the Senate, but when he sent his response he did so only by direction of the President. If the heads of departments can take their own time in which to make a response, and if they are permitted by the Senate to declare that they answer not in obedience to our resolution but under the direction of the President, we ought to be frank and say as much to the country. This matter does not concern me more deeply than it concerns every other Senator on this floor, and I shall feel that I have fully discharged my duty to the Senate and to the country when I have called attention to this practice and when I have insisted that the Senate shall take cognizance of it. If it suits the Senate to pass it in silence; if it suits the Senate to refer it to a committee in which it may be buried—the Senator from Rhode Island shakes his head; but he did not note exactly what I said. I did not say it would be buried. I said it may be buried. The Senator from Rhode Island will not dissent from that, because so many of them have been buried in this committee graveyard that I am a little chary about sending a matter of this kind there.

I will take occasion to say, however, that if there is a committee to which it could be properly referred, and if there is a committee which would be disposed to promptly report it, I think the Senator from Rhode Island has selected that committee in his motion. My opinion is, and I bear cheerful witness to it, that the great lawyers who constitute the Senate Committee on the Judiciary will not be apt to approve a proceeding like that to which I have just called the attention of the Senate.

But, Mr. President, it often happens that we pass a matter of this kind, academic in the estimation of some, both practical and academic in the estimation of others like myself; but, at any rate, we pass it, the Senate forgets it, the committee become absorbed with other questions, and they leave it without attention.

I want to take occasion now and here, Mr. President, to say that I fear this all the more because I do not believe that this kind of executive insolence will be practiced toward the Senate under the new administration. I am not disposed to compliment the next administration in advance. I am not disposed to bow to those who are coming into power, although in this particular instance I am not disposed to bow to those who are going out of power. But I am sure, if the distinguished Senator who is to be the head of the incoming Cabinet can have his way about this matter (and I think he will have his way or the President will lose a Cabinet officer), there will be no repetition of this affront.

Mr. President, I think there is a misapprehension as to the origin of this practice. Many Senators think it came about by the direction of the President, and I confess I thought so until I began the examination. One morning I happened to pick up a response which came to us after that famous presidential message in which he said that the Cabinet officers were under the direction of the Constitution, the law, and himself, and under no other direction whatever, and I supposed that this response simply followed the presidential declaration.

But I went a little further back, and I found that responses had been made in this peculiar form before the President sent that message, and my opinion now is that instead of the President putting the Cabinet up to sending that sort of a message to the Senate, the Cabinet put the President up to sending the kind of a message that he did, and it all grew out of that resolution or that rule the Senate adopted which forbade these heads of departments to send communications directly to the Senate.

Senators will recall that sometime ago when the heads of departments thought we ought to pass any law which we did not pass they drafted a law to suit their will and their judgment and sent it here with a recommendation that it should pass. After a time the attention of some Senators was called to it. The impropriety of such a procedure was so manifest that the Senate adopted a rule, without a dissenting vote, declaring that hereafter the heads of these departments should communicate with the Senate only through the President, except where the law commanded them to report or where the Senate itself directed them to report. Immediately upon the adoption of that rule these offended dignitaries began to send responses here in this form. The minute we would not allow them to send bills here for our consideration and under their recommendation they began to dispute our right to direct them to send any paper or information here we wanted. Within a very short time after the adoption of that rule of the Senate the heads of the departments entered upon this indefensible policy of denying by implication our right to demand papers or information in their possession.

Mr. President, I have said to the Senate, and I have said privately to Senators, that it was not my purpose to discuss this matter. I think if there is any division of opinion about it it is worth a longer discussion than is possible in the Senate at this time. But I want to keep my word when I said that I would read from both the views of the minority and the report of the majority in the famous case that occurred during Cleveland's administration. There are not many Senators here now who were here then, but the Senator from Rhode Island [Mr. ALDRICH] is one of them. The Senators from Maine were here. The Senator from Colorado [Mr. TELLER], whose long service is to soon terminate, and though he has been here many years, his retirement even now comes too soon for the dignity of the Senate and for the good of the country. The Senator from Illinois [Mr. CULLOM] is still with us. The five Senators I see before me who are here now and were here then, all declared the doctrine for which I am contending now. The Senator from Mississippi [Mr. MCLAURIN] tells me that the Senator from Virginia [Mr. DANIEL] was also then a Member of the body which he still honors by his presence. If I could increase the number, if I could multiply it by three, there would still not be a single exception to the rule which I am about to state. Every Senator in this body then affirmed the doctrine which I am pleading with the Senate now to make its rule.

Mr. DOLLIVER. I wish to inquire of the Senator from Texas whether an opposite view was held by any Senator?

Mr. BAILEY. Not so far as I am advised. I think that every Senator here then maintained the doctrine for which I contend to-day. There was a report of the Committee on the Judiciary, and the views of the minority were filed; and there was a difference, but that difference did not go to the question which I am now discussing.

I will recall the facts in that case. President Cleveland removed a district attorney in the State of Alabama and nominated his successor.

There was no question about the character or the ability of the nominee, but the majority denied the President's right to remove his predecessor, and they adopted a resolution calling not only for the papers which related to the appointment but also to the removal. The President of the United States at that time claimed that those papers were his own; that they were in effect private papers which the Senate had no right to inspect. Except we adopt the view that Congress has no power to limit the President's right of removal, Mr. Cleveland was wrong in his contention. I express no opinion now upon that question, because it is not necessary that I should do so. Whether Mr. Cleveland was right or wrong in asserting his unrestricted right of removal is not in dispute here. The question here is whether the Senate has the right and the power to command the head of a department to furnish it with papers or information in the possession of that department. On this question both the majority and the minority took the pains to speak. The majority declared:

> The important question, then, is whether it is within the constitutional competence of either House of Congress to have access to the official papers and documents in the various public offices of the United States created by laws enacted by themselves. It may be fully admitted that except in respect of the Department of the Treasury there is no statute which commands the head of any department to transmit to either House of Congress on its demand any information whatever concerning the administration of his department, but the committee believes it to be clear that from the very nature of the powers intrusted by the Constitution to the two Houses of Congress it is a necessary incident that either House must have at all times the right to know all that officially exists or takes place in any of the departments of the Government.

The minority of the committee were no less explicit in the declaration of their views, and here is what they say. While sustaining the right of the President in that particular case, they desired to leave no question in the minds of anybody about the relation which Congress bears to these departments, and they expressed their opinion in these clear and unmistakable words:

> The minority admit, once for all, that any and every public document, paper, or record on the files of any department, or in the possession of the President, relating to any subject whatever, over which either House of Congress has any grant of power, jurisdiction, or control under the Constitution, is subject to the call or inspection of either House for use in the exercise of its constitutional powers and jurisdiction.

In the views of the minority and in the majority report there is much more to the same effect, but in both cases what follows simply reenforces that which I have read.

Mr. FORAKER. Will the Senator read the names of the members of the Judiciary Committee at that time, as they are signed to those respective reports?

Mr. BAILEY. The majority report is signed by George F. Edmunds, John J. Ingalls, S. J. R. McMillan, George F. Hoar, James F. Wilson, and William M. Evarts.

Is not the authority of those names sufficient for you to decide this matter without the long delay involved in the plan of referring it to a committee? Is there a Senator on the other side who doubts, after their long and conscientious investigation of the question, the conclusion arrived at by those great lawyers? True enough, it was a partisan question, but equally true it is that partisans like those are never willing to serve a party advantage by misstating the law. Those men had a conscience for their profession, and they would not have misstated the law to have embarrassed an opponent or to have accommodated an ally.

Mr. DOLLIVER. Mr. President——

Mr. BAILEY. Let me finish this statement. A great lawyer sometimes does wrest the law to serve a partisan purpose, but he always deos it by doing violence to the facts and never to the law. Now, I will yield to the Senator.

Mr. DOLLIVER. I notice that the majority cite the fact that the law charges the Secretary of the Treasury with the duty of making certain reports. Do they go into the question of what laws are applicable to the other departments?

Mr. BAILEY. I will say to the Senator from Iowa that they say it "may be fully admitted that except in respect of the Department of the Treasury there is no statute which commands the head of any department." Then they proceed to say that it was not deemed necessary to make a law on the subject.

Mr. DOLLIVER. Now I wish to make just one more suggestion.

Mr. BAILEY. Certainly.

Mr. DOLLIVER. It does not appear to me that the remedy for this violation of the Constitution and the laws, if there is such a violation, is at all adequate to the offense. I would like to inquire of the Senator what remedy of a real character the Senator has against such a transaction as he complains of? It looks as if we could take no action against these offending executive officers, and it does look as if, in case the President directs them to do a thing, they are under a very strong obligation to do it if they desire to still pursue the business of their office. What I desire to protect, as far as I can, is the dignity of the Senate, but I hate to give my consent to doing it by merely making mouths at a retiring President of the United States.

Mr. RAYNER. Mr. President——

Mr. BAILEY. If the Senator from Maryland will permit me just a moment, I will be glad to yield to him. I want to say to the Senator from Iowa that immediately following that part of the majority report which I read there comes this language:

> So perfectly was this proposition understood before and at the time of the formation of the Constitution that the Continental Congress, before the adoption of the present Constitution, in establishing a department of foreign affairs, and providing for a principal officer thereof, thought it fit to enact that all books, records, and other papers in that office should be open to the inspection of any *Member* of Congress—

And they italicized the word "Member"—

> provided that no copy should be taken of matters of secret nature, without special leave of Congress. It was not thought necessary to enact that the Congress itself should be entitled to the production and inspection of such papers, for that right was supposed to exist in the very nature of things, and when under the Constitution the department came to be created, although the provision that each individual Member of Congress should have access to the papers was omitted (evidently for reasons that can now be quite well understood), it was not thought necessary that an affirmative provision should be inserted, giving to the Houses of Congress the right to know the contents of the public papers and records in the public offices of the country whose laws and whose offices they were to assist in creating.

Now, Mr. President, I yield to the Senator from Maryland that he may make the observation which he desires.

Mr. RAYNER. Mr. President, the Senator from Texas yields to me for a few moments. I want to say to the Senator from Iowa [Mr. DOLLIVER] that he will find an answer to his question in the case of Chapman in One hundred and sixty-sixth United States, page 672. Without going into any extended discussion now, I want to say to the Senator from Iowa that if any head of a department declines to answer any question or produce any document within the jurisdiction of the Senate, the Senate has a right to attach him for contempt.

Without going into any extended discussion about it, after a very thorough examination, I am absolutely satisfied that if the head of any department declines to answer a summons or to produce documents in the possession of the department over which the Senate has jurisdiction and control, we could attach him for a contempt of the proceedings of the Houses. That case goes on to say that the fact of his failure to answer can be certified to the grand jury of this District; that it does not put him twice in jeopardy; and does not prevent either the Senate or the House of Representatives from exercising its power in the premises.

While the Senator from Texas has permitted me to interrupt him, if the Senate will just give me its attention for about five minutes, I want to give the Senate just a few lines upon what I consider one of the most serious and important propositions that has ever, perhaps, been brought before the Senate of the United States, and that is the resolution the Senator from Texas has offered. I just want to give you a few lines from the opinion of Attorney-General Miller, in 1890, upon this subject. He said:

> The President has, under the Constitution and laws, certain duties to perform, among them being to take care that the laws be faithfully executed; that is, that the other executive and administrative officers of the Government faithfully perform their duties, and he has no more power to add to, or subtract from, the duties imposed upon subordinate executive and administrative officers by the law than those officers have to add to or subtract from his duties. (19 Ops. Atty. Gen., 686.)

Now, listen for a moment to the opinion of Chief Justice Marshall, in the celebrated case of Marbury *v.* Madison, and see if the Senate wants anything more upon the proposition the Senator from Texas has advanced. This is in relation to the Secretary of State. Chief Justice Marshall said:

> It is the duty of the Secretary of State to conform to the law, and in this he is an officer of the United States, bound to obey the laws. He acts in this respect, as has been very properly stated at the bar, under the authority of law and not by the instructions of the President.

Now, let me add to that another case.

I want to submit to the Senator from Rhode Island [Mr. ALDRICH], if he will listen to this extract from an opinion in the case, whether he wants this resolution sent to a committee or whether he is not satisfied now to leave the question to the Senate. I quote from the opinion of Mr. Justice Thompson in

another celebrated case, the case of Kendall *v.* The United States, in Twelfth Peters, 524. Let us listen to this language for a moment:

It was urged at the bar that the Postmaster-General was alone subject to the control and direction of the President—

The very question that we are now discussing—

with respect to the execution of the duty imposed upon him by this law; and this right of the President is claimed as growing out of the obligation imposed upon him by the Constitution to take care that the laws be faithfully executed. This is a doctrine that can not receive the sanction of this court. It would be vesting in the President a dispensing power, which has no countenance for its support in any part of the Constitution, and is asserting a principle which if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress and paralyze the administration of justice.

Mr. President, the 4th of March is rapidly approaching, thank Providence. [Laughter.] I am sometimes apprehensive that the sun will not set to-night and that to-morrow will not come. We shall have a President, I am sure, who will obey the requirements of the law, who will not evade the obligations of the Constitution, and who, I think, knows by heart the limitations of executive power.

In view of these opinions, let me read, just before I conclude, a few words from the President of the United States to show how utterly in conflict he is with adjudicated authorities of the highest tribunals of this land. Here is what the President says about his duties and of his supervision of the departments:

I have thus given to the Senate all the information in the possession of the executive department which appears to me to be material or relevant on the subject of the resolution. I feel bound, however, to add that I have instructed the Attorney-General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction. I have done so because I do not conceive it to be within the authority of the Senate to give directions of this character to the head of an executive department or demand from him reasons for his action.

Now listen:

Heads of the executive departments are subject to the Constitution—

I am glad somebody is subject to the Constitution—

and to the laws passed by Congress in pursuance of the Constitution, and to the directions of the President of the United States, but to no other direction whatever.

I deny, in the presence of this assemblage, that the executive departments of the United States are subject to the direction of the President of the United States. The President of the United States, under the Constitution, has the right to demand their opinions in writing; he has the right to see that the laws of the country are faithfully executed; but he has no right whatever to direct the executive departments when Congress calls on those departments for any matter that comes either within the jurisdiction of Congress or within the jurisdiction of either body. Any other proposition would subvert the Government under which we live. The executive departments are bound and subordinate to Congress that created them, and not subordinate to the President, who did not create them. The President is an executive officer of this Government, confined and restrained by the enumerated powers of the Constitution. The officers of the executive departments, as they are called in the Constitution, are created by Congress, and they are subject to the laws of Congress; and the President has no right to interfere with them in the performance of their duty to any greater extent than to see that the laws of the country are faithfully executed.

This is a new doctrine; it is an absolutely revolutionary doctrine that when the Senate calls upon an executive department for papers that are in the possession of the executive department the head of the department can go to the President of the United States and decline to submit to the jurisdiction of this body unless the President gives them permission to obey the orders of this body or the laws of Congress. Where did any proposition of this sort ever originate? I could have read a half dozen other decisions, but time does not permit me. The unbroken current of precedents, however, from almost every Attorney-General of the United States except the present Attorney-General, who goes out to-day and who will not come back to-morrow, is perhaps the exception to the rule, because every man of them, except himself, has said over and over again, whenever the question was raised, that the executive departments created by law are responsible to the power that created them. Let me give now just one word more.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. RAYNER. I do.

Mr. DOLLIVER. I call the Senator's attention to the fact that we are asking here not that these departments shall yield to the law or to Congress, but to one branch of Congress.

Mr. RAYNER. That question has long since been settled; and when the Senator from Texas [Mr. BAILEY] reads the minority report in the case cited by the Senator from Georgia [Mr. BACON] some weeks ago in one of the most powerful arguments that were ever delivered before this body, he will find the proposition absolutely settled that either the House of Representatives or the Senate has the right to call upon the departments for any matter that comes within the jurisdiction of either body.

Mr. DOLLIVER. Do I understand the Senator to say that that is settled by any decision of the court? The case of Chapman appears to have been the case of the contumacy of a witness before a Senate committee.

Mr. RAYNER. The Senator from Iowa is getting from one question to another. He is talking now about the remedy, and the question which the Senator addressed to me was as to the power. Our power to call for documents is one thing—whether we have the right; whether there is a remedy to enforce it is another. The case the Senator cites is in reference to a remedy. I want to say to the Senator from Iowa—because, at the suggestion of the Senator from Georgia, I have given a great deal of time to the investigation of this question; and I repeat now what I said to him before—that if there is a head of a department who is summoned by a committee of the Senate and who has in his possession a document or a paper over which we have jurisdiction and control, and he declines to produce that document, he can be brought before the bar of this body and proceeded against under an attachment for contempt, in view and in accordance with the decision that I have given to the Senator from Iowa.

The only question in the case the Senator cited was whether the fact that we have a statute which authorizes us to certify such a case to the criminal court of the District of Columbia would debar us from proceeding against him for contempt, but the court held that the proceedings were different; that he could be punished in both ways; that one proceeding could not be pleaded as against the other; and that he was not put twice in jeopardy within the meaning of the Constitution for the same offense.

Mr. President, just one word more. Here is what Attorney-General Crittenden said in 1851:

As a general proposition, it appears to me most judicious for the President, as well as more consistent with the form and spirit of our institutions, to forbear from interference with the functions of subordinate public officers—

The President has not taken his advice—

and to leave them to the discharge of their proper duties under all their legal responsibilities, and subject also to removal from office for neglect or abuse of their official trust. (5 Ops. Atty. Gen., 587.)

Then, in 1874 Attorney-General Cushing said:

When the laws define what is to be done by a given head of department, and how he is to do it, there the President's discretion stops. (6 Ops. Atty. Gen., 341.)

Mr. CLAPP. Mr. President, may I interrupt the Senator for a question?

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Minnesota?

Mr. RAYNER. I do.

Mr. CLAPP. Mr. President, it strikes me that those who may hear this discussion and those who read this discussion will be misled as to the purpose of the Senate. In the busy work of the session it is impossible for a Senator to be here all the time. I may myself labor under a misapprehension, but I want to ask the Senator from Maryland if there has been an instance where this Senate has asked for information either of the President or of any department that they have refused to furnish the information asked for?

Mr. RAYNER. I think there is. I think the information has been declined in the case of the Tennessee Coal and Iron Company most decidedly. That is what I just read.

Mr. CLAPP. Has there been any other instance?

Mr. RAYNER. I do not know. One instance is as good as a hundred instances.

Mr. CLAPP. Not necessarily. We might differ as to that particular instance.

Mr. BAILEY. Mr. President, the Senator from Minnesota [Mr. CLAPP] perfectly understands, however, that what we are complaining about now is the recent practice of the heads of departments in saying they respond to our resolutions "under the direction of the President."

Mr. CLAPP. The Senator from Texas has supplied what I wanted to go into the RECORD and to the audience—for I observe a very large audience here, probably from all over the country—that this controversy to-day is not upon a case where the evidence or the information has been refused, but upon the form in which it has been submitted.

Mr. BAILEY. There has been a refusal; but I was not dealing with that, Mr. President, and I purposely avoided it for the reason that after the expiration of the present presidential

term I have no expectation that there will ever be another refusal, or, at least, I hope there will not be. To avoid giving any possible partisan coloring to the debate, I deliberately omitted dealing with that phase of the question, and simply confined it to the case where a department, in responding to a resolution of the Senate, had taken the pains to tell the Senate that they responded, not because we had a right to command them, but "under the direction of the President."

Mr. CLAPP. I simply want that to clearly appear in the RECORD.

Mr. BAILEY. I understand the Senator's point.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Illinois?

Mr. RAYNER. I do.

Mr. HOPKINS. Mr. President, the Senator from Maryland [Mr. RAYNER], as I understand him, made the statement that the President had declined, or the Attorney-General had declined, to give any papers or proper information concerning the Tennessee Iron and Coal case.

My understanding is entirely different from that. As I now remember, the letter of the President gave full information upon that subject. The only point of differences between the Chief Executive and the Senate was as to whether the motive for nonaction upon the part of the Attorney-General could be called for, and in the debate that was had here several weeks ago, my remembrance is that the consensus of opinion among Senators was that the motive for nonaction could not be called for.

Mr. RAYNER. Mr. President, there was no inquiry for a motive; there was an inquiry for a reason—for the Attorney-General to give his reasons. They are two entirely different things.

Mr. HOPKINS. All the facts relating to that case were fully set forth in the letter of the President. There was nothing that the Attorney-General could give that was not furnished in the letter of the President.

Mr. RAYNER. The resolution was addressed to the Attorney-General. The resolution reads:

Resolved, That the Attorney-General be, and he is hereby, directed to inform the Senate—

1. Whether legal proceedings under the act of July 2, 1890, have been instituted by him or by his authority against the United States Steel Corporation on account of the absorption by it in the year 1907 of the Tennessee Coal and Iron Company, and if no such proceedings have been instituted state the reason for such nonaction—

Not motives, but to state reasons for such nonaction—

2. Whether an opinion was rendered by him or under his authority as to the legality of such absorption, and if so, attach a copy if in writing, and if verbal, state the substance of it.

Mr. HOPKINS. Mr. President——

Mr. RAYNER. Let me finish now, because the question deserves an answer. The Attorney-General never responded, but the President answered by saying:

After sending this letter I was advised orally by the Attorney-General that, in his opinion, no sufficient ground existed for legal proceedings against the steel corporation, and that the situation had been in no way changed by its acquisition of the Tennessee Coal and Iron Company.

I have thus given to the Senate all the information in the possession of the executive departments which appears to me to be material or relevant on the subject of the resolution. I feel bound, however, to add that I have instructed the Attorney-General not to respond to that portion of the resolution which calls for a statement of his reasons for nonaction.

Mr. HOPKINS. Now, if the Senator will allow me at that point——

Mr. RAYNER. Will the Senator let me finish?

Mr. HOPKINS. Does the Senator decline to be interrupted?

Mr. RAYNER. Oh, no; I do not. I want the Senator to interrupt me, but just let me finish the sentence. I have no objection to being interrupted.

As I understand—I am not quite certain about this, and if I am wrong any member of the Judiciary Committee can correct me—but, as I understand, the President declined, and the Secretary of Commerce and Labor declined, to furnish to the Judiciary Committee, when they first called upon the department, papers that were absolutely necessary for a proper investigation of this case. If I am wrong in my recollection, any member of the Judiciary Committee can correct me.

I am satisfied that the papers were called for, and whether they have since been produced or not, I know that the Secretary of Commerce and Labor, or one of his subordinates, is said to have taken a trunkful of those papers and carried them to the executive department.

Mr. HOPKINS. Mr. President——

Mr. RAYNER. One moment—and when we called on the Secretary of Commerce and Labor for those papers we were told that they had been taken up to the President of the United States, and that we could not get them.

Mr. HOPKINS. Mr. President——

Mr. RAYNER. I think that answers the Senator's question, if I am right.

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Illinois?

Mr. RAYNER. Yes.

Mr. HOPKINS. The point at issue between the Senator from Maryland and myself is as to the letter of the President covering the information that was called for by the Senate from the Attorney-General. The Attorney-General communicated that resolution to the President of the United States; the President set forth in detail all the testimony that had been taken upon that subject and fully advised the Senate upon the subject. The only issue, as I now remember, was as to whether the Senate had a right to call for the reasons or motives of the Attorney-General for nonaction.

The Senator from Maryland has not cited, and can not cite, a precedent that will warrant the Senate in calling for a motive or a season. The decisions the Senator has read from the courts have no relation to the subject, and there is no precedent that would warrant the Senate in calling for the reason or the motive of an executive officer for nonaction.

We have a right to ask any of the departments for papers or other information touching subjects of that kind. I undertake to say that the present administration has never failed to comply with the request of the Senate or the House upon a subjust of that character.

Mr. BAILEY. Mr. President, I have no objection to yielding to Senators, except I do not want the only matter I am concerned about obscured by this discussion as to the recent conduct of the President.

Mr. HOPKINS. I appreciate, Mr. President, the position of the Senator from Texas, and I understand his contention is entirely different from that of the Senator from Maryland, but the speech of the Senator from Maryland was——

Mr. BAILEY. The difference is, Mr. President, that whether the President of the United States ordered those papers sent to him for the purpose of withholding them from Congress is a question of fact about which I am not advised; and I am not willing to say it is true, because I do not know it is true; and I am not willing to say that it is not true, because I have heard that it is true. I simply do not want this matter of principle, as I understand, to become confused and obscured by a controversy over a question of fact.

Mr. HOPKINS. Mr. President, I have no desire to confuse or mislead the Senate upon the proposition raised by the Senator from Texas, but when the Senator from Maryland digresses from the real issue that is presented by the Senator from Texas and makes the statement that he does, I think in justice to the Senate, as well as to the President of the United States, some Senator should make a statement giving the true position of the President of the United States upon this subject. I have here the letter that the President sent to the Senate of the United States, and this is the language that he used upon that point. He first said:

I have thus given to the Senate all the information in the possession of the executive department.

Mr. BAILEY. Mr. President, I am not willing to have this debate diverted from the proper channels to a controversy over the attitude of the President.

Mr. HOPKINS. I will say, Mr. President, to the Senator from Texas that I have only a few lines to read, and I think, in justice to us all, that I should be permitted to present them, so that they will go in the RECORD as an antidote to what the Senator from Maryland has said.

Mr. BAILEY. The trouble is that all the Senator is saying, following what the Senator from Maryland is saying, goes into the RECORD between what I intended to say; and if anybody happens to read the CONGRESSIONAL RECORD he will find it difficult to understand this controversy when new matter and irrelevant matter is introduced.

Mr. HOPKINS. If the Senator from Texas will have the Senator from Maryland withdraw his remarks, then I shall have nothing further to say.

Mr. BAILEY. I will tell you what I will do——

Mr. RAYNER. What remarks does the Senator from Illinois want me to withdraw?

Mr. BAILEY. I rather think, Mr. President, that the Senator from Maryland is well equipped to take care of himself, and I am not trying to protect him from the Senator from Illinois, because he needs no protection from anybody at any time. I am simply trying to protect my resolution from an irrelevant discussion.

Mr. HOPKINS. Will the Senator——

Mr. BAILEY. I admire the Senator's opinion about the President's conduct, but the President soon retires, and I do not want to disturb him on his African hunt by the echoes out of the Senate Chamber in the closing hours of his administration. [Laughter.]

Mr. HOPKINS. The fact that he is very soon to retire——

Mr. BAILEY. I am willing that he should go out in peace, provided he goes not to return. [Laughter.]

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield further to the Senator from Illinois?

Mr. RAYNER. If the Senator from Illinois will tell me what he is talking about I will yield to him. [Laughter.]

Mr. HOPKINS. Mr. President, I can not do that, and there is no Senator in the Chamber who could do that for the Senator from Maryland.

Mr. RAYNER. Or for anyone else, I am afraid.

Mr. HOPKINS. Under the circumstances——

Mr. RAYNER. I decline to yield further.

The VICE-PRESIDENT. The Senator from Maryland declines to yield further.

Mr. RAYNER. The question that I was addressing myself to was the resolution of the Senator from Texas, and I merely cited this instance. If I am wrong about that episode, I suppose I can be corrected. Suppose I am entirely wrong about it; suppose there never had been an effort upon the part of the President to direct the department, that would not alter the question. The question here is whether or not the departments, in answer to the Senate, have a right to say that they send information by "direction of the President." That is the language of the resolution:

Resolved further, That the Secretary of the Senate be instructed to examine the files of the Senate for the Sixtieth Congress—

If he examines the files and does not find any such documents, it does not alter the proposition of law that is involved in this resolution—

and whenever he finds a similar communication from the head of any department stating that such communication was made by the direction of the President—

If he does not find any of them, I suppose the Senator from Illinois will be gratified, and if he does find them, he shall return them, because the departments are not justified in sending any communications to the Senate of the United States stating that such communication was made by the direction of the President. I give you an instance——

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Illinois.

Mr. RAYNER. Yes; I will yield for a question.

Mr. HOPKINS. The Senator from Maryland and other Senators are not alone in maintaining the dignity of the Senate. The position that I took is that in the discussion of that question we should not be diverted to other questions and misrepresent the position of the President of the United States.

Mr. RAYNER. Mr. President, I stand upon the answer in this case. I want nothing further. I am not misrepresenting the President's position. I am taking his own statements here. There is no misrepresentation. He stated it himself, and in reference to this transaction he goes on to say:

As to the transaction in question, I was personally cognizant of and responsible for its every detail.

Now I have said about all that is necessary for me to say. I want to repeat, however, in the strongest way that I can, that no department has the right to send any communication to the Senate stating that such communication was made by the direction of the President, or use any equivalent expression thereto. If there has been no such communication, then the Secretary of the Senate will not return it.

I want to conclude by saying that I think this is one of the most important questions that has ever come before the Senate. I think that the departments are responsible to us. I know my ideas take a little broader scope than the resolution; but I say the departments are responsible to us, and when the President denies them the right to send us communications on subjects within our control and under our jurisdiction, the denial of such a right strikes at the very root of our institutions. It invests the President with dictatorial power, it makes the heads of the departments paramount to the body that created them. It blocks the pathway of legislation by enabling officers of the Government to suppress all information upon which legislation can be based, and to tell me that the President, who is simply vested with enumerated executive functions and nothing more, and that his advisers and subordinates, deriving their powers partly from this body, can defiantly challenge the process of the Senate upon a subject within its jurisdiction is a proposition that I utterly repudiate, and that could not possibly prevail among any people pretending to be liberated or under any form of government professing to be free.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 28304) granting certain obsolete ordnance for ornamental purposes.

The message also announced that the House had passed the following bills:

S. 671. An act to construct a road along the south bank of the Anacostia River;

S. 8187. An act to change the name of the Washington Hospital for Foundlings; and

S. 8520. An act requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 21003. An act fixing the compensation of certain officials in the customs service, and for other purposes;

H. R. 27053. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910; and

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public building acts, and for other purposes.

RELATIONS BETWEEN CONGRESS AND THE EXECUTIVE DEPARTMENTS.

The Senate resumed consideration of the resolution submitted by Mr. BAILEY on the 1st instant.

Mr. BAILEY. Mr. President, before I finish complying with the request of the Senator from Ohio [Mr. FORAKER] to read the names of those who were on the Judiciary Committee when this report was made, I want to respond a moment to the very pertinent inquiry made by the Senator from Iowa [Mr. DOLLIVER] as to whether there was a distinction between the power of Congress over the departments and the power of a single House of Congress. I call the Senator's particular attention to the fact that that very question was considered by the Judiciary Committee, and the right they have affirmed was not the right of Congress to command them, but the right of either House. Mr. President, for the benefit of the Senator from Iowa and other Senators who have not taken the trouble to read this report, I want to read another paragraph:

It is believed that there is no instance of civilized governments having bodies representative of the people or of states in which the right and the power of those representative bodies to obtain in one form or another complete information as to every paper and transaction in any of the executive departments thereof does not exist—

Now, mark this—

even though such papers might relate to what is ordinarily an executive function, if that function impinged upon any duty or function of the representative bodies.

A qualification of this general right may under our Constitution exist in case of calls by the House of Representatives for papers relating to treaties, etc., under consideration and not yet disposed of by the President and Senate.

Returning, I read, as the Senator from Ohio requested me to do, the names of those who signed the views of the minority. The first is the Hon. James L. Pugh, next is the Hon. Richard Coke, next the Hon. George G. Vest, and the fourth and last name signed to it is that of Hon. Howell E. Jackson, who was transferred from this Chamber to a seat on the circuit bench from which he was appointed to a place on the Supreme Bench of the United States; and that, too, as I am reminded by the distinguished Senator from Mississippi [Mr. MONEY], by a Republican President. He was a man of such eminent virtue and talent that a Republican President of the United States, who had served with him, I believe, in the Senate, called him to the highest judicial tribunal of the world. Those were the men who, after a long and patient and conscientious consideration of the question, all united in saying that the Senate has the right and power to demand these papers and this information, and that no head of an executive department has the right to deny us.

Mr. President, that is not all. Not only do these two reports concur in affirming my doctrine, but President Cleveland himself did not go to the extent of denying it. This pamphlet contains not only the majority report and the minority views, but it contains the message of Mr. Cleveland. But before I pass to Mr. Cleveland's message I want to say, that until I examined these names, I had supposed that Senator George, of Mississippi,

participated as a member of the Judiciary Committee in the discussion and decision of this question. I find, by referring to the Congressional Directory, that he was a member of the Judiciary Committee in the Forty-ninth Congress. I do not find, however, that he signed either report. I am free to say, without intending any invidious distinction, that I would attach more value to the opinion of Senator George than to the opinion of any man whose name is signed either to the majority or the minority report.

Mr. MONEY. I will say to the Senator that I perhaps had more confidential relations with the distinguished Senator from Mississippi than any other Member, and I know that he did concur in their opinion.

Mr. BAILEY. I am glad to have that statement made here, and to have it printed in the RECORD, because I am sure that greater praise than I have given or greater praise than I could give to Senator George would still fall short of his merit. He was one of the greatest lawyers of the century in which he lived, and though I do not find his name signed to this report, it is sufficient that the Senator from Mississippi says he concurred in it, and the Senator from Mississippi is supported in his recollection by the fact that Senator George did participate in the debate and did affirm this doctrine.

Now, passing to the message of Mr. Cleveland, we find this:

> While it is by no means conceded that the Senate has the right in any case to review the act of the Executive in removing or suspending a public officer upon official documents or otherwise, it is considered that documents and papers of that nature should, because they are official, be freely transmitted to the Senate upon its demand, trusting the use of the same for proper and legitimate purposes to the good faith of that body.

The President himself denied the Senate's right to have the papers in that particular case because, he said, they were private papers. Here is his statement:

> Against the transmission of such papers and documents I have interposed my advice and direction. This has not been done, as is suggested in the committee's report, upon the assumption on my part that the Attorney-General or any other head of a department "is the servant of the President, and is to give or withhold copies of documents in his office according to the will of the Executive and not otherwise," but because I regard the papers and documents withheld and addressed to me or intended for my use and action purely unofficial and private, not infrequently confidential, and having reference to the performance of a duty exclusively mine.

Thus the President says he withheld those papers, not because he had a right to withhold public papers, not because he had the power to direct the head of a department to withhold papers and information relating to our matters, but he withheld them because he regarded them as private, confidential, and not as official papers, and relating to a function exclusively his own. Thus in that great controversy, the greatest of its kind in the annals of Congress, we have the majority, the minority, and the President, whose conduct had been called into question, all concurring in the doctrine that the Senate has the right to demand; and having the right to demand it, it has the power to enforce its demand for those papers and documents within the possession of the heads of departments and relating to matters over which we have jurisdiction and control.

If any Senator here is conscientiously averse to deciding this question now, it is permissible and proper for him to vote for its postponement by referring the resolution to a committee. But it passes my comprehension that in the face of the unanimous judgment of the great Senators and great lawyers who were charged in that Congress, as it is now proposed to charge the Judiciary Committee of the Senate, with the consideration of this question we should now hesitate or disagree.

Mr. President, it would become the dignity of the Senate, it would vindicate its privileges and establish its power, if every Senator here and now would permit this resolution either to be voted on as it stands or permit the substitute which the Senator from Iowa intends to propose to be voted on and adopted as he has prepared it. I am not insistent on sending these messages back to the heads of departments. If you are delicate about wounding their feelings, I will join you in an effort to save yourselves that unpleasant work. If you are for party reasons unwilling to appear to affront your party associates in the executive departments, I am ready to eliminate that from the resolution, and I am ready to agree, and I will be content to agree, to a naked declaration that the Senate has the right and power to demand these papers, and that no head of a department has the right or power to refuse a compliance with our demand.

Are you willing to do that? All I want is a settlement of this question of the Senate's privilege. You are entitled to that. You are the majority. No resolution can go to the head of a department without you so will it, and with your majority the dignity and the privilege and the power of the Senate are under your control, and upon you must rest the responsibility. I have done my duty.

Mr. CLAPP. Will the Senator yield for a question?

Mr. BAILEY. Certainly.

Mr. CLAPP. Without any legislation defining the form, without any legislation calculated to afford a remedy, would a resolution passed by this body settle the question any further than the mere declaration of this body of its privileges and prerogatives? In other words, would it not leave us just where the report in the case referred to left the Senate at the time the report was made? Instead of offering to join us in a resolution, why not offer to join in formulating legislation that will be effective if within the power of Congress to enact it?

Mr. BAILEY. My own opinion is that no legislation is necessary. I would very cheerfully join in any that is; and if the Senator from Minnesota shall deem it necessary to enact a statute to punish the head of a department for refusing to comply with a resolution sent him by the Senate, I will cheerfully support it. But I had not supposed that it was either necessary or desirable to go that far.

For more than a hundred years this question was never raised. For a hundred years a line of unbroken precedents establishes the right of the Senate to demand information and the duty of the departments to supply it. The one exception was that out of which this report arose, and as the Senator will perceive that the refusal in that case was not based upon the denial of our right to call for papers or information relating to matters within our jurisdiction, but was distinctly put upon the ground that the papers in that case were private and confidential and related entirely to a function exclusively executive.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Illinois?

Mr. BAILEY. Certainly.

Mr. HOPKINS. I desire to ask the Senator from Texas if the Senate has ever in its history defined by rule or resolution the form in which a response should come from the executive departments?

Mr. BAILEY. It has not, because it was never deemed necessary to do so, as no head of a department ever before defied a Senate resolution. No head of a department ever before intimated that the Senate did not have the power to demand this information.

Mr. HOPKINS. Does this defy the Senate? Is it not simply a form of expression indulged in, and is not all that it is necessary on the part of the Senate to indicate that that form of response to a resolution of the Senate is not in accordance with the views of the Senate, and will not that be complied with by the departments hereafter?

Mr. BAILEY. I refer that question to the Senator from Minnesota. The Senator from Minnesota objects to my resolution because it has no teeth in it; the Senator from Illinois objects to it because it is a little too strong. Now, between these two extremes I have tried to find a middle course. I have tried to find a course that sufficiently vindicates the privileges of the Senate without giving any just cause of offense to the head of a department. I think I have found it. But if my proposal is not deemed proper, I will vote for a resolution, if the Senator from Illinois will offer it, declaring that this is not a proper form, and that hereafter the Senate will not receive a response couched in this language.

Mr. HOPKINS. Would not a resolution of that kind be much better than the one presented by the Senator from Texas, which proposes that all these communications shall be returned?

Mr. BAILEY. That is a small matter, or at least a comparatively small matter. I am not wrangling about it.

Mr. CUMMINS rose.

Mr. BAILEY. I shall be glad to have the Senator from Iowa offer his substitute and make such observations as he deems proper.

Mr. CUMMINS. Inasmuch as the discussion is drifting toward the form of the resolution which ought to be adopted, I beg to offer a substitute, and I ask that it be read to the Senate.

The VICE-PRESIDENT. The Senator from Iowa proposes a substitute, which will be read.

The Secretary read as follows:

> Whereas it appears from various communications received by the Senate from certain heads of departments that such heads of departments use language which may imply that they respond only under the direction of the President; and
>
> Whereas it is of the highest importance that there be no misunderstanding respecting the attitude of the Senate upon the subject: Be it therefore
>
> *Resolved*, That the Senate hereby declares its well-established and continuously exercised right to direct heads of departments to furnish to the Senate papers, documents, and information in all proper cases, and that such heads of departments are bound to furnish the same without the interference or intervention of any other authority whatsoever.

Mr. BAILEY. I suggest to the Senator from Iowa that the expression "in all proper cases" might leave room for a differ-

ence. If he will strike out those words and say, "in all cases over which the Senate has jurisdiction and control." It will obviate that trouble and make plain what the Senate intends. If a majority here are willing to do that I will accept that, with the change which I suggest to the Senator, in lieu of the resolution which I have offered.

Mr. BEVERIDGE. I call the attention of the Senator from Iowa to the fact that the suggestion of the Senator from Texas would, if it was adopted, be a violation of our form in which for a hundred years we have couched all requests for information to the executive department, to wit, "If in the opinion of the President it be not incompatible with the public interests." Why not say "proper cases?"

Mr. BAILEY. This does not touch the President. This is directed to the heads of departments.

Mr. BEVERIDGE. I do not concede, so far as one person is concerned, the right of the legislative department to demand from the executive department——

Mr. CUMMINS. I do not accept the suggestion of the Senator from Texas with regard to the change in the resolution I have offered. I believe the words "in all proper cases" designates sufficiently those cases in which the Senate has the right to call upon the departments for documents, papers, and information. I have no desire to discuss the principle involved. As I view it, there can hardly be a difference of opinion upon it, and I heartily agree with every proposition announced by the Senator from Texas upon this subject. I do not, however, think that his resolution is quite so appropriate and pertinent to the particular matter, as it now appears to the Senate, as the resolution which I have offered, and therefore I have suggested it.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. With pleasure.

Mr. FORAKER. I am pleased with the form of resolution offered as a substitute by the Senator from Iowa, but if he leaves in the resolution the words "in all proper cases" there will be difficulty about the interpretation of it, perhaps.

I will say what perhaps may be information to Senators, although it is based upon their action, that on the 25th ultimo a resolution was offered in the Senate and adopted by the Senate, directing the Secretary of War to send to the Senate all papers on file in the War Department relating to the appointment of Dr. Charles A. L. Reed, a citizen of Ohio, to an official position in the Army Medical Reserve Corps. From day to day I have been looking to see the answer to it, but none has come. My colleague, I should say, I being absent that day, introduced the resolution by my request.

Doctor Reed is a citizen of my State and a fellow-townsman. I saw it stated in the newspapers that certain communications had been placed on file of such a character that I felt there ought to be definite advice about it. I had a definite purpose and a perfectly legitimate purpose. No answer has yet come.

I learned last night in an informal way and in a confidential way that the Secretary of War does not intend to pay any attention to the resolution; that he intends to ignore it because he has been so directed by the President. I can scarcely believe that such can be the case, for resolutions of that character from the beginning of the Government have been passed by the Senate and passed by the House, and I do not know of an instance where an answer has been refused.

In the report cited by the Senator from Texas in his argument this morning, a number of cases very similar in character are cited by that very able committee in support of the conclusions reached, that the Senate had absolute control over the heads of departments and over all papers on file in those departments with respect to which the Senate had any duty to perform.

If we say only in "all proper cases," who is to determine what is a proper case? It may be the Senate would be as free to determine it as if we employed the language suggested by the Senator from Texas, but it seems to me the language suggested by the Senator from Texas has a clearer and more definite meaning, because it has been practically adjudicated by the practice of the Senate and by the rulings of the courts.

I hope the Senator from Iowa will accept that as a modification of his resolution, which I think is a very good resolution in form, and I think it is necessary we should pass that or something else. I am glad the Senator from Texas is willing to accept it as a substitute.

Mr. CUMMINS. Mr. President, I do not at this moment perceive any essential difference between the words I have used in the resolution and those suggested by the Senator from Texas. The idea that is intended to be conveyed must be plain to every Senator. We can not at this time determine whether any particular resolution adopted and calling for information is within the jurisdiction or control of the Senate. That must be determined at the time. I can conceive of a great many instances in which the Senate might call upon the head of a department for information and in which the department might rightfully and lawfully refuse to give that information. It is impossible to determine that in advance.

It may be that after a moment's reflection I shall be willing to accept the substitution of the words "jurisdiction and control" for the words "in all proper cases." I do not, however, perceive just now any additional strength that would be given to the resolution by those words. The question before the Senate is not with regard to the propriety of any particular resolution. It is whether the head of a department answers by the direction of the President or whether he answers under the command of the Senate. This is the question which is suggested in either of the resolutions, and it is to that point, and that alone, that my substitute was directed.

Mr. BAILEY. I believe, upon reading and comparing the two resolutions, the Senator's substitute is in some respects preferable to my original resolution, because it avoids anything like an unnecessary conflict or affront; and if the Senator will simply avoid the indefinite suggestion, "in all proper cases," and define the cases, as he easily can in a few words, as cases within our jurisdiction and control, I not only will cheerfully accept the substitute, but I believe I would prefer it.

I hope the Senator will see his way clear to define the cases, instead of leaving it a matter of difference between the heads of departments and the Senate hereafter as to what is a proper case.

I ask the Senator this, with a view of bringing our minds to the same point: The Senator from Iowa considers any matter within the jurisdiction and control of the Senate as a proper case, does he not?

Mr. CUMMINS. I do.

Mr. BAILEY. I think there can be no room for difference about that. A department might say that the resolution said only "in all proper cases," and it might say that the particular case before it was not a proper case. If you eliminate that expression and say "in every case within the jurisdiction and control of the Senate," then you remove all ground for difference on that question. I speak for myself, and am authorized to speak for no one else, but I think that with that change the Senator could reasonably expect to have the full vote on this side of the Senate for his resolution.

Mr. CUMMINS. Mr. President, I have been thinking hard in the last moment or two with respect to the scope and effect of the suggestion made by the Senator from Texas, and I believe I will accept it and allow those words to be substituted for the ones I have used. I am inclined to think, however, that they are rather a limitation than an extension of the substitute.

The VICE-PRESIDENT. The Senator from Iowa can modify his resolution. It is within his control.

Mr. ALDRICH. Of course, I have no control over the wishes of the Senator from Texas, but I think he will agree with me that this is not a matter to be discussed and decided upon between two Senators in a private conference on the subject. My motion to refer will apply also to all amendments which are suggested. I make the suggestion only for the purpose of saving the time of the Senate.

Mr. CUMMINS. I have amended the substitute in accordance with the discussion upon the floor.

The VICE-PRESIDENT. The Senator from Iowa modifies his proposed substitute. It will be read as modified.

The Secretary read as follows:

Whereas it appears from various communications received by the Senate from certain heads of departments that such heads of departments use language which may imply that they respond only under the direction of the President; and

Whereas it is of the highest importance that there be no misunderstanding respecting the attitude of the Senate upon the subject: Be it therefore

Resolved, That the Senate hereby declares its well-established and continuously exercised right to direct heads of departments to furnish to the Senate papers, documents, and information in all cases within its jurisdiction and control; and that such heads of departments are bound to furnish the same without the interference or intervention of any other authority whatsoever.

Mr. CUMMINS. Mr. President, the only reason that has prompted me to suggest this substitute is to avoid what I believe to be an unnecessary rebuke in the resolution offered by the Senator from Texas. I thoroughly agree with him respecting the principle involved, and I agree with him with respect to the danger of allowing the practice to become settled without a declaration upon the part of the Senate as to its rights.

Mr. DOLLIVER. Mr. President, I am one of those who would like a little time for the further consideration of the questions involved in both these resolutions. I do not agree

with the Senator from Maryland [Mr. RAYNER] that this is one of the greatest questions we have ever had, or that its decision goes in any important sense to the foundation of our institutions. Nevertheless, I do not deny the importance of getting the question settled, although I confess that I do not anticipate any permanent settlement of it. The question is as old as controversies between the Executive and the legislative department of the Government.

I am not prepared to dispute the wisdom and the conformity to law and usage of the propositions which have been so ably submitted by the Senator from Texas, but my recollection of the history of the controversies between the President and the Senate is that they raised this and kindred questions from the time of Andrew Jackson down to our own day. I do not see how it is possible here to effect a final settlement of them. On the contrary, I think their real settlement lies not in the passage of resolutions in either House of Congress, but in the observance by both Houses of Congress of the constitutional relations that exist between the coordinate departments of the Government.

I have asked, and I have been able to find nobody willing to vouchsafe the information, What department of the Government do these executive departments belong to? They are described by law as executive departments. They certainly do not belong to the legislative or the judicial branches of the Government of the United States.

It will be a very interesting matter to determine what jurisdiction the legislative department of this Government has over the executive. It has been the custom from the foundation of our Government to ask for information from the executive department, oftentimes, I regret to say, when nobody felt particularly the need of it. It has been a favorite method of introducing subjects for debate in the Senate, and I imagine that the calendar of the Senate would reveal scores, if not more, of these resolutions intended, not to elicit information but solely for the purpose of focusing attention for purposes of debate.

Now, I have a notion on the subject, but I may be wrong about it. I have become so accustomed to obediently bow to the opinion of those who, living among us, are recognized as great lawyers and of those who, being dead, have left the reputation of great jurists behind them, that I venture to differ even in minor particulars with them only with very great reluctance. Yet it seems to me that these reports which have been read here, made by the Judiciary Committee of the Senate in 1886, fall very far from fixing a dogma of constitutional and legal interpretation as respects this matter.

I read not very long ago a very learned opinion by a former Attorney-General of the United States, Caleb Cushing, a great lawyer, who discussed the identical question in relation to the department of the Attorney-General. I believe that that great Attorney-General gave substantially the opinion expressed by the Senate Judiciary Committee in 1886, and yet I am not sure that he went to the bottom of this question.

I have a very strong belief that neither the House nor the Senate have any right to ask the Department of State to reveal the state of diplomatic negotiations which that department is conducting. I have a very strong conviction that neither House of Congress has a right to interrupt the Secretary of War with a request for information as to the movement of armies or the Secretary of the Navy with respect to the movement of ships.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. DOLLIVER. Certainly.

Mr. RAYNER. I should like to ask the Senator from Iowa, in speaking of revealing the negotiations of the State Department, does not that come under an entirely different power of the Constitution, and in speaking of the Secretary of War, not strictly as a civil officer, but speaking of him in time of war, does not that come under the duty of the President as Commander in Chief?

Mr. DOLLIVER. That is exactly what I am intimating.

Mr. RAYNER. When the President is exercising civil duties he is not Commander in Chief, and when he is not negotiating treaties with the assistance of the Secretary of State, then it does not come under any power of Congress.

Mr. DOLLIVER. The Senator may possibly be right about that. Let me give the Senator another illustration.

Mr. RAYNER. Let me ask one other question. Is there any doubt at all in the Senator's mind that these are executive departments?

Mr. DOLLIVER. No.

Mr. RAYNER. The Constitution says they are executive departments.

Mr. DOLLIVER. That is what I am trying to claim. What I want to know is, where Congress gets authority either out of the Constitution or the laws of the United States to order an executive department about like a servant.

Mr. RAYNER. Each House of Congress has the power to order any one that has any information or documents or papers coming within its jurisdiction and control. The junior Senator from Iowa [Mr. CUMMINS] has put that proposition very plainly. In the case of Kilbourn, and in one case after another——

Mr. DOLLIVER. Those were cases of private citizens refusing to appear and give testimony before committees of the Senate.

Mr. RAYNER. There is another point I should like the Senator to think of—that nowhere in the Constitution and no place in any statute of the United States except one that I have found, and there it crept in unintentionally, are there Cabinet officers or ministers. There is no such thing as a Cabinet officer of the United States. You may call them Cabinet officers, but they are not Cabinet officers.

Mr. DOLLIVER. Before the Senator takes his seat, as I am a learner and desire to get accurate information, I should like to know what statute of the United States there is to determine the rights of the Senate as respects, for example, the Department of Commerce and Labor.

Mr. RAYNER. What statute that determines the powers of the Senate?

Mr. DOLLIVER. What statute would the Senate rely upon, or what provision of the Constitution would it rely upon, if it proposed to enforce the right to interrogate the Department of Commerce and Labor and to require information to be sent here?

Mr. RAYNER. The statute under which the Department of Commerce and Labor was created and organized.

Mr. DOLLIVER. That statute gives the Senate no jurisdiction of that sort.

Mr. RAYNER. But the Supreme Court in Chapman's case and in Kilbourn's case——

Mr. DOLLIVER. But Chapman and Kilbourn were private citizens.

Mr. RAYNER. That is not the proposition. The proposition is that each body has control and jurisdiction over any witness or papers relative to the subject-matter that is inquired into.

Mr. DOLLIVER. There are statutes of the United States for that now, but they are not applicable to this case.

Mr. RAYNER. If the Senator from Iowa will read the decision in the Chapman case, he will find that it covers this whole question.

Mr. DOLLIVER. I took occasion to read it.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Texas?

Mr. DOLLIVER. Certainly.

Mr. CULBERSON. I think I can cite the Senator from Iowa to the statute so far as the Department of Commerce and Labor is concerned, if he will permit me. The last paragraph of section 8 of the act creating that department, referring to the Secretary of Commerce and Labor, provides that—

> He shall also from time to time make such special investigations and reports as he may be required to do by the President or by either House of Congress, or which he himself may deem necessary and urgent.

Mr. DOLLIVER. Mr. President, that is what I am trying to get at. That shows that Congress itself has fixed the duty of this department to respond to requests for information.

Now, I want to go a step farther. I hold—and I heard it demonstrated on this floor not very long ago by the distinguished Senator from Pennsylvania [Mr. KNOX]—now about to take up the office of Secretary of State—that it is not only improper, but ridiculous, for Congress to assume the right to interrogate the Attorney-General as to legal proceedings which he has instituted or is about to institute. Yet there are no reservations in this resolution itself as to so plain a matter as that.

While I have been sitting here listening to these arguments and very much interested in them, it has seemed to me—I may be wrong about it—that the object of the resolution offered by the Senator from Texas was not more to vindicate the dignity of the Senate of the United States than it was to frame a criticism and a rebuke to the President of the United States.

Mr. MONEY. Will the Senator permit me to interrupt him?

Mr. DOLLIVER. Certainly.

Mr. MONEY. I do not see the Senator from Texas here, but I am quite sure that he will deny the imputation which the Senator from Iowa makes.

Mr. DOLLIVER. Mr. President——

Mr. MONEY. I am quite sure that he did not intend anything of that sort. He has explained here with explicit force and clearness that his intention was to vindicate the power and dignity of the Senate over officers of their creation and in the con-

duct of proper business. He has stated that so fully that I hope the Senator from Iowa will not insist upon placing the Senator from Texas in that attitude before the public, but will leave his remark out of the RECORD. If the Senator from Texas were here to defend himself, I would not have risen to interrupt the Senator.

Mr. DOLLIVER. Yet the Senator from Texas gave a rather abrupt expression of thankfulness as to the retirement of the President, which would seem in a dim way to connect the question which he was debating with the circumstances of to-morrow. But, lest I should do the Senator from Texas an injustice, I will not go astray when I say that the calm, judicial temperament of the Senator from Maryland, for which we always have such respect in the Senate Chamber, was obviously colored by his enthusiasm about the events about to occur at the east portico of the Capitol.

Mr. RAYNER. Mr. President, I merely rise to say that I have no calm, judicial temperament. [Laughter.]

Mr. DOLLIVER. I supposed that the Senator had the sense of humor at any rate. In fact, the Senator's argument and citation of cases were so obviously incidental to the attitude of his mind toward the retiring President that so far as I am concerned, at least, the clearness of his legal conclusions was substantially clouded by the temper and spirit of his observations.

I maintain that it is just such an attitude as that growing up in the Congress of the United States that has raised this question which goes to the foundations of our institutions. I hope we may never have another Congress of the United States when the floor of the Senate and the floor of the House shall be used as arenas for the purpose of reproaching and disparaging the motives of any coordinate department of the Government of the United States.

But if we are to go on in the spirit which has characterized the proceedings of the last few months of the present Congress, I hope the time will never come when we will have a man at the head of the executive department so wanting in vigor and virility and in self-respect as to fail to reply in kind to insinuations and disparagements of his motives emanating from either House of the Congress of the United States. [Applause in the galleries.] I do not stand here——

The VICE-PRESIDENT. The Senator from Iowa will suspend. The Chair informs the occupants of the galleries that applause is forbidden by the rule of the Senate. The Senator from Iowa will proceed.

Mr. DOLLIVER. I am not here for the purpose of defending——

Mr. BAILEY. Mr. President, will the Senator from Iowa yield?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Texas?

Mr. DOLLIVER. Certainly.

Mr. BAILEY. I was called from the Chamber a moment ago to answer some of my constituents. I understand that in my absence the Senator from Iowa imputes to me a desire to reflect on the President in presenting this resolution. Have I been rightly informed?

Mr. DOLLIVER. I do not desire to make that imputation. I was saying that I was impressed by the fact that the debate indicated such glee and enthusiasm over the immediate departure of the present President as to indicate that the attitude of mind was not one entirely sympathetic.

Mr. BAILEY. Of course I would not be candid if I pretended an amiable frame of mind toward the President, for it is not my frame of mind, but knowing that, I carefully and deliberately abstained from any expression with respect to the present Executive when it was provoked by interruption, and in offering the resolution I carefully avoided raising any issues with him; and I stated on the floor that I did it in view of the fact that his term so early expired.

Mr. DOLLIVER. That is all true, and I would not desire to put the Senator in the attitude of introducing this question for the purpose of disparaging the President, although I confess that in at least one sentence which the Senator uttered with his usual eloquence and skill I did detect a pleased exultation arising from the fact that to-morrow ends the administration of Theodore Roosevelt.

My friend from Texas read at great length from a report of the Judiciary Committee in 1886. I was disappointed that he concealed from the Senate, or, at least, failed to give the Senate, the information that while that report was filed in February, several weeks before the expiration of Congress, it was never made the basis of any action by the Senate of the United States. How does the Senator explain that, if this is so important a question that it affects the prestige and dignity of the Senate?

Mr. BAILEY. Does the Senator want a reply?

Mr. DOLLIVER. I should like to have it.

Mr. BAILEY. There was nothing to be settled, because there was absolutely no division of opinion between the majority and the minority upon the fact as the President of the United States stated it.

Mr. DOLLIVER. My recollection is that there was a resolution offered by the committee as the result of its deliberations.

Mr. BAILEY. That is true; but when the President of the Unitd States sent his message, which he did immediately after the report of the committee was announced, he distinctly declared that he did not challenge the right of the Senate to have the papers, documents, or information which they desired, and that his only ground in refusing to send the papers which the Senate had asked for was that they were private papers and not official.

Mr. DOLLIVER. Mr. President, I do not regard it as a part of my duty, and I certainly would not desire to occupy the time of the Senate at this time, in defending the administration of the last seven years. But I do feel that these closing hours of the administration ought not to be disturbed by criticisms which are not at all timely nor practical; which serve rather to spoil the grace of a great national festival.

I do not believe the Senate of the United States can add anything to its prestige or to its dignity by following in this ineffective way the retiring figure of the President of the United States.

Mr. RAYNER. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. DOLLIVER. Certainly.

Mr. RAYNER. What disposition does the Senator from Iowa make of the report which comes into the Senate to-day charging the President of the United States with violating the laws of the United States?

Mr. DOLLIVER. I do not understand to what the Senator refers.

Mr. RAYNER. The case of the Tennessee Coal and Iron Company.

Mr. DOLLIVER. Mr. President, no such report has been submitted. On the contrary, I saw in the newspapers——

Mr. RAYNER. I have the report.

Mr. DOLLIVER. That the Committee on the Judiciary agreed that each member might state his own opinion.

Mr. RAYNER. I have the report in my hand, and it is practically the report of the committee.

Mr. DOLLIVER. By whom is the report signed?

Mr. RAYNER. The report is signed by Mr. KITTREDGE——

Mr. FULTON. Mr. President, will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. DOLLIVER. Certainly.

Mr. RAYNER. I yield to the Senator.

Mr. FULTON. As a member of the Judiciary Committee—as, of course, is the Senator from Maryland—I think it is proper to say that the committee made no report further than to say that the members were unable to agree to any recommendation in the premises, and the chairman was instructed by the committee to so report, reserving to individual members of the committee the right to file an expression of their individual views. Any expression that is filed is simply the views of individuals, and does not come as a committee report.

Mr. RAYNER. Mr. President, one moment.

Mr. HOPKINS. Mr. President, if the Senator will allow me——

Mr. RAYNER. I have the floor. I want to answer about the Judiciary Committee.

Mr. HOPKINS. Just a moment. I have the report that has been presented. It does not purport to be from the committee at all. It reads:

Mr. CULBERSON (for himself and Messrs. KITTREDGE, OVERMAN, and RAYNER), from the Committee on the Judiciary, submitted the following views.

So it is the report of individuals and not of the committee.

Mr. RAYNER. If the Senator will read the whole of it and not read half of it, he will have a little more information on the subject.

Mr. HOPKINS. Mr. President, I resent the insinuation on the part of the Senator——

Mr. RAYNER. I decline to yield.

The VICE-PRESIDENT. The Senator from Maryland declines to yield.

Mr. RAYNER. I decline to yield to an interruption from the Senator, who could not possibly know anything about this matter.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. The Senator from Maryland declines to yield.

Mr. RAYNER. I want the Senator from Iowa to permit me to state to him that this report ends in this way:

It follows from what has been said that we think the resolution should be answered that, in the judgment of the committee, the President was not authorized to permit the absorption of the Tennessee Company by the Steel Corporation.

That report is signed by Mr. KITTREDGE, Mr. OVERMAN, Mr. CULBERSON, and myself. Then there is another report by Mr. BACON, which virtually coincides with our report. Then there is a report by Mr. NELSON. Then there are the views of Mr. FORAKER, and the views of Senator FORAKER are as follows:

Entertaining this view, I am of the opinion that the question directed to this committee by the Senate, "whether the President was authorized to permit the absorption of the Tennessee Coal and Iron Company by the United States Steel Corporation," should be answered in the negative.

Mr. CLARK of Wyoming. Mr. President——

Mr. RAYNER. One moment. I only want to finish the sentence. Then we have the statement of the President that as to the transaction in question he was personally cognizant of and responsible for its every detail.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. DOLLIVER. Certainly.

Mr. CLARK of Wyoming. So far as I know, there is but one report from the Committee on the Judiciary upon the subject-matter which in the last three minutes has been made the subject of discussion, and that is the report that was agreed to and made by the chairman of the committee, at the command of the committee, that the committee was unable to agree upon a report and reported the resolution back to the Senate without recommendation.

Mr. RAYNER. That is correct.

Mr. CLARK of Wyoming. Any other report purporting to come from that committee is not a report from the committee, but a registration of the individual views of some individual members of the committee.

Mr. RAYNER. Constituting, Mr. President, a majority of the committee.

Mr. CLARK of Wyoming. It is not proper for me to go into what occurred in the committee, but upon no single phase of it did the majority of the committee meet with their minds.

Mr. RAYNER. But they met upon the main proposition that the President of the United States had violated the law.

Mr. DOLLIVER. That is exactly what the chairman of the committee said they did not do.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. DOLLIVER. Certainly.

Mr. HOPKINS. In response to the Senator from Maryland [Mr. RAYNER], I desire to call the attention of the Senate and of the country to the fact that the Judiciary Committee is composed of 13 members and that the part of the report which the Senator from Maryland has been reading is the report made by only 4 members of that committee, of which he was one; and it states what I undertook to show to the Senate before, that it is not the report of the committee, but of individual members, and the Senator from Texas [Mr. CULBERSON], who prepared the report, as appears from the paper here, expressly states that he makes it from the Judiciary Committee, giving his views, together with those of Messrs. KITTREDGE, OVERMAN, and RAYNER. So, when the Senator from Maryland undertakes to predicate any statement of his upon this report here, it is not the report of the committee, but of an individual member of the committee.

Mr. DOLLIVER. Mr. President, I do not intend to speak of the administration of the President, now nearly at an end. It is among the longest in time in the history of our Government. It has had to deal with a larger variety of questions than any administration in recent times, at least. It has had to deal with a new and strange kind of questions. It may have succeeded or it may have failed; it may have succeeded in part and it may have failed in part; but whatever its record, it will not be judged by words spoken in the Senate. It will be written in the history of the United States.

One thing may be said in this Chamber without usurping the function of the historian. The President of the United States has not only achieved great results, but I believe he has taken away from his enemies, if he has such, the right to impeach his motives or to disparage that integrity which, after all, constitutes the chief assets of the statesman and the popular leader. He has been in contact with the most difficult questions that have arisen in the modern organization of society, some of them so new and so strange that neither House of Congress has appeared to have the time even to comprehend what was in the President's heart and in the President's mind.

For the last two weeks we have had the atmosphere of both Chambers disturbed by petulant controversies about the reports of commissions made here in presidential messages, and Congress has been so wrapped up and preoccupied with its own matters that it has dismissed with discreditable indifference the far-reaching researches which the President has made in the last months of his administration, throwing useful light on hard and pressing questions that the next generation of Americans will regard as the most important within the jurisdiction of our laws.

We are here vindicating our right to ask information from executive departments, and for two weeks both Houses of Congress have been filled with the suggestion that the President of the United States has no right to seek expert advice upon duties which are put upon him under our institutions in his relation to the Congress of the United States. I am glad that that cheap exhibition of petulance and irritation is nearly at an end.

I rejoice in the success this administration has had in the mighty work which it has undertaken. I appreciate as much as any man the kindly remarks made by the Senator from Maryland [Mr. RAYNER] about that great American statesman who will to-morrow take the oath of our highest office, but I doubt very much whether he will appreciate compliments directed to him for the purpose of disparaging that man whose counselor he has been all these years and who has stood by his side as a faithful friend and helper in all the great emergencies of his administration. When his administration begins, I do not think the American people will forget that Theodore Roosevelt seemed prejudiced in favor of his nomination and leaned strongly in favor of his election and that the President-elect himself is pledged before the American people to carry out in good faith, in the fear of God, the great policies which have made the last seven years of the administration of our Government famous and memorable in the moral and political progress of the United States. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair will again inform the occupants of the galleries that applause is contrary to the rule of the Senate. The Chair trusts that it will not be necessary to again admonish the occupants of the galleries of that fact.

INTERNATIONAL CONGRESS OF APPLIED CHEMISTRY.

Mr. CULLOM. I ask unanimous consent that I may at this time make a report from the Committee on Foreign Relations.

The VICE-PRESIDENT. In the absence of objection, permission to do so will be granted. The Chair hears none.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. J. Res. 261) authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America, in the year 1912, to report it without amendment. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Illinois?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the President of the United States to invite the International Congress of Applied Chemistry, about to assemble in the city of London, to hold its eighth meeting in the United States in the year 1912; but no appropriation shall be asked or granted for any expense connected with said congress.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONDEMNED CANNON TO OHIO NORTHERN UNIVERSITY.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 28411) to grant two cannon to Ohio Northern University, at Ada, Ohio, to report it without amendment. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. Is there objection?

Mr. BAILEY. Of course I do not want to object, but I should like to dispose of the matter which we have under consideration.

Mr. WARREN. The bill will only take a moment. It is only six lines.

Mr. BAILEY. I will not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Yes; I yield.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. Mr. President, I present the report of the conference committee on Senate bill 2982.

The VICE-PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 2982, being a bill to codify, revise, and amend the penal laws of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate agree to the House amendment with amendments to sections 7, 19, 20, 37, 51, 95, 125, 126, 140, 187, 200, 226, 227, 243, 253, 254, 255, 256, 257, 262, 263, 276, 295, 300, 321, 322, 323, and 349.

That the House agree to the amendments proposed by the Senate conferees as follows:

Section 7: On page 4, in line 21, after the words "United States," insert the words "or in any place subject to the jurisdiction thereof."

Section 19: On page 12, line 13, substitute a semicolon for the period, and add the following: "and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States."

Section 20: On page 12 strike out section 20.

Section 23: On page 14 strike out section 23, as follows:

"SEC. 23. No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall be fined not more than five thousand dollars."

Section 24: Page 14, in line 16, strike out the words "or to keep the peace at the polls."

Section 37: On page 22, in line 11, substitute a comma for the semicolon, strike out the remainder of the section, and in lieu thereof insert the following: "shall be fined not more than five thousand dollars or imprisoned not more than five years, or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or other person under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars and imprisoned not more than two years."

Section 51: On page 28, at the end of the section, add the following: "And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands."

Section 95: On page 48, at the end of line 21, add the words "prima facie."

Section 105: On page 53, in line 1, after the word "or," strike out the word "be."

Section 125: On page 63, in lines 3 to 7, amend the proviso so as to read as follows: "*Provided*, That no person shall be deemed guilty of a violation of any such rule unless prior to such alleged violation he shall have had actual knowledge thereof."

Section 126: On page 63, in line 13, strike out the word "and" and insert in lieu thereof the word "or;" and in line 14 substitute a comma for the period at the end of the section and add the words "or both."

Section 140: On page 70 strike out section 140.

Section 142: On page 71, in line 1, strike out the word "now" before the word "provided."

Section 187: On page 98, in line 17, after the word "vessel," insert the words "to the current business of the carrier."

Section 194: On page 100, in line 18, strike out the word "or," before the word "embezzling."

Section 200: On page 104, in line 14, substitute a semicolon for the comma, strike out the remainder of the section, and in lieu thereof insert the following: "and if in effecting or attempting to effect such robbery he shall wound the person having custody of such mail, or put his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned twenty-five years."

Section 226: On page 123, in line 6, before the word "submit," insert the word "knowingly."

Section 227: On page 123, in line 22, before the word "misstate," insert the word "or;" and in line 23, before the word "conceal," insert "for the purpose aforesaid shall knowingly and willfully."

Sections 241, 242, 243: On pages 132 and 133 strike out the word "That" at the beginning of each section and begin the first word of each section with a capital letter.

Section 243: On page 133, in line 13, after the word "shall," insert the word "knowingly."

Section 248: On page 136, in line 19, substitute for the words "and every" the words "or any."

Section 253: On page 140, in lines 9 and 10, strike out the words "being a citizen or other person resident."

Section 254: On page 140, in line 17, strike out the word "American;" and in line 18 substitute for the words "jurisdictional limits" the word "jurisdiction."

Section 255: On page 141, in line 1, strike out the word "American."

Section 256: On page 141 strike out section 256.

Section 257: On page 141, in line 12, strike out the words "State, Territory, or District," and in lieu thereof insert the words "place subject to the jurisdiction;" in line 13 strike out the words "a foreign country, state, or" and in lieu thereof insert the words "any other;" in lines 14 and 15 strike out the words "State, Territory, or District," and in lieu thereof insert the words "place subject to the jurisdiction."

Section 262: On page 143, in lines 13 and 14, strike out the words "jurisdictional limits" and in lieu thereof insert the word "jurisdiction."

Section 263: On page 143, in line 21, before the word "directly," insert the words "or under the jurisdiction thereof."

Section 270: On page 146, in line 11, strike out the word "other" before the word "foreign."

Section 276: On page 150, in line 8, strike out all after the period, and also all of lines 9 and 10.

Section 279: On page 151, in line 20, strike out the word "be" before the word "fined."

Section 295: On page 158 transpose the language of line 10 so that it will read "United States, beats, wounds, or without justifiable cause, im-."

Section 300: On page 161, in line 3, strike out the word "and," at the end of the line, and in lieu thereof insert the word "or."

Section 321: On page 169, in line 15, strike out the words "in any Territory."

Section 322: On page 169, in line 19, strike out the words "in any Territory."

Section 323: On page 169, in line 23, strike out the words "in any Territory."

On page 183 strike out all of lines 21, 22, and 23, reading as follows: "Section 4 of an act to protect all citizens in their civil and legal rights, approved March 1, 1875."

On page 196 strike out all of lines 13 to 20, both inclusive, reading as follows: "No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall be fined not more than five thousand dollars."

Section 349: On page 198, in line 1, strike out the word "from" and in lieu thereof insert the word "on;" in line 2 strike out the word "July" and in lieu thereof insert the word "January;" also in line 2 strike out the word "nine" and in lieu thereof insert the word "ten."

W. B. HEYBURN,
GEORGE SUTHERLAND,
JAMES P. CLARKE,
Managers on the part of the Senate.

R. O. MOON,
HERBERT PARSONS,
SWAGAR SHERLEY,
Managers on the part of the House.

Mr. RAYNER and Mr. FORAKER addressed the Chair.

Mr. BEVERIDGE. I yield to the Senator from Maryland now. I will yield to the Senator from Ohio in a moment.

Mr. FORAKER. I understood that the conference report was before the Senate.

Mr. BEVERIDGE. I thought it was disposed of.

Mr. FORAKER. No; it has not been disposed of.

The VICE-PRESIDENT. The question is on agreeing to the report.

Mr. FORAKER. Before we agree upon the report, I want to understand what that agreement is. What does it do, and what is the effect of it as to the jury law that is now in force?

Mr. HEYBURN. It allows the existing law to stand. The repealing clause that was in the bill as it came back to the Senate has been stricken out; the provision that was reported as a part of the code has been stricken out; and the repealing clause of existing law has been stricken out; and that leaves the law to stand as it is to-day.

Mr. FORAKER. So the law will be unaffected?

Mr. HEYBURN. It will be unaffected by it.

Mr. FORAKER. I merely wanted to understand the fact.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HEYBURN. I ask consent that the Secretary be authorized to renumber the sections consecutively; to strike out the headnotes at the beginning of each chapter to sections which have been omitted, and to renumber the headnotes to correspond to the numbers given the sections; to correct the references in one section to other sections; to correct typographical errors; and to correct punctuation as indicated by the committee of conference.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HEYBURN. I desire to state that the purpose of the substitution of the Senator from Arkansas [Mr. CLARKE] for the Senator from Mississippi [Mr. MCLAURIN] on the conference committee was because of the indisposition of the Senator from Mississippi and his inability to be present at the conference.

Mr. SUTHERLAND. Will the Senator from Indiana permit me for a moment?

Mr. BEVERIDGE. Yes.

Mr. SUTHERLAND. Mr. President, in order that there may be no misunderstanding as to the effect of the conference report, there are only two changes made in the conference report just submitted from that originally submitted, the first one being to strike out section 23, which has been read, and also to strike out the provisions in the bill repealing existing law. That leaves existing law on that subject to stand as it is.

The second is to strike out, in section 24, line 15, the words "or to keep the peace at the polls." The committee were of the opinion that the law is inoperative, and that no good purpose is served in keeping those words in existing law. Those are the only changes which have been made.

Mr. FORAKER. There is one inquiry I should like to make before the Senator from Utah takes his seat. What becomes of the penal code? Is it adopted?

Mr. SUTHERLAND. It will be adopted as soon as the House adopts the conference report.

Mr. FORAKER. Yes. The Senate has adopted it with all the clauses that have been added?

Mr. SUTHERLAND. All of the clauses, except section 23, which is not embraced in the penal code and remains upon the statute book.

JOINT COMMITTEE ON REVISION OF THE LAWS.

Mr. HEYBURN. I desire to call up now for consideration, in view of the action just taken by the Senate, Senate joint resolution 140, so as to provide the machinery for the continuation of the work. It will take but a moment.

Mr. BEVERIDGE. Let the joint resolution be read.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of a joint resolution, which will be stated by title.

The SECRETARY. A joint resolution (S. R. 140) to create a joint committee to consider the revision and codification of the laws of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution which has heretofore been read?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

RELATIONS BETWEEN CONGRESS AND THE EXECUTIVE DEPARTMENTS.

The Senate resumed the consideration of the resolution (S. Res. 317) submitted by Mr. BAILEY on the 1st instant.

Mr. RAYNER. What is the status of the resolution of the Senator from Texas [Mr. BAILEY]?

The VICE-PRESIDENT. The pending question is upon the motion of the Senator from Rhode Island [Mr. ALDRICH] to refer the resolution to the Committee on the Judiciary.

Mr. TILLMAN. Mr. President, I understood that the agreement yesterday was that the resolution of the Senator from Texas should be voted on to-day. It has been discussed for two hours. The Senator from Iowa [Mr. CUMMINS] has offered a substitute, and it does look as if we might dispose of it one way or another.

Mr. RAYNER. The Senator from Texas has accepted the substitute.

Mr. TILLMAN. If we want the resolution referred to the Committee on the Judiciary, we had better do that, because we do not want to leave it hanging in the air. The Senator from Texas has accepted the substitute of the Senator from Iowa.

Mr. ALDRICH. My motion to refer the resolution is pending.

Mr. CULBERSON. I ask for the regular order on the measure now pending before the Senate, the resolution offered by my colleague [Mr. BAILEY].

The VICE-PRESIDENT. The Senator from Texas demands the regular order, which is the question upon the motion of the Senator from Rhode Island [Mr. ALDRICH].

Mr. HEYBURN. I have the floor upon that motion.

The VICE-PRESIDENT. The Senator from Idaho is entitled to speak upon the question.

Mr. HEYBURN. Mr. President, I desire to call attention to the fact that the statutes creating the executive departments define their relation in very exact and comprehensive terms. There are three of the departments to which certain language is applied entirely different from the language applied to the other departments of the Government, and I think perhaps some Senators may have lost sight of that fact. The State Department, the War Department, and the Department of the Navy were created at the beginning of the Government. Congress, in creating those departments, expressly provided that they should be under the direct control of the President. That provision applies to no other executive department; so there is a distinct difference in the status of these departments.

The act of 1789 defined the relation of the Department of War, as it is termed in the Statutes, to Congress and to the President. Section 216 of the Revised Statutes, which is taken from the act of the 7th of August, 1789, provides:

> SEC. 216. The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the department in such manner as the President shall direct.

That provision is common also to the Navy and it is common to the Department of State, and to those three departments only. Each of the other departments is placed, in terms, under the direction and control of Congress. We can not lose sight of that fact and of the condition of the law in determining the measure of their right or of the propriety of the action of the President.

Mr. WARREN. Then, I take it, the Senator sees the wisdom of having a matter of that kind go to the proper committee, to be put in proper form.

Mr. HEYBURN. I shall certainly vote to send it to the committee. I wanted to call attention to this condition of the statutes, because, unless it was done in my absence, it has not been referred to. I have no intention to make any extended remarks, except to direct the attention of the Senate to the fact that, outside of those three departments, they are placed under the control of Congress itself.

Mr. BEVERIDGE obtained the floor.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. Certainly.

Mr. LA FOLLETTE. Will the Senator yield to me for a brief statement?

Mr. BEVERIDGE. Certainly.

Mr. LA FOLLETTE. Mr. President, the Senator from Texas in his opening remarks earlier in the day referred to the tardiness of the report made by the Department of Commerce and Labor in response to a resolution which I introduced at the first session of the present Congress. That resolution was introduced on the 28th day of May, but a few days before the

adjournment. It covered a subject of great importance and required investigation in a very large field. It is but just to the department that I should say that at the beginning of this session, indeed upon the first day of the session, the department informed me that it had been impossible to complete the investigation within the time set by the resolution, and asked if I would be insistent, so far as I was myself concerned, upon a partial report being made in conformity with the terms of the resolution upon the first day of the session. I very greatly preferred, Mr. President, that the investigation should be completed as a matter of course, and said that I had no doubt the Senate and every Member of it would very greatly prefer that the investigation should be finished before any report should be made. A report was made, as stated by the Senator from Texas, on the 16th of February. It is a voluminous report and is still in the hands of the printer. It is thorough and, I think, will be a valuable contribution upon the subject-matter covered by the resolution. It is but just, Mr. President, that I should say so much in response to the criticism of the Department of Commerce and Labor by the Senator from Texas.

Mr. BEVERIDGE. Mr. President, I have never agreed to a theory referring to the Judiciary Committee any question of law which the Senate itself is supposed to be competent to resolve. Heretofore I have made objection to such course; and on a great question—because I agree with the Senator from Maryland [Mr. RAYNER] that it is a great question which has been raised—I should not vote to refer such a resolution to the Committee on the Judiciary if there were an abundance of time for the Senate to discuss and investigate it. But it is patent to every one of us that that is not the case. Only a few hours remain until the present session of this body must come to an end; and even the Senator from Maryland, learned lawyer that he is, having cited numerous decisions, as he has, and having made a thorough study of this question for the last twenty-four or forty-eight hours, must himself see that other Senators have not had and can not have time or opportunity to give to this large business the attention and the study it deserves.

It must appear at the very first glance that there is great confusion upon this question, and the difference of opinion becomes more pronounced the longer the question is debated. For example, Mr. President, I will ask the Senator from Maryand if it is not his doctrine, and that of all the rest of us, that all the powers that Congress has and all the powers the President has are bestowed by the Constitution?

Mr. RAYNER. I will answer that question. That is unqestionably my doctrine. Is that the doctrine of the Senator from Indiana?

Mr. BEVERIDGE. It is the doctrine of the "Senator from Indiana," with this difference——

Mr. RAYNER. Oh, there is a difference, is there?

Mr. BEVERIDGE. Yes; and I was glad to hear the Senator this afternoon in his argument driven to the doctrine, which I adhere to, which is that all powers of this and every other department of the Government come from the Constitution, as they are therein expressed or as they may therefrom be properly implied.

Now, Mr. President, I ask the Senator from Maryland, I ask any Senator, to point out in the Constitution, which specifically enumerates the powers of Congress one by one, any power to make these demands? I thought I knew that no such power was there. I have recently read it over, and found that no such power is there.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Maryland?

Mr. BEVERIDGE. Certainly.

Mr. RAYNER. Does not the Constitution authorize Congress to create the departments?

Mr. BEVERIDGE. The Constitution itself practically creates the departments. I will read the provision in a moment. It leaves it for Congress itself to pass a law saying, from time to time, what departments there shall be.

Mr. FORAKER. I want to answer the Senator from Indiana. I understood him to say a minute ago that he had searched in the Constitution to find authority for Congress to call upon the heads of departments for information. Did I correctly understand him?

Mr. BEVERIDGE. Yes. Will the Senator point it out?

Mr. FORAKER. There is no such express provision in the Constitution.

Mr. BEVERIDGE. No; there is not.

Mr. FORAKER. But I call his attention to what he may have overlooked, and what is stated in this report, what was said by the Judiciary Committee when it was composed of such Republican Members as George F. Edmunds, John J. Ingalls, S. J. R. McMillan, George F. Hoar, James F. Wilson, and William M. Evarts.

Mr. BEVERIDGE. I have heard those names read twice.

Mr. FORAKER. I have read them, then, a third time.

Mr. BEVERIDGE. Yes.

Mr. FORAKER. And they say, on page 8, the following, if the Senator will allow me to read it.

Mr. BEVERIDGE. I will be very glad to have the Senator read it. I have read it myself. I shall have something to say——

Mr. FORAKER. If the Senator has read it——

Mr. BEVERIDGE. I wish the Senator would read it, so that we will have it again.

Mr. FORAKER. They say:

> The Constitution of the United States was adopted in the light of the well-known history that even ministers of the English Crown were bound to lay before Parliament all papers when demanded, on pain of the instant dismissal of such ministers on refusal, through the rapid and effectual instrumentality of a vote of a want of confidence. And the Continental Congress had for more than ten years itself governed the country and had control of all papers and records, not by reason of anything expressed in the Articles of the Confederation, but by reason of the intrinsic nature of free government.

Then, without stopping to read it all, at the conclusion of the paragraph and as the result of the consideration of these provisions, they say:

> There was no need to express such a power—
>
> In the Constitution—
>
> for it was necessarily an inherent incident to the exercise of the powers granted.

I beg the Senator's pardon if I have unnecessarily interrupted him. He was making the statement as though there was no authority, and I never heard anybody contend there was any express authority in the Constitution.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Maryland?

Mr. BEVERIDGE. Certainly.

Mr. RAYNER. Has the Senator's attention been called—I have no doubt it has—to the last few words of subsection 18 of section 7 of the first article of the Constitution. I will read just the last line.

Mr. BEVERIDGE. Certainly.

Mr. RAYNER (reading)—

> The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Mr. BEVERIDGE. I have read that, and I have read it within a few moments, but does that say that Congress shall have power to demand any information it sees fit from the head of any department it sees fit on any subject it sees fit, or anything like it?

Mr. RAYNER. Certainly not, Mr. President.

Mr. BEVERIDGE. Now let me make my argument for a moment. It does not; nor can it be found anywhere in the Constitution, although in enumerating the powers of Congress the Constitution is specific and minute. More implied powers are left to the President in the Constitution than implied powers are left to Congres, because the powers of Congress are specifically enumerated.

So we come down to the foundation of this power as an implied inference from the powers that are expressed. But the exact question we are discussing is whether or not the demand should be made through the President and whether or not the President transcends his prerogatives when he directs the heads of departments to send to Congress the information that Congress demands. Now, that is the precise question.

Mr. President, we have heard a great deal of late of executive invasion, but does it not occur to Senators that this is something in the nature of legislative invasion? The Constitution says—it is not necessary for me to read it—that all executive power shall be vested in a President of the United States. The executive departments are a part of the great executive department.

Mr. RAYNER. Will the Senator allow me?

Mr. BEVERIDGE. In a moment. The Constitution specifically says that the President shall appoint the heads of those departments, and specifically says that the President may demand from them opinions in writing. Upon the theory of the Senator from Ohio, why was not that left out? If it had not been put in, according to the theory of the Senator from Ohio, it would have been the inherent power of the President to demand the opinions of his Cabinet members in writing anyhow, would it not? But the framers of the Constitution saw fit specifically to give him the power to demand such an opinion. Why

did it not specifically give Congress the right to demand information?

Now I will hear the Senator from Maryland.

Mr. RAYNER. Does the Senator from Indiana contend that section 1 of Article II, when it says "the executive power shall be vested in a President of the United States of America," means unlimited executive power, or is he not governed by the enumerated articles?

Mr. BEVERIDGE. Of course he is governed by the enumerated articles and necessary implications therefrom. But that section and the sections which refer to the executive branches make all one great executive department, just as the House of Representatives and the Senate are the legislative department, and make the President the head of the executive department.

Mr. President, to whom, then, should the demands of Congress be addressed—to the heads of the various departments or the President, who is the head of all of them? Senators have not found anything except implied power in Congress to do this thing at all; and yet it is proposed to rebuke the President, whom the Constitution makes the head of all the executive departments, because he has directed the head of a department to respond to Congress, instead of having the head of department himself respond.

If this is not an assault upon the independence of the executive department greater than has been charged in the last year as having been made by the Executive upon the legislative department, then words fail in their cunning. It is too grave a question to vote upon immediately without further discussion.

We have heard a great deal within the last year about the Government being divided into three great independent, coordinate, and equal departments. Does any Senator deny that? Within its sphere the executive department is the equal of the legislative department. Will the Senator from Maryland or any other Senator contend that the President has the power to demand information of the Secretary of the Senate, for instance, as to the business of the Senate, as to affairs in his office; or from the executive clerk of the Senate; or from the Sergeant-at-Arms of the Senate upon the pretense that he needed this information, which is a part of our archives and files here, for his executive action? Certainly not.

We can demand anything of the executive department only upon the theory that it is to aid us in legislation, and we recognize that fact by always framing our resolutions directed to the President so as to read "if compatible with the public interest." But you do not put that in a resolution addressed to the head of a department. The truth about it is, Mr. President, it seems to me, upon the brief investigation that I have been able to give to this matter—and I think it will continue as I study it further—that the President has announced the same principle in this case that Washington announced when he declined to furnish the House of Representatives with information from the State Department, upon the ground, as he put it, that the House of Representatives had nothing whatever to do with making treaties. But, upon the Senator's theory, that would not have been valid, because the House of Representatives might have said, "We are about to pass a law which is affected by a treaty pending, and it is necessary, therefore, for our legislative action that we have this information." Washington declined to give such information or to permit the department to give such information.

We have a present example of the same thing. We have the treaty now pending between this country and Canada, involving some very serious questions of dispute. The Senate, perhaps, might ask the President for information from the State Department, but we also have some legislation that is affected by that treaty upon which the House must also pass. Would the House, therefore, have the right to demand of that department information in its possession concerning that subject? That subject was brought up when Washington was President, and he absolutely denied the right under the Constitution and declined to furnish the information.

The only statute that exists directing a department of the Government to furnish such information as this is the statute with respect to the Treasury. Every lawyer is familiar with the rule that where one thing is expressed it excludes the other. If Senators thought that that was so important a matter, why was it not put in the form of law?

We thus see, first of all, that there is the gravest possible question of power involved in this matter. I state for the third time that the three Senators who have spoken upon the other side of this proposition have not assumed that any power existed in us to demand any information from the executive departments except merely the custom of legislative bodies and the power supposed to be inherent in them. It is not in the Constitution, I say for the third time, although the Constitution specifically and minutely enumerates the powers that Congress does have.

But assuming that there was no dispute about this question; assuming that all the precedents that do exist did not exist, beginning in Washington's day; assuming that the whole question was de novo, so far as precedents were concerned, upon the other side, and that there was no question as to our power to demand information from the executive department, to whom should the demand go? Should it not go to the President?

Is it possible that the Congress should not direct its demand for information to the supreme head of the executive departments? All of those departments act in unison. It is to the efficiency of the Government that they act in unison. Shall Congress in a mood of petulance or anything else go over the head of the President, to whom it should respectfully prefer its request, and go to one of his Cabinet members? What is the objection to having the President direct his various Cabinet officers as to furnishing the information demanded by Congress? That question has not even been touched upon in this debate.

So we see it is not only a question of power, but it is also a question of propriety. It occurs to me that a President would be seriously lacking in self-respect who did not resent passing over his head to one of his Cabinet officers. It is a question of propriety as well as power. The Senator from Maryland or any other Senator can not possibly disagree with that.

Mr. RAYNER. Where does the Senator get the term "Cabinet officers?"

Mr. BEVERIDGE. I get it from the current phrase. I am perfectly well aware that they are not so termed in the Constitution. They are Secretaries. But we can not call them all Secretaries, because there is the Attorney-General and there is the Postmaster-General. It has become so much a matter of custom to call them members of the Cabinet that we actually incorporated the term into the statute.

Mr. RAYNER. Just one statute of the United States; that is all.

Mr. BEVERIDGE. What would the Senator call them?

Mr. RAYNER. I would call them what the Constitution calls them, "the principal officers of the executive departments."

Mr. BEVERIDGE. "Principal officers of the executive departments" is too long a phrase for the twentieth century, and besides, that is not used in the Constitution.

Mr. RAYNER. The Constitution itself is perhaps too long for the Senator from Indiana.

Mr. BEVERIDGE. That is a very polite remark.

Mr. RAYNER. Does the Senator think that when we are making an inquiry of the Postmaster-General, or the Secretary of War, or the Secretary of State, or the Attorney-General we ought in every instance to direct it to the President of the United States?

Mr. BEVERIDGE. I think that all inquiries addressed to the executive departments should be directed to the President of the United States, or that the President of the United States ought to have the power, as a matter of propriety, if nothing else, to say, "I direct so-and-so to send it."

Mr. RAYNER. Have we ever done that?

Mr. BEVERIDGE. I think from the discussion we have heard it must be clear to all, first, as the Senator from Maryland says, that this is a great question; second, that nobody, not even the two learned Senators, have had an opportunity to study it for more than twenty-four hours, and that therefore we ought not to be asked to vote upon it at this session of Congress.

It is upon these grounds and these grounds alone that I shall vote to refer the resolution to the Judiciary Committee. If a week or two weeks remained of the session, when every precedent existing could be looked up, when the whole subject could be thoroughly studied, then I should vote to keep it in the Senate itself, which is supposed to be competent to pass upon the question; but that is not the case. We adjourn at 12 o'clock noon to-morrow, and the demand is now made that a resolution involving questions of serious dispute, both as to power and as to propriety, as to precedents, and as to the history of the case shall be voted on now rather than to have it referred to the Judiciary Committee and to the next session, when the matter may be thoroughly discussed and an opinion rendered by the Senate as registered by the vote of every Senator.

The Senator from Iowa said one thing that I also had observed, not only in this debate, but in several debates in both Houses of Congress within the last month or two, when we are approaching the time when that great man and leader of the people, Theodore Roosevelt, is about to go out of office and of power. I did not hear assaults so generally made a year ago

as I have heard them made a month ago or a week ago; and they are made with increasing frequency as the days and now the hours grow fewer before his departure from his high place and his mighty power.

Mr. CLAPP. Yes, "power;" that is the word.

Mr. BEVERIDGE. Well, Mr. President, it reminds me of a fact of history with which all school children in America are familiar, and that is that this Republic has never had one single great President who was not violently assailed and wrongfully accused. It started out with Washington, and so desperate became the attacks upon him that the Father of his Country actually uttered these words: "I would to God I were in my grave." I am not sure but the legislature of one or two of the States passed resolutions of censure of him at the conclusion of his second great and historic administration, and congratulating the country that his "reign," as they called it, was at an end.

The same was true of Andrew Jackson. I was reading only the other day—I think it was in Rhodes's remarkably scholarly History of the United States—that when a message of that great leader of the Democratic party was laid before the legislature of South Carolina it was met with hoots, jeers, and laughter. Men now living remember well the base and scandalous things that were said of Abraham Lincoln. No shining mark ever escaped the darts. It is a part of great achievement—it is an incident of a great career—that it compels attack.

That has been true in the case of Theodore Roosevelt. Yet, Mr. President, who knows the names of the men who assailed Washington? They knew their names in that day, but their brief memories are now forgotten. Who knows to-day, even in South Carolina, the names of the men who scoffed at Andrew Jackson? What has become of the memories of the traducers of Abraham Lincoln?

It is true that there is nothing new under the sun, and as history repeated itself in the case of Washington, and of Jackson, and of Lincoln, so it will repeat itself in the case of Theodore Roosevelt. When history shall have been fully written, and time has receded so that we may have the perspective of events, it will be found that the words of those who assailed his historic administration will have vanished as a meteor from the heavens of human chronicle, while his deeds stand a cluster of eternal and enduring stars.

Mr. President, during this administration, I say without fear of successful contradiction, more great constructive laws have been passed, more great reforms have been advanced, than in any two administrations of our history, save only that which followed the adoption of the Constitution and that of the war period. Why is it that he has held the unparalleled affections of the American people for so many years? It is because he has gathered into his breast the wishes, the hopes, and the aspirations of the American people, just as the great Presidents I have named did before him. We in this Chamber, and other men elsewhere, can attack the President here and there, but the great ninety millions do not hear those complaints; they do not see those attacks, and if they did, they would condemn them.

I doubt not attacks as virulent as those made on Washington and Jefferson and Jackson and Lincoln will be made at a like time in his career on that splendid man, William H. Taft, the worthy successor of Theodore Roosevelt; for, though with different methods, he, too, will do vast deeds, and therefore he, too, will arouse vast animosities as well as win great victories. And his statesmanship will be along the lines which President Roosevelt has pursued, which neither of them created, but which grew out of the necessities of the American people. And I predict now that President Taft's inaugural to-morrow will be the first step in the verification of this prophecy.

Say what you will of the character of this man, of his conduct, no one can question the fact that he has achieved greatly; that he has wrought mightily; and that he has wrought for the permanent welfare of all the people, regardless of creed or color or party. At this time, when a few hours will see him stripped of power to punish or reward, I will no longer sit silent and suffer these accumulated assaults, and especially when I remember that many of them would not have been made even one short year ago.

Mr. BAILEY. Mr. President, I simply want to say that, while it is true that the world does not remember the names of those who vilified Washington and Jackson, it is equally true that it has forgotten some of the gentlemen who delivered fulsome eulogies upon them.

Mr. ALDRICH. Mr. President, the discussion which has taken place to-day, and the wide divergence of opinions which have been expressed, confirm my judgment as to the wisdom of referring this measure to the Committee on the Judiciary. I myself have no question as to the rights of the Senate, and I am not only willing, but I believe it is desirable, that we should make an unequivocal declaration with reference to those rights at an early date.

But this matter of the relation between the Senate and the executive departments is so important and so delicate that this action should be taken after deliberation. Every word which the Senate uses should be carefully weighed. I should not have made the motion to refer the resolution to the Judiciary Committee if I were not certain that that committee would give the subject early and careful consideration and report to the Senate some resolution for the action of the Senate that would meet, I believe, the almost unanimous approval of the Senate.

Mr. BAILEY. Will the Senator from Rhode Island permit me a question?

Mr. ALDRICH. Certainly.

Mr. BAILEY. I assume from what the Senator says about a report that he agrees in the main with the contention that the heads of the various departments are subject to the command of the Senate with respect to the information they possess.

Mr. ALDRICH. That is undoubtedly true with reference to the Treasury Department, and probably with most of the others, but I think that proposition should have the careful attention of a committee.

Mr. BAILEY. Mr. President, if I were perfectly certain that it would be reported back and that the Senate would be given the opportunity to decide it, I should not be so insistent. The Senator from Rhode Island does not recognize more than I do the propriety and even the necessity of considering these things carefully, but I am not one of those who want to be so careful that I never do anything at all.

Mr. ALDRICH. If I were not absolutely confident that the Committee on the Judiciary would report upon this matter at an early day I should not make the motion to refer it to that committee.

Mr. BAILEY. I merely want to say to the Senator that that encourages me not to believe, but to know, that something will be done. Of course if we adopt the substitute of the Senator from Iowa something will be done speedily, and if that fails, then we shall have a report from the Committee on the Judiciary. I would a good deal rather hear a statement from the chairman of the Judiciary Committee, although I do not question the authority of the Senator from Rhode Island to speak for that side.

Mr. ALDRICH. The chairman of the committee is present.

Mr. CLARK of Wyoming. Pardon me; I was otherwise engaged.

Mr. ALDRICH. I stated that if this matter was referred to the Judiciary Committee I had no question but that the committee would take it up at an early day for consideration.

Mr. CLARK of Wyoming. I think the Senator may be fully convinced that the Committee on the Judiciary will do its full duty in the premises.

Mr. CUMMINS. Mr. President, I wish to make an inquiry of the Senator from Texas. Has he accepted the substitute I offered in that sense, which withdraws his own resolution from the consideration of the Senate?

Mr. BAILEY. If under the rule I am permitted to do so, and I think I am, I shall withdraw it and very cheerfully vote for the resolution of the Senator from Iowa.

Mr. CUMMINS. Under the assurance of the Senator from Rhode Island, I may be permitted to say that I have no objection whatsoever to a reference to the Judiciary Committee.

Mr. BAILEY. But the Senator from Iowa still desires a vote on it now. If he does not, I am not willing to let it take that course.

Mr. ALDRICH. I suppose the Senator from Texas will submit to a vote of the Senate upon it.

Mr. BAILEY. Undoubtedly I will have that to do, and I will have to abide by the result of it; but what I meant to say is, if the Senator from Iowa is going to withdraw his substitute, then I shall, of course, insist upon my original resolution.

Mr. CUMMINS. I do not withdraw my substitute.

Mr. BAILEY. Then that is understood.

Mr. CUMMINS. But I suggest that, as far as I am concerned, I am willing that it shall be referred to the Committee on the Judiciary, to be dealt with hereafter when the report shall be made. I recognize the difficulty of voting upon the proposition just at this moment. There are some Senators who feel that they have not given the subject that study and attention which it deserves.

Mr. CULLOM rose.

Mr. ALDRICH. I hope the Senator from Illinois will allow a vote to be taken.

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Mr. CULLOM. I am entirely willing that a vote shall be taken.

Mr. NELSON. It is not my purpose, Mr. President, to enter into a debate on this subject. I simply desire to state that, in a general way, I concur in the views expressed by the Senator from Rhode Island.

This is a debatable question, and yet it is a question of vast importance relating to the integrity of proceedings here. Some of the arguments advanced on the floor in respect to this proposition meet with my approval; others do not. Even as to the substitute offered by the Senator from Iowa, I can conceive that an exception ought to be made in respect to diplomatic affairs in the State Department and in respect to purely military affairs in the War Department and purely naval affairs in the Navy Department; but as to other matters, the Senate ought to carefully consider them, and whatever action is to be taken ought to be such action as would meet with the approval of all the Members of this body without regard to any partisan question.

I trust the motion of the Senator from Rhode Island will prevail, and that this matter will be referred to the Judiciary Committee. As a member of that committee I desire to say that I shall do my best to study this question and solve it for the best interests of the country and the integrity of the proceedings of the Senate.

Mr. BAILEY. I will ask the Senator from Rhode Island one other question to see if we can reach a basis of accommodation. Will the Senator from Rhode Island agree to couple with his motion to refer an instruction to the Judiciary Committee to report within sixty days after the next session of Congress convenes?

Mr. ALDRICH. I do not think that is necessary or desirable. We have not been in the habit of instructing the great committees of this body, and I should be very sorry to see that precedent established, especially in view of the statement of two leading members of the committee. I am sure the Senator from Texas upon reflection will not urge that course.

Mr. BAILEY. I do urge it without the slightest hesitation. It is generally believed that it is a matter of grave importance. The Senator from Rhode Island says it is so grave that it must be referred to a committee, that it can not be decided in the open Senate at this time. I submit that it is no reflection on the committee to think that it is of a character and of an importance that requires an early decision.

The Senator from Rhode Island will of course take cognizance of the fact that the next session of Congress will be for a single work; that before the tariff bill comes to the Senate from the House neither the Senate nor its committees will have any work to do; and that after the tariff bill reaches this body from the House the Senate and the Judiciary Committee will have nothing to do until the Senator from Rhode Island and his Republican associates on the Finance Committee have worked over the House tariff bill. That means that for sixty days after we convene on the 15th of March the Senate could well apply itself to the settlement of this question. I only want it settled. I want to see it settled right, but if it can not be settled right I want it settled.

Mr. CLARK of Wyoming. Mr. President, I wish to state to the Senator from Texas that I feel no sensitiveness at all about instructions to the committee. I think the Senator is well enough acquainted with the present personnel of that committee to know that they will enter upon this work as upon other work and prosecute it with all due diligence. I will call the attention of the Senator, however, to the fact that the committee, as at present constituted, loses four of its members within the next twenty-four hours. When that membership will be settled, of course I am unable to state and of course——

Mr. BAILEY. The Senator would not like to state it in the presence of the insurgents, if he knew.

Mr. CLARK of Wyoming. I would state if I could. Of course the Senator would not care to have an opinion from that committee unless the committee was represented by a full membership. Therefore I hope the Senator will not insist upon his sixty days' limit.

Mr. BAILEY. Mr. President, I call for the yeas and nays on the motion of the Senator from Rhode Island to refer.

The VICE-PRESIDENT. Upon the motion of the Senator from Rhode Island to refer the resolution to the Committee on the Judiciary, the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAY (when Mr. BACON's name was called). My colleague [Mr. BACON] is paired with the junior Senator from Nevada [Mr. NIXON]. If my colleague were present, he would vote "nay."

Mr. PAYNTER (when his name was called). I announce my pair with the junior Senator from Missouri [Mr. WARNER]. If he were present, I would vote "nay."

The roll call having been concluded, the result was announced—yeas 52, nays 25, as follows:

YEAS—52.

Aldrich	Clark, Wyo.	Gallinger	McCumber
Beveridge	Crane	Gamble	Nelson
Borah	Cullom	Guggenheim	Page
Bourne	Cummins	Hansbrough	Penrose
Brandegee	Curtis	Hemenway	Perkins
Briggs	Dick	Heyburn	Piles
Brown	Dillingham	Hopkins	Richardson
Bulkeley	Dixon	Kean	Scott
Burkett	du Pont	Kittredge	Smoot
Burnham	Elkins	Knox	Stephenson
Burrows	Flint	La Follette	Sutherland
Carter	Frye	Lodge	Warren
Clapp	Fulton	Long	Wetmore

NAYS—25.

Bailey	Frazier	Money	Taliaferro
Bankhead	Gary	Overman	Taylor
Clarke, Ark.	Gore	Owen	Teller
Clay	Johnston	Rayner	Tillman
Culberson	McCreary	Simmons	
Daniel	McLaurin	Smith, Md.	
Foster	Martin	Stone	

NOT VOTING—15.

Ankeny	Dolliver	Milton	Platt
Bacon	Foraker	Newlands	Smith, Mich.
Davis	Hale	Nixon	Warner
Depew	McEnery	Paynter	

So the resolution was referred to the Committee on the Judiciary.

Mr. BAILEY. I observe that the Senate is still Republican, Mr. President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 1163. An act to correct the naval record of Peter H. Brodie, alias Patrick Torbett;

S. 1752. An act to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance;

S. 2489. An act for the relief of Harry G. Rupp;

S. 2544. An act for the relief of William Martinson;

S. 3164. An act to correct the military record of Paul Sinock;

S. 3452. An act for the relief of Joseph Schrembs;

S. 3810. An act for the relief of Howard B. Carpenter;

S. 4035. An act to provide for the payment of certain claims against the District of Columbia, in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897;

S. 4103. An act authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians;"

S. 4426. An act for the relief of Thomas C. Clark;

S. 5349. An act for the relief of Madison County, Ky.;

S. 5510. An act for the relief of the owners of the tug *Juno;*

S. 5905. An act for the relief of the executors of the estate of Harold Brown, deceased;

S. 6373. An act waiving the statute of limitations as to the claim of the Nestler Brewing Company, and authorizing the Commissioner of Internal Revenue to adjudicate the same;

S. 6852. An act for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia;

S. 7782. An act for the relief of James H. Owen;

S. 7859. An act for the relief of Parsey O. Burrough;

S. 7861. An act for the relief of B. D. Crocker;

S. 8379. An act for the relief of the owners of the British steamship *Maroa;*

S. 8429. An act to refund certain tonnage taxes and light dues levied on the steamship *Montara*, without register;

S. 8518. An act empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances;

S. 8555. An act to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.;

S. 8588. An act to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1900;

S. 8822. An act providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho;

S. 8839. An act for the removal of restrictions from the third selection or allotment of lands selected by William J. Scott, a minor member of the Osage tribe of Indians, and for other purposes;

S. 9402. An act for the relief of John H. Layne; and

S. R. 105. Joint resolution for the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, in reference to the exchange of official journals, etc.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6055) to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

The message also announced that the House had passed a bill (H. R. 28192) to amend and consolidate the acts respecting copyright, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 8187. An act to change the name of the Washington Hospital for Foundlings;

S. 8520. An act requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia;

S. 9278. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors; and

S. 9421. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors.

PROTECTION OF AMERICAN CITIZENS IN RUSSIA.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Illinois?

Mr. MONEY. I want to understand the parliamentary situation. I am entitled to the floor, as I understand.

The VICE-PRESIDENT. The Chair is of the opinion that the Senator from Mississippi is entitled to the floor. Does he yield to the Senator from Illinois?

Mr. CULLOM. If the Senator will be kind enough to yield to me, I desire to report a joint resolution from the Committee on Foreign Relations, and to ask for its immediate consideration.

Mr. MONEY. I yield to the Senator.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia, to report it without amendment. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It requests the President of the United States to renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in such country without regard to race, creed, or religious faith, including a provision that the honoring or viséing of passports when duly issued and held by citizens of the United States shall not be withheld because or on account of the race, creed, or religious faith of their holders.

Mr. OWEN. I offer the amendment which I send to the desk.

Mr. CULLOM. I hope this may be disposed of before we take up another matter.

Mr. LODGE. The joint resolution has not yet been disposed of, I think.

The VICE-PRESIDENT. The Senator from Oklahoma rose for the recognition of the Chair, and the Chair recognized him, not knowing what the purpose of the Senator was.

Mr. OWEN. I propose to offer an amendment to the pending joint resolution.

The VICE-PRESIDENT. The Senator from Oklahoma proposes an amendment to the joint resolution, which will be stated.

The SECRETARY. At the end of the joint resolution it is proposed to add:

An act authorizing the people of New Mexico and Arizona to hold constitutional conventions, and for other purposes.

Mr. CULLOM. That is not pertinent to this joint resolution. It has no relation whatever to it.

Mr. KEAN (to Mr. CULLOM). Move to lay the amendment on the table.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oklahoma [Mr. OWEN] to the joint resolution will be stated.

The SECRETARY. At the end of the joint resolution it is proposed to add the following:

An act authorizing the people of New Mexico and Arizona to hold constitutional conventions, and for other purposes.

The people of New Mexico and Arizona are hereby authorized to hold constitutional conventions and to frame and adopt constitutions, republican in form, and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and to submit the same as the constitution of New Mexico and the constitution of Arizona to Congress at its next regular session.

The governor, chief justice, and secretary of each of said Territories, and two representative citizens in each, to be designated by the governor thereof, shall constitute an election board, of which board at least two shall be recognized members of the minority party. Said election boards shall immediately lay off and apportion 75 districts in each Territory, from which 75 delegates to the constitutional convention shall be elected, one to each district, and shall provide for holding such election by regulations in harmony with the laws of said Territories; and such election boards shall constitute canvassing boards to canvass the election returns of the Territory wherein they were appointed.

The constitutional conventions shall severally provide by ordinance for the election of officers for a full state government in each Territory, two Representatives in Congress for New Mexico, and one Representative in Congress for Arizona, and submit to the people of said States the constitution so framed by the same ordinance for their ratification or rejection.

The sum of $75,000 is hereby appropriated to meet the expenses incident to the exercise of the authority herein above conferred for the Territory of New Mexico, and $75,000 for the Territory of Arizona; such moneys to be expended under the direction of the Secretary of the Interior for the purposes herein set forth.

Mr. CULLOM. Mr. President, I move to lay the amendment on the table. It has no reference to the pending joint resolution.

Mr. OWEN. Mr. President, on that motion I ask for a yea-and-nay vote.

Mr. LODGE. I rise to a question of order.

The VICE-PRESIDENT. The Senator from Massachusetts will state his point of order.

Mr. LODGE. I make the point of order that that amendment is not in order. It contains an appropriation, as I heard it read, and has never been reported by any standing committee.

The VICE-PRESIDENT. The Chair will submit the question to the Senate, Is the amendment in order?

Mr. OWEN. On that I call for the yeas and nays.

Mr. CULLOM. I move to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Illinois moves to lay the amendment on the table.

Mr. OWEN. I call for the yeas and nays on that motion.

Mr. CULBERSON. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas will state his parliamentary inquiry.

Mr. CULBERSON. It is this: The Senator from Massachusetts made the point of order that this amendment is not germane, and the Chair announced his decision to submit that question to the Senate.

Mr. LODGE. I did not make the point of order that it was not germane. I made a wholly different point of order; but I now withdraw it.

Mr. CULBERSON. Very well.

Mr. BEVERIDGE. Then the question is on the motion to lay on the table.

Mr. CULBERSON. Before the Senator from Massachusetts withdrew the point of order I was about to suggest that the proper matter to submit to the Senate was that suggested by the Chair, and not the motion of the Senator from Illinois.

The VICE-PRESIDENT. The Senator from Massachusetts has withdrawn his point of order. The question recurs on the motion of the Senator from Illinois.

Mr. CULLOM. I insist on the motion.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Illinois to lay the amendment proposed by the Senator from Oklahoma on the table. Upon that question the Senator from Oklahoma demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PAYNTER (when his name was called). I am paired with the junior Senator from Missouri [Mr. WARNER], and therefore withhold my vote.

The roll call was concluded.

Mr. McENERY (after having voted in the negative). I voted inadvertently. I am paired with the junior Senator from New York [Mr. DEPEW], and therefore withdraw my vote.

The result was announced—yeas 47, nays 25, as follows:

YEAS—47.

Aldrich	Clark, Wyo.	Gallinger	Page
Beveridge	Crane	Gamble	Penrose
Bourne	Cullom	Guggenheim	Perkins
Brandegee	Cummins	Hansbrough	Piles
Briggs	Curtis	Heyburn	Richardson
Brown	Dick	Hopkins	Scott
Bulkeley	Dillingham	Kean	Smoot
Burkett	Dixon	Kittredge	Stephenson
Burnham	du Pont	Knox	Sutherland
Burrows	Flint	Lodge	Warren
Carter	Frye	Long	Wetmore
Clapp	Fulton	Nelson	

NAYS—25.

Bailey	Foster	Martin	Taliaferro
Bankhead	Frazier	Money	Taylor
Borah	Gary	Overman	Teller
Clay	Gore	Owen	Tillman
Culberson	Johnston	Simmons	
Daniel	McCreary	Smith, Md.	
Foraker	McLaurin	Stone	

NOT VOTING—20.

Ankeny	Dolliver	McCumber	Paynter
Bacon	Elkins	McEnery	Platt
Clarke, Ark.	Hale	Milton	Rayner
Davis	Hemenway	Newlands	Smith, Mich.
Depew	La Follette	Nixon	Warner

So Mr. OWEN'S amendment was laid upon the table.

Mr. GORE. I inquire if it is too late to object to the consideration of the joint resolution?

The VICE-PRESIDENT. The joint resolution is before the Senate, as in Committee of the Whole, by unanimous consent, and it is too late to object to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was rejected.

AGRICULTURAL COLLEGES.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. CLAPP. The Senator from Mississippi agreed to yield to me.

Mr. MONEY. I yielded to the Senator from Minnesota, although I am very anxious to proceed.

The VICE-PRESIDENT. The Senator from Mississippi is entitled to the floor. Does he yield to the Senator from New Hampshire?

Mr. GALLINGER. I will not ask the Senator to yield; but I have been trying to get recognition all day.

The VICE-PRESIDENT. The Chair will recognize the Senator from New Hampshire.

Mr. CLAPP. The Senator from Mississippi has the floor, and I assume that if he will yield——

Mr. MONEY. I yield to the Senator.

The VICE-PRESIDENT. The Senator has no right to yield. He must get his right to the floor from the Chair.

Mr. MONEY. Mr. President, I have the floor. If the Chair will allow me, I will say that I have the floor in my own right. It was accorded to me by the Chair. I was about to proceed in order when I was asked to yield to the Senator from Illinois [Mr. CULLOM], which I cheerfully did; and then the Senator from Oklahoma [Mr. OWEN] offered an amendment, which was considered by the Senate and disposed of.

The VICE-PRESIDENT. That is correct.

Mr. MONEY. I can not be removed from the floor, as I understand parliamentary law, because I had the courtesy to yield to another Senator.

The VICE-PRESIDENT. That is perfectly correct. The Chair asked the Senator if he would yield to the Senator from New Hampshire [Mr. GALLINGER], and the Chair understood the Senator from Mississippi to say that he had yielded to the Senator from Minnesota [Mr. CLAPP]. The Chair had not recognized the Senator from Minnesota and had recognized the Senator from New Hampshire. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. MONEY. I yield to the Senator from Minnesota, to whom I was under honorable engagement. I will be very glad afterwards to yield to the Senator from New Hampshire, although I want to go on.

Mr. CLAPP. If I can, I will gladly yield to the Senator from New Hampshire.

Mr. GALLINGER. No.

The VICE-PRESIDENT. The Chair will state that the Senator from New Hampshire has been desirous for some time of obtaining the floor, and the Chair would ask the Senator from Mississippi if he will not yield to the Senator from New Hampshire?

Mr. GALLINGER. I will say to the Senator from Mississippi——

Mr. MONEY. I will gladly yield to the Senator. I know he has in charge a meritorious measure.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 8819) to amend an act entitled "An act to establish agricultural stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and the acts supplementary thereto."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was to strike out section 1, as follows:

That the act of Congress entitled "An act to establish agricultural experiment stations in connection with colleges established in the several States under the provisions of an act approved July 2, 1862, and all acts supplementary thereto," be, and are hereby, amended by including in the terms and benefits of said act the District of Columbia with the States and Territories, the intent being to make available for the District of Columbia the annual appropriations for the endowment, support, and maintenance of institutions giving instruction in agriculture, the mechanic arts, and the other subjects specified in the act of Congress approved July 2, 1862, and an act approved March 2, 1887, and an act approved August 30, 1890, and an act approved March 16, 1906, and an act approved June 30, 1906, and an act approved March 4, 1907, together with other acts heretofore passed providing for such annual appropriations for such colleges.

And in lieu thereof to insert:

That the act of Congress entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, be, and are hereby, amended so as to include in the terms and benefits of said act and supplementary acts the District of Columbia with the States and Territories, the intent being to make available for the District of Columbia the annual appropriations for the endowment, support, and maintenance of institutions giving instruction in agriculture, the mechanic arts, and the other subjects specified in the said act of Congress approved July 2, 1862, and a supplementary act approved August 30, 1890, and a supplementary act approved March 4, 1907, together with other acts heretofore passed providing for annual appropriations for such colleges.

The amendment was agreed to.

The next amendment was, in section 2, line 8, after the word "Congress," to strike out "provided" and insert "*Provided*, That;" and in line 10, after the word "agriculture," to insert "and," so as to make the section read:

SEC. 2. That the George Washington University, in the District of Columbia, is hereby designated to receive the appropriations under said acts of Congress: *Provided*, That it shall carry on courses of instruction in agriculture and the mechanic arts, and in the other subjects required of the state institutions receiving said appropriations.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia."

ORDER FOR RECESS.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. MONEY. I have yielded to the Senator from Minnesota [Mr. CLAPP]. I promised to do so two or three times.

Mr. HALE. Will the Senator yield to me for a statement as to the order of public business of the Senate—to make a suggestion?

Mr. CLAPP. That is all right.

Mr. MONEY. Certainly, I yield to the Senator for that purpose.

Mr. HALE. The conferees upon the two remaining appropriation bills—the sundry civil bill and the general deficiency appropriation bill—will not be able to make a report upon either before 8 o'clock or half past 8 this evening. My purpose is not to interfere with any business that the Senate is actually doing, but to state conditions, so that the Senator may understand that, so far as the conference reports upon the appropriation bills are concerned, there will be no interference or delay if the Senate shall take a recess until 8 o'clock or half past 8 o'clock. Undoubtedly the Senate will be obliged, before these reports can come in, pass back and forth between the Houses, and be acted upon, to remain in session for several hours later, but I

should hope that these reports can be put into condition at some time to-night, perhaps not later than 11 or 12 o'clock, and that we may be able then to take a recess until 9 or 10 o'clock in the morning.

I can not predict that with confidence, but I can say nothing will be delayed with the conference reports if the Senate shall take a recess from now or a half hour from now until 8 or half past 8, giving to Senators an opportunity to refresh themselves. We shall have to stay here, undoubtedly, until 11 or 12 o'clock after we come back.

Mr. MONEY. Will the Senator from Maine consent to make the recess from 6 to 8? That will be two hours.

Mr. ALDRICH. Before that is done I wish to make a suggestion.

Mr. MONEY. I promised to yield——

Mr. ALDRICH. I suggest that as soon as we dispose of the business which is now in sight, the matter coming from the House of Representatives, we take a recess until 8 o'clock or half past 8——

Mr. BEVERIDGE. Half past 8.

Mr. ALDRICH. With the understanding that no business except conference reports shall be considered at that session.

Mr. KEAN. It is necessary to have an executive session.

Mr. WARREN. That is right.

Mr. ALDRICH. That will be disposed of first. No other business except executive business and the consideration of conference reports to be done at the session this evening.

Mr. HALE. I will ask unanimous consent that at 6 o'clock——

Mr. ALDRICH. Half past 6.

Mr. HALE. At half past 6 the Senate shall take a recess until half past 8.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that at half past 6 the Senate take a recess until half past 8.

Mr. McCUMBER. I wish the Senator would modify the request so as to read that when we shall take a recess it shall be until whatever time may be fixed; that we shall reconvene again at a certain hour.

Mr. HALE. I did that.

Mr. McCUMBER. You fixed the time for the recess, but we want an executive session before that, and we do not know how long the executive session may take, nor do we know how long it will take to get through with the present business before the Senate goes into executive session.

Mr. ALDRICH. I think the suggestion of the Senator is a wise one, to make an agreement that when we take a recess it shall be to meet at half past 8, and at that session no business shall be in order except House bills coming over from the House, conference reports, and executive business.

Mr. BEVERIDGE. Coming over to-night from the House.

Mr. WARREN. There may be something from the Committee on Pensions of the Senate.

Mr. ALDRICH. That can be attended to to-morrow.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that when the Senate takes a recess it shall be to meet at half past 8 o'clock this evening.

Mr. HALE. Half past 8 o'clock.

Mr. ALDRICH. This evening.

The VICE-PRESIDENT. And nothing to be considered at the evening session except conference reports, House bills coming over, and executive business. Is there objection?

Mr. KEAN. There are House bills on the calendar.

Mr. GORE. There is one resolution I want to call up before I agree to the proposed unanimous-consent agreement.

The VICE-PRESIDENT. Consent is not given.

Mr. HALE. I move that at 6 o'clock the Senate take a recess until half past 8.

The VICE-PRESIDENT. The Senator from Maine moves that at 6 o'clock the Senate take a recess until half past 8.

Mr. ALDRICH. Make it 6.30.

Mr. CLAY. Why fix 6 o'clock? Why not take a recess at an earlier hour. ["No!" "No!"] I thought there was no business before the Senate, or practically none, except conference reports.

Mr. GALLINGER. Question!

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

Mr. CULBERSON. Will the Senator attach to that the suggestion of unanimous consent that nothing shall be done at the night session except——

Mr. HALE. That can not be done. That will have to be taken care of. The Senator from Oklahoma has blocked that. I can not embody that in the motion.

Mr. CULBERSON. I understand it can not be incorporated in the motion.

Mr. GORE. I withdraw my objection.

The VICE-PRESIDENT. The Senator from Oklahoma withdraws his objection. Is there objection to the request made by the Senator from Maine?

Mr. FULTON. An inquiry; that is all. There was a resolution passed this morning referring certain claims to the Court of Claims, and through an oversight several were omitted. I wish to make a motion to reconsider, in order that it may be corrected.

Mr. ALDRICH. That can be done to-morrow morning.

Mr. FULTON. Simply so that it can be done.

Mr. ALDRICH. My aim is to suit the convenience of Senators.

Mr. HALE. I make my proposition. If it is not agreed to, I will make a motion.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that when the Senate takes a recess it shall be until half past 8 o'clock this evening, and that at that session no business shall be transacted except in connection with bills coming from the House——

Mr. BEVERIDGE. To-night.

The VICE-PRESIDENT (continuing). Or conference reports, or executive business. Is there objection?

Mr. DICK. Does that include House bills on the calendar?

Mr. ALDRICH. No.

Mr. TELLER. No.

The VICE-PRESIDENT. It does not include House bills on the calendar.

Mr. DICK. I object.

The VICE-PRESIDENT. Objection is made.

Mr. HALE. I move that at half-past 6 o'clock the Senate take a recess until half-past 8 o'clock.

The motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 46, 62, 63, 64, 65, 66, 67, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, and 210.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered sixty, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered sixty-one, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment of the House, omit the matter inserted by said amendment of the Senate, and insert the following: "and after the third of March, nineteen hundred and nine, the compensation of the President of the United States shall be seventy-five thousand dollars per annum; a sufficient sum to pay the increase in the compensation of the President herein authorized from March fourth to June thirtieth, nineteen hundred and nine, inclusive, is hereby appropriated."

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty-five thousand eight hundred dollars;" and the Senate agree to the same.

F. E. WARREN,
J. A. HEMENWAY,
H. M. TELLER,
Managers on the part of the Senate.

HENRY H. BINGHAM,
F. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

Mr. CULBERSON. I will ask the Senator from Wyoming, in charge of the bill, if the effect of the bill will be to fix the compensation of the President at $75,000 per annum without the $25,000 for traveling expenses?

Mr. WARREN. There is nothing whatever in the bill now that alludes to his allowance for traveling. It makes his compensation $75,000.

Mr. CULBERSON. I understand; probably not in this bill. Is there not a provision in the sundry civil bill for $25,000 for traveling expenses?

Mr. WARREN. The Senator in charge of the bill stated yesterday to the Senate he would recede from that amendment in case we settled upon $75,000 for the President.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

NATIONAL WATERWAYS COMMISSION.

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. MONEY. I do.

Mr. FRYE. The Vice-President has indicated to me a wish that I should be appointed as a member of the commission provided for in the river and harbor bill. I appreciate the compliment of the wish very highly, but if I were appointed I should promptly decline the service.

COPYRIGHT ACTS.

Mr. MONEY. I have consented to yield to the Senator from Minnesota [Mr. CLAPP].

The VICE-PRESIDENT laid before the Senate the bill (H. R. 28192) to amend and consolidate the acts respecting copyrights, which was read twice by its title.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. CLAPP. I do.

Mr. SMOOT. I move that the bill which has just been read be substituted on the calendar for the bill (S. 9440) to amend and consolidate the acts respecting copyright, and I ask for its immediate consideration.

The VICE-PRESIDENT. The Senator from Utah asks that the House bill be substituted for the bill now on the calendar.

Mr. SMOOT. And I ask unanimous consent for the present consideration of the House bill.

Mr. CULBERSON. Is this the unanimous report of a committee?

Mr. SMOOT. It is a unanimous report.

Mr. CULBERSON. I ask the Senator from Utah if the bill which he asks unanimous consent to have considered now is approved by the committee unanimously, and what committee it comes from.

Mr. SMOOT. From the Committee on Patents. It did have and has the unanimous report of the Committee on Patents of the Senate, and also has the unanimous report of the Committee on Patents of the House. It has just passed the House unanimously and come over to the Senate, and that is the reason I ask for its immediate consideration.

Mr. CULBERSON. It is identical with the bill approved by the Senate committee?

Mr. SMOOT. It is identical with the bill approved by the Senate committee with the exception of one or two minor amendments that do not affect it at all.

Mr. CULBERSON. Are those minor amendments satisfactory to all of the committee of the Senate?

Mr. SMOOT. I understand they are. I should like to state to the Senator from Texas——

Mr. CULBERSON. Unless the Senator can be a little more specific about those amendments I shall have to object to the consideration of the bill at present.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. SMOOT. I do.

Mr. KITTREDGE. I hope the Senator from Texas will not object to the present consideration of the bill. This subject has been before the Patent Committee for four or five years, and the committee has expended a great amount of time and has worked hard in order to secure an agreement. The committee is in full accord upon the bill, and we hope that it will secure the approval of this body.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Utah that the House bill be substituted for the Senate bill on the calendar? The Chair hears none. Is there objection to the request of the Senator from Utah for the present consideration of the bill?

Mr. CULBERSON. I object, at present.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill.

SENIOR SENATOR FROM WISCONSIN.

Mr. CLAPP. Mr. President, on the 18th day of February, during a somewhat animated discussion, the senior Senator from Pennsylvania [Mr. PENROSE] made reference to the senior Senator from Wisconsin [Mr. LA FOLLETTE], and at the same time involved to a certain extent the members of the Senate Committee on Indian Affairs in the statement which was made. It has occurred to me and some other members of the committee that if this statement was not met by a counter statement it would leave an impression that would be an act of injustice to the Senator from Wisconsin.

I want to say, sir; that the Senator from Wisconsin has not solicited this statement. I do not know he anticipates that it will be made or that he will approve what is placed in the statement at this time. More than that, I can say that this statement is not inspired by any reciprocal sense of personal or political obligation. So far as I know, the Senator from Wisconsin has never been particularly friendly to me politically. On the other hand, it has come to me in a general way that at times his attitude has been quite the reverse. As to this I do not know. While I believe that when a man must fight he should fight cheerfully and bring to the struggle every resource with which he is endowed, at the same time I hold that life is too short to waste one moment of it cherishing hostilities or searching for facts upon which to found and to perpetuate a spirit of resentment. Whatever his attitude may have been in the past, whatever it may be toward me in the future, neither adds to nor detracts from the duty that devolves upon me as chairman of that committee in relation to this subject.

Mr. President, it is true that during the last session of Congress the Senator from Wisconsin was not in as constant attendance on the meetings of that committee as I thought he ought to be, and it is equally true, sir, that I made complaint of the want of attendance and the want of attention to the details and the routine work of the committee. But I learned afterwards, as we often do when we complain or find fault, that there are two sides to almost every question—that during much of the period covered by the last session of Congress the Senator was confined to his home by illness.

But the service of a Senator to his committee, like the service of a Senator to the Senate as a whole, can not be measured by the record of his attendance upon the meetings of one body or the meetings of the other body. The work of the Committee on Indian Affairs does not involve any glory. We are dealing with the fortunes of a vanishing race; and without intending any humor, for it is pathetic rather than humorous, the phrase might be turned, and we might say we are dealing with the vanishing fortunes of a race, a race that has suffered from the cupidity and the greed of the white man, presenting a problem that involves upon the one hand the retention of the property of the Indian, with the thought that if he is given control of that property he may squander it, and upon the other hand the absolute certainty that if we retain that property and dole it out to him in pittances, he will remain a child as long as that policy is pursued. In the solution of that question great vigilance and judgment are essential, and even then the best judgment and the most vigilant care will not always save us from mistakes.

It is due to the Senator from Wisconsin to say here, and to place it in the RECORD, that on the broad question of the rights of those people, in the vigilance which he has exercised, in the judgment which he has brought to bear upon it, he has rendered service to the Indian beyond all calculation.

Not only that, but in his own State he has had the courage to initiate a policy different from that which has been pursued, a policy which I sometimes fear will not prove successful because of its expense. If it fails, he will still have had the courage to initiate it. If it succeeds it will not only be of great value to the Indians of his own State, but to the Indians of other States.

To-day the Department of the Interior, the Committee on Indian Affairs, and those who have any interest in this subject are watching with deep interest the policy which he has initiated in his own State, realizing, as I said, that if it fails he still had the courage to initiate it. If it succeeds it not only means a great deal to the Indians and to the citizens of those States, but it means the happy solution of one of the most vexed phases of the Indian problem.

Mr. President, on behalf of my colleagues on the committee and on my own it has seemed an act of simple justice that this statement should be placed in the RECORD of this body.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The message also announced that the House had passed a bill (H. R. 23973) for the relief of pensioners of the Metropolitan police fund; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution of the Senate to provide for the printing of 15,000 additional copies of Senate Document No. 547, Sixtieth Congress, second session.

The message also announced that the House had agreed to the concurrent resolution of the Senate providing for the printing of 3,000 additional copies of the Annual Report of the Isthmian Canal Commission, 1908.

The message also announced that the House had passed a concurrent resolution authorizing the Secretary of the Senate to renumber the sections consecutively, to strike out the headnotes at the beginning of each chapter to sections which have been omitted, and to renumber the headnotes to correspond to the numbers given the sections, to correct typographical errors, and to correct punctuation as indicated by the committee of conference on the penal-code bill.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 28059. An act making appropriations for the Military Academy for the fiscal year ending June 30, 1910, and for other purposes; and

H. R. 28411. An act to grant two cannon to Northern Ohio University, at Ada, Ohio.

HOUSE BILL REFERRED.

H. R. 23973. An act for the relief of pensioners of the Metropolitan police fund was read twice by its title and referred to the Committee on the District of Columbia.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After forty-five minutes current resolution authorizing the Secretary of the Senate to spent in executive session the doors were reopened.

ORDER OF BUSINESS.

Mr. ALDRICH. I ask unanimous consent that for thirty minutes the Senate proceed to the consideration of unobjected House bills on the calendar.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the Senate proceed for thirty minutes to the consideration of unobjected House bills on the Calendar. Is there objection?

Mr. FULTON. I desire to ask the Senator if he will not include reports of House bills?

Mr. ALDRICH. I will.

The VICE-PRESIDENT. Including reports of House bills.

Mr. McCUMBER. Will the Senator yield to me to present a report?

Mr. GORE. I should like to ask if the Senator from Rhode Island will not modify his request so as to include unobjected Senate resolutions?

Mr. ALDRICH. There is no reason in trying to pass a Senate joint resolution at this time.

Mr. PENROSE. It can not be reached in the House.

Mr. GORE. I do not understand the Senator.

Mr. ALDRICH. It would be absolutely impossible to pass it in the House.

Mr. CARTER. There are only a few minutes remaining.

Mr. GORE. Then I object.

Mr. KEAN. I hope the Senator from Rhode Island will not object to the request of the Senator from Oklahoma. The Senator from Oklahoma has a resolution which he introduced the other day——

The VICE-PRESIDENT. The Senator from Oklahoma objects.

EXPLOSION NEAR FRANKFORD ARSENAL.

Mr. PENROSE. I ask unanimous consent to call up the bill (H. R. 12512) for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF SEWELL COULSON, DECEASED.

Mr. HEMENWAY. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 1072) for the relief of the legal representatives of Sewell Coulson, deceased, to report it favorably, and I submit a report (S. Rept. No. 1113) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the legal representatives of Sewell Coulson, deceased, late of Sullivan, Ind., $3,950 for professional services rendered as an attorney at law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BALTIMORE AND POTOMAC RAILROAD.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (H. R. 23468) to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments, which were, on page 2, line 18, after the word "their," to strike out "dimensions" and insert "height;" in line 19, before the word "use," to insert "habitually;" and in line 25, after the word "thereof," to insert the following proviso:

And provided further, That the parties operating the draws of the bridges aforesaid shall install and maintain suitable tide gauges at the draws, so that the pilot of any tugboat may see whether his pilot house will go under the draw.

Mr. CARTER. I ask that the amendments be disagreed to.

The amendments were rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. WOOD.

Mr. FLINT. I ask unanimous consent for the immediate consideration of the bill (H. R. 15603) for the relief of John W. Wood.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that John W. Wood, postmaster at Pasadena, Cal., be released from all liability on account of stamps to the amount of $13,000, stolen from his office.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. SEARS.

Mr. BURROWS. I ask unanimous consent for the Senate to consider at this time the bill (H. R. 21029) for the relief of James W. Sears.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to James W. Sears, now residing at Albion, in the State of Michigan, $3,000 in full for the payment of the canal boat *P. G. Dennison*, owned by Sears, which was destroyed by fire.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUITS AFFECTING INDIAN ALLOTMENTS IN OKLAHOMA.

Mr. GORE. I desire to ask for the present consideration of Senate resolution 316.

Mr. ALDRICH. Let it be read for information.

The Secretary read the resolution submitted by Mr. GORE on the 1st instant, as follows:

Resolved, That the Attorney-General is directed to inform the Senate:

First. As to the number of suits to cancel conveyances of Indian allotments that have been brought in the eastern judicial district of Oklahoma since May 27, 1908.

Second. The number of such suits involving allotments, if any, from which the restrictions had been removed, either by the Secretary of the Interior or by act of Congress.

Third. The number of such suits which have been tried upon their merits, and whether judgments were rendered in favor of the plaintiff or the defendant.

Fourth. The number of such suits which have been settled otherwise than by trial, either by compromise, dismissal, or in any other way.

Fifth. The number and names of the special attorneys or special agents who have assisted in the bringing of these suits, together with the date of their employment and the amount of compensation which they have been paid.

Sixth. How many of the suits above referred to, both where the land was restricted and where it was unrestricted, were brought upon the request of the allottee, and how many were brought without such request.

The resolution was considered by unanimous consent and agreed to.

JAMES A. PAULK.

Mr. FULTON. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 4168) to carry out the

findings of the Court of Claims in the case of James A. Paulk, to report it favorably, and I submit a report (S. Rept. No. 1112) thereon. I call the attention of the Senator from Alabama to the bill.

Mr. JOHNSTON. I ask unanimous consent that the bill may now be passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay $3,390 to James A. Paulk, of Bullock County, Ala., being the amount found due him by the Court of Claims on January 29, 1906.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF PETER M'ENERY, DECEASED.

Mr. DANIEL. I ask consent of the Senate to have considered the bill (H. R. 16096) for the relief of the estate of Peter McEnery, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the estate of Peter McEnery, deceased, late of Petersburg, Va., $97.80, for rent of storehouses used by the military authorities of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERRITT-CHAPMAN WRECKING COMPANY.

Mr. McCUMBER. I ask consent for the immediate consideration of the bill (S. 6934) for the relief of the Merritt & Chapman Derrick and Wrecking Company.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the Merritt & Chapman Derrick and Wrecking Company $1,800, in full for damages to its tug *I. J. Merritt*, injured by collision with the U. S. transport *Mississippi*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF SAMUEL J. ROGERS, DECEASED.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 12712) for the relief of the estate of Samuel J. Rogers, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to redeem, in favor of the estate of Samuel J. Rogers, United States 4 per cent registered bond, funded loan of 1907, No. 27101, for $500, inscribed in name of Samuel J. Rogers, and alleged to have been lost.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CERTAIN OFFICERS OF THE SIGNAL CORPS.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (H. R. 2950) for the relief of certain officers of the United States Signal Corps.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the expenses of operating and keeping in repair the northwestern section of the United States military telegraph lines (from Bismarck to Fort Ellis and connections), constructed under act of Congress approved June 20, 1878, which, between the 20th day of June, 1878, and the 30th day of June, 1883, may have been paid out of moneys received from dispatches sent over said section, be authorized and allowed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECLAMATION OF ARID LANDS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the Senate resolution 324 submitted yesterday by Mr. CARTER, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Irrigation be, and it is hereby, authorized and directed, by subcommittee or otherwise, to visit, during the recess of the Senate, such reclamation works of the United States Reclamation Service as in the committee's judgment should be examined, in order to ascertain existing conditions therewith connected and secure information deemed useful in the consideration of future proposed legislation affecting the reclamation of arid lands. And the committee is further authorized to send for persons and papers, to administer oaths, to employ a stenographer, and to have such printing done as the committee may require; the expenses incurred to be paid out of the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

J. BLAIR SHOENFELT.

Mr. OWEN. I ask for the present consideration of the bill (S. 7910) for the relief of J. Blair Shoenfelt, former United States Indian agent, Union Agency, Okla.

Mr. SMOOT. I understood that we were to consider only House bills.

The VICE-PRESIDENT. The Senate is not now operating under a unanimous-consent agreement.

Mr. ALDRICH. I think the bill had better go over.

The VICE-PRESIDENT. The bill will lie over, under the objection of the Senator from Rhode Island.

JOHN D. M'LAIN.

Mr. HEMENWAY. I ask for the present consideration of the bill (H. R. 3622) for the relief of John D. McLain.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay John D. McLain, of Johnson County, Ind., $100, being for one horse taken by or furnished to the military authorities of the United States for their use during the war for the suppression of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REVISION OF THE PENAL LAWS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives, which was read:

House concurrent resolution 78.

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate be authorized to renumber the sections of Senate bill 2982 consecutively; to strike out the headnotes at the beginning of each chapter in sections which have been omitted; to renumber the headnotes to correspond with the numbers of given sections; to correct the references in one section to other sections; to correct typographical errors; to correct punctuation as indicated by the committee of conference.

Mr. HEYBURN. I ask for the adoption of the resolution.

The resolution was concurred in.

LELA L. ELLIS.

Mr. KITTREDGE. For the junior Senator from Tennessee [Mr. TAYLOR], I ask unanimous consent for the present consideration of the bill (H. R. 1549) granting a pension to Lela L. Ellis.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Lela L. Ellis, widow of Luke T. Ellis, late of Company C, First Regiment Tennessee Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF COPYRIGHT ACTS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (H. R. 28192) to amend and consolidate the acts respecting copyright. The bill has come over from the House, and is a substitute for Senate bill 9440 on the calendar.

Mr. OVERMAN. Has the Senator from Texas [Mr. CULBERSON] withdrawn his objection to the bill?

Mr. SMOOT. I am authorized to state that the Senator from Texas has withdrawn his objection to the bill.

Mr. DANIEL. I should like to have a brief explanation of the bill. There have been recently some controverted questions about copyright discussed. I should like to know the theory and principle of the bill. It is quite a lengthy measure.

Mr. ALDRICH. I suggest that the bill be read for the information of the Senate.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. OVERMAN. I wish to ask the Senator if he knows whether the bill gives the right to the courts to allow attorneys' fees to the complainant?

Mr. SMOOT. I do not so understand it.

Mr. OVERMAN. That is what I gathered from the reading. It permits the court to allow attorneys' fees to the complainant.

Mr. SMOOT. In what section?

Mr. OVERMAN. Let it be read again.

The VICE-PRESIDENT. The Secretary will again read the section.

The Secretary read as follows:

In case of the failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this act, not exceeding three times such amount.

Mr. OVERMAN. I do not like that provision. I do not think the court ought to have the right to allow attorneys' fees in any case.

Mr. SMOOT. This is in a case where the manufacturer is to report on the 20th of every month the amount of royalty that was due the composer. In case he does not report, certain

damages, three times the amount, are allowed and a reasonable attorneys' fee.

Mr. OVERMAN. That is all right except the attorneys' fees. It is all right to allow the royalty, but I do not think any attorneys' fees ought to be allowed.

Mr. SMOOT. It is done to protect the composer. Many times they are very poor people and unable to secure the services of an attorney. The object is to prevent any manufacturer from using the composer's composition on these mechanical devices without compensation to them. The object is to protect them in every way possible.

Mr. OVERMAN. I want to protect them, but I do not think they ought to have a right to go into court and have attorneys' fees allowed. Let them pay their own fees. Why should not a man going into court pay his attorney's fees.

Mr. ALDRICH. I suggest that the bill is being read and discussion is not in order at this time.

The VICE-PRESIDENT. That is correct.

Mr. OVERMAN. I merely want to understand it.

Mr. ALDRICH. I understand the object the Senator from North Carolina has in view. I think the general principle is right.

Mr. OVERMAN. You would have every little lawyer in the country trying to get attorney's fees. That is what I object to.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill. That is in order.

The Secretary resumed and concluded the reading of the bill.

Mr. DANIEL. Mr. President, I am opposed to the present consideration of this bill. The art of music is the most democratic art in the world. I might say in some sense it is a pure republican art. It has given more for the benefit of the whole people than any other blessing we receive. It may be that it ought to be harnessed up. It may be that it ought to have a protective tariff before it can reach a poor man's ears. But we have not a national song, North, South, East, or West, or anywhere else, that is paying any duty on itself to-day.

I am opposed to bottling music and selling the right to hear it to the people who have to pay for it. It is bad enough to have to pay for it at all. If you could put some good music free in everybody's home, you would do a great blessing to all mankind.

I am not capable at this time of night to argue it as the gentlemen who have been studying it, as they tell me, for five years. It took them five years to get their minds all together. We are now just about to adjourn. Every one of us has been going night and day. There is hardly a man in this body, unless some extraordinary man like the distinguished Senator who is eyeing me so closely, who can now digest this bill; and if he could digest it, he would a great deal rather be engaged in digesting something else. We can not get hold of this bill in this time. It is 36 pages long. Fees and taxes and attorneys' fees are jumbled up with music.

So, Mr. President, I shall object to the consideration of this bill to-night, if an objection will reach it.

Mr. SMOOT. May I ask the Senator if he will not allow the bill to go over until 8.30 this evening?

Mr. DANIEL. I will allow it to go over altogether.

Mr. SMOOT. I should like to have it go over until 8.30, and then if he raises an objection——

Mr. ALDRICH. I suggest that we then give half an hour to the discussion of it and take a vote on it at 9 o'clock.

The VICE-PRESIDENT. Does the Senator from Rhode Island put that in the shape of a request for unanimous consent?

Mr. ALDRICH. Yes; I ask unanimous consent that we shall take the vote on it at 9 o'clock.

The VICE-PRESIDENT. The Senator asks unanimous consent that the pending bill be taken up for consideration at half past 8 and that it be voted upon at 9 o'clock.

Mr. DANIEL. Mr. President, I call for a quorum.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. DANIEL. I call for a quorum.

Mr. ALDRICH. In one minute we are to take a recess.

Mr. OVERMAN. I am going to object to the request now.

The VICE-PRESIDENT. The hour of half past 6 having arrived, the Senate will stand in recess until half past 8.

The Senate thereupon (at 6.30 p. m.) took a recess until 8.30 p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock and 30 minutes p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 24864. An act to provide for the distribution of the CONGRESSIONAL RECORD, and public bills, documents, etc., to the governor-general of the Philippine Islands, at Manila, P. I.; and

H. R. 25980. An act for the relief of Sarah J. Fowler.

The message also announced that the House had passed the joint resolution (S. R. 119) authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed concurrent resolution (No. 69) providing for the printing and binding of 2,000 copies of the hearings, including index, of the Select Committee of the House to Investigate Pulp Wood, Pulp, and Paper, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution (No. 77) providing for the printing and binding of 1,300 copies of Notes on Tariff Revision, prepared under the direction of the clerk of the Committee on Ways and Means, etc., in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 28304) granting certain obsolete ordnance for ornamental purposes, and it was thereupon signed by the Vice-President.

HOUSE BILLS REFERRED.

H. R. 24864. An act to provide for the distribution of the CONGRESSIONAL RECORD and public bills, documents, etc., to the governor-general of the Philippine Islands, at Manila, P. I., was read twice by its title and referred to the Committee on the Philippines.

H. R. 25980. An act for the relief of Sarah J. Fowler was read twice by its title and referred to the Committee on the District of Columbia.

AMENDMENT OF COPYRIGHT ACTS.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 28192) to amend and consolidate the acts respecting copyrights.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The bill has already been read. If no amendment is proposed, it will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 7, 8, 9, 14, 15, 18, 19, 20, 26, 27, 28, 30, 41, 69, 75, and 76.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 10, 11, 12, 13, 16, 17, 21, 22, 24, 25, 29, 31, 32, 33, 36, 37, 38, 39, 40, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 79, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, and 95, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: On page 23 of the bill, in line 11, after the word "fifty-one," insert the words "and fourteen hundred and sixty-nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "Survey," insert the words "during the fiscal year nineteen hundred and ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In line 5 of said amendment strike out

the words ", the said sum of three thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 4 of said amendment insert in the blank the number "seven hundred and forty-nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: After the word "Representatives," in lines 11 and 12 of said amendment, strike out all that follows down to and including the word "Printing," in line 21, and in line 21 of said amendment strike out the word "twelve" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: After the word "document" in said amendment insert the words "numbered seven hundred and forty-seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: After the word "numbered" in said amendment insert the words "seven hundred and forty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In line 12 of said amendment, after the word "numbered," insert the words "seven hundred and forty-six;" and the Senate agree to the same.

EUGENE HALE,
J. H. GALLINGER,
H. M. TELLER,
Managers on the part of the Senate.

J. A. TAWNEY,
EDWARD B. VREELAND,
S. BRUNDIDGE, Jr.,
Managers on the part of the House.

The report was agreed to.

CROW RESERVATION IN MONTANA.

Mr. KEAN. I move that the resolution submitted by the Senator from Minnesota [Mr. CLAPP] on the 25th ultimo, relating to an investigation of the affairs of the Crow Reservation in the State of Montana, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, be reconsidered and that the resolution be postponed indefinitely.

The motion was agreed to.

Mr. KEAN submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Senate resolution No. 298, Sixtieth Congress, second session, passed March 1, 1909, giving authority to the Committee on Indian Affairs to investigate the affairs of the Crow Reservation in the State of Montana, be reconsidered and postponed indefinitely.

PULP WOOD, ETC.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives, which was referred to the Committee on Printing:

House concurrent resolution 69.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 2,000 copies of the hearings, including index, of the select committee of the House to investigate as to pulp wood, pulp, and paper, of which 1,500 copies shall be for the use of the House, including 300 copies to be distributed under the direction of the members of said committee elected to the Sixty-first Congress, and 500 copies for the use of the Senate.

Mr. MILTON subsequently, from the Committee on Printing, to whom was referred the foregoing concurrent resolution, reported favorably thereon, and it was considered by unanimous consent and agreed to.

GOLD MEDALS TO ORVILLE WRIGHT AND WILBUR WRIGHT.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 119) authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright, which was, on page 1, line 12, after "money," insert "not to exceed $300."

Mr. KEAN. In behalf of the Senator from Ohio [Mr. FORAKER] I move that the Senate concur in the House amendment.

The motion was agreed to.

NOTES ON TARIFF REVISION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution (H. C. Res. 77) from the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 1,300 copies of "Notes on Tariff Revision," prepared under the direction of the clerk of the Committee on Ways and Means, 1,000 copies for the use of the House and 300 copies for the use of the Senate; that there be printed and bound 1,300 copies of "Imports and Duties," 1894 to 1907, prepared under the direction of the Committee on Ways and Means, 1,000 copies for the use of the House and 300 copies for the use of the Senate; that there be printed and bound 2,500 copies of "Tariff Hearings" before the Committee on Ways and Means of the House of Representatives since the 10th day of November last, 1,700 copies for the use of the House and 800 copies for the use of the Senate.

Mr. MILTON subsequently, from the Committee on Printing, to whom was referred the foregoing concurrent resolution, reported favorably thereon, and it was considered by unanimous consent and agreed to.

PENSIONERS METROPOLITAN POLICE FUND.

Mr. SCOTT. I move that Senate bill 6105 be recalled from the House of Representatives, and I ask unanimous consent for the present consideration of the bill (H. R. 23973) for the relief of pensioners of the Metropolitan police fund, which I report from the Committee on the District of Columbia without amendment.

The VICE-PRESIDENT. The bill just reported will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay the amount withheld from pensioners of the police fund on account of deficiencies in said fund during the period from June 1, 1894, to May 31, 1896, and the Commissioners of the District of Columbia are authorized and directed to adjust and settle all claims for said deficiencies in the payment of allowances made by them to pensioners of said police fund. In case of death of any beneficiary under the provisions of this bill the amount due such beneficiary shall be paid to the legal representative thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. The Chair suggests to the Senator from West Virginia that it is not necessary to recall the Senate bill from the House.

Mr. SCOTT. I presume it will die with the session.

APPALACHIAN AND WHITE MOUNTAIN FOREST RESERVE.

Mr. BRANDEGEE. I ask that the amendment of the House of Representatives to the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains be laid before the Senate.

The VICE-PRESIDENT. The amendment of the House of Representatives will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the consent of the Congress of the United States is hereby given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

SEC. 2. That the sum of $100,000 is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, to enable the Secretary of Agriculture to cooperate with any State or group of States, when requested to do so, in the protection from fire of the forested watersheds of navigable streams, and the Secretary of Agriculture is hereby authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or state forest lands within such State or States and situated upon the watershed of a navigable river: *Provided*, That no such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection: *Provided further*, That in no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

SEC. 3. That the Secretary of Agriculture, for the further protection of the watersheds of said navigable streams, may, in his discretion, and he is hereby authorized, on such conditions as he deems wise, to stipulate and agree to administer and protect for a definite term of years any private forest lands situated upon any such watershed whereon lands may be permanently reserved, held, and administered as national forest lands; but such stipulation or agreement shall provide that the owner of such private lands shall cut and remove the timber thereon only under such rules and regulations, to be expressed in the stipulation or agreement, as will provide for the protection of the forest in the aid of navigation: *Provided*, That in no case shall the United States be liable for any damage resulting from fire or any other cause.

SEC. 4. That from the receipts accruing from the sale or disposal of any products or the use of lands or resources from public lands, now or hereafter to be set aside as national forests, that have been or may hereafter be turned into the Treasury of the United States and which are not otherwise appropriated, there is hereby appropriated for the

fiscal year ending June 30, 1909, the sum of $1,000,000, and for each fiscal year thereafter a sum not to exceed $2,000,000 for use in the examination, survey, and acquirement of lands located on the headwaters of navigable streams or those which are being or which may be developed for navigable purposes: *Provided*, That the provisions of this section shall expire by limitation on the 30th day of June, 1919.

SEC. 5. That a commission, to be known as the National Forest Reservation Commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and one Member of the Senate, to be selected by the President of the Senate, and one Member of the House of Representatives, to be selected by the Speaker, is hereby created and authorized to consider and pass upon such lands as may be recommended for purchase as provided in section 6 of this act, and to fix the price or prices at which such lands may be purchased, and no purchases shall be made of any lands until such lands have been duly approved for purchase by said commission: *Provided*, That the members of the commission herein created shall serve as such only during their incumbency in their respective official positions; and any vacancy on the commission shall be filled in the manner as the original appointment.

SEC. 6. That the commission hereby appointed shall, through its president, annually report to Congress, not later than the first Monday in December, the operations and expenditures of the commission, in detail, during the preceding fiscal year.

SEC. 7. That the Secretary of Agriculture is hereby authorized and directed to examine, locate, and recommend for purchase such lands as in his judgment may be necessary to the regulation of the flow of navigable streams, and to report to the National Forest Reservation Commission the results of such examinations: *Provided*, That before any lands are purchased by the National Forest Reservation Commission said lands shall be examined by the Geological Survey and a report made to the Secretary of Agriculture, showing that the control of such lands will promote or protect the navigation of streams on whose watersheds they lie.

SEC. 8. That the Secretary of Agriculture is hereby authorized to purchase, in the name of the United States, such lands as have been approved for purchase by the National Forest Reservation Commission at the price or prices fixed by said commission: *Provided*, That no deed or other instrument of conveyance shall be accepted or approved by the Secretary of Agriculture under this act until the legislature of the State in which the land lies shall have consented to the acquisition of such land by the United States for the purpose of preserving the navigability of navigable streams.

SEC. 9. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands to be acquired under this act; but no payment shall be made for any such lands until the title shall be satisfactory to the Attorney-General and shall be vested in the United States.

SEC. 10. That such acquisition may in any case be conditioned upon the exception and reservation to the owner, from whom title passes to the United States, of the minerals and of the merchantable timber, or either or any part of them, within or upon such lands at the date of the conveyance; but in every case such exception and reservation, and the time within which such timber shall be removed, and the rules and regulations under which the cutting and removal of such timber and the mining and removal of such minerals shall be done shall be expressed in the written instrument of conveyance, and thereafter the mining, cutting, and removal of the minerals and timber so excepted and reserved shall be done only under and in obedience to the rules and regulations so expressed.

SEC. 11. That whereas small areas of land chiefly valuable for agriculture may of necessity or by inadvertence be included in tracts acquired under this act, the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain the location and extent of such areas as in his opinion may be occupied for agricultural purposes without injury to the forests or to stream flow and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and offer them for sale as homesteads at their true value, to be fixed by him, to actual settlers, in tracts not exceeding 80 acres in area, under such joint rules and regulations as the Secretary of Agriculture and the Secretary of the Interior may prescribe; and in case of such sale the jurisdiction over the lands sold shall, ipso facto, revert to the State in which the lands sold lie. And no right, title, interest, or claim in or to any lands acquired under this act, or the waters thereon, or the products, resources, or use thereof after such lands shall have been so acquired, shall be initiated or perfected, except as in this section provided.

SEC. 12. That, subject to the provisions of the last preceding section, the lands acquired under this act shall be permanently reserved, held, and administered as national forest lands under the provisions of section 24 of the act approved March 3, 1891 (vol. 26, Stat. L., p. 1103), and acts supplemental to and amendatory thereof. And the Secretary of Agriculture may from time to time divide the lands acquired under this act into such specific national forests and so designate the same as he may deem best for administrative purposes.

SEC. 13. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

SEC. 14. That 25 per cent of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

SEC. 15. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $25,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the president of the said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of said commission.

And to amend the title so as to read: "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers."

Mr. BRANDEGEE. I move that the Senate concur in the amendment of the House of Representatives.

Mr. TELLER. Mr. President, this is an amendment of the House to a Senate bill. It is not an amendment, although, perhaps, it can be termed so, because anything is an amendment which is different from the bill. It is a new bill that has just been presented to the Senate for the first time. It is a bill that has not been examined by any committee. It is a bill that, I think, has more vicious provisions in it than any bill I recall in many years.

Mr. President, I do not believe anyone expects this bill to pass, and if there is any business that anyone thinks ought to be done, it ought to be done pretty soon, because otherwise I suppose it will not be done at all.

I have very fixed ideas, Mr. President, about this business. I believe that I can in the course of a few hours demonstrate that this is not a constitutional measure, and I shall proceed to do that if there is a determination to press the bill to-night.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. TELLER. I will hear from the Senator from California.

Mr. FLINT. I should just like to say that I have not had an opportunity to examine the bill, but from a casual examination of it I am quite certain that it will take at least two hours to say what I desire to say on the subject. I think it ought to be fully discussed at this time if we are to pass it.

Mr. DIXON. Mr. President, I should like to inquire what is the legislative status of the bill. Has the bill, as passed by the House as a substitute for the original Senate bill, been referred to the Senate Committee on Agriculture and Forestry?

Mr. BRANDEGEE. Mr. President, replying to the Senator from Montana, I will state the situation as I understand it.

At the last session of Congress the Senate passed a bill for acquiring national parks in the Southern Appalachian and White Mountains. The House at this session struck out all after the enacting clause of the Senate bill and substituted this House amendment. The Senator from Colorado is correct in stating that it is a complete, new bill, and it does proceed upon different lines from the bill passed by the Senate at the last session.

The Senate bill came back to the Senate from the House day before yesterday, late in the evening. I asked that the Senate disagree to the House amendment and request a committee of conference. The Senator from Colorado objected and the Senator from Idaho objected, and when I insisted upon my motion the Senator from Colorado made the point of no quorum and then moved that the Senate adjourn, and the Senate did adjourn.

I understand that the question now is upon concurring in the House amendment, which is a new bill and has not been considered by any Senate committee, because the Senate failed to appoint any committee of conference.

Mr. DIXON. There have been no Senate conferees appointed?

Mr. BRANDEGEE. No Senate conferees have been appointed, and, of course, the House amendment to the Senate bill necessarily has not been referred to any Senate committee.

Mr. DIXON. I want to say to the Senator in charge of this bill that, while generally I have been favorable to the creation of an Appalachian national forest, I see in this bill as it comes back from the House a proposition to take the proceeds of the grazing fees and timber sales on the forests in the Far West to acquire a national forest in the Appalachian Mountains.

With section 4 in the bill, supplementing what my friend, the Senator from California, said, I want to say to the Senator from Connecticut that I think it would take me two or three hours to present what I believe to be the enormity of the offense contained in that section.

Mr. TELLER. Mr. President, I hope I have not lost the floor by the intervention of Senators.

The VICE-PRESIDENT. The Senator from Colorado is entitled to the floor.

Mr. TELLER. The House substitute for the bill has been read. I ask that the original bill may be read.

The VICE-PRESIDENT. Without objection, the Secretary will read, as requested.

The Secretary proceeded to read the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains, but was interrupted by—

Mr. BRANDEGEE. I should like to inquire of the Senator from Colorado whether he thinks it is essential to the proper consideration of the House amendment that the whole bill of the Senate as originally passed at the last session should be read?

Mr. TELLER. Mr. President, I would say that I think the bill as passed by the Senate was a pretty bad bill, but it was an angel of light compared with this one. I think I might just as well be frank with the Senator from Connecticut. This bill has never been considered by the Senate at all, and I do not recall that we have ever in our experience here taken up and considered a bill from the other House that claimed to be an amendment, but which was an absolutely new bill. The rule has been to send such bills to the proper committees to have them considered and reported to us. This is not an amendment; it is the substitution of a bill proceeding upon entirely different lines, involving questions not involved at all in the first bill—questions of constitutional law that have been discussed in this Senate and in the other House for a very long time. I shall feel obliged to discuss it at full length, even if it should take me all night. I want to say to the Senator from Connecticut, frankly, that I do not believe that he can pass his bill; and I will be frank enough to say that I do not intend, if I can prevent it, that the bill shall pass.

I think the bill is vicious. I think it is a departure from the custom of the Senate, and one that we can not afford to make. If the Senator wishes to press it, I am willing to go on with the discussion of the bill. I do not believe it could be passed even on a vote; but I do not propose, Mr. President, to let it come to a vote until I get through discussing it.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. I do.

Mr. CLARK of Wyoming. Mr. President, with the consent of the Senator from Colorado [Mr. TELLER], I simply want to emphasize what that Senator has already stated as to the character of this bill and the possibility of its passage. It is not only a departure from the Senate bill, which, as the Senator from Colorado said, is bad enough, but it is a departure from any constitutional exercise of authority by the Government.

Mr. TELLER. Or ever attempted.

Mr. CLARK of Wyoming. Or ever attempted to exercise with regard to such matters. There are Senators upon the floor who have examined this bill as it came from the other House who are thoroughly satisfied, not only as to its impropriety and the damage of the legislation itself, but also as to its unconstitutionality. I assure the Senator from Connecticut that the bill will probably lead to such extended discussion that the clock would have to be turned back many hours before the bill could be passed at this session of the Senate.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. I do.

Mr. HEYBURN. Mr. President, I am in thorough accord with the suggestion of the Senator from Colorado [Mr. TELLER] and that of the Senator from Wyoming [Mr. CLARK]. I will go further and say that, in my judgment, if this bill is to receive consideration and be acted upon, it would be necessary to turn the clock back about two weeks for the final adjournment. [Laughter.] That is my opinion.

We have been the victims of this class of legislation so long that patience has ceased to be a virtue. A more vicious proposition of legislation—and I say it without intending to reflect upon any Senator who has been connected with it—was never devised or presented to a legislative body. That the Government of the United States should take possession of an empire on the Pacific coast and sell it for the purpose of investing the funds in farms and private lands in the Atlantic States seems to me to be in itself so far outside of any province or purpose of Government that it is not worthy of more consideration than would be required to postpone it indefinitely.

Mr. BRANDEGEE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Connecticut?

Mr. TELLER. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I regret exceedingly that this bill did not arrive in this body at an earlier period. I think there is no more important subject before the people today than the conservation of our natural resources, and especially the conservation of our forests. I am ready at all times and in every place to contribute whatever of knowledge or ability I may possess upon that subject to the consummation of the policies of the Government.

Mr. President, I am obliged to the Senator from Colorado for his frank statement of his purpose. It seemed to me that when he asked to have the bill as passed by the Senate at the last session read in full at this time and in this connection, it was not so much for the purpose of furnishing information to the Senate upon the question at issue as for the purpose—I trust I say it without offending the sensibilities of the Senator—of consuming time and preventing a vote upon the passage of the bill. It was for that reason that I interrupted the reading of the bill and asked the Senator what was his purpose. I am obliged to him for his frankness in replying.

I have no desire to consume the time of the Senate upon this, its last session this evening, in attempting simply to prevent the consideration of other business. It is very evident, in view of what several Senators who have expressed their opposition to this bill have said, that no vote is going to be allowed to be taken upon the bill at this session, and in view of that fact——

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. Certainly, Mr. President.

Mr. CARTER. Mr. President, the bill which passed the Senate is radically different from that which is returned to the Senate as a substitute. There would be most protracted debate, not only upon the conflicting views of the two Houses, but likewise upon the general policy involved.

There is much to be said upon the question of the conservation of our natural resources as a general subject, and upon that, I assume, all Senators would be agreed as to the object to be attained, but divided as to the means of attaining the object.

The proposition presented by the bill offered as a substitute by the House of Representatives will, according to a statement made by a prominent Member of the other House, involve an expenditure of $300,000,000 as a primary investment in the purchase of forest lands.

Mr. TELLER. I think more than that.

Mr. CARTER. Or possibly more.

Mr. BRANDEGEE. Mr. President——

Mr. CARTER. It is not conceivable that the Senate, in the few remaining hours of this session, will consent to make a departure involving $300,000,000 in an investment in forest lands, with an interminable and unending expenditure for maintenance thereafter.

I think the Senator from Connecticut may as well here and now take it for granted that no action in this body will be permitted which will result in the appropriation of $300,000,000 now, for that is what it means. While the amount of the first investment is only about $2,000,000, the ultimate investment will be one hundred and fifty times that sum. Then there will be fixed to the Government a continuous and unending expenditure for maintenance. If the Government intends to buy all of the unoccupied lands in all the States for the purpose of tree culture and the propagation of forest life, and to assess the people of the United States for the maintenance of the forests as they are, and the propagation of them as the Forestry Bureau may determine, then, Mr. President, that departure should be made after the most deliberate and careful consideration by both branches of Congress.

Mr. FLINT. I simply want to ask the Senator a question. The Senator made the statement that the people of the Nation would pay for the purchase of this land. According to my reading of the bill it would be limited to the people residing in the Western States. According to the bill $20,000,000 are appropriated, the proceeds to come entirely from the Western States, and not from the people of the Nation as a whole.

Mr. CARTER. Mr. President, the proceeds of the public lands or from the forest trees growing on the public lands is the common heritage of the Nation; and while the States in which the lands are located have certain definite rights, the proceeds from the public lands from the sale of the public timber should go into the Public Treasury. But, Mr. President, the purchase of land with public money, whether received from taxes levied through the internal revenue or at the customhouses or by the sale of public property, is practically all one and the same thing.

This bill proposes a departure which will involve ultimately an investment, according to the statement of the leader of the majority of the House of Representatives in that body, of $300,000,000. I doubt if the Senate can reasonably be expected,

at the hour of 9.15 p. m. on the 3d day of March, within a few hours of the close of the session of Congress, to embark upon the discussion of a policy so far-reaching and so expensive. I think the Senator from Connecticut may as well at once lay this subject aside for consideration at some future session of Congress.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I have taken very little part at any time in the discussion of the forest reserves, although, perhaps, the State which I in part represent is as deeply interested in that question as any State represented upon this floor. I have taken but little part in the discussion largely for the reason that there were those who were better able to take care of the matter. But this bill presents a feature which would compel me to exhaust all the means at command, both intellectually and physically, before it could be made a law.

The Senator from Michigan [Mr. SMITH] in discussing the forestry question a few days ago estimated that by some process it was determined that they could exist for eight hundred years. I asked him at the time if he expected that we would consent to having one-third of the State of Idaho remain in forest reserves for eight hundred years. I wondered at the time just how they were going to build up a system by which that could be carried on, as it has been claimed from the beginning that the forest reserves were to be reduced from time to time as settlers desired the lands for agricultural purposes where they were subject to that use.

But, Mr. President, if this bill should be fitted into the present forestry policy, we would see at once how the estate in the West would be made to feed the estate in the East; and there will be no desire upon the part of those in charge of the Forestry Service to permit a settler to reduce the area of a reserve, although it may be agricultural land, because the reserves to be created in the East will be fed from the money which is received from the sales in the forest reserves of the West.

It has been said here, Mr. President, although it has been disputed, that there are no agricultural lands in the forest reserves of the West. We would be much more patient in Idaho and in other parts of the West if that statement were true. So far as I am individually concerned, if the forest reserves were created as they should be, I would be entirely in favor of preserving them in that form; but I say here again, as it has been said upon the floor of the Senate so often, that there are thousands and thousands of acres of the best agricultural land in our State now included in forest reserves. The great question which confronts us in the West is, how we are going to get inside of the forest reserves for the purpose of settlement; because, whatever may be said and whatever interpretation may be put upon the rules and laws here in the Senate, when you come to try to enforce that interpretation in a practical way, the settler will turn away from the forest reserve. No man is going to undertake to make a home or to build up a home under such conditions that his work must be subject at last to the approbation or the ipse dixit of an individual.

Fitting into the present law, the law which is now proposed, it will always be to their interest and behind their action there will always be the great motive to keep the forest reserves of the West perpetually intact and to hold every foot of land that is in them to-day to feed the great estate of the East.

While I do not propose to discuss this question at this time, I want to say in all earnestness, and not for the purpose of delay, that I should not myself consent, without a very thorough discussion, to the bill passing now or at any other time while I am a Member of the Senate.

Mr. TELLER. Mr. President, I think, after the statements made by the Senators who are interested in this subject, that it ought to be pretty apparent to the Senator from Connecticut, who proposes to take up and dispose of this matter, that that can not be successfully accomplished at the present session. I want to assure him that I will spend, if necessary, the last hours of my public service in seeing that the bill does not pass.

If there is anything of filibustering in that, I shall be proud of it, Mr. President, because I think this is the most vicious bill that ever was presented to the Senate—an absolute violation of every constitutional provision that has been recognized in the past. In order that there may not be any further waste of time, I move the indefinite postponement of the bill.

Mr. CARTER (to Mr. TELLER). Move its reference to a committee.

Mr. TELLER. Very well; I will change the motion, and move that the bill be referred to the Committee on Public Lands.

The VICE-PRESIDENT. The Senator from Colorado moves that the bill be referred to the Committee on Public Lands.

Mr. BRANDEGEE. Mr. President, I will suggest to the Senator from Colorado and to the Chair, that the Committee on Forest Reservations would be the proper committee to have the bill referred to, if the Senate is not willing to consider the bill further at this time.

Mr. TELLER. I do not care to what committee it goes.

Mr. BRANDEGEE. I will ask the Senator from Colorado to reserve his motion for a moment.

Mr. TELLER. I will do so.

Mr. BRANDEGEE. I simply wish to say, Mr. President, referring to the remarks of the Senator from Montana [Mr. CARTER] as to the judgment of some prominent Member of the other body that this project involves an expenditure of $300,000,000, that without having the pleasure of a knowledge of the name of the prominent gentleman, I desire to call the attention of the Senate to section 4 of this bill, which provides that $2,000,000 a year for ten years shall be appropriated, and thereupon the section and its effect shall expire by limitation. That limits the expense under the bill to $20,000,000.

As to the position taken by the junior Senator from Idaho [Mr. BORAH], that the application, for the purposes proposed in the bill, of money received from the operations of the forest reserves of the West and the public lands of this Government is a diversion from their legitimate purpose, and that it is wrong to his portion of the country to have such money spent in other parts of the country where additional forests are needed, I would say that, to my mind, it is a very proper use of those funds. If the Government from the rental of its forests upon its own public lands has a surplus and needs forests in other parts of the country, it should be allowed to buy them where they are needed with the funds of the Government in its National Treasury—money which belongs to all the people of this country, and not exclusively to the people of the West.

In view of the opposition that has developed to this measure—and that fact must be evident to everybody, from the statements of Senators as to their intention to debate it—I shall not oppose the motion of the Senator from Colorado to refer the matter to the Committee on Forest Reservations and the Protection of Game.

Mr. LODGE. Mr. President, I desire to say a word. Of course, it is perfectly obvious, after the statements that have been made here, that there is no possibility of passing this bill before Congress adjourns. But I want to say this much: The Senate passed a bill making an appropriation for the purchase of forests in the Appalachian region, as it is called, including the White Mountain region of New England. I think that bill met with general support in the Senate. It appropriated a sum of money to purchase the territory needed.

This bill is on a very different plan, as I understand, and I only want Senators who are opposed to this bill to realize that it is a matter of intense interest and importance to New England that the rivers, which are turning more wheels than any other rivers in the country, are in danger of extinction, and all we are anxious for is to have some protection for those rivers.

I see the impossibility of doing anything now; but I hope Senators from the great forest States will realize that we have no desire whatever to take any unfair advantage in any direction, but that we should like their aid in preserving our forests, as we have always tried to give them aid in redeeming their arid lands. I shall make no opposition, of course, to the proposed reference.

Mr. TELLER. Mr. President, I do not care to occasion further delay by debate, but I want simply to say that, so far as I am concerned, I am quite willing to debate it if the bill is to be pressed.

Mr. CARTER. Has the Senator from Colorado amended his motion so as to change the reference from the Committee on Public Lands to the Committee on Forest Reservations and the Protection of Game?

Mr. TELLER. I have. I said I had no objection to that reference.

The VICE-PRESIDENT. The Senator from Colorado moves that the bill be referred to the Committee on Forest Reservations and the Protection of Game. Is there objection? The Chair hears none, and it is so ordered.

ROBERT MORGAN GILSON.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson, which were, on page 1, line 6, after the words "Corps," where it occurs the second time, to insert "to take rank next after Capt. Logan Feland."

Mr. DICK. I move that the Senate agree to the amendments of the House of Representatives to the bill.

The motion was agreed to.

DISTRIBUTION OF DOCUMENTS IN THE PHILIPPINES.

Mr. LODGE. From the Committee on the Philippines I report the bill (H. R. 24864) to provide for the distribution of the CONGRESSIONAL RECORD and public bills, documents, etc., to the governor-general of the Philippine Islands, at Manila, P. I., and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH J. FOWLER.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 25980) for the relief of Sarah J. Fowler, to report it favorably without amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Commissioners of the District of Columbia to place the name of Sarah J. Fowler, widow of the late John H. Fowler, on the pension roll of the police department of the District at the rate of $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUREAU OF MINES.

Mr. DICK. I move that the Senate proceed to the consideration of the bill (H. R. 20883) to establish in the Department of the Interior a bureau of mines.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. TELLER. I do not suppose an objection would count for much, but I would object if it could.

The VICE-PRESIDENT. The question is on the motion of the Senator from Ohio that the Senate proceed to the consideration of the bill named by him. [Putting the question.] By the sound, the "noes" seem to have it.

Mr. SCOTT. That bill is of too great importance to my State to be ruthlessly put aside. I ask that the question be again put.

The VICE-PRESIDENT. The Chair will again put the question. The question is on the motion to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20883) to establish in the Department of the Interior a bureau of mines, which was reported from the Committee on Mines and Mining with amendments.

The first amendment of the Committee on Mines and Mining was, in section 2, page 2, line 4, after the word "ores," to insert "and other mineral substances;" in line 6, after the word "accidents," to strike out "the values of mineral products and markets for the same;" in line 8, before the word "pertinent," to strike out "of other matters" and insert "other technologic investigations and inquiries," so as to make the section read:

SEC. 2. That it shall be the province and duty of said bureau and its commissioner, under the direction of the Secretary of said department, to foster, promote, and develop the mining industries of the United States; to make diligent investigation of the methods of mining, the safety of miners, the possible improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances, the use of explosives and electricity, the prevention of accidents and other technologic investigations and inquiries pertinent to said industries, and from time to time make such public reports of the work, investigations, and information obtained as the Secretary of said department may direct, with the recommendations of such bureau.

Mr. CLAY. From what committee does the bill come?

The VICE-PRESIDENT. From the Committee on Mines and Mining.

Mr. CLAY. Does not the Interior Department deal with mining at this time?

Mr. DICK. This bureau is to be created under that department.

Mr. CLAY. Mr. President, it strikes me we are getting to be a government of bureaus and commissions. I notice——

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. CLAY. Certainly.

Mr. CLAPP. I take exception to the tense. We have become a government of bureaus and commissions.

Mr. CLAY. That is true.

Mr. President, one commission created by Congress during the last two years will spend $550,000 when the work is completed. When this Congress convened a statement was made by the leaders in both Houses that our revenues were falling short to the extent of from ten to fifteen million dollars per month. We knew that there had been a deficit during the last year of $114,000,000. Notwithstanding that fact, on almost every appropriation bill that has come before us we have endeavored to provide a commission to transact the business of this country. I do not hesitate to say we are creating commissions and giving good places to others to do work that Congress ought itself to perform.

Mr. President, just a word. I thought our army and our naval appropriations had grown larger than any other appropriations, but I find that I am mistaken. I was observing the statement in the Statistical Abstract a while ago. For instance, we will take the sundry civil expenses of the Government. In the year 1900, nine years ago, that bill carried only $39,381,237.86. That bill this year carries $139,000,000, an increase in the period of nine years of $100,000,000 per year. We are becoming, we have become, the most expensive government in the world.

I notice again that the per capita expenses of our Government in 1898 for our navy were 40 cents per annum; the expenses in 1910, $1.72. Our army expenses in 1898 were 32 cents per capita; in 1910, $1.30 per capita. The sundry civil expenses of the Government in the year 1900, nine years ago, were 52 cents per capita; $1.70 per capita this year. I stand here and say that, notwithstanding the fact that the leaders on both sides of the House have said that a deficit stares us in the face and a bond issue must come in the next twelve months, this Congress has spent more money by between thirty and forty million dollars than the last Congress expended. It is impossible to give the exact figures, because many of the appropriation bills are in conference.

Mr. President, we have had a surplus for the last three or four or five or six or seven years, and experience has demonstrated that a surplus is a dangerous thing. When three or four hundred million dollars are lying in the Treasury Congress becomes reckless, absolutely reckless, in expending public money. The time is coming when there will be a bond issue, and the American people will call Congress to account for the reckless way in which we have expended the public money.

Mr. President, I want to call your attention to another fact. I have been a Member of the Senate for twelve years. There has not been during that period of time an investigation of the expenditures of a single department of the Government with a view of reducing expenditures. I lay down the proposition that Congress ought to remain in session some specified time, four or five months, purely for the purpose of examining the appropriations and seeing what expenditures can be decreased, with a view and purpose of administering this Government more economically.

The Secretary of the Treasury says:

There have been, under many administrations—

Not under one—

There have been, under many administrations, excessive expenditures, due to one cause or another. The time may come when a session of the Congress will be given over largely to the consideration of ways and means to reduce the operating expenses of the Government, and if it does come, and patriotic and discriminating judgment is brought to bear on the problem, we shall see a saving of many millions of dollars with no sacrifice of efficiency of administration. Few domestic reforms would do so much to set the people an example of good business and economical government.

The Secretary of the Treasury tells Congress three times in his annual report that many administrations have been reckless in the expenditure of public money, and that Congress ought to convene and devise ways and means for reducing the expenses of our Government.

At this late hour, it strikes me we ought not to attempt to pass a bill that creates a new department, with a head drawing a salary of $6,000 a year, and many other employees, who will probably increase into thousands and maybe to a hundred thousand.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. CLAY. Certainly.

Mr. GALLINGER. The Senator, I suppose, in reading the bill, has noticed that there are to be such clerks, agents, experts, and other employees as may be necessary.

Mr. CLAY. The Senator is correct.

Mr. GALLINGER. There is no restriction upon it.

Mr. CLAY. No restriction whatever. You take the Agricultural Department, and your appropriations in nine years have

grown from three million to thirteen million dollars. I am not attributing the fault to any particular Senator or any particular party, but I maintain that if a business man or any corporation in carrying on a large business was as reckless and inconsiderate of expenditures as we have been, failure would always follow in carrying on such business.

Mr. WARREN. Will the Senator from Georgia allow me a question?

Mr. CLAY. With pleasure.

Mr. WARREN. A few moments ago, if I heard the Senator correctly, I think he stated that we had expended $30,000,000 in this Congress more than in the Congress before.

Mr. CLAY. I did not.

Mr. WARREN. What did the Senator say?

Mr. CLAY. I am now having a statement made up by the clerk of the Committee on Appropriations, with a view to finding out exactly how much more we have spent this year than last year. I said I would not be surprised to hear that we had spent thirty or forty million dollars more than we did in the last Congress.

Mr. WARREN. You do not mean the last session? You mean the last Congress.

Mr. CLAY. Yes; last session.

Mr. WARREN. If the Senator will allow me, does he think $30,000,000 increase in two years' growth of this country is extravagant? Does he think with the growth we have had that $30,000,000 more expenditures in that time is extravagant? It is only a little over 1 per cent per annum, while the wealth of the country has increased many, many times as fast as that.

Mr. CLAY. We spent a hundred million dollars last Congress more than we ought to have spent.

Mr. WARREN. Comparatively speaking, is $30,000,000 increase per year, on over a billion dollars per year of expenditure, anywhere near the percentage that the growth of the country would naturally call for?

Mr. CLAY. We ought not to have reached a billion dollars, especially at this early day.

The American people ten years ago complained bitterly of Congress for spending $500,000,000 a year. If I remember correctly, in 1898—in fact, I have the figures before me—we spent only $23,129,344.30 for the army, and the army bill this year carries, if I am correctly informed, about $102,000,000.

Mr. WARREN. There was a time when we had practically no army, and I remember a time when we did not spend half as much as we spend now, and we then ran behind, nevertheless, and had to bond this Nation to pay even the ordinary running expenses; and it was not the Republican party that was running the Nation then.

Mr. CLAY. I do not wish to discuss party politics. I am dealing in facts. I am referring to the fact that the appropriations ought to be scanned closely and that not a single dollar ought to be appropriated unless needed for the purposes of carrying on the public business.

Mr. WARREN. I agree with the Senator there; but I ask him to reflect. I want his opinion. Does he think an increase in two years of $30,000,000, where we are appropriating over a billion dollars per year, is a large percentage of increase? I want to know if a proper increase of expenses in this connection would not amount to many times $30,000,000, unless we are cutting down the proportion of our expenses as compared with our present actual receipts?

Mr. CLAY. In the way we are going, and the way we have traveled, probably the increased expenses this year are in keeping with the way we have traveled each year for the last seven or eight years, but I want to call the Senator's attention to the fact—and I am amazed when I read it—that your sundry civil bill nine years ago carried only $39,000,000, when that bill, during this session of Congress, will carry nearly $139,000,000.

Mr. WARREN. Will the Senator permit me another interruption there? The Senator should state that the present bill is largely made up of Panama Canal expenditures and expenditures for improvements on rivers and harbors under continuing contracts, a system that commenced only a few years ago. Instead of carrying large amounts in the river and harbor bill, the amounts of the limit and the contract are carried in that bill now, and then year after year the appropriation of money to foot the expenses is carried in the sundry civil bill.

I agree with the Senator that it is appalling when we contemplate the size of the sundry civil bill, until we analyze it; and when we analyze and see what the expenses are for—several million dollars for continuing constructions of public buildings which had been authorized in other bills; millions more to continue our river and harbor improvements; again millions more to construct the great canal, the largest work ever undertaken in the world by any nation, and acknowledged to be such—then that bill does not seem so very large.

Mr. CLAY. This is not the first year an item for the Panama Canal has been inserted in the sundry civil bill. If I remember correctly, we are not appropriating more than thirty or forty million dollars for the Panama Canal this year. I think I am correct. We have been appropriating in the sundry civil bill for several years items for the Panama Canal; but I want to call the Senator's attention to the fact that during this year we passed no river and harbor bill.

Mr. WARREN. But a large proportion of the present bill is made up——

Mr. CLAY. I understand.

Mr. WARREN (continuing). Of items made necessary because of projects contracted for heretofore.

Mr. CLAY. The Senator is clearly mistaken if he thinks I do not understand that.

Mr. WARREN. I know the Senator understands it; but I want the Senate and the country to know it, and I want the RECORD to show it.

Mr. CLAY. The RECORD can show it, and I have no objection to the RECORD showing it; but I want to say this to the Senator: We had $300,000,000 of surplus two years ago, and the Senator will concede that in less than a year every single dollar of that surplus will be wiped out. We have not spent our surplus to construct the canal; we are selling bonds to build the canal.

Mr. WARREN. No; I will not admit that, but I will admit if it should go on at the rate that it is going on now the Senator would probably be right. But this country knows, and the Senator must know, that on the eve of a readjustment of our tariff every importer and merchant expecting to import is waiting before making his purchases to see if he can not get some advantage under the revised tariff, and therefore our income upon imports are almost nil, and will be so until the tariff bill is at least reported from the House, and probably so to a great extent until it shall have passed. About the bonds: For Panama Canal, we had spent prior to January 1, 1909, $171,000,000, and had only bonded for $80,000,000, thus leaving over $90,000,000 which we have taken from the revenues for Panama Canal.

Mr. CLAY. It is improbable that our revenues this year, as we expect to revise the tariff this year, will be anywhere in the neighborhood of as much as they have been heretofore. The Treasury Department, I am sure, does not expect the revenues to be equal to our appropriations. They estimate $143,000,000 more expenditures than receipts.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. CLAY. Certainly.

Mr. FULTON. The Senator from Georgia is a candid man, a frank man, and I do not mean to criticise him; but I do mean to say it is easy for us to talk about the increase of expenditures and the extravagance of Congress. But I submit to the Senator——

Mr. CLAY. I will yield for a question, but not for a speech.

Mr. FULTON. I submit to the Senator it would be better to point out particular items that could be stricken from appropriation bills.

Mr. CLAY. It has been done on the floor time and again.

Mr. FULTON. I know there is a great divergence of opinion as to whether or not the navy should be increased. That is a question of policy. But wherein, in what particular, does this extravagance consist, in the Senator's opinion?

Mr. CLAY. I will point out an item to the Senator right now.

Mr. FULTON. Let us see it.

Mr. CLAY. The bill which we have before us for our consideration.

Mr. FULTON. Oh, yes; but the Senator was talking about what the Congress has done.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. CLAY. With pleasure.

Mr. SCOTT. The Senator has spoken of the bill before us. He talks in common with a man who told his wife they must economize, and he was going to commence on her. I am very sorry that the Senator from Georgia is practicing, or trying to practice, economy on the poor miner and his widow—people who are blown up in the mines; killed by the hundreds. He stands here preaching economy against a bill to protect those poor people. I am surprised, Mr. President, as broad minded as I thought the Senator from Georgia was, that he should take the position he does on this bill. Why not spend some money to

protect the lives of the poor miners, who spend the greater portion of their lives underground, and economize in some other direction?

Mr. President, this bill should be passed; in the name of its humanity it should be passed, regardless of what it costs.

Mr. CLAY. All this bill does is to create a new bureau, provide for a head, and give that head the power to select just such employees as he may wish to select. The Interior Department to-day has the power to investigate the mines of this country, and we appropriated at the last session of Congress $270,000 to send experts for the purpose of making these investigations. The great trouble with us is we have one department working on a certain line, securing certain information, and then you create a new department to do exactly the same work.

Mr. President, the Senator from Oregon talks about items. I stood here in my place as a member of the Committee on Appropriations and I saw placed on an appropriation bill $460,000 of private claims simply by amendments being offered on the floor of the Senate, when five-sixths of them had been rejected by the Committee on Appropriations. Mr. President, those items came from both sides of this Chamber.

Mr. FULTON. To what bill does the Senator refer?

Mr. CLAY. An appropriation bill. I have forgotten the particular appropriation bill. I took the items as they were offered. Appropriation bills were intended to carry out existing law, and one of the reasons why our appropriations have increased is that we have reached the point where we not only insert items to carry out existing law, but we put on hundreds of items that do not refer to existing law, but are claims which ought to be referred to the Committee on Claims and passed upon there and sent to the Senate for its action.

So I believe it to be the duty of the Senate to strike from every one of these bills all items except items which carry out existing law, unless there is some emergency demanding an appropriation.

Mr. WARREN. Will the Senator allow me to ask him a question?

Mr. CLAY. Certainly.

Mr. WARREN. I agree with the Senator that claims ought not to go on appropriation bills, but I ask him whether the money of this Government should not be used to pay just claims against it?

Mr. CLAY. Every just claim that the Government owes ought to be paid.

Mr. WARREN. Just so.

Mr. CLAY. But let me call the Senator's attention to another fact—and I am talking just as I feel about it. We have 80,000,000 people in the United States. The real wealth producers of this country are our farmers, our miners, and our stock raisers. The farmers and the stock raisers and the miners produce the real wealth of this country.

Mr. WARREN. They do.

Mr. CLAY. That is correct. The Senator does not deny it.

Mr. WARREN. They do.

Mr. CLAY. I call attention to the fact that we are spending for the navy $137,000,000 a year. We have gone far enough.

Mr. WARREN. The Senator understands that a large portion of that is for new construction, and not for the annual expense of running the navy.

Mr. CLAY. I understand that thoroughly. I know that we provided for two of the largest battle ships in the world at this session of Congress.

Mr. CLAPP. Now we have to dig some harbors to enable them to get in.

Mr. CLAY. I will yield to the Senator from Minnesota.

Mr. WARREN. Mr. President——

Mr. CLAY. Let me get through with this sentence. We know that those who are engaged in peaceful pursuits, those who are cultivating our fields, working our mines, producing live stock, are likely to have more burdens placed upon them than they can bear.

Take your army, $102,000,000; take the navy, $137,000,000 or $138,000,000, I believe it is. Now take the pensions, $160,000,000. Have we not arrived at that point in the history of Congress when we must cease to add any other items to our navy except to maintain it and keep it as it is?

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. CLAY. Yes.

Mr. WARREN. I do not wish to interrupt the flow of the Senator's remarks, except that I do not want him to get too far away from the farmers and the stock raisers of this country; to forget the conditions of to-day, under these great expenditures, and their condition at an earlier date, when our total expenses were very much less.

I remember, and so does the Senator, a few years ago—in the early nineties—our appropriations were a half and some of them less than a quarter of what they are now; and yet the very farmers and the stock raisers of whom the Senator speaks were, as a class, eaten up with the interest on their mortgages. This was true of almost all the farmers in the country, where now they are as prosperous a set of people as there is in the world. They have a smaller percentage of mortgages on their property than any other class of business. They are not only contented and happy and prosperous, but proverbially so, notwithstanding and despite these great expenses.

I remember when the post-office appropriation bill was less than $50,000,000, and now it is over $230,000,000. A large portion of this larger sum is for taking to those same farmers their letters and mail matter and the publications of to-day and depositing them at their very gates and doors, as if they lived in the city; letters and newspapers that conduce to their pleasure and happiness, and in turn to promote their industry and enterprise, and to the productions of this country, because the productions of the farmer and the productions of the miner add just that much to the wealth of the country.

Mr. CLAY. That is the most remarkable argument I have ever heard in the Senate.

Mr. WARREN. I am exceedingly glad that it is remarkable, and it is true, nevertheless.

Mr. CLAY. Now, what is the argument? The Senator suggests to the Senate and country that ten years ago our appropriations were small, that only a small amount was appropriated for the army, only a small amount for the navy, and then the country was depressed. The Senator says that now the appropriations have grown to $1,000,000,000, and by reason of these increased expenditures the farmers and mechanics and miners are growing rich. If that be true, would it not be well to increase our expenditures to $5,000,000,000 instead of one billion? Is it possible exorbitant taxation is a blessing?

Mr. WARREN. Yes; to ten times that if this country grows fast enough and large enough. Let me say this——

Mr. CLAY. I am not through.

Mr. WARREN. The Senator misstates me. I did not——

Mr. CLAY. I want to complete my remarks.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. WARREN. Before the Senator gets away from that point I want to say that I did not say it was the cause, but I said in spite of that they were happier and richer.

Mr. CLAY. The Senator laid down the proposition that large expenditures——

The VICE-PRESIDENT. The Senator from Georgia will suspend. The Chair must call the attention of Senators to the fact that they must address the Chair before taking the floor. The Chair will insist upon this rule. The Senator from Georgia will proceed.

Mr. CLAY. Mr. President, this is a new doctrine to me, that the Government of the United States must double, and treble, and quadruple its expenditures in order to give prosperity to the American miner, the American planter, and the American stock raiser; that you must take the stock raiser and double his taxes, and double the miner's taxes, and double all the expenditures of the Government in order to bring about prosperity to this country.

Mr. President, if the doctrine be true that you must create commissions, and new bureaus, and double your expenditures, to help the farmer, and the mechanic, and the stock raiser, it is the most peculiar position I have ever heard taken anywhere.

Mr. WARREN. May I ask, does not the Senator from Georgia know that the farmers and the stock raisers are more prosperous now, and more happy now, than they were in the early nineties, according to the Senator's statement?

Mr. CLAY. There have been several years of prosperity. We have had magnificent crops; we have had splendid wheat crops and corn crops and cotton crops. We have had good seasons, and the people have prospered in spite of the extravagance of Congress.

Mr. WARREN. May I ask another question?

Mr. CLAY. In one moment. Let me get through. The seasons have been good, and in spite of Congress and its extravagance, the country has prospered.

Mr. WARREN. That is what I said.

Mr. CLAY. Then you and I have agreed.

Mr. WARREN. When the farmer has a mortgage on all he owns, a small tax is a burden. When that farmer has received

the large returns, which the Senator describes, from his crops, and becomes wealthy, the number of dollars that would have been a burden once becomes as nothing. The percentage of taxation is smaller now than it was then.

Mr. CLAY. I doubt if in the history of this country we have had a harder year financially than the year 1908, and I predict that the year 1909 will be equally as hard, from a financial standpoint.

Mr. WARREN. We were speaking of farmers and stock growers. I should like to have the Senator state, if he will, whether he considers that the year 1908 was a harder year than usual for the farmers and stock raisers.

Mr. CLAY. I believe that the year 1908 in my State was the hardest year financially we have had in fifteen or twenty years.

Mr. WARREN. I sympathize with the Senator as to his State, but I think he will admit that that is not true of the United States as a whole.

Mr. CLAY. Last year was a remarkable year. But, Mr. President, I did not rise for the purpose of discussing those questions. I wanted Congress to call a halt in our expenditures. I do not believe the bill of the Senator from Ohio ought to pass. We ought not to create any more commissions or more new departments at this time. In my judgment, we have ample departments needed to do the business of the country. We have the Interior Department and the Department of Commerce and Labor. It has been only a few years since the Department of Commerce and Labor was created.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. CLAY. Certainly.

Mr. FULTON. If the Senator will yield to me for a moment, I ask him to permit me to call up a resolution for the purpose of adding some additional southern claims. I wish to ask unanimous consent at this time to call up the resolution known as the "omnibus claims resolution," referring certain matters to the Court of Claims, in order that I may move to reconsider the vote by which it was adopted.

Mr. CLAY. If they are honest claims and just claims against the Government, I will be glad to see them paid.

Mr. FULTON. They are southern claims.

Mr. CLAY. The fact that they come from the South is no reason why they ought to be paid, unless they are just.

Mr. FULTON. They would not come from the South, of course, unless they were just.

I believe that when claims from the South and every other State in the Union come to Congress they ought to be carefully investigated, and we ought to be sure that they are right. We ought not to ask their payment unless they are a just charge against the Government. That is the reason why I propose to send them to the Court of Claims. It is to ascertain whether or not they are just claims.

Mr. CLAY. I beg pardon of the Senate. I did not intend to address the Senate for more than five or six minutes when I began. I simply wanted to call attention to the fact how year by year our expenditures had grown——

Mr. FULTON. Will the Senator yield to me?

Mr. CLAY. I am going to yield the floor in a minute. Year by year we have been increasing our expenditures, and I am sure I heard the acting chairman of the Committee on Appropriations on this floor say that our expenditures have grown very rapidly and that there is a dangerous condition confronting Congress in regard to our finances. I have heard him make that statement time and again, and I do not believe that any Senator will dispute it.

Mr. TELLER obtained the floor.

Mr. FULTON. Will the Senator from Colorado yield to me?

Mr. TELLER. I will yield to the Senator from Oregon.

REFERENCE OF CLAIMS TO COURT OF CLAIMS.

Mr. FULTON. I move that the vote by which the omnibus claims resolution (S. Res. 320), referring claims to the Court of Claims, was adopted be reconsidered.

Mr. STONE. For what reason does the Senator wish to reconsider the resolution?

Mr. FULTON. Simply because some claims that should have gone in were by mistake omitted. I wish to offer an amendment in order that they may be included.

The VICE-PRESIDENT. The Senator from Oregon moves to reconsider the vote by which the resolution was agreed to.

The motion was agreed to.

Mr. FULTON. I offer the following amendment to the resolution.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Immediately preceding the concluding paragraph of the resolution it is proposed to insert the following:

Heirs of Solomon Dowden (S. 8293); the estate of William Y. Dulin, deceased (S. 2169); the heirs of Thomas Miller, deceased (S. 9428); James F. Carr (S. 9541); the estates of Thomas A. Elliott and Adaline Elliott, deceased (S. 9516); the estate of John H. Birdsong (S. 9176); heirs of legal representatives of the estate of James T. McKissack (S. 5676 and 5677); the estate of B. F. Larkin, deceased (S. 4766).

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

BUREAU OF MINES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20883) to establish in the Department of the Interior a bureau of mines.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. I do.

Mr. CARTER. Mr. President, I rise for the purpose of asking some questions with reference to this bill, which I hope the Senator in charge will be prepared to answer.

The first section of the bill is inconsequential, except as a draft upon the Treasury. It provides that an officer shall be appointed at a salary of $6,000 per year, and that certain other officers, indefinite in number, to be known as "clerks, agents, experts, and employees," shall be appointed at compensation unnamed. I desire, first, to inquire of the Senator in charge of the bill the probable expense to be incurred in pursuance of the authority given in section 1, the number of clerks, agents, experts, and employees being undetermined.

The second section of the bill provides that it shall be the duty of the bureau, presided over by the $6,000 chief, and the unknown number of agents, experts, and employees "to foster, promote, and develop the mining industries of the United States." I desire to inquire how the chief of the bureau and his agents, experts, and employees are expected to foster, promote, and develop the mining industries of the United States? Are they to do this by engaging in the work of sinking shafts, running levels, building works, and reducing ores; and if so, where, and on whose property?

The latter part of the second section contains certain specific directions with reference to investigations. This chief, the agents, the experts, and the employees are to ascertain something with reference to the safety of miners and the possible improvement of the condition of miners. That is the sum and substance of the first two sections of the bill.

The third section provides that the bureau shall be provided with offices, and the offices shall be provided with furniture, clerks, stenographers, and typewriters to the extent that may be necessary.

The fourth section provides that an existing line of work attended to at present by the Geological Survey shall be transferred to this bureau.

The bill consists, as I see it, of four sections. The first merely provides employment for a chief at $6,000 per year and for an indefinite number of employees. The second section provides that these persons thus employed shall foster, promote, and develop the mining industries of the United States, but does not specify how. The third section, as I have said, provides merely for office rooms, furniture, stenographers, and typewriters and, finally, the transfer of some work that is now being done in another bureau.

I desire the Senator in charge of the bill to explain to the Senate where this mining promotion is to occur. How are the mines of the United States to be developed by this corps of clerks?

And that leads me to request the Senator to further explain what right the United States Government has to enter into any State of this Union through its agents, clerks, stenographers, and employees to engage in mining.

The Federal Government has certain well-defined general jurisdiction over the District of Columbia. This District, less than 10 miles square, is within the exclusive jurisdiction of Congress. We make the laws; we provide for the administration of government. There is no other legislative power than the Federal Government for this District.

As to the Territories, we likewise have final and absolute legislative jurisdiction. The Territories consist of Arizona, New Mexico, and Alaska on the mainland. We have the Territory of Hawaii and a certain specified jurisdiction over Porto Rico. Our jurisdiction in the Philippine Islands is a qualified jurisdiction.

We may prescribe rules and regulations for the promotion of the mining industry in the District or in the Territories of

Arizona, New Mexico, Alaska, or the Hawaiian Islands, and possibly in Porto Rico, but we can not invade the Philippine Islands with an unrestrained hand.

I inquire of the Senator what right the Government of the United States has to enter the State of Ohio, the State of Pennsylvania, the State of Montana, or Colorado to engage in mining, mine inspection, or mine promotion? We have in the respective States certain laws relating to the inspection of mines. Does the Senator propose to have federal inspectors enter our States side by side with the state mine inspectors? The federal inspectors of mines might prescribe one rule with reference to the safety of mines, whereas the state law might prescribe another rule with reference to safety. What rule would prevail? How could the operator of a mine in the State of Ohio determine when he was within the law if the federal law provides one rule of action and the state law another rule of action with reference to the timbering and ventilation and mining appliances in a coal mine? How could the mining operator in the State of Montana, working a gold mine or a copper mine, determine when he was within his right and complying with the law should the law of the United States provide that an inspector appointed by the President or by the bureau of mines should insist upon a rule fixed by Congress, whereas the state law provided for another rule of action entirely?

I think it is due the Senate that the Senator in charge of this bill should clearly and distinctly state to us the right, as he understands it, under our system of government, for a federal officer to enter a State to prescribe the method of conducting a mining operation in that State.

If we have general and complete jurisdiction of the Territories let us legislate for the Territories if the territorial legislators have failed in their duty.

We have now on the statute books—and I think some twenty years ago it was my privilege to aid in placing upon the statute books of the United States—a law providing for the inspection of coal mines in the Territories. We may now provide, I think, for the inspection of quartz mines, in general mining operations, but I can not conceive how we can provide mine inspectors of the Federal Government to enter the respective States for the purpose of prescribing the method of mining or the conduct of those engaged in mining. If safety is not the purpose of the bill, then in that behalf the bill has no purpose at all as to the States. If mining promotion is the purpose of the bill, if the fostering of mining is its purpose, then it is due the Senate that the Senator in charge of the bill should explain how these clerks and stenographers and typewriters are going to foster and promote mining in the United States.

Mr. TELLER. Mr. President, the Senator from West Virginia [Mr. SCOTT] makes an appeal with reference to this bill that it is in the interest of humanity. I appreciate the fact that there have been a great many disasters in the coal mines of the country, and if this were addressed simply to the examination of coal mines there might be some excuse for it. But the bill is broad enough to take in all the mines of the country—mines of precious metals and of coal also.

We have been making appropriations for several years for the examination of the coal mines of the country where the disasters occurred, and we have left that to a certain bureau of the Interior Department. I have not heard any complaint but what they were doing that work in a proper manner, and I know of no reason why we should now establish another bureau, and at a great expense, as would certainly be the case.

Mr. President, this bureau will not only investigate and attempt to develop the coal mines of the country, but it will attempt to develop the silver and gold mines of the country.

In the first place, there is not any need of this new bureau. We have a bureau that is doing this work. It is only a part of the work that the bureau does. Congress is making every year in every proper appropriation bill some provision for the examination of these mines. I think I will suspend for a few minutes.

Mr. CLAPP. If the Senator will grant me permission, I should like to talk for a few minutes, and I think I can talk in spite of the noise.

Mr. TELLER. The Senator is a good deal younger than I am, and he has a better voice. I will yield to him for the time being, keeping the floor.

Mr. CLAPP. Mr. President, I want to say that while the appeal of the Senator from West Virginia is an appeal to sympathy and to our sense of humanity, I do not think that it has any place in the discussion of the pending bill.

Last year we voted two hundred and odd thousand dollars to investigate the cause of accidents in mining; and while I stood here at this session and protested against the wild delirium of extravagance that has seized the country and seized Congress, I would vote millions, if necessary, if it would effectuate a reform in the management of mines, where the miners have to toil under the ground that they may supply fuel for those who are above ground.

I do not propose to have that suggestion made here as a suggestion that will deter me at least from voting against the bill.

If the investigation which was made under that appropriation has revealed any condition where federal legislation can remedy the condition of the miner, then in turn I am ready to support that kind of legislation.

But, Mr. President, the bill is simply designed to establish another bureau for the government of this country and the government of Congress. Sooner or later Congress has got to take the stand that Congress will determine first and for all time in a session what the appropriations shall be.

I was opposed to the resolution of the Senator from Texas [Mr. BAILEY] this afternoon, because, with all due deference to the Senator from Texas, it seemed to me that that resolution was a mere sputter in the clouds; that there was nothing practical in it. But there is one practical way of dealing with the departments of the Government, and that is, instead of allowing the departments to say how much money we shall appropriate, regardless of the condition of the Treasury, regardless of the prospect of revenues, to let Congress inaugurate the reform and say how much money shall be appropriated.

Mr. President, I listened to a statement this morning of the comparison between the estimates and appropriations, as though that justified Congress in its extravagance. The Secretaries will bring in their estimates, and then because we appropriate less than the estimates, forsooth, we are practicing economy. That is no evidence of economy whatever.

Nor is it any evidence of economy to say that in the Fifty-ninth Congress we appropriated a billion dollars, and that $20,000,000 now is no serious addition. The evil lay in appropriating a billion dollars in the Fifty-ninth Congress.

Mr. President, I want to say that, while the country will applaud this extravagance, while the galleries may applaud extravagance, when we reach the point—I say this to my party associates—where we shall have to impose a tax upon the tea and the coffee of the people, the very people who have applauded and who have driven Congress to this extravagance, will be the first to turn upon and hold accountable the party which has permitted this extravagance. We can not excuse this extravagance on the ground that the country demands it. We can not excuse it upon any ground except our own failure to meet this responsibility. The responsibility rests upon us as a Congress.

Mr. President, there is no use of saying that next year or the year after we shall begin to economize. The time to begin to economize is now. We can not undo what has been done, but we can at least produce a remedy to the extent of stopping now any extravagant appropriations from passing even in these late hours of the session.

As I said before, I am ready to vote millions in response to a suggestion from the Senator from West Virginia [Mr. SCOTT] if it will protect the poor miners, the men who have to toil amid danger and in the darkness of the earth; but when it comes to creating a bureau here, with the head of that bureau having a salary of $6,000 a year, and not a suggestion that can be drawn from this bill that this proposed bureau can protect a single miner, I submit the argument for its establishment is farfetched.

Mr. TELLER. Mr. President, if you will take this bill and study it, you will see that it does not attempt to do anything except what is being done by an existing bureau, a bureau that has been in operation for many years. There has been, I know, considerable interest in this matter in the country, not in the mining section, but outside of it. Perhaps there is, however, considerable interest in the coal-mining region.

The Senator from Minnesota [Mr. CLAPP] states what is a fact, that nobody will deny, that while we have spent several hundred thousands of dollars in investigating the causes of loss of life in coal mines, we have as yet got from nobody who has examined the question anything that is of any value in saving lives. Recently there was a great disaster in a coal mine in the State of Pennsylvania. There perhaps never had been in the history of the world a coal mine operated with so much care, with so much attention, and so much interest in the welfare of the operatives as in that mine; not only for their safety in the mine, but for their safety out of the mine.

Large sums of money had been expended for that purpose, yet in a moment there came a disaster which was overwhelming. There was a large loss of life. I do not suppose that anybody has yet been able to find out exactly how that occurred without the cause being discovered in time to prevent the disaster. From what I can learn, it was caused by an explosion of gas.

The mine had never had any gas in it, and that is the case in many mines in this country. The mine was well ventilated, and everything had been done that could have been done if it had been a gas mine; but it blew up. Disasters in coal mining are inevitable and can not be prevented. They may be in a large degree, perhaps, mitigated, but they can never be wholly prevented.

My objection to this bill is twofold: First, that it will be a great waste of money, an expenditure without return, and that it will be an absolute interference with the mining operations of this country, particularly with the mining of precious metals.

There is no considerable difficulty in mining for gold or silver or copper in this country, and very little difficulty in mining for iron and coal. The mining industry is the one that has most difficulties to contend with. I represent here a State in part which is engaged in the production of the precious metals. We have been mining there since 1859 and we have, as have some adjoining States engaged in the same business, the most experienced and capable mining men of the world. There is not in any section of the world men engaged in that industry who know any more about it than the miners of Colorado, Montana, Idaho, California, and Utah. We do not need the fostering hand of the Government. We do not need any man to come from Washington out there to tell us how to develop our mines or, in the words of the bill, how to "promote and develop the mining industries of the United States, to make diligent investigation of the method of mining, the safety of miners," and so forth. Everybody who has lived in a mining country knows how to do that. If they did not know, my experience is that they could not get any relief from a bureau established here in Washington.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. TELLER. I do.

Mr. NEWLANDS. I wish to inquire of the Senator from Colorado why it is that the western communities in all their meetings regarding the mines have demanded either a bureau of mines or a department of mines? I have received a great many communications from officers of such conventions, and the sentiment would seem to be almost unanimus.

Mr. TELLER. I will venture to say that the Senator has never received a single call either from a practical miner or from an operator of mines; never. He has received such communications from some gentlemen who use their spare time to attend conventions, where they go to tell us how to mine or how to do something else. That is the class of men, and that is the only class, from whom the Senator ever received such communications. I have had some communications myself. I have had them from professional men——

Mr. NEWLANDS. I beg to differ with the Senator in that particular. I have in mind now urgent letters, which I have received repeatedly during the past four or five years, from a mining man who has mined extensively in almost all of the Western States and also in Alaska. His letters would seem to indicate that he represents the sentiment of others who are similarly engaged. I am also in receipt of numerous letters and resolutions from the West on this subject; and I have never yet, to my knowledge, received any communication in opposition to the organization of a bureau of mines.

I am prepared to admit, with the Senator, that the operation of such a bureau would be comparatively limited; that it would be largely confined possibly to matters of education, as is the Agricultural Department, and, possibly, as is the Bureau of Manufactures. Of course, we all realize that the Constitution does not give jurisdiction over manufactures or agriculture as such, and yet we have organized a Bureau of Manufactures and a Department of Agriculture.

I will be very brief. I simply wish to point my statement——

Mr. TELLER. There is plenty of time.

Mr. NEWLANDS. I do not wish to unduly interrupt the Senator. I wish simply to point my statement by saying that I have received hundreds and hundreds of communications upon this subject, and I have never yet received from a single western man any protest against the organization of a bureau of mines.

Mr. ALDRICH. Mr. President, it is impossible for us on this side of the Chamber to hear the Senator from Nevada. Is he advocating the appointment of another commission? Do I understand him to be doing that?

Mr. NEWLANDS. I am not advocating anything. I am making an inquiry of the Senator from Colorado [Mr. TELLER]. I ask him how he can account for this western sentiment——

Mr. TELLER. Which I deny.

Mr. NEWLANDS. Which seems to be expressed by meetings of miners and associations of miners and by numerous communications from western men urging the creation of a bureau of mines.

So far as a commission is concerned, I may say to the Senator from Rhode Island that I believe always in the organization of experts in every government work, and that it is immaterial whether we call such an organization a bureau or a committee or a commission. I am for the substantial thing. I do not think by the brand, as a great many men do, and I do not invent phrases that are intended simply to arouse popular prejudice. I am aware that the phrase "government by commission" has been invented for the purpose of creating prejudice against great and beneficial movements; but as I do not think by the brand, as a great many people do, and look only to the substance of a thing and not the form or the name which it assumes, I simply say that I am, in every government construction work, in favor of the employment of the highest talent, whether it be in engineering or in art or in construction; and that when I propose that the Government shall utilize the highest talent in the way of advice, I suggest that it is immaterial whether the organization called into being shall be called a "commission," a "bureau," or a "committee."

Mr. ALDRICH. Will the Senator permit me to make a suggestion?

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. I do.

Mr. ALDRICH. If the Senator will permit me to make a suggestion, I will say that from the speeches I have been hearing in the last two or three hours I think we are inaugurating an era of economy; and I would suggest, if the Senator be willing, that we put on this mining bureau as an incident to the waterways commission, which I understand has already been more or less established. Would there be any objection on the part of the Senator to that?

Mr. NEWLANDS. I will state to the Senator from Rhode Island that I will accept a bureau of mines in whatever form it comes. If it comes as an amendment to the waterways commission bill, I should feel that the Senate and the Congress had simply accomplished a doubly beneficial purpose.

I believe in expert talent. I believe in its employment in every branch of the Government. I do not assume that I, as a Senator, know everything; I do not assume that the Senate knows everything; I do not assume that the Congress of the United States knows everything. I believe that there are certain lines of specialized effort and that it is a wise thing upon the part of Congress in its legislation to call upon men who have become distinguished in specialized effort to give us their aid in the practical work of the construction of the country.

I do not stand for phrases. I am willing to accept a good thing under any name. If the Senator from Rhode Island will invent some other name than that of "commission," or some other name than that of "a board," I will be glad to accept it, if he only gives me the substance hoped for.

Mr. ALDRICH. Perhaps I was not so clear as I should have been in my suggestion to the Senator from Nevada. I thought that if the waterways commission were willing to undertake this work—it requires no legislation, as I understand, to give these various commissions any power—perhaps they would save us the trouble of establishing this bureau.

Mr. BAILEY. I suggest that the President might appoint one. He does so without any authority whenever he chooses; and the Senator from Nevada and the Senator from Rhode Island can have it fixed up in that way, and Congress will, no doubt, pay the expense.

Mr. NEWLANDS. Mr. President, regarding the suggestion of the Senator from Texas, I have to say that there are two kinds of commissions.

Mr. TELLER. Not more than two?

Mr. NEWLANDS. One is a commission which the President calls into being simply for the purpose of aiding him in the power conferred upon him by the Constitution of making recommendations to Congress. Such a commission has no draft whatever upon the Treasury; it has no sanction of law; but it has the right to advise the President of the United States; and I stand by the President in every action he has taken where he has sought to advise with the experts of the country in any line of specialized effort, with a view to enlightening him so that he could make the proper recommendations to Congress. I think it would be well if Congress itself would take a lesson from the President in this direction.

There is another kind of commission, and that is a commission organized under the law—the only kind of a commission

that can be paid from the Federal Treasury, and then only to the extent authorized by law. Such a commission should be composed of experts and utilized by Congress to aid it in its great work. I do not feel that in providing for the appointment of such commissions Congress is abdicating its functions. On the contrary, I insist that it is discharging its functions with the highest intelligence.

Mr. TELLER. Of these interruptions I do not complain. I am one of those who believe in the freedom of speech. I think it one of the greatest glories of this body that every Senator can speak when he wants to on any subject and can not be called to account for it anywhere outside of this body; which is very fortunate, I think, for some of us sometimes. [Laughter.] The Senator from Nevada [Mr. NEWLANDS] speaks of meetings of miners. I think I know as much about the mining camps as any man in the country, because I lived for fifteen years in a mining camp, and during the remainder of nearly fifty years I have spent in Colorado I have lived in the vicinity of them.

Mr. BAILEY. But, Mr. President, if the Senator from Colorado will permit me——

Mr. TELLER. I will.

Mr. BAILEY. While the Senator may have a longer knowledge, he has not such recent knowledge, because the Senator from Nevada has evidently just come from a mining camp. [Laughter.]

Mr. TELLER. Mr. President, I certainly do not know of any miners who want this bill, but I do know of a good many miners who do not want it. While I am not a miner myself, I have some knowledge of mining and the character of work it requires. I have seen a good many mines in my day, and I know there is nothing the Government can do to promote and develop the mines except by some statute. You may do it in that way, but you can not do it by any bureau.

We have the forest reserves. The forest-reserve people have taken in practically all of the mining lands in the State of Colorado. I state here what I know to be a fact when I say that there are thousands and tens of thousands of acres of lands in Colorado which are mining lands from which the miners have been excluded. They have practically driven out the prospector in that section of the country. We have had experience enough of regulations from Washington concerning our mines and our lands, and we do not want any more. We are quite ready to have the Government take away the class of assistance which they have been furnishing us. If there was a necessity for a bill of this kind or if there was a necessity for a mining bureau, it might be different.

This bill is so carelessly drafted that I do not see how any Senator with proper respect to the finances of the country can vote for it. This bill gives the Secretary of the Interior absolute authority to put in the field just as many people as he wants or as his judgment dictates. The bureau of mines may consist of 100 or 500 men, if he so desires. That is not the way the Senate is in the habit of legislating. If you would provide that he might to a limited extent send out inspectors or experts, or whatever you may call them, there would be some reason, perhaps, why that should be done; that is, in respect to the coal mines, but not in respect to other mines.

I do not give any heed to the people who generally get up these new schemes, and especially when they get up a scheme that has no limit to it and that may be dangerous to the interests I have in mind in the mining regions of this country.

The whole bill is carelessly and heedlessly drafted. The third section provides:

SEC. 3. That the Secretary of the Interior shall provide the said bureau with furnished offices within the city of Washington, with such books, records, stationery, and appliances, and such assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this act upon such bureau, fixing the compensation of such clerks and employees within appropriations made for that purpose.

There is authority enough in this bill for the Secretary of the Interior to hire a corps of engineers and send them out into the country. There is enough authority for him to hire laborers, and he might send them out on a prospecting tour, such as a miner goes out on, to hunt the precious metals. I do not know that you would ever get a Secretary that would do such a thing, but, judging by what some Secretaries have done in the past, I do not want to trust them with that authority. I do not believe it is good legislation.

I deny that there is any demand among the miners of this country for this kind of legislation. There may be some people who are disturbed by the great catastrophes that happen in coal mines. Then, why not confine it to coal mines?

We have a law in my State—and I think it would be sustained anywhere in the world—that no man can go into a coal mine without the permission of the owner of the mine. We have in one part of the State mines that are somewhat affected by gas, and no man is allowed to go in to work in such mines without a safety lamp, and no man is allowed to go in unless the superintendent of the mine examines his lamp, so as to see that it is in such condition that he should go in.

That is a proper regulation. Recently there were some government employees connected with the Forestry Service who concluded they wanted to go in one of those mines. The superintendent said to them, "This is the law; you must clothe yourself properly; you must have a safety lamp; you must have my permission; and I will send with you a guide." They said, "We are officers of the United States. We do not have to obey any of these laws. They do not touch us." They did not, I believe, arrest the superintendent, but they threatened him with arrest, and they somewhat disturbed his peace of mind for a day or two upon the theory that they could have him arrested for not allowing them in the mine.

We are told by those who have taken possession of the forests that when a miner makes a claim upon the public land he must satisfy them that he has a paying mine, or else he can not stay on the land. There is not one mine out of a thousand that is a paying mine until a great deal of money has been spent on it. I know of thousands of mines in the State and thousands of cases where patents have been issued where the owner had to spend $500 on his mine, and they were not in pay, but it was hoped to get them in pay. They fixed up their title when they had spent $500 on it.

Recently in one of the mining camps of the State there was a great big mining company composed entirely of local people, and there was not a lordly baron among them. They had been putting in their hard earnings, and they had developed to a very large extent three or four mines.

Those people had spent a large amount of money on the mine. For poor men they had spent what you might call a fortune. They thought they had developed property that was valuable. They applied for a patent under the statutes of the United States. All they had to do was to get a surveyor, make the survey, prove they had a vein in place. They did not have to prove it was paying or that it ever had paid. Then they would make their application to the Land Office and advertise it for a certain number of days, so that any adverse claimant might come in, and when that was done, pay for the land at the rate of $5 an acre, and ultimately get a patent. These people advertised for their patent. Nobody appeared to object, but suddenly there appeared one day a man saying he represented the Government of the United States; that he was a government agent, and wanted to examine the mine. So they allowed him to examine the mine. As I say, they had spent thousands and thousands of dollars on this mine—many times more than the law required. He went in and came out and said he would make his report to Washington, and they would know what he had concluded.

A man I know very well, and whom I have known for many years, I think as reliable a man as any other in the community, wrote me about the transaction. He said this man was a stranger to him, and he inquired if he was an expert or not. He did not profess to be an expert, but said he was an officer of the Government, sent there to determine whether or not they ought to have their patent. He said, whether correctly or not I do not know, that this man had recently, before he was sent there, been a sheep herder down in New Mexico. At all events, he tied up the patent. He said for some reason they were not entitled to the patent. Thereupon they were given notice by the Government—the Forest Bureau, not the department, which is not yet established, although it arrogates to itself the same authority as the department—that they must prove that they had a proper vein, and a paying vein, and all that, and they were compelled to do what they had already done before the register and receiver as the law required—go down to the county seat, and there before a commissioner, or somebody, give the evidence as to what they had done. That evidence would be sent down here, and my experience has been that when it gets down here it stays here indefinitely, and, as a rule, it takes several years to get a patent.

In another case which came to my notice a gentleman whom I knew very well, who had been a leading mining man, had put a mill on a piece of ground, had expended at least $20,000 on the mine—so he informed me, and I have no doubt it is true—and when he applied for a patent they notified him he would have to answer, before he could get the patent, a list of questions. I should think there must have been 20 of them at least. There was not a single question that the law required him to answer—not one. He wrote to me and said:

Shall I answer these questions?

I said to him:

If you are in haste to get a patent you had better, because they will tie you up indefinitely if you do not.

He wrote back that he was in no haste about it; that he was in possession of the property; that it was paid for; and that he would decline to answer. And so he did not answer. Therefore he is held up, although there is no law at all for doing that.

With that experience we do not want any more bureaus; we do not want any more interference from Washington. We do not need anybody to tell us how to develop that country in its mining interest.

A few years ago the State of Colorado, then with a great deal less population than it has to-day, was producing at least $35,000,000 worth of silver at the then market price. Now the product would be worth considerably less, of course. When silver fell our people turned their attention to mining gold more attentively than they had before. We mine now about seven millions of silver a year, which mainly comes as a by-product of gold mining. We are producing in Colorado not less than $25,000,000 to $28,000,000 of gold a year. Under those circumstances do you suppose anybody can give us any information how to develop that country? We do not need any assistance from the General Government.

The bureau is to reduce ores, under this bill. I suppose they will have to build a mill, and I suppose it will be just as it was in another matter. We provided for the testing of material—trying some men, and some other things. We made an appropriation, I think, of $100,000 last year for it. The next thing we knew about it was—and we did not find that out very soon, either—the administration of affairs charged with this examination had started and made a contract for a testing machine, for which they are to pay $32,000, I believe, and which I am told will, when paid for, cost at least $40,000. Give them an inch and they will take an ell.

If you say "You may inquire how our mines are worked," they will say, "We know more about mining than you do, and we will tell you how to mine. This is not a good mine. You can not make a profit. You must abandon the mine." We do not want anything of that kind in Colorado. We do not intend to have it if we can help it, notwithstanding the Senator from Nevada.

There are some people in Colorado who want this done. A scientific man, heading a scientific school in Colorado, came to me not long since and said he wanted a bureau of mines. I said, "I am opposed to it." I said, "Why do you want it?" He said, "The Government will spend some money out there in that matter, and I want it as an adjunct to the school." The State of Colorado has maintained for years a mining school—a mining school that I venture to say here has never been equaled on the face of the earth. It is the best in the world, absolutely. We have had experienced men at the head of it. It is the best, because every opportunity has been at the door of the school—gold mining, silver mining, copper mining, lead mining, coal mining—and it only takes a few hours for the professor to take his corps of students and land them in a mining camp where they can see all manner of reduction and all kinds of mines.

There is not a mining interest anywhere in the world that has not been represented in that section of the State of Colorado. There are not under the sun anywhere miners of greater skill than can be found in those Western States.

Mr. President, it is that interest which I in part represent here, and for that reason I object to the bill. I object to it on the score of economy. I object to it also because instead of being a help to the mining industry of the country it will be an absolute hindrance.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. TELLER. Certainly.

Mr. STONE. Mr. President, with a view to temporarily relieving and aiding as far as may be possible my distinguished friend the Senator from Colorado [Mr. TELLER] in the interesting debate he has been conducting, I will say a word or two.

I am always glad——

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. STONE. For a question.

Mr. KEAN. It is just for a question.

Mr. STONE. Not for a speech.

Mr. KEAN. Is the Senator going to entertain us with the same speech that he delivered about the 30th of May, 1908?

Mr. STONE. I really think that speech would bear repeating.

Mr. KEAN. It never was finished.

Mr. STONE. I am very glad the Senator from New Jersey remembers it.

Mr. KEAN. I have quite a vivid remembrance of that occasion, and as I know the Senator did not quite complete that speech, I suppose he will do it to-night.

Mr. STONE. No; I have serious matters in mind pertinent to the question immediately before the Senate.

Mr. President, I was about to say I would be glad to contribute anything in my poor power to the promotion of any cause in which the Senator from Colorado is interested because of my high and affectionate esteem for him, for no man in this great body has a longer, more distinguished, or signally useful service than that which stands to his credit. If he were not present, I would like to elaborate that thought.

Mr. HALE entered the Chamber and took his seat.

Mr. STONE. I see the Senator from Maine is present, and I am going to yield in a moment——

Mr. HALE. I thank the Senator.

Mr. STONE (continuing). If he will indulge me just for a moment or two; not long.

I am not opposed, of course, to laws designed for the protection of the lives of men engaged in the actual work of mining. No one is. It seems to me, however, that that is a business which could be well left to the States, and better done by the States than by the General Government. I had intended to say something more upon that subject, but the Senator from Maine will be getting impatient soon.

I desire to say this before I sit down, however: There is a tendency toward extravagant and wasteful expenditure of the public revenue in the conduct of the government—municipal, state, and national.

I had occasion to say this before the legislature of my State, or substantially this, some time ago, and was criticised for it. I had the honor once to serve my State in the office of Governor for a term which ended in 1897, a little more than a decade ago. The expenditures incident to the administration of the public affairs of that Commonwealth have practically doubled and a little more in that period. I think, though I do not speak from official data, but I am sure I am within the limit of approximate accuracy when I say, that the expenditures of the cities in my State have doubled in that time, and the expenditures of the National Government we know have doubled in that period.

Mr. President, it seems now to be the thought of men to find ways and means of raising revenue that larger expenditures may be made, rather than to find out how we can administer good government at less expense to the people.

Mr. HALE rose.

Mr. STONE. The Senator from Maine is anxious to get his matter up. It is late, and I yield.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes.

The message also announced that the House had passed the bill (S. 3526) to amend section 876 of the Revised Statutes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

S. 2982. An act to codify, revise, and amend the penal laws of the United States;

H. R. 21029. An act for relief of James W. Sears;

H. J. Res. 225. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial, in Washington, D. C.; and

H. J. Res. 261. Joint resolution authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America in the year 1912.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for

other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 24, 28, 29, 32, 33, 41, 42, 44, 58, 60, 70, 71, 74, 75, 79, 81, 96, 113, 114, 116, 118, 119, 121, 122, and 127.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 21, 22, 23, 30, 31, 35, 36, 37, 39, 45, 47, 48, 49, 52, 54, 55, 56, 57, 59, 61, 62, 63, 64, 65, 66, 69, 72, 73, 76, 77, 78, 80, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 97, 98, 99, 100, 101, 105, 106, 107, 108, 109, 110, 112, 115, 117, 120, 124, 125, 126, 128, and 129, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Point Judith breakwater lights, Rhode Island: For establishing lights and fog signals on the breakwaters of the national harbor of refuge, Point Judith, Rhode Island, twelve thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Add at the end of said amendment the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Add at the end of said amendment the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "one hundred and fifty thousand dollars;" and after the word "dollars," at the end of the said amendment, insert the following: ", and the said commission shall complete their entire work and make their final report, and the commission shall cease on the first day of March, nineteen hundred and ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 100 of the bill, in line 5, strike out the word "fifty" and insert in lieu thereof the word "twenty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Add at the end of said amendment the words "to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 4 of said amendment, after the word "services," insert the words "for the Senate Office Building;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: On page 106 of the bill, in line 3, strike out the words "to indict" and insert in lieu thereof the words: "or other juries to indict and try;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 3 of said amendment, strike out the word "seventy-five" and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and twenty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Strike out all after the word "Treasury" in line 8 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million four hundred and seven thousand three hundred and ninety dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: On page 166 of the bill, in line 8, strike out the words "forty-two thousand six" and insert in lieu thereof the words "forty-seven thousand one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$402,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,328,750;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "the," insert the words "Congress and the;" and on page 200 of the bill, in line 25, strike out the words "forty-one thousand two hundred and thirty-two" and insert in lieu thereof the words "forty-eight thousand and thirty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 215 of the bill, in line 20, after the word "shall," insert the words "transmit the estimates to Congress as heretofore required by law and," and change the number of the section to 7; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the number proposed insert "nine;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: After the word "is," at the end of line 13 of said amendment, insert the words "specifically and in express terms" and change the number of the section to 10; and the Senate agree to the same.

EUGENE HALE,
GEORGE C. PERKINS,
H. M. TELLER,
Managers on the part of the Senate.

J. A. TAWNEY,
WALTER I. SMITH,
JOHN J. FITZGERALD,
Managers on the part of the House.

The report was agreed to.

REPORT OF A COMMITTEE.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6666) for the relief of the estate of Antonio Sousa, deceased, reported it with an amendment and submitted a report (No. 1114) thereon.

RECESS.

Mr. HALE. I move that the Senate take a recess until half past 9 o'clock in the morning.

The motion was agreed to; and (at 11 o'clock and 20 minutes p. m. Wednesday, March 3, 1909) the Senate took a recess until 9.30 o'clock a. m. Thursday, March 4, 1909.

REJECTION.

Executive nomination rejected by the Senate March 3, 1909.

Joshua E. Wilson to be postmaster at Florence, S. C.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3, 1909.

CONSUL.

A. Donaldson Smith to be consul at Mersine, Turkey.

RECEIVER OF PUBLIC MONEYS.

William A. McClure to be receiver of public moneys at Dickinson, N. Dak.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. Benjamin H. Kerfoot to be captain.
Second Lieut. Thomas A. Terry to be first lieutenant.

PROMOTIONS IN THE NAVY.

Professors of Mathematics Walter S. Harshman, Frank B. Littell, and Paul J. Dashiell to be professors of mathematics, with the rank of lieutenant-commander.

APPOINTMENT IN THE NAVY.

Harold C. Daniels to be a second lieutenant in the Marine Corps.

POSTMASTERS.

ARKANSAS.

Lyman S. Roach, at Texarkana, Ark.

GEORGIA.

Sarah J. Anthony, at Shellman, Ga.
John S. King, at Rochelle, Ga.

INDIANA.

John C. Jenkins, at Fortville, Ind.
John H. Kimble, at Brookville, Ind.

NEW MEXICO.

William Reily, at Carrizozo, N. Mex.

TENNESSEE.

William E. Byers, at Tracy City, Tenn.
James H. Christian, at Smithville, Tenn.
Susanah E. Farley, at Whiteville, Tenn.
William L. Green, at Spring Hill, Tenn.
John Redd, at Bolivar, Tenn.
Joel F. Ruffin, at Cedar Hill, Tenn.

TEXAS.

J. F. Bain, at Humble, Tex.

WISCONSIN.

W. H. Schallert, at Johnson Creek, Wis.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 3, 1909.*

[*Continuation of legislative day of Tuesday, February 23, 1909.*]

The recess having expired, the House (at 11 o'clock and 50 minutes a. m.) resumed its session, and was called to order by the Speaker.

COPYRIGHT.

The SPEAKER. The pending question is the motion made by the gentleman from New Hampshire [Mr. CURRIER] to suspend the rules and agree to the amendments which were read, and pass as amended the bill (H. R. 28192) to amend and consolidate the acts respecting copyright, which bill was read last evening. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 28059. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes; and

H. R. 27053. An act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 8899. An act entitled "An act granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 6055. An act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

The message also announced that the Senate had passed, without amendment, bill of the following title:

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.

The message also announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28376. An act entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes."

The message also announced that the Senate had passed without amendment House concurrent resolution 76, as follows:

House concurrent resolution 76.

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House and the President of the Senate be authorized to cancel their signatures to H. R. 21896, "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," and that the bill be reenrolled, with the correction in section 23, line 2, after the word "and," strike out the word "eight" and insert "nine," so that the sentence shall read: "Section 23. That this act shall take effect and be in force on and after the 1st day of July, 1909."

GOVERNMENT FOR HAWAII.

The SPEAKER announced the cancellation of his signature to H. R. 21896, "An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes," in accordance with House concurrent resolution 76.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, will the gentleman from New Hampshire [Mr. CURRIER] yield to allow me to present a conference report? It will take probably twenty minutes to pass it.

Mr. CURRIER. Mr. Speaker, understanding that it will not take more than about twenty minutes to pass the bill and desiring to have a full House when the copyright matter comes up, I will yield to the gentleman.

Mr. HULL of Iowa. Mr. Speaker, I submit a conference report on the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Iowa presents a conference report on the Military Academy appropriation bill and asks unanimous consent to read the statement in lieu of the report. If there be no objection, it will be so ordered.

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28059) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 16, 18, 20, and 26.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 11, 12, 13, 15, 19, 22, 23, 25, 29, and 30, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one thousand;" and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "three;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of

amount proposed in said amendment insert "twenty-six thousand eight hundred and seventy-three;" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "one thousand five hundred;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of matter proposed in said amendment insert "for five small electric motors, at one hundred dollars each, five hundred dollars;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "twenty-four thousand and thirty-three;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "eight hundred and two thousand nine hundred and eighty-six;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "one thousand five hundred dollars," so that the amendment will read: "For preserving and marking Revolutionary forts, redoubts, and batteries, and other historic sites, situated within the limits of the West Point Military Reservation, one thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of amount proposed in said amendment insert "twenty-eight thousand five hundred and thirty-five;" and the Senate agree to the same.

J. A. T. HULL,
A. B. CAPRON,
WM. SULZER,
Managers on the part of the House.

N. B. SCOTT,
J. A. HEMENWAY,
MURPHY J. FOSTER,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

Statement of the conferees on the part of the House on the act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910:

Amendment No. 1 simply changes one word; and the House recedes.

Amendments Nos. 2, 3, and 4 relate to the six sergeants authorized by the bill as it passed the House. The Senate amendments do not increase the number of sergeants, but designate one as stable sergeant and the other five simply as sergeants; and the House recedes.

Amendments Nos. 5 and 6 simply change the sections of the bill retaining the language as adopted by the House; and the House recedes.

Amendment No. 7 relates to the pay of a stenographer and typewriter in the adjutant's office; and the House recedes and agrees to the same with an amendment fixing the pay at $1,000 a year.

Amendments Nos. 8 and 9 only relate to the totals.

Amendment No. 10 provides for the paying of expenses of the members of the Board of Visitors. The House recedes and agrees to the amendment by fixing the amount $1,500 in place of $2,000.

Amendment No. 11 is intended to authorize the Board of Visitors to attend the graduation at the academy in addition to their present duties; and the House recedes.

Amendments Nos. 12 and 13 are verbal; and the House recedes.

Amendment No. 14 relates to the purchase of a typesetting machine; and the Senate recedes.

Amendment No. 15 provides for a cylinder press; and the House recedes.

Amendment No. 16 provides for a paper-cutting machine; and the Senate recedes.

Amendment No. 17 provides for electric motors; and the House recedes and agrees to the same with an amendment providing for 5 electric motors in place of 6.

Amendment No. 18 is for closets for stock and office furniture; and the Senate recedes.

Amendment No. 19 is verbal; and the House recedes.

Amendment No. 20 is the insertion of new words in the total; and the Senate recedes.

Amendment No. 21 is simply the total for current and ordinary expenses; and the House recedes.

Amendments Nos. 22 and 23 are verbal corrections; and the House recedes.

Amendment No. 24 is simply the total for the Military Academy; and the House recedes and agrees to same with an amendment.

Amendment No. 25 is an increased appropriation for repairs to ordnance laboratory and other buildings; and the House recedes.

Amendment No. 26 is for the development of a plan of landscape improvements; and the Senate recedes.

Amendment No. 27 is for preserving and marking the Revolutionary forts, etc.; and the House recedes from its disagreement and agrees to the same with an amendment reducing the amount appropriated from $3,200 to $1,500.

Amendment No. 28 is a total; and the House recedes and agrees to the same with an amendment.

Amendment No. 29 is authorizing the Secretary of War to permit Mr. Demetrio Castillo, jr., of Cuba, to receive instruction at the Military Academy; and the House recedes.

Amendment No. 30 authorizes the appointment by the President of J. Randolph Peyton, late a cadet at the Military Academy at West Point, to a position as second lieutenant in the army; and the House recedes.

J. A. T. HULL,
A. B. CAPRON,
WM. SULZER,
Conferees on the part of the House.

Mr. HULL of Iowa. Mr. Speaker, I simply call the attention of the House to the fact that in the conference the following items were dropped:

Pay of stenographer and typewriter in the adjutant's office, $900 a year, was dropped by the Senate; expenses of the Board of Visitors, reduced $500; typesetting machine, $3,700.

Mr. SLAYDEN. How much is that item increased over the House appropriation?

Mr. HULL of Iowa. You mean for the clerk? I think about $100 a year.

Mr. SLAYDEN. No; the expenses of the Board of Visitors.

Mr. HULL of Iowa. The item is now $1,500, instead of $1,000 as we passed it in the House, and instead of $2,000 as passed by the Senate. The total amount dropped out of the Senate amendment is $9,900.

Mr. SLAYDEN. Before the gentleman leaves that amendment (No. 11) about the expenses of the Board of Visitors, I want to call the attention of the House to what has been done in that matter.

Mr. HULL of Iowa. How much time does the gentleman want?

Mr. SLAYDEN. About three or four minutes.

Mr. HULL of Iowa. I yield to the gentleman four minutes.

Mr. SLAYDEN. Mr. Speaker, last year the House of Representatives, on the recommendation of the Committee on Military Affairs, after giving the subject consideration for three or four months, amended the statute governing the Board of Visitors to the Military Academy. By that amendment there was substituted for the old junketing board, which was composed of citizens from all over the country and of Members from the House and Senate, a very efficient subcommittee from each of the two committees of Congress charged with the duty of framing the bill for the support of the Military Academy. The amendment also provided that they should go at a season of the year when the academy was at work, and not when it was on parade. Now, in obedience to that law a joint committee did go to West Point in January, conferred with the authorities of the academy, got such information as was essential for the intelligent formation of the Military Academy bill, and returned. The total expenses of that Board of Visitors in January to the Military Academy were less than $400; I think about $360. When we came to the making of the bill, the committee, over my protest, made the appropriation for the next visit $1,000, which I stated then, and now believe, to be two and one-half times as much as it should

have been. The Senate increased that amount by another thousand dollars. It appears that the conference committee have reduced that by $500, so that as the report has been brought into this House it authorizes the expenditure of $1,500, when experience within the last ninety days has shown that less than $400 is all that is required.

Now, Mr. Speaker, the purpose of the amendment of the statute suggested by the Senate is to provide a junketing entertainment in the way of an unnecessary visit to the Military Academy. I regret to say that after having given it some thought I can see no other reason for the amendment than that the month of June is a desirable season to visit the Military Academy, and that there are a great many entertainments there at that period.

The academy bill has been made and will soon be passed. This second visit is wholly unnecessary. I fail to see how it can be justified. I think, sir, that this conference committee on the part of the House should have resisted that amendment as wholly unnecessary—as an inexcusable waste of public money. It is a yielding to the recommendation of the superintendent of the academy, who, as has been suggested to me, submitted a report—by the way, without authority in law—and had the report printed—by what authority I do not know—in which he recommended that there should be a return to the old system of a miscellaneous board taken from all over the country, and composed of distinguished visitors rather than mere working Members of Congress.

Now, Mr. Chairman, for fear that I may not get another opportunity, I want to say a few words in reference to the second amendment that this conference committee reports. I think it is the last amendment on the bill. That proposition is to put a young man on the retired list of the army who, while a student at the academy, had the misfortune to lose his leg. I feel exceedingly sorry for him. The committee considered it, and unanimously reported that there ought not to be any such legislation.

The young man was not an officer in the army; he was a student at the Military Academy enjoying the bounty of his Government. He was within three months of graduation. He had received an excellent education and was perfectly equipped, so far as scholastic training goes, to make his way in the world.

A short time before graduating he had the misfortune to fall ill and to lose his leg. I want to say that if any student at that academy hereafter gets the measles, and as a result loses his eyesight, or if a student catches cold and tuberculosis ensues, under the precedent established by this legislation, which I assume will be enacted, those young men can be put on the retired list of the army.

Mr. Speaker, I move that the House conferees be instructed to further insist upon the rejection of the amendments of the Senate.

Mr. HULL of Iowa. Mr. Speaker, the amendment the gentleman from Texas addressed himself to is in regard to the Board of Visitors. That board has the same power on the first visit as it had in the last Congress. The law is not changed in this respect. The only change under the law is practically an authorization for them to return to West Point a second time. I know that it is the general feeling that the June visit is more of a junket than a business proposition, but in almost all institutions and graduations there are distinguished visitors. I was not in favor of the June meeting, but I can see little harm, and the academy is unanimously for it, and the Senate insisted on it. It is hardly large enough to quibble over.

Mr. ANTHONY. Will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. ANTHONY. The gentleman says that he can see but little harm in the visit. Can he see any practical good?

Mr. HULL of Iowa. A great many believe that there is a great deal of good in it. For myself I have no particular feeling on the subject. I have been there repeatedly at the June meetings, and the gratification that the students have, and the men there, seems to me to be of more benefit than Congress receives.

Mr. SMITH of Michigan. I would like to ask the gentleman from Iowa, if this conference report is adopted, how many cadets will be allotted to each Member of Congress?

Mr. HULL of Iowa. That was beaten in the Senate and is not in conference. Now, as to the second amendment the gentleman speaks of, there was a cadet who served in the academy about three and a half years, and who, on a practice march, had trouble come to him from a diseased knee. The doctors at the academy treated him for rheumatism. His father took him home and had other eminent physicians called in, and they decided that it had been neglected so long that it was imperative to remove the leg. The academy authorities and the Secretary of War reported that this injury was received in line of duty. Frankly, I doubt that very much. But it is true that on their report that it was injured in line of duty, if the young man had known of his rights, he could have applied for examination, and, standing high in his class as he did, he would undoubtedly have passed the required educational qualifications and, under the law, would have been entitled to a commission as a second lieutenant, and then been retired.

I do not believe that such a case is likely to happen again. There has none happened like it within a hundred or more years, and while I do not like this way of legislating, yet we have got to recognize the rights of another body under their rules of proceeding, and when we do, we have got to meet their propositions.

I think I am not violating a confidence to say that every member of the House Military Committee believes this young man should have some relief, and it is before us now on the proposition to give him his second lieutenancy, which he fairly earned by his standing in his classes, which he would have received had it not been for this accident, which compels him to go with the loss of a leg, nearly up to the hip joint; and we could not, as conferees, stand out and hold up this Congress on a matter of that character. I hope the conference report will be adopted.

Mr. GAINES of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. GAINES of Tennessee. We have not heard anything the gentleman has said, and I would like to know where this young man was when he was injured.

Mr. HULL of Iowa. He was on a practice march with the other cadets.

Mr. GAINES of Tennessee. And the gentleman says they had to cut his leg off?

Mr. HULL of Iowa. I do not know whether it was an accident or the development of some disease he had, but this is true, that all the military authorities report him as injured in line of duty; and if injured in line of duty and he had passed his examination at the final examination, he would have been commissioned and retired.

Mr. GAINES of Tennessee. What was he doing when he was injured?

Mr. HULL of Iowa. He was on duty, in the line of duty; obeying the orders of his officers.

Mr. GAINES of Tennessee. Is it the fact that he was injured?

Mr. HULL of Iowa. I do not know. That is what they reported; but I do know this: Immediately a disease of the knee-joint developed, that the army surgeon at West Point treated him for rheumatism, when that was not what was the matter with him at all, and the injury ran on until it resulted in the loss of his leg. In my judgment, whether it was an injury or not, it was at least malpractice by an army officer.

Mr. GAINES of Tennessee. Are there any precedents for this?

Mr. CAPRON. No.

Mr. HULL of Iowa. If we adopt this conference report, he gets his commission and retirement.

I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, the conferees on the part of the House have had a full and fair conference regarding all matters in dispute between the two Houses on the Military Academy appropriation bill. In my opinion, having been one of the conferees, I believe that this conference report is just and fair and a substantial victory for the House; and I trust the motion of the gentleman from Texas [Mr. SLAYDEN] will not be adopted, but that the conference report will be accepted by the House. It will be a serious mistake to send this bill back to conference.

Now, just a few words in regard to the provision in this bill to place Cadet J. Randolph Peyton on the retired list of the army. This young man was a cadet at the academy. He was serving his last year. He stood near the head of his class. He is a bright, smart, earnest young man, and would have graduated with honors except for the injury he received in the line of duty. The Secretary of War certifies to this fact and favors this legislation. His leg had to be amputated by reason of this accident, and he did not report to the academy to pass his final examination. Had he reported, no doubt he would have passed, and passing the examination successfully, he would have been, of course, placed on the retired list of the army.

This provision simply corrects a mistake—a technical error of judgment—and retires this young man who lost his leg in the service of his country and places him on the retired list as a second lieutenant. I believe that this relief should be granted. It is only fair and just. I do not believe that any Member of this House who understands all the facts in the case should seriously object to placing the name of this young man Peyton on the retired list of the army as a second lieutenant. It ought to be done as a matter of right. This is all I care to say at present, and, I repeat, I trust the conference report as presented by the conferees will be unanimously adopted.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, this report should go back to conference. I can not see one single logical reason for an additional junket to West Point. After the subcommittee from the Military Committees of the House and Senate made its trip there this winter it came back with a fund of information which enabled us for the first time to intelligently report a Military Academy bill to the House. Now, all they want of this second junket to West Point is to afford an excursion for a lot of political and military "has beens." It was recommended by the superintendent of academy, it is true; but he recommended it in a way that was an insult to the membership of this body, and I want to say that in all decency his recommendation should be disapproved of. For the first time in the history of this body, because of the adoption of the visiting-committee plan, as recommended by the gentleman from Texas [Mr. SLAYDEN], the present Board of Visitors was able to bring to the committee a comprehensive report from the Military Academy, and I believe that we should now stand by a system which has worked well. I hope that the motion of the gentleman from Texas will prevail.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. HOLLIDAY].

Mr. HOLLIDAY. Mr. Speaker, I shall vote for the approval of this conference report and hope the House will adopt it. I desire to say, as emphatically as I can, that I am not at all satisfied with the amendments. We have made some progress along the proper lines. While we have not been able to entirely eliminate the junket, as the gentleman from Kansas [Mr. ANTHONY] has so properly designated it, we have reduced the appropriation, and I think by patience and perseverance in the course of time we will be able to eliminate all the expenses and unnecessary features connected with this institution.

I want to say one word about this placing a boy upon the retired list. This young man is entitled to the sympathy of every man in this House, but I want to call attention to the fact that there are hundreds of schoolboys all over the United States who have been injured in the last year who would like to go upon the retired list and be taken care of by the Government of the United States during the rest of their lives. This young man was not a soldier or a sailor. He had never borne arms for his country. He was simply acquiring an education at the expense of the Government and something got the matter with him and the Senate decided to place him upon the retired list. I think that the report should go through. This item is not of large enough importance to hold it up, but we want the public to know and we want the people to know that if any man wants to get on the retired list all he has got to do is to get a little "pull" at the other end of the Capitol.

We want to so awaken public opinion that this thing of putting men, who have never been soldiers or sailors, upon the retired list some time in some way in the remote future will be stopped.

Mr. PAYNE. May I ask the gentleman a question?

Mr. HOLLIDAY. Yes.

Mr. PAYNE. Why did not you strike out these two provisions? Both of them are new legislation by the Senate, and if the House stands out they are bound to strike out those provisions.

Mr. HOLLIDAY. I am opposed to them; I think we ought to strike them out, but I was not on the conference committee.

Mr. PAYNE. Why did not the conferees strike it out?

Mr. HOLLIDAY. I say to the gentleman that I was not on the conference committee.

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, I yield one minute additional to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the suggestion of the gentleman from New York [Mr. PAYNE] is wise and pertinent. If the House makes a stand on this and rejects the report, in my judgment both of these items will be stricken out; certainly that which puts upon the retired list of the Army of the United States a young man who had enjoyed unusual benefits from the Government, which proposes to retire him under three-quarters pay of a lieutenant of the army, should go out. This precedent is dangerous. As I said a moment ago, if any young man becomes physically incapacitated from any illness whatever while at the Military Academy, if this precedent be established, he will have that as a basis to operate on, and he can be taken from the school and put upon the retired list of the army and live in comfort for the balance of his life without having rendered to the Government one hour's service.

Now, that is exactly the case in this instance. This young man has received a fine education. He has been supported, clothed, fed, and educated at public expense. He has never been for a single minute in the service of the Government of the United States, and now it is proposed to pension him at the rate of three-quarters of the pay of a lieutenant of the army. I hope the report will be voted down.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Florida [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Speaker, of course I can not state everything connected with this matter in two minutes, but I can give the House an idea of its provision by a brief statement of some of its leading features. I agree fully with the remarks made by the gentleman from New York [Mr. SULZER], who has stated briefly the facts.

It is true that when Mr. Peyton entered the academy at West Point he was in good health and remained so until within a few weeks of the time when he would have graduated but for an injury or trouble which subsequently made it necessary to amputate his limb. It is further a fact that immediately after a forced march, commonly known as a "practice march," he was found to be diseased to such an extent as to immediately incapacitate him for further service or studies in the academy. This disease was diagnosed by the surgeons there as acute articular rheumatism of the left knee, and was treated accordingly, but he did not recover, and a short time thereafter was permitted to go to his home in Florida, where eminent surgeons at once diagnosed his trouble as that of tuberculosis of the knee, which diagnosis was afterwards confirmed by other eminent physicians, one of whom, I think, was in New York. It is further stated that the disease might have been cured if it had been taken in time, but it had progressed so far by the time he reached Florida that it became necessary to amputate his limb, which was done between the knee and the hip. It was thought by some of the physicians attending him that if he had been properly treated in the beginning he might have been cured and hence the amputation rendered unnecessary.

I contend, then, that inasmuch as the disease which resulted in the loss of his limb had its inception in the line of duty, and inasmuch as he would have graduated but for this within a very few weeks, that he should be treated as if he had been regularly graduated and had become an officer; and that is the purpose of the provision inserted in this bill and now under consideration. If adopted, it will place him on the retired list with the grade into which he would have graduated.

It has been said that there are no precedents for this action; but that is a mistake, as Congress has already at different times passed several bills of a similar nature. Of course these came from the Naval Committee; but Congress passed them, nevertheless, and there is no reason why this young man should not be treated as others similarly situated have been treated.

Since the precedents have been established—which are not numerous, and in the nature of things can not be numerous—there is no earthly reason why this young man should not be treated as others have been treated. It has been said that he has a good education, given him by the Government, and that that ought to suffice. But I ask if there is a man here who, for the sake of obtaining such an education, would be willing to suffer the loss Mr. Peyton has suffered? No amount of education can compensate for the loss he has sustained, nor will the relief we are seeking to give repay him.

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. Mr. Speaker, on the amendment relating to the Board of Visitors we preserve all the benefits that have come to us from the amendment adopted last year by the House on the suggestion of the gentleman from Texas [Mr. SLAYDEN]. There is no change in that feature of the law. The Board of Visitors are to go there at a time when they can see the necessities of the institution and report to each House of Congress before the preparation of the Military Academy bill, and that this year has been of great benefit to us. There was no surrender on that proposition. It is simply the addition of an additional trip. It was thought by some Members of the House, and I think all the Members I have talked with except one or two on the Board of Visitors this year, that a visit by the same committee representing the House and Senate at the graduation exercises at the academy would be of great benefit to the academy at least. It is a small matter and costs

but a small sum, and if these Members of the Board of Visitors want to go back in June, for one I am willing that they should.

Now, the second amendment does present a more serious proposition. It is a proposition to place a cadet upon the retired list, and if there ever was a case that would justify such action, this case is one of them.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HULL of Iowa. In just a minute. This House has by a direct vote done this very same thing for one or two cadets in the navy that were on a practice cruise and injured, not commissioned, not in the navy, but by a vote practically without opposition in the House and in the Senate passed a bill placing the cadets upon the active list and retiring them on account of the injuries.

The department reports that this boy was injured while on a practice march. The worst feature of it was that the army surgeon treated him for rheumatism and allowed the disease to eat into the bone until the bone became so diseased that he lost his leg. It was malpractice, if nothing else. The Secretary of War reports that he was injured in line of duty. The superintendent of the academy and all the authorities there report that he was injured in line of duty, and if he had known his rights when his leg was removed, and as soon as he had recovered sufficiently to travel had gone back to the academy and taken the examination in his studies, under the law, if he had passed that examination, he would have been entitled to commission and immediate retirement. But he did not know his rights. His father did not know them.

Mr. MADDEN. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. MADDEN. Does not the gentleman think he is doing an injustice to the young man by placing him on the pension roll? Does he not think that the fact that the placing of this young man on the pension roll will be a premium on indolence, and take away from him all of the incentive to use the intelligence he possesses for the purpose of developing himself for future manhood and for giving him that place in life that he ought to have?

Mr. HULL of Iowa. Mr. Speaker, as the young man is perfectly willing to take that chance, I am willing for him to have it, and I now move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Chair announced that he was in doubt.

The House divided; and there were—ayes 170, noes 60.

So the conference report was agreed to.

COPYRIGHT LAWS.

The House resumed consideration of the bill (H. R. 28192) to amend and consolidate the acts respecting copyright.

The SPEAKER. The gentleman from New Hampshire [Mr. CURRIER] is entitled to twenty minutes and the gentleman from Tennessee [Mr. GAINES] to twenty minutes.

Mr. CURRIER. Mr. Speaker, as a general proposition, I agree that important bills ought not to pass this House without ample opportunity for discussion and amendment. But it sometimes happens that the advantages to be gained by immediate action are so great that the House is willing to waive the right to long debate and to amendment in order that action may be secured. It is not unusual that bills of great consequence are passed in this House under suspension of the rules. More than one great appropriation bill has been passed under suspension at this very session. In the last session one of the most important bills in recent years, the currency bill, was passed under a rule which provided that only one single amendment could be offered, and that was an amendment that no Member wanted.

I moved last night to suspend the rules, because if this action can not be taken now this bill dies at noon to-morrow. Certainly nothing can be lost in making the one effort that can be made to pass the bill. I knowing, after long investigation, how serious the conditions are to-day, how imperative is the demand for immediate relief, feel that I should not discharge my duty properly did I not make every possible effort to secure action on this bill at this session.

Mr. HARRISON. What protection have you given the owners of mechanical devices?

Mr. CURRIER. I will come to that in one moment.

Mr. GAINES of Tennessee. The House ought to know just what this bill is. It is a very important bill, with 64 sections. I know nothing about it myself, and I want to know something about it, and I hope the gentleman will be listened to in explaining the bill.

Mr. CURRIER. Let me say that for three years the House committee and the Senate committee have been investigating this matter. There are many technical and troublesome questions involved. For a long time it seemed that it would be impossible to get an agreement in either committee. To-day both committees are unanimously for the bill as we have it now. It does seem, with the reorganization of committees soon coming, so that we will be compelled again to go over this matter unless action is taken now, that this bill ought to pass under suspension of the rules if any bill is to be so passed.

Mr. STEPHENS of Texas. I desire to inquire, Does it make any provision for the owners of these musical instruments?

Mr. CURRIER. It does.

Mr. COCKRAN. I hope we may have order. It is a very important bill, and I would like to have it explained.

The SPEAKER. The Chair has hope, but not much faith.

Mr. CURRIER. Let me say——

The SPEAKER. The Chair has frequently seen the House agonized over a hundred dollars of expenditure. Here is a bill that effect every household in the country. Business will not proceed until the House is in order and keeps in order.

Mr. CURRIER. Let me say to the gentleman that there is no legislation in this country on the subject of the mechanical reproduction of music. The courts have invariably held—the Supreme Court held last winter in the case of White-Smith Publishing Company *v.* Apollo Company—that under the law as it now stands any reproducer by mechanical means of music may appropriate the copyrighted music of any composer without compensation. The composers of this country have received not one dollar for the use of their music by reproducing devices, of which millions and millions have been sold. I doubt if there is a Member of this House who has not received letters from his constituents begging him for some legislation on this question. It is very difficult to solve that question, gentlemen, for this reason: While we desired to give to the composer some compensation for such use of his music, we felt that there was great danger that unless that proposition was safeguarded a great musical trust would be formed. The preliminary steps in the formation of such a trust had already been taken. We have solved it in this way, and we have solved it, we believe, so as to be fairly satisfactory to both interests. First, we allow the composer to prohibit the reproduction of his music by mechanical means; but if the composer reproduces his music by mechanical means, or if he permits anybody else to reproduce it by mechanical means, then everyone who desires may reproduce it upon payment to the composer of 2 cents on each mechanical reproducing device.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. CURRIER. Certainly.

Mr. COOPER of Wisconsin. Does the gentleman look upon that which the composer disposes of for 2 cents as a property right of the composer?

Mr. CURRIER. It becomes a property right when Congress creates that property right. It is not a property right now by law.

Mr. COOPER of Wisconsin. Well, is it not an invention of the composer?

Mr. CURRIER. Let me say to the gentleman from Wisconsin, there is no property right in writings. The courts have held again and again that the composer or the inventor has no natural rights in his writings or discoveries, but such rights as he has are purely statutory rights.

Mr. COOPER of Wisconsin. One more question and that is all. Does the gentleman know of any other national statute which requires any man who invents anything or composes anything to dispose of it at a price fixed by Congress under the law?

Mr. CURRIER. Let me say that I do not. Let me say also that it is the only possible way to solve this question with fairness to the composer and to the public alike, and we have the power to do it.

Mr. HARRISON. I understand from the gentleman that this bill gives the composer a property right.

Mr. CURRIER. It does.

Mr. HARRISON. What penalty does it provide for infringement, other than the levying of 2 cents a copy?

Mr. CURRIER. It provides for injunction proceedings, and the court may award treble the amount found by the jury and grant an injunction to restrain further interference.

Mr. HARRISON. Those are only civil remedies. There is no criminal punishment, is there?

Mr. CURRIER. We have given no criminal remedy for this kind of an infringement.

Mr. UNDERWOOD. How long does this right last to the composer?

Mr. CURRIER. That goes into the question of term; and will the gentleman wait a moment until I dispose of this first matter?

Mr. UNDERWOOD. Certainly.

Mr. HUGHES of New Jersey. As I understand, under the terms of this bill—and this constitutes my chief objection to it—the most popular composer in the country can not get more under that section than the merest tyro.

Mr. CURRIER. Oh, the gentleman is absolutely mistaken. That works automatically. The merest tyro may compose something, and they would only be able to sell two or three hundred copies of the reproducing device. In the case of a popular piece of music they would sell from one to two million copies. Take a popular song, and they should sell 2,000,000 copies, 2,000,000 of these reproducing devices, which would give to the composer, at 2 cents each, $40,000.

Mr. HUGHES of New Jersey. Still it is true that the price is the same to each.

Mr. CURRIER. The committee, after a long investigation, felt that was the only way it could be done. And let me say that it amounts to about 5 per cent probably on the selling price, covering the whole field.

Mr. GRIGGS. Do I understand the gentleman to say that both sides have agreed to this proposition?

Mr. CURRIER. It is absolutely unanimous.

Mr. GAINES of Tennessee. I see on page 8 you say that some great music monopoly is going to attempt to take charge of something.

Mr. CURRIER. Oh, if I had the time—that is all stated in the report.

Mr. GAINES of Tennessee. Is there anything in this bill that prevents that monopoly?

Mr. CURRIER. Absolutely.

Mr. GAINES of Tennessee. What?

Mr. CURRIER. The provision that any person may reproduce without any authority upon the payment of the royalty.

Mr. SULZER. It treats everybody alike.

Mr. CURRIER. May I state, in answer to the question which was asked sometime ago about this matter of controlling property rights, the first great copyright case decided in this country was the Wheaton case, and in deciding that case the Supreme Court say this about copyrights:

> No one can deny that when the legislature are about to vest an exclusive right in an author or inventor, they have the power to prescribe the conditions on which such right shall be enjoyed, and that no one can avail himself of such right who does not substantially comply with the requisitions of the law.

While we can not legislate out of existence any existing right, for that would impair the obligation of a contract, we are not legislating regarding existing rights; we are creating new rights, and we may attach to those new property rights any restrictions that we please. [Applause.]

I reserve the balance of my time.

Mr. BARTHOLDT. Do I understand the gentleman to say that there is a complete agreement between the composers on one side and those who want to reproduce music mechanically on the other?

Mr. CURRIER. I think practically so. I can not speak for all the people of the country. There was a complete agreement in the committee.

Mr. GAINES of Tennessee. If there is anyone on this side or anyone in the Chamber who is opposed to this bill I will yield him some time.

Mr. COOPER of Wisconsin. I should like to say a word.

Mr. GAINES of Tennessee. I yield to the gentleman two minutes.

Mr. COOPER of Wisconsin. I shall vote against this bill, if for no other reason, because no legislation so important and so long and so earnestly contested ought to be passed by the House of Representatives at this late hour in the session. Nor do I believe, as a matter of principle, that we ought to say to a man, like the former resident of my district—now dead—who composed the Sweet By and By, that he shall not be allowed to dispose of what his genius has created on any terms that may please him. We would not have it but for his genius. God gave him the genius, and if he wants to dispose of a composition to this or that maker of phonographs, he ought to have the right to do so upon his own terms, instead of being compelled by a law of Congress to receive as compensation only 2 cents on each disk or record.

Mr. HINSHAW. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. HINSHAW. At the present time he has no security whatever.

Mr. COOPER of Wisconsin. Well, that is all wrong.

Mr. HINSHAW. This will provide for him an adequate remedy and compensation for the use of his composition.

Mr. COOPER of Wisconsin. But it fixes the price by law. Does any farmer want the law to fix the price that he shall receive for a bushel of wheat? Does the man who invents a sewing machine want the law to declare the price at which he shall dispose of it? Shall the law say to an inventor that if he dispose of county rights it must be at a price fixed in the letter of the law?

Mr. STEPHENS of Texas. Is it not better for the composer to get something rather than nothing?

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. GAINES of Tennessee. I will yield the gentleman two minutes more, as he seems to be opposed to the bill.

Mr. COOPER of Wisconsin. I am opposed to it. I know that the composer gets nothing now. The original provision of the Constitution and the copyright laws enacted in accordance with it never contemplated an invention like the phonograph which, in large measure, deprives the composer of his right to make money through the sale of printed copies. But because he has not heretofore had a remedy for this wrong, we would not now be justified in declaring by law that he shall have as compensation a royalty of only 2 cents a record.

Mr. REEDER. This bill protects composers in the products of their ingenuity; but does not the gentleman think it would be better to curtail it a little in order to prevent the creation of a monopoly?

Mr. COOPER of Wisconsin. You are not obliged to sing a song nor to buy a phonograph. Create a monopoly of a work of musical genius!

Mr. REEDER. That is all the purpose of this regulation—to prevent monopoly.

Mr. COOPER of Wisconsin. A composer ought to have the right to dispose of the products of his brain on his own terms.

Mr. REEDER. The sole purpose of this regulation is to prevent monopoly.

Mr. BARTHOLDT. Under the present conditions he receives nothing at all.

Mr. COOPER of Wisconsin. I know that, and it is because the Constitution was created and the copyright law passed before the invention of the phonograph. That is the reason why he now receives nothing at all. It is the phonograph which is depriving him of what he would have received if it had not been invented. We are attempting now to pass a law that will help him some, but at the same time we propose to have Congress fix his royalties by statute.

Mr. BARTHOLDT. If the composer is satisfied, why should not the gentleman be satisfied? I asked the gentleman from New Hampshire in charge of the bill, and he said that there was an agreement between the reproducers and the music composers.

Mr. COOPER of Wisconsin. Does the gentleman wish to establish the precedent of having Congress fix the price? Shall we say to Mark Twain or to any other author that by law Congress has fixed the compensation, the royalties, that he shall receive? It is the principle to which I object.

The SPEAKER. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Speaker, unless there is some other Members who desire to speak against the bill, I yield seven minutes to the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from New York is recognized for seven minutes.

Mr. SULZER. Mr. Speaker, this bill codifies and reforms the copyright laws of the United States—a consummation earnestly desired by the people most vitally interested. Take it all in all, I believe this comprehensive proposition is one of the most important measures that have been presented to the Federal Legislature in a quarter of a century. For more than three years the Committee on Patents of the two Houses of Congress have been laboring incessantly—in season and out of season—to formulate and codify a new copyright law that will be abreast of the times and do substantial justice to all interests concerned—to labor and to capital; to the authors and the dramatists and the composers; to the publishers and the bookbinders; to the typesetters and the lithographers; to the schools and the churches and the colleges; to the importers and the manufacturers; and last, but not least, to those whose brain and whose genius produce the stories and the dramas and the songs of America. [Applause.]

This copyright bill is the favorable culmination of this long struggle of years for justice to all concerned. I stand for that principle, and as a member of the Committee on Patents I refused to consent to the report of the bill until I honestly believed substantial justice had been done to those most vitally

affected; and I think I can consistently say the measure under consideration, in its present form, meets with the approval of every interest most seriously to be considered. [Applause.]

Mr. GAINES of Tennessee. What about the monopoly?

Mr. SULZER. Mr. Speaker, my friend from Tennessee asks what about the monopoly? I am glad the gentleman makes this inquiry. I stand here and declare that this bill effectually destroys the mechanical device monopoly. There is a monopoly to-day composed of these mechanical device manufacturers. For years these manufacturers of records and disks and perforated rolls, reproducing the songs and the works of the composers and the authors of America, have been making them regardless of the authors' consent, and without paying a nickel of royalty for the privilege. That is unjust. That is the injustice I denounced. This bill changes all that. This bill recognizes the property right of the author or the composer in his work and in his creation—something never granted by Congress heretofore—compels the manufacturer to pay a royalty for the right to manufacture these devices, and gives all manufacturers equal rights by complying with the law. This is a giant stride along the highway of honesty and a long step in advance along the road of progress. No favoritism is shown and no monopoly can be created. All manufacturers by paying a royalty fixed by this bill to the author or composer will have the same rights and the same privileges. So even-handed justice is done to all concerned and there can be no monopoly. All things considered I think the composers' rights in this bill are amply safeguarded.

I am most friendly disposed to the authors and composers of America. I am the man that made the stand for their rights. I fought their battle in the committee for three years, and I have won their fight. I would give them greater rights if I could, but the provision in this bill to protect their interests is the best I was able to secure for them, and they are, so I am informed, entirely satisfied with the bill as amended and now before the House. Of course many of the vital questions in dispute have been compromised. To secure a favorable report and immediate action in this Congress, this had to be done. All legislation is more or less of a compromise, and this is especially so in a measure of so complicated a character and affecting so many interests, directly and indirectly, as the bill under consideration. It is conceded by all who have given the present copyright laws the most superficial investigation that they are wholly inadequate to meet the requirements of modern civilization. Great progress has been made since the existing copyright laws were enacted years ago, and the courts have frequently declared that these ancient copyright laws are imperfect in definition, confusing in phraseology, and inconsistent in construction. They fail to give the protection essentially demanded by modern conditions, are difficult of interpretation, and impossible of intelligent administration. Attempts to improve them by amendments have proved futile, and have only made them more incomprehensible and unsatisfactory. This bill marks progress. It is a great step in advance. No legislative body in the world has yet taken such a forward movement along the line of protecting the rights of composers and authors as the measure under consideration.

This copyright compilation is a monumental work—the result of much care and labor—and, so far as I am concerned, a labor of love, because I have, from the very beginning, labored for justice to every interest affected along equitable and economical and utilitarian lines, ever bearing in mind the true welfare of the people.

So I think I can justly say this bill is in the interest of all the people. It is a fair and a just measure. It may not be absolutely perfect. It would not be the work of finite man if it were destitute of some defect. But if there be defects in it, they can speedily be remedied when the bill becomes a law and all its provisions more carefully studied and scrutinized. I want to see it pass the Congress to-day. I know that it will be a grave mistake if this House votes down this bill after the struggle we have had to get a favorable and a unanimous report. Do not now defeat it. If you do defeat this measure, it will delay copyright legislation for years, and the people of the country, when they realize it, will be sadly and grievously disappointed. In my judgment we never can get a fairer and a better and a more equitable bill than the measure now presented. Its defeat will be a mistake and most discouraging to every friend of intelligent copyright legislation. I appeal to the Members of this House to stand by the unanimous report of its Committee on Patents and pass this bill and help make it a law ere we adjourn. I appeal to my friends——

The SPEAKER. The gentleman's time has expired.

Mr. CURRIER. Mr. Speaker, I yield three minutes more to the gentleman.

Mr. SULZER. Mr. Speaker, let me again urge the importance of enacting this bill into law at this time. I appeal to my friends and urge them to vote for this bill. Delay is dangerous. Now is the opportune time for the friends of honest and just and up-to-date copyright legislation to stand together. I shall be crestfallen if this momentous measure is defeated in the house of its friends. If we pass the bill through the House now, it will go to the Senate to-day. The Senate Committee on Patents has reported favorably an identical bill, and will substitute immediately the House bill for the Senate bill and forthwith send it to the President, and it will become a law before we adjourn. [Applause.] I can say this with the utmost confidence. I am advised the Senate will pass this bill if we do. Again I say in behalf of all concerned let us rise to the occasion and pass the bill.

I have received innumerable letters and telegrams from authors, from composers, from manufacturers, from labor organizations—from all concerned, in fact—urging me to do everything in my power to pass this bill and make it a law before we adjourn. The exigency of the time demands the immediate enactment of this legislation. If we do not pass the bill to-day, I predict that the next Congress will never be able to appoint patent committees that will be able to agree again on a bill so fair and so just and so satisfactory to every interest concerned as the pending measure. This bill does justice to all interests concerned, and, as my time is exhausted, I want to reiterate that I hope every Member of this House who favors an honest, a just, an adequate, an equitable, an up-to-date, an intelligent, and a comprehensive code of copyright laws will cast his vote for this bill and aid to place it on the statute books of our country. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon; and had appointed Mr. HALE, Mr. GALLINGER, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 225. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 9421) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 9278) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors."

The message also announced that the Senate had passed the following order:

Ordered, That Mr. CLARKE of Arkansas be substituted for Mr. MCLAURIN as a member of committee of conference on the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 28376, the general deficiency appropriation bill, disagree to the Senate amendments, and ask for a conference.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman a question, and that is whether there are any legislative amendments put on this bill by the Senate?

Mr. TAWNEY. No legislative amendments that I know of. I will say to the gentleman from Alabama that there are some amendments, but amendments that involve merely appropriations, as far as I know.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the general deficiency appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees on the part of the House: Mr. TAWNEY, Mr. VREELAND, and Mr. BRUNDIDGE.

COPYRIGHT LAWS.

The House resumed consideration of the bill (H. R. 28192) to amend and consolidate the acts respecting copyright.

Mr. CURRIER. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WASHBURN].

Mr. WASHBURN. Mr. Speaker, this bill now before the House is the result of over three years of careful study and investigation. It comes into this House unanimously reported by the Committee on Patents, and it has been reported in the Senate unanimously by the Senate Committee on Patents.

Mr. GAINES of Tennessee. Does the gentleman mean by that that every member of the Patent Committee of the House favored this bill?

Mr. WASHBURN. That is what I mean.

Mr. GAINES of Tennessee. And not simply a majority?

Mr. WASHBURN. Every member of the committee favored the bill. The principal subject of difficulty in this whole discussion, Mr. Speaker, has been over what is known as the "canned-music" provision. Under the law as it now stands, the productions of composers can be reproduced upon mechanical instruments without any possibility of compensation to the composers. Originally those interested in this legislation were divided into two parties, one of whom thought that the composer should have no protection and the other of whom thought that the composer should have the absolute control over his productions. The provision in the bill upon this point recognizes the absolute right in the composer to control his production, and that if he himself reproduces it, or if under his authority it is reproduced upon mechanical instruments, then all makers of mechanical instruments shall have the same right upon the same terms, which are fixed in the law. I am well within the facts in saying that this provision as it now stands gives substantial satisfaction to the composers, who are eagerly pressing for some legislation, and also to the makers of mechanical instruments, who have heretofore been opposed to any legislation.

I doubt if any act ever submitted to this House has had more careful, expert attention than this, or is more satisfactory than this to all of the parties in interest. I now yield to the gentleman from Tennessee.

Mr. GARRETT. Why is it that this bill, having the unanimous report of the committee, a bill in which there seems to be no politics, was not brought in before the closing hours of this session, so that we might have known something about it?

Mr. WASHBURN. The reason is, Mr. Speaker, that the subcommittee of the Committee on Patents was not able to report to the full committee so that this bill could go on the calendar at an earlier day than that on which it was reported, February 22.

Mr. EDWARDS of Georgia. Will the gentleman yield for a question? I wish to ask the gentleman how, in his opinion, will this bill affect the price of music commonly known as "church music?"

Mr. WASHBURN. Church music is excluded; it will not be affected at all; or any performance given for charitable or educational purposes and not for profit.

Mr. HARRISON. Has the gentleman heard the argument advanced by the gentleman from Wisconsin a few moments ago, that this takes away a property right? Will the gentleman not state that this creates a property right where none now exists?

Mr. WASHBURN. The statute which we are now attempting to enact creates a right which has never existed before, and in creating it Congress has the right to impose such conditions upon its enjoyment as it sees fit.

Mr. HARRISON. And in creating the 2-cent rate, does not Congress mean to impose a penalty as well as to give a royalty?

Mr. WASHBURN. The penalty is imposed by the triple royalty provided for in the bill.

Mr. HARRISON. I am trying to answer the objection advanced, that it fixes the price of men's brains. Will not the gentleman concede that instead of doing that it really imposes a penalty as well as gives a royalty?

Mr. WASHBURN. That is substantially so.

Mr. GARRETT. It revises the entire copyright law of the country?

Mr. WASHBURN. It is a codification of the whole copyright law, and it has been carefully considered by experts on all sides of the question and is substantially satisfactory to them as it stands. I now yield back the balance of my time.

Mr. GARRETT. Satisfactory to everybody?

Mr. WASHBURN. Yes; substantially.

Mr. GAINES of Tennessee. Mr. Speaker, I now yield three minutes to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Speaker, the bill under consideration is a proposed codification of the present laws relating to copyrights, together with some changes and amendments that have become necessary as a result of changed conditions by the introduction of mechanical devices. As the law stands to-day the author or composer whose products are used by the manufacturers of mechanical devices receive no compensation whatever for the reproduction of their works. By the proposition contained in this bill the author or composer is given an exclusive right in his or her production, unless in the exercise of the exclusive right the person owning the copyright proposes or undertakes to produce it by a mechanical devise or permits some one else to produce it by that process, and when that is permitted by the author or composer, then a new property right is created and qualified under this bill.

That new property right is created by law. As a matter of fact there is no property right existing in any production, in any invention, in any discovery, except the right that is prescribed by law under the provisions of the Constitution. It is proposed by this law, then, to create a new property right concerning the reproduction of compositions, mechanical or otherwise, by mechanical devices, and when so reproduced, if this bill is enacted into law, either by the author himself or by some one else by his permission, then anyone who desires to manufacture these mechanical devices has the right to proceed to manufacture them under this law by paying the royalty of 2 cents per roll or 2 cents per record to the composer; and in addition to that there is a penalty clause attached to it. The penalty is three times the amount that is provided as a royaly, or, in other words, the penalty of 6 cents per record or roll is provided as a penalty. And in the event of there being any question that the manufacturer of the roll or the record is insolvent or likely to be insolvent, and thereby unable to pay the royalty, the right of injunction is permitted to restrain him from continuing to reproduce. I favor the passage of the bill. [Applause.]

Mr. GAINES of Tennessee. I now yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the measure before us is one of very great importance. It is true that it comes with the unanimous report of a very distinguished committee. It is also true that many measures come into the House with a unanimous report of a distinguished committee. But is that a reason why the House should not consider the measure? No one pretends that the House this morning is able to give consideration to this bill, which is 60 or 70 pages long, and which, as the Speaker just remarked, affects the home life of every home in America. There has been a controversy going on for years relating to the subject-matter of this bill. If the committee has now concluded its work, if the committee has now prepared a unanimous report, there will be time enough in the next Congress to consider it. We would not take the judgment of the Committee on the Revision of the Laws in regard to a codification of the penal code. Why should we take the judgment of the Committee on Patents in regard, not merely to a codification, but in regard to a new law, and under a controverted proposition concerning the copyright and trade-mark laws?

Mr. Speaker, a vote "no" at this time is not a vote against the principles of this bill, but is a vote against the expediency of passing a great bill without knowledge and without consideration. Gentlemen here may be willing to go on the principle of trading for a pig in a poke, but I prefer to know something concerning the measures before I vote for them. All wisdom will not expire with this Congress, and all time for consideration will not end to-morrow noon. We have Congresses to come, and we can legislate in the future. [Applause.]

Mr. GAINES of Tennessee. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, my friend from Wisconsin [Mr. COOPER], who opposes this bill, takes pride in a constituent who composed that beautiful hymn tune called "In the sweet bye and bye." Now, if my friend from Wisconsin, with his beautiful voice, should warble that beautiful tune into a phonograph, and somebody should therefrom produce a disk and sell that disk by thousands all over the country, the constituent of the gentleman from Wisconsin would not, under existing law, receive a cent. That is considered a great injustice. Under this law, if passed, that song could not be sung into a phonograph and disks produced therefrom except by the consent of the composer. If he consents, he receives what he does not now get, namely, 2 cents per disk. It is greatly in the interest of the constituent of the gentleman from Wisconsin. I am surprised that my friend should want such a complete monopoly as he suggests in such a production. Upon his theory enacted into law, as I understand it, a mother, having purchased it in the form of sheet music, could not teach that song to her child,

and he, in turn, sing it to others, except by the permission of the composer, although he himself had produced it and sold it in the form of sheet music. This bill does not go as far as that, but gives to the composer a right he never had before, a source of revenue and profit he never had before; and yet I understand from the chairman of the Committee on Patents that the disk producers are generally willing to concede it. I think we are just as prepared to vote on it now as we would be six years hence. A vote "no" postpones a settlement of this controversy. A vote in the affirmative closes it and settles it now and, I trust, for the sweet by and by. [Applause.]

Mr. GAINES of Tennessee. I now yield two minutes to the gentleman from Indiana [Mr. CHANEY].

Mr. CHANEY. Mr. Speaker, I am promised two minutes from my colleague from Tennessee [Mr. GAINES] and one minute from my colleague from New Hampshire [Mr. CURRIER], the chairman of the committee, making three minutes in all. I only wish that I might have a half hour in which to explain this measure, for we have spent much time and study of the propositions embraced in the bill. For three years the Committee on Patents of the House and the Committee on Patents of the Senate have been studying this copyright question, have had numerous hearings, and heard many arguments. We find our copyright laws are mere pieces of patchwork, unphilosophical and unsystematic, and without any real arrangement by which a copyright may be secured to the people who ought to be entitled to a copyright under the existing civilization. We have endeavored to keep in mind two things in the study of this question.

You will find on page 7 of the report that we have taken into consideration how much the proposed legislation will stimulate the producer and so benefit the public; and, second, how much will the monopoly granted be detrimental to the public. The granting of exclusive rights must always take into consideration these two principles, and we have endeavored to follow that out in the study of the question of copyright which has been given by the two committees. We do not want to put it in the power of persons to establish an unholy monopoly to the detriment of the composer and of the public regarding musical compositions which may be reproduced in talking and singing machines. The bill provides against this, and it was the last dispute to be satisfied. All are now agreed upon what we have done in respect of this subject. The report sets forth the kernel of each section of the bill, and a perusal of this report makes extended explanation unnecessary.

The committees met for quite a while in joint session and heard everybody who had anything to say concerning the question of copyright in all its phases. No person who had any interest in the question was excluded from the hearings, and everything they had to say was heard and respectfully considered.

Now, I want to suggest that, after the committee had prepared a report touching the questions involved as complete as the report we have in this case, Members who are interested in the subject, both those who favor this legislation and those opposed, should study the report and see if we have not embodied everything that ought to be considered in the question of copyright legislation.

Now, this report was prepared and submitted for printing on the 22d of February; it has been, therefore, long enough before the House for everybody to have a chance to know what the legislation proposed contains. We have endeavored to provide for those things not provided for in the law as it stood before. The bill is certainly a good one and ought to pass.

Mr. GAINES of Tennessee. I understand I have two minutes remaining; I yield one minute to the gentleman from New York [Mr. DRISCOLL].

Mr. DRISCOLL. Mr. Speaker, I have not expressly joined the combine to reform the rules of the House, but there is one rule that ought to be made and enforced, and that is that no important bill should be brought before the House for consideration without a reasonable notice. The Members ought to have at least forty-eight hours' notice for the consideration of a bill like this before they are required to vote on it. My opinion in this regard has been growing and becoming more fixed by years of experience and observation in this body. This is an important measure, and I have no doubt the committee has given it long and careful consideration, and its report and recommendation are entitled to great weight on the part of the membership of this House. However, the Members are responsible for legislation and can not shift that responsibility on the committee. There are people in my district who are interested in this bill and interested in legislation on this subject, and a bill of this importance, which affects so many people in their homes and also affects many business interests, should not, in my judgment, be rushed through during the closing hours of Congress. If it is not the best measure that can be devised and recommended, it should not pass. If it is a meritorious measure, no great harm or damage will be done if it is allowed to stand until the beginning of the next Congress.

I have on several previous occasions complained of the practice which has obtained lately of forcing important legislation through Congress without sufficient time for consideration, and without any notice of the time when it is to be brought up for consideration, and I shall vote against this bill as a protest against this kind of legislation.

Mr. CURRIER. I yield one minute to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Speaker, as a member of the committee which had under consideration this bill I wish to take issue with the gentleman from Illinois with respect to the extent and length of consideration of this measure. We gave consideration during nearly the whole of last session and a large part of this session. Hearings were held, both sides thoroughly considered, and this bill has had the approval of all who know anything on the subject; and I believe that by a favorable consideration of this bill there will be recognition given to the labor and the skill of those men who create these songs and those who create these mechanical appliances. I therefore trust that the bill will be favorably considered as presented.

Mr. CURRIER. I yield fifteen seconds to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Speaker, in what little can be said in fifteen seconds, I desire to state that as I understand this bill it is to protect the product of the author and the artist; musical compositions, both as to sheet music and mechanical devices. I believe there is a great deal in what the gentleman from Illinois has just said, that so important a bill as this should be thoroughly considered. I believe, however, that I have given this matter consideration and acquired information that will permit me to vote for the bill. As I now understand the bill it will not create a monopoly, but simply give protection to honest labor.

Mr. CURRIER. Mr. Speaker, the gentleman from New York has said that Members of the House have had no opportunity to consider this bill and report before voting on it. I believe, Mr. Speaker, there has been a most unusual opportunity to consider this report. More than a week ago I had sent to every Member of this House a copy of the bill and report, and the report is so full that it discusses in detail every section of the bill.

Mr. DRISCOLL. Will the gentleman yield?

Mr. CURRIER. No. "The gentleman" has only a minute. The gentleman from Pennsylvania [Mr. OLMSTED], quoting me, has said the manufacturers of these devices were all in accord. I wish to say that while they are all in accord with the essential principle involved, as to some of the details they are not in accord.

Mr. Speaker, I now desire to ask unanimous consent to offer an amendment correcting the phraseology. Line 4, page 27 of the bill, amend by striking out the words in that line "of this act," and transpose the word "work" from before to after the word "copyright," so that it will read "copyright work," and so forth.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CURRIER. Mr. Speaker, I ask for a vote.

The question was taken; and the rules were suspended, and the bill was passed. [Applause.]

OMNIBUS CANNON BILL.

The SPEAKER laid before the House the bill (H. R. 28304) granting certain obsolete ordnance for ornamental purposes, with Senate amendments, which were read.

Mr. HULL of Iowa. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken, and the motion was agreed to.

REPORTS OF HOSPITAL FOR FOUNDLINGS.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill S. 8520.

The bill was read, as follows:

A bill (S. 8520) requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia.

Be it enacted, etc., That section 4 of "An act incorporating a hospital for foundlings in the city of Washington," approved April 22, 1870 (16 Stat., p. 92), which provides that "it shall be the duty of the president and directors to report to the Secretary of the Interior the condition of said institution on the 1st day of July in each year," is hereby amended by substituting the words "Commissioners of the District of Columbia" for the said words "Secretary of the Interior."

The SPEAKER. Is a second demanded?

Mr. SIMS. I demand a second.

The SPEAKER. Under the rules a second is ordered.

Mr. SIMS. Mr. Speaker, I will state that I have demanded a second simply so that if any person wanted opportunity to have the bill explained I would be able to yield to them.

Mr. SMITH of Michigan. Mr. Speaker, this bill provides that the report be made to the Commissioners of the District instead of to the Secretary of the Interior. The Secretary of the Interior has twice made a report that they had nothing to do with this institution, and for that reason this request is made. I yield to the gentleman from Vermont to make a request.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER of Vermont. Mr. Speaker, I rise for the simple purpose of placing in the RECORD my report in connection with House joint resolution No. 257. In this connection it is but proper that I should say that the body of the report is an article prepared by Hon. Henry W. Hill, of Buffalo, N. Y. This article was prepared by Mr. Hill with so much care and is so full of historic interest that I took the liberty of incorporating it in full in the report. This statement is due to Mr. Hill, and I am glad to make it. The report is as follows:

[House of Representatives, Report No. 2169. Sixtieth Congress, second session.]

TERCENTENARY CELEBRATION OF DISCOVERY OF LAKE CHAMPLAIN.

Mr. FOSTER of Vermont, from the Committee on Foreign Affairs, submitted the following report, to accompany H. J. Res. 257.

The Committee on Foreign Affairs, to whom was referred House joint resolution 257, submit the following report:

In the month of November, 1906, a joint resolution for the appointment of a commission for the celebration of the three hundredth anniversary of the discovery of Lake Champlain was adopted by the senate and house of representatives of the State of Vermont, containing the recital that—

"Whereas the discovery of Lake Champlain was an event in history fully as important as many others that have been recognized by various States as well as by the National Government; and

"Whereas the three hundredth anniversary of such discovery will occur on July 4, 1909, it is hereby

"*Resolved by the senate and house of representatives*, That this event should be observed in a fitting manner and bring about an observance commensurate with its importance, there is hereby provided a commission, consisting of the governor, who shall be chairman ex officio, and six other members to be appointed by the governor before January 1, 1907, one of whom shall act as secretary. Said commission is hereby empowered to adopt such measures as in its judgment may be reasonable or necessary to bring about the fitting observance of such event. And as the interests of the State of New York and of the Dominion of Canada are allied with those of Vermont in such observance, it is hereby recommended that said commission confer with the proper authorities of New York and Canada to ascertain what action they, or either of them, will take with Vermont in making the observance of this event successful and a credit to all, and that the commission report the result of such efforts, together with its recommendations, to the general assembly of 1908"—

which resolution was approved by Governor Fletcher D. Proctor on November 15, 1906; and thereafter Governor Proctor appointed as members of such commission Walter E. Howard, of Middlebury; Horace W. Bailey, of Newbury; R. W. McCuen, of Vergennes; Lynn M. Hays, of Essex Junction; Walter H. Crockett, of St. Albans; M. D. McMahon, of Burlington; and thereafter, on April 15, 1907, on motion of Senator Henry W. Hill, of Buffalo, the senate of the State of New York adopted the following resolution, which was concurred in by the assembly on April 16, 1907:

"Whereas the discovery of Lake Champlain by Samuel Champlain on July 4, 1609, antedates the discovery by the whites of any other portion of the territory now comprising the State of New York, and was an event worthy of commemoration in the annals of the State and Nation; and

"Whereas the State of Vermont in 1906 appointed a commission, consisting of the governor of that State and six other commissioners, to confer with commissioners to be appointed on the part of New York and the Dominion of Canada, to ascertain what action, if any, ought to be taken by such States and the Dominion of Canada for the observance of such tercentenary: Therefore

"*Resolved (if the assembly concur)*, That a commission consisting of the governor, who shall be chairman ex officio, two citizens to be designated by him, the lieutenant-governor, the speaker of the assembly, two senators to be designated by the lieutenant-governor, and two members of the assembly to be designated by the speaker, be appointed to represent the State of New York at such conference, with power to enter into negotiations with the commissioners representing the State of Vermont and those representing the Dominion of Canada for the observance of such tercentenary, and that such commission report the results of their negotiations, together with their recommendations thereon, to the legislature of 1908."

The New York commission appointed under the foregoing resolution consisted of Governor Charles E. Hughes, Lieutenant-Governor Lewis Stuyvesant Chanler, Senators Henry W. Hill and John C. R. Taylor, and Assemblymen James W. Wadsworth, jr., speaker of the assembly, Alonson T. Dominy, James A. Foley, and Frank S. Witherbee, and John H. Booth.

That commission, together with the Vermont commission, during the summer of 1907, made a tour of Lake Champlain, held several joint and separate meetings, and the New York commission formulated its report and transmitted it to the New York legislature of 1908, a copy of which is annexed hereto, in the conclusion of which report they recommended as follows:

SIGNIFICANCE OF THE ANNIVERSARY OF 1909.

"Your commission respectfully submit the foregoing report to the consideration of the legislature of New York. The anniversary which we desire shall be suitably observed has great significance. Important as it is to the student of history, it makes a wider and stronger appeal to that large body of our citizens whose forefathers fought in the wars of the Champlain region or were among the pioneers who transformed it from the wilderness.

"But chief of all the considerations which we urge upon your attention is the international character of the proposed celebration. The history of the Champlain Valley belongs to the history of three great nations, whose cordial relations we believe will be promoted by the suitable observance of this significant date.

RECOMMENDATION.

"To that end your commission, after careful investigation, reaches the conclusion that the three hundredth anniversary of the discovery of Lake Champlain should be suitably celebrated by New York State; and to that end we respectfully recommend the enactment of the following bill."

Thereafter a bill was prepared and submitted to the legislature, which was amended in some respects, and subsequently enacted and became chapter 149 of the New York Laws of 1908, providing in substance for a celebration of the tercentenary of the discovery of Lake Champlain by Samuel Champlain in the month of July, 1609, which celebration, by the terms of the bill, is to occur in the month of July, 1909, at various points in the Champlain Valley.

The commission appointed thereunder consisted of H. Wallace Knapp, Mooers, N. Y., chairman; Henry W. Hill, of Buffalo, secretary; Walter C. Witherbee, Port Henry, treasurer; James J. Frawley, New York City; James Shea, Lake Placid; James A. Foley, New York City; John H. Booth, Plattsburg; John B. Riley, Plattsburg; Louis C. Lafontaine, Champlain; Howland Pell, New York City.

This commission was empowered under the last-mentioned statute to enter into negotiations and cooperate with the State of Vermont, the Government of the United States, the Dominion of Canada, and the Province of Quebec, and either or all of them, in such tercentenary celebration, and appropriated by chapter 466 of the New York Laws of 1908 the sum of $50,000 for that purpose.

The Vermont commission made its report to the legislature of Vermont, held in the fall of 1908, also recommending, among other things, that a proper celebration be held in conjunction with the State of New York, the Government of the United States, and the Dominion of Canada, a copy of which report is annexed hereto. Subsequently the State of Vermont made an appropriation of $25,000 to enable that State to participate in the tercentenary celebration.

The commission appointed thereunder consisted of Governor George H. Prouty, chairman; Lynn M. Hays, of Burlington, secretary; Walter H. Crockett, of St. Albans; Rev. John M. Thomas, of Middlebury; Horace W. Bailey, of Rutland; W. J. Van Patten, of Burlington; Frank L. Fish, of Vergennes; Arthur L. Stone, of St. Johnsbury; and F. O. Beaupre, of Burlington.

The facts warranting federal appropriation are briefly set forth in the report of the New York and Vermont commissions, and in amplification thereof the following additional facts are respectfully submitted to the consideration of the President and the Congress of the United States:

Long before its discovery by Samuel Champlain, in July, 1609, Lake Champlain was the resort and battle ground of the savage Algonquin, Huron, and Iroquois nations who peopled its islands and circumjacent beautifully shaded and picturesque shores. It was a paradise for the aborigines, whose native customs and adventurous but precarious life were a startling revelation to such an explorer as Champlain, coming as he did from the refinements of French life of the sixteenth and seventeenth centuries. Still, he was hospitably received and escorted to and through the lake, then known as "Caniaderiguarunte," which signifies the "gate of the country." The lake was also known as "Mer des Iroquois," and traversed by the warring Indian tribes, whose canoes formed picturesque flotillas in those early days on the blue waters of the lake.

Had Champlain been gifted with the poetic imagination of a Homer or a Virgil, he might have cast into an epic the story of his explorations and discoveries, which were quite as thrilling as those of the Iliad, the Odyssey, or the Æneid. Other poets have dwelt upon the beauties of this lake and have sung of the tragic events that have occurred on its waters.

The Champlain Valley is one of the historic portions of the American Continent. Its Indian occupation was succeeded by that of the French, and in turn by the English. From its discovery, in July, 1609, to the battle of Plattsburg, in September, 1814, Lake Champlain was the thoroughfare of many expeditions and the scene of many sanguinary engagements. Noted French, British, and American officers visited it and stopped at its forts, from St. Anne on the north, founded at Isle La Motte in 1665, to St. Frederic, founded in honor of the French secretary of foreign affairs, Frederick Maurepas, by Marquis de Beauharnais, governor-general of Canada, at Crown Point in 1731, and Fort Carillon, founded at Ticonderoga in 1766, on the south.

The grants of some of its islands and adjacent shore lands under French seigniories were the subject of a long conference between the French and British Governments, challenging on the one side the consideration of such officials as Marquis de Beauharnais and others under Louis XV and Louis XVI, and on the other side such statesmen as Lord Dartmouth, Edmund Burke, and Sir Henry Moore under the British Crown. But few, if any, occupations were made under French seigniorial grants, and the controversy finally ended after the Seven Years' French and Indian war, which terminated with the capture of Ticonderoga and Crown Point by the British in 1759, and the later sovereign control by the Americans during the Revolution.

The Champlain Valley was the scene of important military and one naval engagement during the Revolutionary war, and permission has been obtained from the War Department to raise from the waters of Lake Champlain the *Royal Savage*, at Valcour Island, the flagship of Benedict Arnold during that engagement. The history of Ticonderoga and Macdonough's victory at the battle of Plattsburg, in September, 1814, are of such national importance as to merit federal consideration during the forthcoming celebration of the discovery of the lake.

For two hundred years or longer the Champlain Valley was the highway between Albany on the south and Quebec on the north, through which surged the tides of war and travel, until every prominent point and important island in the lake was marked by some notable event worthy of historic mention. The proposed celebration of the discovery of the lake will commemorate some of these important events. Sewell

S. Cutting, D. D., in a poem read at the University of Vermont in 1877, thus describes some of these events. He says:

I shift my theme, nor yet shall wander far;
My song shall linger where my memories are.
Dear Lake Champlain! Thou hast historic fame—
The world accords it in thy very name.
Not English speech these savage wilds first heard,
Not English prows that first these waters stirred;
Primeval forests cast their shadows dark
On dusky forms in craft of fragile bark,
When first the paleface from the distant sea
Brought hither conquering cross and fleur-de-lis.
On frowning headlands rose the forts of France—
Around them villages, and song, and dance.
Four generations came and passed away,
Of treacherous peace and sanguinary fray,
When hostile armies hostile flags unfurled,
To wage the destiny of half the world.

No part of the United States can vie in comparison with Lake Champlain and its environs for historic importance and the ultimate significance of the national and international events occurring in that valley. "Every bay and island of the lake and nearly every foot of its shore have been the scene of some warlike movement—the midnight foray of the predatory savage, the bloody scout of frontier settlers, the rendezvous of armed bands, or the conflict of contending armies." These stirring events cover a period of centuries—from the traditional history of the Indians to the close of the war of 1812.

From the earliest periods of settlement in Canada, New England, and New York the valley of Lake Champlain, both as watercourse or highway, served as a thoroughfare by which, in hostile times, predatory excursions were directed against both the French and English frontiers, and over which captives were conveyed into unenviable captivity. This was the route traversed by delegations engaged in diplomatic relations between the French and English colonists, and was used by agents employed to arrange an exchange of captives. The valley was a highway of commerce, particularly in the operations of the fur trade. Its Indian name, meaning "door of the country," was an apt designation, for into it there marched the flower of contending armies of France, England, and the United States, who struggled persistently for its control. The destinies of the United States and Canada and of England's colonial policy were largely decided by what occurred in the Champlain Valley.

An unjust historical perspective is often created by placing too high value upon the significance of figures. Large armies do not always count for as much in their influence upon the course of the world's history as events more hidden from view and surrounded with less of glamour. The one more easily bewitches the eye, but the other is more likely to appeal to reason. The history of the Champlain Valley exhibits in relief momentous martial and naval engagements and in intaglio the deeds of individuals and collections of men pregnant with far-reaching results in the evolution of the continent of North America.

Samuel Champlain laid the foundations of New France at Quebec in 1608, and in 1609 led an expedition into the Richelieu River, accompanied by a retinue of Algonquian and other Canadian Indians. At the falls of Chambly he abandoned the vessel in which he had sailed, and by portaging and canoeing reached the entrance of a great lake, which he named Lake Champlain. Its confines constituted one of the hunting grounds of the well-organized Iroquoian Confederacy. The Iroquois were then at great enmity with the Algonquians and the Canadian Hurons.

On the night of July 29, 1609, Champlain fell in with one of the hunting parties of the Iroquois. They spent the night in parleying and uttering defiance at one another, and on the morning of July 30 the now well-known battle of Champlain took place at or near the site of Ticonderoga, as is generally believed by the best historians. The significance of this battle is attested by the alienation of the Iroquois from the French and their affiliation with the Dutch and English, and was one of the embryonic factors which, under development, ultimately saved northern New York and a large contiguous territory to English instead of French interests.

France claimed the region by right of discovery, but England sought to repress her by the limitations of treaty. In 1731 France violated the compact of peace by the erection of Fort St. Frederic on the peninsula, known better as "Crown Point." The Iroquois, as claimants of territorial ownership, in June, 1737, protested against the French occupation. In 1739 the French commandant promised the Iroquois that France would not encroach or settle south of Fort St. Frederic, but he claimed for his king all the watershed of the St. Lawrence, inclusive of Lake Champlain and Lake George. In 1742 the fort, having been enlarged, was the strongest work held by the French in Canada—Quebec and Louisburg only excepted. The five years' war, familiarly known as "King George's war," involved the subjects of France and England in conflict, both in Europe and in America. A nominal peace was established by the treaty of Aix-la-Chapelle, in 1748. But soon the Acadian and other boundary contentions between the two Crowns were in ferment.

France practiced subtlety in her diplomatic negotiations, strengthened her frontier posts, and inoculated her Indian allies with hatred of her English colonial neighbors. In 1755 she built Fort Carillon, afterwards Ticonderoga, and thus advanced her outposts. Henceforth, and in a seven years' war, Fort Carillon and Ticonderoga bore the brunt of frontier aggrandizement. In August of that year Dieskau occupied Crown Point with 700 regulars, 1,600 Canadians, and 700 Indians. In 1756, 2,000 men of France were engaged on Fort Carillon; in 1757 it was garrisoned with 9,000 men under the Marquis de Montcalm. On July 8, 1758, Abercrombie, with regulars and provincials, unsuccessfully stormed its works and lost nearly 2,000 men. In the same year Robert Rogers, the intrepid ranger, lost 125 out of a total of 180 men. Upon the evacuation of the region by the French in 1759 General Amherst took possession of Ticonderoga in July, and of Crown Point in August. In 1760 Amherst assembled an army of 15,000 men at Crown Point, and in August of that year Colonel Haviland, with about 3,300 men, opened fire upon the French post at Isle aux Noix, forced the French commander, Bourlamaque, to withdraw, and captured the garrison that remained behind.

For a time after the treaty of Paris, in 1763, the region rested in comparative quiescence. England's acquisition by treaty of the vast domain of Canada eradicated the long-standing imbroglios with France in North America; but the intercolonial wars had schooled the English-American colonists in the arts of prowess and of war. The colonists also had greater freedom to consider internal interests, being now relieved from the erstwhile collisions with the French. A narrow colonial policy lent itself toward the growth of a spirit of resentment in the colonies, and England's determination to enforce obedience to her will by the employment of military authority served only to fan the slumbering embers into a conflagration. It was under these conditions in May, 1775, that the audacious Ethan Allen, accompanied by only about 83 men, surprised the English garrison at Fort Ticonderoga, and that Seth Warner took Crown Point, in each case without bloodshed. When De la Place, the English officer at Ticonderoga, asked Allen by what authority he demanded the fort's surrender, he replied with those now memorable words: "By the authority of the Great Jehovah and the Continental Congress." The personality of Allen was and is yet a subject of academic controversy, but his action in this affair is a landmark in the romantic history of America.

Benedict Arnold has been execrated for his treason to his country, yet his name is connected with one of the greatest of patriotic services during the American Revolution. On October 11, 1776, he engaged in an extraordinary naval battle on Lake Champlain against the overwhelming odds of the British fleet under Sir Guy Carleton. This battle is in our naval annals of the Revolution what Bunker Hill is to our military history—"a battle wherein glory and renown were gained in defeat." Spears, the naval historian, has characterized it thus: "Not only was the moral effect of this battle quite as great in the courage it gave the Americans, and the pause for thought it gave the enemy; it served to head off a victorious invading British army bound for Albany and the subjugation of northern New York. It taught the British that the Americans were not only willing, but they were able fighters. In spite of the tremendous odds against them, at the last they had proved themselves as unyielding as the rocks that echoed back the roar of the conflict."

Burgoyne made an unsuccessful attack upon the American occupants of Fort Ticonderoga in June, 1777, but with 7,000 men had forced the abandonment of Crown Point in that month; and in July, having erected a battery on Mount Defiance, which commanded Fort Ticonderoga, forced the Americans to evacuate it on the night of the 6th. The termination of the American Revolution, save for internal controversies between New York and Vermont, ended the storm and stress period in the Champlain Valley for many years, until our second war with Great Britain.

From September 6 to 11, 1814, various land engagements took place about Plattsburg. The British forces, numbering about 11,500 troops and including many of Lord Wellington's veterans, were under Sir George Prevost, governor and commander in chief in British North America; the Americans, commanded by Macomb and Bissell, numbered 4,500 men. On September 11, 1814, the American Navy on the lake, commanded by Thomas Macdonough, defeated the British squadron under the command of Commodore George Downie. This naval battle was crucial in bringing the war of 1812 to a termination. The success was acclaimed by the American people everywhere by rejoicing, bonfires, and illuminations, and was sung in the folk and war ballads of the day. Congress recognized its national significance by officially thanking the whole force engaged, and by voting gold medals to Macdonough, Henley, and Cassin, and a silver medal to each of the other commissioned officers. In this victory the United States gained prestige for the demands of the treaty of peace, and an estoppel was put upon England's endeavor to get possession of the northeast corner of the State of Maine.

If the lake itself was the door of the whole northern country, Larrabee's Point, on the Vermont side, opposite Fort Ticonderoga, was a side door to New England, and from that side door the New England frontiers suffered repeatedly the havoc of Indian devastations. But there are other places, besides those hitherto mentioned, whose historic associations are inseparable from a narration of the landmarks of the Champlain Valley. At Burlington, Vt., the first steamboat on the lake was launched in 1808 and bore the name of that State. This was only a year after Fulton's steamer, the *Clermont*, first plied the Hudson from New York to Albany. Shortly thereafter, during the period of our second war with Great Britain, Burlington was a garrisoned post and a base of supplies.

On the Isle La Motte (named from Pierre de St. Paul, sieur de la Motte-Lussiere, a captain of the famous Carignan regiment), the French built a fort in 1666, which was named Ste. Anne, and in July of that year, while garrisoned by several companies of the regiment above alluded to, was invested by hostile Mohawks, whose depredations included the death of Captains de Traversy and de Chazy. In October, 1666, M. de Tracy, governor-general of New France, guided and assembled an expedition on the Isle La Motte for the purpose of chastising the Iroquois. Twelve hundred combatants, borne by a fleet of 300 bateaux and canoes, and strengthened by two pieces of artillery, were engaged. They penetrated to the remotest hamlets of these Indians and planted the arms of France, in token of taking formal possession of the whole northern part of New York. The French remained undisturbed from the Mohawks for nearly a quarter of a century. Fort Ste. Anne became a Jesuit mission station, and was visited by Bishop Laval in 1668. In August, 1690, Capt. John Schuyler camped there during his return from a foray into Canada. Gens. Philip Schuyler and Richard Montgomery met on the island in September, 1775, during their advance against St. Johns and Montreal, and laid there the plans for that invasion of Canada. Now the shrine of Ste. Anne, on the west side of the island, is visited annually by thousands of devout pilgrims.

Maj. Robert Rogers and 142 men came into Missisquoi Bay in the autumn of 1760, secreted their boats and some provisions, and went off on an expedition against the St. Francis Indians, near the village of Three Rivers, which they burned. Earlier in that year this same intrepid ranger had landed at the place called Rouses Point, near which he was attacked by a superior body of French from the Isle aux Noix. The French were defeated and their commander was slain.

Swanton, in Vermont, at an early period formed a considerable settlement of the French and Indians, being then "probably the largest in the Champlain Valley with the exception of Crown Point." At the mouth of Otter Creek, the largest river in Vermont, where Fort Cassin was built, the American squadron was fitted out in 1814 for battle against the English navy. This fort was named for Lieutenant Cassin of our navy, who, with Captain Thornton of the United States Artillery, in May, 1814, had defended the American fleet then building there from attempted destruction by the British.

A little to the north of Rouses Point are the ruins of Fort Montgomery, built by error in what was then Canadian soil, and often called on that account "Fort Blunder," but corrected by international boundary concessions. Rouses Point is a place of commercial interest and the most important port of entry on this frontier. Near by is Point au Fer, fortified in 1776 by the patriot General Sullivan, but occupied by the British in June of the next year and relinquished by them only as late as 1788. At Valcour Island, off Bluff Point and Hotel Champlain, the scene of Arnold's naval battle of 1776, the wreck of the *Royal*

Savage lies under water to this day as a reminder of the beginnings of our national naval adventures. At the head of the lake to the south, near the present Whitehall, Maj. Israel Putnam, in August, 1758, was engaged in watching the enemy's maneuvers, and had a fierce encounter in the forest with French and Indians. He was captured, tied to a tree by the Indians, who made preparations to roast him alive. Only the stern interposition of the French officer, Marin, prevented them from dispatching him thus cruelly and robbing the patriot cause of one of its bravest leaders during the American Revolution.

The New York and Champlain commissions have concluded contracts with Mr. L. O. Armstrong, of Montreal, to present Indian pageants on Lake Champlain during the tercentenary celebration. These will be presented by 150 native Indians, descendants of the original tribes that occupied portions of the Champlain Valley at the time of its discovery by Champlain. They will reproduce the battle of Samuel Champlain with the Iroquois, and also present a dramatic version of Longfellow's Hiawatha on floating barges anchored on the waters of the lake at various places where exercises are to be held.

It is desirable that the United States detail national troops and the States of New York and Vermont regiments from the national guard to present military pageants at Ticonderoga, Plattsburg, and Burlington. The two commissions have decided to hold formal exercises on July 5, 1909, at Crown Point, on July 6 at Fort Ticonderoga, on on July 7 at Plattsburg, on July 8 at Burlington, and on July 9 at Isle La Motte, at each of which places Indian pageants will be presented.

The proposed celebration of the discovery of Lake Champlain may also include a celebration of such colonial, national, and international events occurring since the discovery of the lake as to make it eminently proper that the Government of the United States officially participate in the exercises commemorating these historical events. Historical addresses and other literary exercises are to be held, and it is important that the United States Government invite and entertain representatives of the Republic of France, the Kingdom of Great Britain, and the Dominion of Canada. The celebration is of national and international importance, and the committee recommends that the resolution do pass.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and the motion was agreed to and the bill was passed.

WASHINGTON HOME FOR FOUNDLINGS.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (S. 8187) to change the name of the Washington Hospital for Foundlings.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act for incorporating a hospital for foundlings in the city of Washington," approved April 22, 1870, be, and the same is hereby, amended by changing the name of said institution to the Washington Home for Foundlings.

The question being taken, the rules were suspended and the bill passed.

WALTER F. ROGERS.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6852) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia.

The SPEAKER. Is that bill on the Private Calendar?

Mr. SMITH of Michigan. Yes.

Mr. MANN. Oh, well, Mr. Speaker, is it the intention to request the passage of bills on the Private Calendar?

The SPEAKER. No; the Chair supposed it was business in order on District day.

Mr. SMITH of Michigan. It seems to me it is business in order. It is on the Private Calendar, and if there is any objection, I will withdraw the bill.

The SPEAKER. Would it be in order on Monday, an ordinary District day?

Mr. SMITH of Michigan. Yes; it seems to me it would. That is my understanding.

The SPEAKER. Does the gentleman recollect any private bills being passed on District day?

Mr. MANN. The gentleman's bill would be reached in regular order anyway—a Senate bill on the calendar.

The SPEAKER. The Chair has no recollection of the Private Calendar being considered on District day.

Mr. SMITH of Michigan. Then I withhold the bill for a moment——

The SPEAKER. The gentleman withdraws his motion?

Mr. SMITH of Michigan. Yes.

The SPEAKER. The bill is withdrawn.

PENSIONERS OF THE METROPOLITAN POLICE FUND.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 23973) for the relief of pensioners of the Metropolitan police fund.

The SPEAKER. Is that on the Union Calendar?

Mr. SMITH of Michigan. Yes.

The SPEAKER. The gentleman from Michigan moves to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill, and pass the same.

Mr. MANN. Mr. Speaker, this bill is on the House Calendar, although it ought to be on the Union Calendar.

The SPEAKER. It has been transferred to the Union Calendar.

The bill was read, as follows:

Be it enacted, etc., That the amount withheld from pensioners of the police fund on account of deficiencies in said fund during the period from June 1, 1894, to May 31, 1896, is authorized to be paid, and the Commissioners of the District of Columbia are hereby authorized and directed to adjust and settle all claims for said deficiencies in the payment of allowances made by them to pensioners of said police fund, and report to Congress their conclusions for consideration. In case of death of any beneficiary under the provisions of this bill the amount due such beneficiary shall be paid to the legal representatives thereof.

With the following amendment:

Strike out of lines 10 and 11, page 1, the words "and report to Congress their conclusions for consideration," and insert a period after the word "fund," in line 10.

The SPEAKER. Is a second demanded?

Mr. SIMS. I demand a second.

The SPEAKER. A second is ordered.

Mr. SMITH of Michigan. I yield to the gentleman from Massachusetts [Mr. KELIHER].

Mr. KELIHER. Mr. Speaker, this bill is to appropriate money from the treasury of the District of Columbia to meet an obligation of long standing on account of the failure to pay amounts due from the police pension fund because of depleted condition of that fund between June 1, 1904, and May 31, 1906.

Prior to 1885 there was no authorized police pension fund in the District. The members of the force made up a fund from voluntary contributions on the part of members. They also held police picnics, they sold abandoned property, and the money derived from these sources was turned into a fund which was sufficient to meet all claims for pensions made against it until 1894.

In a period running from June, 1894, to May, 1896, there occurred a deficiency totaling over $16,000, and in 1896, in order to preclude a repetition of such deficiency, Congress passed an act authorizing the turning into that fund of the money from the sale of dog licenses in the District, and later on, in 1901, it passed another act increasing that fund by diverting such part of the money that comes from the fines imposed in the police court. Now, within the time I mentioned, from June, 1894, to May 30, 1896, the fund was, as I said, not sufficient to meet the drafts made upon it for the purposes for which it was provided, and a deficiency of $16,000 resulted, made up of sums that ranged from $20 to $300 or $400.

Mr. FINLEY. Will the gentleman yield?

Mr. KELIHER. Yes.

Mr. FINLEY. Do I understand the gentleman to say that on account of legislation depleting or reducing the fund which otherwise would have been sufficient for the purpose there arose this deficiency?

Mr. KELIHER. No; I mean to say that Congress recognized the desirability of providing a pension fund, and it compelled the deduction of $1 a month from policemen's pay and authorized the use of the dog-license money, and so forth; but that scheme, not being scientifically devised, resulted in a deficiency. Now, it is to pay up that deficiency that resulted in those years that this measure is offered.

Mr. FINLEY. That was done by act of Congress.

Mr. KELIHER. Yes.

Mr. HARRISON. Will the gentleman yield?

Mr. KELIHER. Certainly.

Mr. HARRISON. Does the gentleman know of any semi official means being employed to make up the police fund?

Mr. KELIHER. The "gentleman from Massachusetts" has no knowledge of any other means by which the police fund is made up other than the compulsory deduction from the policemen's salary, the money from the collections from the dog licenses in the District, and a sufficient part of the sum that comes from the fines imposed in the police court. These make this fund a practical working one to-day.

Mr. HARRISON. Has not the gentleman heard anything about a scheme that has been operated around the District whereby certain men representing themselves as collectors for the police pension fund have foisted on an unsuspecting individual, for $25, the so-called "official history of the police department," worth about $2, at a liberal calculation?

Mr. KELIHER. The "gentleman" has no knowledge of any such thing happening, and I am sorry to learn that anybody in the District is gullible enough to purchase such a work.

Mr. HARRISON. One of the commissioners has informed me that the scheme has the semiofficial patronage of that body, and that one-third of it is turned into the police pension fund.

Mr. KELIHER. Such a scheme ought to be prohibited. From From my understanding the sources of supply to the present fund are ample to supply its purposes, but the proposition contained in the pending measure applies directly to a condition which existed many years ago and aims to meet an obligation of the District which is fifteen years old—to pay what is due to the widows and the children of these policemen. It is an obligation, and I want to quote the statement of Auditor Petty of the District, who said of a similar bill:

This amount is the difference between what the Government promised to give and that which it actually paid, and is therefore an undeniable debt of honor.

Mr. Speaker, this bill has the approval of the three commissioners of the District; it is approved by the auditor of the District, and it seems to me that it ought not invite any opposition. Congress recognized the necessity for provision of such a fund; and simply and solely because the scheme in operation was inadequate to meet the obligation that Congress wished to fulfill, because the scheme was not scientifically devised and did not sufficiently meet requirements, we ask that $16,711 be appropriated out of the treasury of the District. I might add, Mr. Speaker, that there are moneys every year coming from the police fines beyond the amount required to supply this pension fund that are covered back into the treasury. As I said at the start, the amount is only $16,000, and as it has the indorsement of everybody who has officially to do with the matter, I hope there will be no opposition to it on the floor.

Mr. SIMS. Mr. Speaker, I was not on the subcommittee that investigated the matter, but the gentleman from Massachusetts was the minority member of that committee. I demanded a second for the purpose of yielding to any gentleman who might wish to oppose the bill. If there is no one who wishes to oppose the bill I will not occupy any further time.

The SPEAKER pro tempore (Mr. PARKER). The question is on suspending the rules and agreeing to the amendments and passing the bill.

The question was taken, and the rules were suspended, and the bill was passed.

ROAD ON THE BANK OF ANACOSTIA RIVER.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 671) to construct a road along the south bank of the Anacostia River, and pass the same.

The Clerk read the bill, as follows:

Be it enacted, etc., That within ninety days after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute proceedings to condemn the land that may be necessary for a road along the Anacostia River beginning in Glesboro Manor near the center of Omaha street extended and on the right of way of the outfall sewer; thence northeast along or near the line of said outfall sewer to the grounds of the Government Hospital for the Insane, connecting through the grounds adjacent to said hospital as hereinafter provided; thence from the north side of said grounds through the Barry farm northeastwardly and adjacent to the southwest side of the Alexandria branch of the Baltimore and Ohio Railroad to Howard avenue; said right of way to have a width of 90 feet south of the hospital grounds and to have a width of 60 feet through the Barry farm; the said proceedings to be had under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided, however,* That one-half of the amount found to be due and awarded as damages for and in respect of the land condemned for the said road, together with the costs and expenses of the proceedings, shall be assessed by the jury as benefits, under the provisions of section 491g of said subchapter 1 of chapter 15 of said Code of Law.

SEC. 2. That the Secretary of War is hereby authorized and directed to open for use as a public thoroughfare a 90-foot strip of land from 35 to 100 feet westward of the right of way of the Alexandria branch of the Baltimore and Ohio Railroad Company through the grounds adjacent to the Government Hospital for the Insane, said strip to be hereafter under the control of the Commissioners of the District of Columbia.

SEC. 3. That the sum of $600 is hereby appropriated, one half out of the revenues of the District of Columbia and the other half out of any money in the Treasury not otherwise appropriated, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto, and a sufficient amount to pay for the land taken hereunder is hereby appropriated, one-half to be paid out of the revenues of the District of Columbia and one half out of any money in the Treasury not otherwise appropriated.

The SPEAKER pro tempore. Is a second demanded?

Mr. SIMS. I demand a second.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SIMS. I certainly am.

The SPEAKER pro tempore. A second is ordered. The gentleman from Michigan is entitled to twenty minutes and the gentleman from Tennessee to twenty minutes.

Mr. SMITH of Michigan. Mr. Speaker, I yield such time as he desires to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, this is a bill that has already passed the Senate. It is in accord with the general system for the development of that part of the District. It was first objected to, I would say, by the Secretary of the Interior, also by the superintendent of the insane asylum, on the ground that it might possibly do some damage to that institution, but since then the plan has been changed to some extent, and the Secretary of the Interior and the superintendent of the asylum are anxious and desirous that the bill should pass. The commissioners recommend its passage strongly. There is considerable of a settlement about there, and the people will be enabled to use the road to their several destinations, which will be something like 2 miles instead of 7, as they have to travel now. As far as I can find out, it would be advantageous to a great many people and it would be disadvantageous to none.

The commissioners are desirous of the bill passing, the Secretary of the Interior desires it, the superintendent of the hospital is not averse to it, and a steel manufactory that makes a great many of the projectiles for the United States Army will be able to bring their product and to carry their supplies in a direct and easy way, instead of by a circuitous and hilly, if not mountainous, road. There is no possible objection to the bill, and I hope it can be passed.

Mr. SULZER. How much will this improvement cost?

Mr. OLCOTT. Mr. Speaker, the cost for condemnation proceedings is limited by the bill to $600, and the estimate of the commissioners is that the property to be taken by condemnation will cost $15,000.

Mr. SULZER. And the people generally are in favor of it?

Mr. OLCOTT. Yes; and the people will pay for it, except in so far as it goes through government land. I reserve the balance of my time.

Mr. SIMS. Mr. Speaker, this is a bill to authorize the construction of a road or a street 90 feet wide away over beyond the asylum grounds, contiguous to a gun factory down there, a manufacturing institution, and to bring those people into the city of Washington. The object of this bill is indirectly to bring about in this District that which should never be brought about, and that is to make it the home of manufacturing concerns. The taxes in the District of Columbia are less than in any city of the United States. Manufacturers would like to come here and bring their laborers, and get them out from under the control of the state laws, and place them where the President and the army and the navy have control, where any kind of labor trouble that comes along may be dealt with exclusively by the military authorities of the United States.

To pass such bills here is to encourage manufacturers to come to the District, to fill up all the outlying space around here where the Government of the United States pays one-half of all expenses, and very soon if that be done we will have another Pittsburg as far as smoke and population is concerned.

Mr. OLCOTT. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. OLCOTT. Is it not a fact that everything that is manufactured there is used by the Government of the United States?

Mr. SIMS. I do not care who it is used by. It is a factory, a private concern.

Mr. DALZELL. It is there now.

Mr. SIMS. I know it is there, and I do not want any more to come and I do not want to spend money to build streets for factories that do come and locate here. I say there is no need of that road out there, if it was not for that factory. That factory has made it necessary, and it will cost thousands, many thousands of dollars to build and maintain a 90 foot street down there for the benefit of a manufacturing concern that has not come here for any charitable purpose, that has not come here to aid the Government of the United States, but has come here to take advantage of conditions here that exist in no State in the Union. I do not think that we ought to build these streets at vast expense to the Government, to help these factories and indirectly encourage manufacturing in the District, where one-half of the burden of taxation is paid by the people of the United States who do not live here, and where those who do pay here pay it upon a mandatory assessment of only two-thirds of the value of the property.

Mr. MANN. Will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. MANN. Does the gentleman say that the purpose behind the laying out of this road is to invite manufactures and smoke nuisances and everything of that kind into the District?

Mr. SIMS. The factory came there, and the people who are with it, brought there on account of it, are the people who are asking for this road, and it would never have been asked for if they had not gone there, and they never would have gone there for any other purpose than to escape the laws of the States of the Union and to be there under the eye of the capital and under the care of the military of the United States, the army

and navy, and of Congress; away from all the possibilities that may come about by means of labor strikes or the labor laws of the different States of the Union. That is why it is here, and I am not in favor of taxing the people of my country—my State and yours—to build 90-foot avenues to factories in this District, because others will come and others will have the right to demand the same. We are making a precedent here which will return to plague the gentlemen who come here in after years.

Mr. MANN. Will the gentleman yield for another question?

Mr. SIMS. Certainly.

Mr. MANN. Will the opening of this road be likely to encourage other factories in that locality?

Mr. SIMS. Oh, it is not a matter whether it is in that locality or not; they can put them up in some other locality and come here to Congress and make a similar request.

Mr. OLCOTT. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. OLCOTT. Does not the gentleman think, because I know he is familiar with the locality——

Mr. SIMS. In a general way.

Mr. OLCOTT. Does not the gentleman think that entirely apart from the place where the government projectiles are manufactured that that road will be most advantageous in the general road-plan system of Washington and the District of Columbia?

Mr. SIMS. I am not criticising the manner of its laying out, the artistic features of it; but why is it wanted at all? If that factory had not gone there and carried those people there, it never would have been asked for. It is directly the fruit of that factory being placed there.

Mr. OLCOTT. Does not the gentleman know it is a continuation of a street which is now in actual use, which goes to Omaha avenue, and if continued along will make for Anacostia a most desirable roadway in the District——

Mr. SIMS. But we are not here appropriating money to build roads where nobody else except manufacturing plants want them.

Mr. OLCOTT. No; but the gentleman must know, surely, there is a considerable population there in what is known as "Talbot's subdivision."

Mr. SIMS. Perhaps so; but the gentleman will be kind enough to admit that if it were not for the gun factory here this bill would not be here and would not be reported on at all.

Mr. OLCOTT. I am not satisfied as to that. I know perfectly well that the Commissioners of the District of Columbia say that it is a road that would have to be built and one that will unquestionably be needed in the future, as it is needed now.

Mr. SIMS. Some day or other; perhaps that is true. Now, we have declined to authorize the building of 90-foot avenues all over this city, where they have been laid out where there was really any necessity, but where there were no people to speak of——

Mr. OLCOTT. But has not the gentleman supported bills for the building of several large avenues?

Mr. SIMS. Supported them?

Mr. OLCOTT. I think you have before.

Mr. SIMS. No; never authorizing any new ones; if I did, I do not remember them. I am absolutely opposed to building these roads where the people are not demanding it. I want to absolutely discourage the gun factory. I want it to leave here. It is not a public institution; it is not a government institution. You might just as well have a soap factory here 4 or 5 miles away from the center of the city and build them an avenue. Why do we want to fill up this capital with manufacturing plants? Why do we want to bring people here from everywhere by encouraging those who do come here by spending public money to build avenues to their places of location? I do not know anything about the people who have built that gun factory. It is not a personal matter at all, but I do not think that the Representatives of the people who stand here on this floor should encourage this city to become a great manufacturing city.

Why, of course you can do so. You can fill it up. Let them be filled up like other manufacturing towns. Let the people of the locality pay the taxes and build the roads. Does anybody believe a 90-foot asphalted street would have to be built to that location in many years to come if it was not for that factory located there? This is indirectly inviting every manufacturing concern who can get a location in the District of Columbia to come here and be taxed less than anywhere on earth, less than in any State, and the people of the United States pay one-half of the street and other local improvements around it.

Now, why has not this bill been considered in the Committee of the Whole, as it ought to be? No such bill should ever pass under suspension of the rules. It is a bad precedent in the way of legislation. This is a bill of no great public importance. This is not a bill required to be passed in order that the Government may live for six weeks or six months or a year. It is purely a local matter. And yet there are bills on this calendar of a general nature that are not being considered; and a bill that will probably directly and indirectly call for many thousands of dollars is being put through here under suspension of the rules for the benefit of a firm that ought not, in the first place, to be here at all. And conditions should be made so bad for this manufacturing concern that no like concern would ever come here again. I say that it is bad legislation. It is worse to consider it under a motion to suspend the rules. It ought to go over and be considered by the Committee of the Whole, subject to amendment, with sufficient time to discuss it and understand it.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield four minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, this bill simply provides for a road into a section of the District of Columbia that is now inhabited by a great number of people that have no direct road. It requires 7 miles of travel over a very rough country to reach that section of the District, and this bill simply provides a roadway that will enable the people to reach that part of the District in about 2 miles. The purpose is to cut off about 5 miles of travel over a rough road and to give the people living there, or who want to go there, an opportunity to get to the same place in a little over 2 miles over a level road.

It is true that the people who live there work in a projectile factory. It is true that they are not department clerks. It is true that they are not clerks in the department stores of Washington or business houses here. But it is just as true that they are men and women who have their homes in the District of Columbia and earn their living at hard labor. They send in to the city for the things they eat and wear, and in order to have a delivery wagon reach them it is necessary now to travel about 7 miles.

Mr. FINLEY. Will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from South Carolina for a question.

Mr. FINLEY. About how many people will be benefited or accommodated?

Mr. CAMPBELL. I do not know exactly the number, but there is a large number of people living down there.

Mr. FINLEY. Large is a comparative term. About how many? Five hundred or a thousand?

Mr. CAMPBELL. I should say that there are 300 to 500 people in the immediate vicinity of the end of the road, and then farther up the hillside, in a considerable village, I should say there were two or three thousand people.

Mr. FINLEY. About what will the extension cost?

Mr. CAMPBELL. It is estimated that it will cost about $15,000.

Mr. FINLEY. Is that a reasonable cost, considering the number of people to be accommodated?

Mr. CAMPBELL. It is the only way to accommodate them, I will say to the gentleman.

Mr. FINLEY. I asked the question from the standpoint of practicability. Is the cost reasonable, considering the number of people to be accommodated, in the gentleman's opinion? Of course that is all he can answer.

Mr. CAMPBELL. I should say so. If I lived out there I should think that I, as one of the citizens of that part of the District of Columbia, was entitled to this road. I understand that there are about 400 men employed in that projectile factory. That would make a population of something like 2,000 in connection with that industry, who live at the end of the proposed road. And in addition to that there are a large number of people living at the end of this proposed road. I hope the bill will pass.

Mr. SMITH of Michigan. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has fourteen minutes left.

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. BRODHEAD. Mr. Speaker, for the first time I find myself not in sympathy with my ranking member on the District Committee, the gentleman from Tennessee [Mr. SIMS], whom I consider one of the hardest working and most valuable members of that committee. I am in favor of the passage of this bill. It appears to me to be a proper thing to do to open this road over there in Anacostia. It is in the District of Columbia. There is quite a settlement living at that end of the Dis-

trict, and at the present time they have no adequate means of ingress or egress. Whether that projectile factory was located there or not, it seemed to me a very wise thing for the District of Columbia to be properly opened up and properly developed. It is not altogether right to say that we must wait until a very large number of people live in a particular place in this District before we give them good roads. Nor do I clearly understand it to be the policy of Congress to forbid the erection of manufactories in the District. It may be a good thing to prohibit them; but if it is, the best way to do would be to pass a law directly and absolutely prohibiting their erection. But at the present there is nothing in the law preventing manufacturing establishments coming here, and this particular one referred to is one of the least objectionable. I was one of a small number of the Committee on the District of Columbia to go over to the locality of this proposed road, and I found it exceedingly hard traveling, going uphill and downhill for seven and a half miles to reach the end of the proposed new road, about 3 miles away, and yet most of the time we were traveling one could see where the road ought to be built—that is, on the level, where it is planned. Surely we should not oppose the development of that portion of the District merely because the new road will reach a manufacturing establishment which is now making projectiles for the Government. By the way, it is making them by means of machinery that is worked by electricity, the cleanest manufacturing establishment I ever saw.

The mere fact that this section of the District has an establishment over there now in active operation is no reason why it should not have a road for the people of the District of Columbia as well as for all others who wish to go to this establishment or to this section of the District. I am in favor of the bill.

Mr. SMITH of Michigan. Does the gentleman desire to consume any more of his time?

Mr. SIMS. If you are going to yield to no other person.

Mr. SMITH of Michigan. I do not know that I am.

Mr. SIMS. If you are going to close in one speech?

Mr. SMITH of Michigan. Yes.

Mr. SIMS. Then I will use the rest of my time. How much time have I remaining?

The SPEAKER pro tempore (Mr. PARKER). The gentleman has five minutes.

Mr. SIMS. Now, Mr. Speaker, it is clear from the statement made on this matter that the gun factory when it located there knew that hill was steep; they knew that it was hard to get to the city of Washington, but they were relying upon influences in this House, or perhaps at the other end of the Capitol, to have the Government of the United States expend money to build a 90-foot street in order that they could get their people to the city. This is a private concern; I do not care if it is manufacturing projectiles. We may just as well have a projectile factory because the Government is buying projectiles. We might just as well have an armor-plate manufactory because the Government is buying armor plate; we might just as well have a powder manufactory because the Government buys powder.

Now, the facts are—and you gentlemen who pay so little attention to the business of the House may find that the time may come to annoy you with another Buck Stove and Range case before the courts of the District of Columbia. They are led up to by such measures as this, giving a public street to manufacturers who want to get away from state courts and state jurisdiction, where the judge can not read the riot act every time a laboring man says a word in opposition to monopolists.

Mr. OLCOTT. Mr. Speaker, will the gentleman yield to me?

Mr. SIMS. Certainly.

Mr. OLCOTT. Does the gentleman not know that there were a good many people living in that part of Anacostia before the gun factory ever went there?

Mr. SIMS. I know, and the gentleman knows, that if it had not been for the gun factory this bill would not be here.

Mr. OLCOTT. I know nothing of the kind.

Mr. SIMS. I believe it, and you believe it.

Mr. OLCOTT. I do not believe it.

Mr. SIMS. Who had it come here?

Mr. OLCOTT. The commissioners had it come here, as a commissioners' bill, and they said they ought to have that road.

Mr. SIMS. Oh, well, it makes no difference. The gun factory has been the sole cause of getting that road there. You will put factories all over this District under such encouragement as this. If that gun factory was not there, and the influence of the gun factory was not behind this bill, it would not be here to-day.

Mr. GAINES of Tennessee. Whose gun factory is it?

Mr. SIMS. I do not know and I do not care. It does not belong to the Government. It is a private institution that wants to get under the flag of the United States, in the capital of the United States; where judges are appointed where they do not live and are not responsible to the votes of the people; and will put strikers in prison and put stripes on their bodies when they do not act to suit the preconceived ideas of gentlemen who may occupy those positions in this District. I say, outside of any political matter, do not encourage factories to come here. You do not allow a power plant here to emit black or gray smoke for over one minute. If we build 90-foot avenues to factories in this District, our constituents pay half the bills. Show me another avenue that is being built to-day by public taxation to any other point in the District of Columbia, as far from the center of this city as this is, that will cost $15,000, according to the gentleman's statement, and it will far exceed that, in order to make more valuable private property at public expense. I do not know these gentlemen; I do not know their politics; I do not care anything about it; but we never will do a worse thing in our lives than indirectly to say to every manufacturing concern in this country: "Locate here; get away from your state laws and state courts and state juries. Then your labor laws of your different States will not be worth the paper they are written on. Your eight-hour law will not apply to them here." This is not a government concern, but a private concern.

This is brought up here under a motion to suspend the rules. It ought to be debated three or four hours in Committee of the Whole; and whenever a bill like this is undertaken to be put through at the closing hours of a Congress, on a motion to suspend the rules, it is a very suspicious circumstance, and that, if nothing else, ought to defeat the bill.

Mr. Speaker, I have no personal interest in this matter, but from every standpoint of local and civic pride I am opposed to this bill. I will never consent to this or any other measure like it.

Mr. SMITH of Michigan. Mr. Speaker, how much time have I?

The SPEAKER. Ten minutes.

Mr. SMITH of Michigan. I yield the balance of my time to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, it seems to me that there is a vast amount of undue excitement that has arisen in the mind of the gentleman from Tennessee [Mr. SIMS]. This is a plain proposition, and is as meritorious as any that ever came before us relative to laying out streets. It is merely a question of continuing an already existing avenue for about 2 miles, largely through government land, on a flat surface where a road on a level grade can be properly built, to a place that is fairly populous. In the immediate vicinity of the end of this route there are something like 2,000 people. It is an outlying district, where people of small means can go and live. The laying out of this road is to enable them to go on a level road instead of going up and down a high hill, and to enable them to get to their destination by traveling 2 miles instead of 7.

The possibility of this being for the benefit of supposed manufactories that may sometime come here is to me an absurdity. The only objection that was ever made, when this bill was first introduced some two or three years ago, was from the superintendent of the insane asylum, because he thought it would interfere with the proper care of the insane people in that institution, and the Secretary of the Interior agreed with him. The line of the road has been changed and has been put a little nearer the tracks of the Baltimore and Ohio road. It is laid out through lands belonging to the Government Insane Asylum, which land is worth little, and the line of the road has been so arranged that it will in no way interfere with the institution. The superintendent of the asylum has withdrawn his objection, the Secretary of the Interior has withdrawn his objection; and every one who knows anything about it and who has seen the contour of that land knows that it is an important matter for the people who live at the western terminus of the road that it should be built.

Why, because there happened to be a factory where government projectiles are manufactured, we have all of this demagogic utterance from the gentleman from Tennessee passes my belief. I want to say in connection with the suggestion he made to me that had it not been for this particular factory the road would not have been suggested, he is entirely in error. The Commissioners of the District of Columbia told me that it was a road that should have been built years ago, and the wonder is that it had not been provided for before.

Mr. COLE. Will the gentleman state what kind of a road this is to be?

Mr. OLCOTT. A macadamized road, in connection with the road that runs along the Anacostia River. Mr. Speaker, I ask for a vote on the bill.

The SPEAKER pro tempore. The question is on suspending the rules, discharging the Committee of the Whole House on the state of the Union, and passing the bill.

The question was taken; and the Chair being in doubt, the House divided, and there were 52 ayes and 30 noes.

Mr. SIMS. Mr. Speaker, to save demanding the yeas and nays, I make the point that no quorum is present.

The SPEAKER. Does the gentleman insist on his point of no quorum?

Mr. SIMS. If the gentleman from Michigan, in charge of the bill, will withdraw it for the present until other matters can be taken up, I will withdraw the point of no quorum.

Mr. SMITH of Michigan. I can not do that.

The SPEAKER. The gentleman from Tennessee makes the point that no quorum is present. A number of Members have come in, and the Chair will count. [After counting.] One hundred and ninety-six Members present; a quorum.

Mr. SIMS. I ask for the yeas and nays.

The SPEAKER. The gentleman from Tennessee demands the yeas and nays. All those in favor of taking the vote by yeas and nays will rise. [After counting.] Thirty-one Members have arisen, not a sufficient number. The yeas and nays are refused, the rules are suspended, and the bill is passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 28411. An act to grant two cannons to Ohio Northern University, at Ada, Ohio; and

H. J. Res. 261. Joint resolution authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America in the year 1912.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I submit the following conference report on the legislative, executive, and judicial appropriation bill.

The Clerk read the report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 46, 62, 63, 64, 65, 66, 67, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 209, and 210.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered sixty and agree to the same.

Amendment numbered 61: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment of the House, omit the matter inserted by said amendment of the Senate, and insert the following: ", and after the third of March, nineteen hundred and nine, the compensation of the President of the United States shall be seventy-five thousand dollars per annum; a sufficient sum to pay the increase in the compensation of the President herein authorized from March fourth to June thirtieth, nineteen hundred and nine, inclusive, is hereby appropriated."

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "two hundred and fifty-five thousand eight hundred dollars;" and the Senate agree to the same.

HENRY H. BINGHAM,
F. H. GILLETT,
L. F. LIVINGSTON,
Managers on the part of the House.

F. E. WARREN,
J. A. HEMENWAY,
H. M. TELLER,
Managers on the part of the Senate.

Mr. CLARK of Missouri. Mr. Speaker, I want to ask the gentleman a question.

Mr. BINGHAM. I will make a statement to the House. The figures finally agreed upon are $31,978,484. The Senate added $664,234. The Senate yielded $344,500; and the House agreed to $319,734. That is in the entire bill, the body of which was adopted a few days ago. The Senate in the subject-matters that have been in dispute for the past few days has yielded in every item of disagreement excepting that we fix the compensation of the President at $75,000, a complete agreement throughout the entire line, and I therefore ask for the adoption of the report.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. This fixes the President's salary at $75,000?

Mr. BINGHAM. It does.

Mr. CLARK of Missouri. When the House agreed to that $75,000, it had a positive provision, put in on a motion of the gentleman from Illinois [Mr. MANN], I think, that the $75,000 should be for everything, traveling expenses and all. Now, I understand that that proviso, or whatever it was, is taken out of this bill. Is it?

Mr. BINGHAM. The traveling expenses are statutory—not living the life of a year's appropriation, but statutory. We felt that the House having expressed itself for the $75,000, we could make concession to the Senate in the change, if you call it a change, running until the close of the fiscal year, leaving it for the House to determine. The conferees gave the President in the concession to the Senate $75,000 annual compensation. The question of traveling expenses being statutory, the House by future legislation can take care of it.

Mr. KEIFER. If the gentleman will permit, I would like to make a suggestion to the gentleman from Missouri. Under the Constitution of the United States we have no right to grant any emolument of any kind, whether traveling expenses or not, and I will read the clause of the Constitution on the subject. It is clause 6, section 1, Article II:

> The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

It seems to me that if we should undertake to grant anything in the way of traveling expenses or other things in addition to the $75,000, it would be in violation of this provision of the Constitution. But that question is not involved here now.

Mr. CLARK of Missouri. That is exactly what they did do.

Mr. KEIFER. I agree to that, but I do not agree that we had a right to do it.

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I hardly think the point made by the gentleman from Ohio [Mr. KEIFER] will hold water. Whatever may have been the theory of the Constitution, or whatever may have been the provision of the Constitution, we have done the thing which the gentleman says we can not do. During the present term of the present Executive we have provided by law for $25,000 traveling expenses, and have paid a large portion of it.

Now, then, as to the conference report. The conference report, as I understand it, sustains the position of the House on every item except in reference to the President's salary. The increases in the Department of State, the increases in the salary of the judges and all those other officers go out.

Now, as to the increase of the President's salary. As that item came to the House it provided for an increase to $100,000 a year, and, although it had an amendment which on its face whould appear to include the traveling expenses in the $100,000, as a matter of fact that amendment, either intentionally or unintentionally, was drawn to give a wrong impression, because in truth under the Senate amendment the President was to receive $100,000 compensation and in addition to that $25,000 a year if Congress should follow the law providing for traveling expenses. As it passed the House it provided for $75,000, to include traveling expenses. I take it, as a matter of fact, that if the Chief Executive travels as much as I hope he will travel, he will use a large share of the $25,000 for traveling expenses. I think it is wise for the Chief Executive to travel throughout the country. I believe it is for his benefit and for the benefit of the country if he comes in contact with the people in the different parts of the country, and I believe that he is much more likely to travel if his traveling expenses are paid out of the Treasury than he is if he has to put his hand into his own pocket and pay those expenses. So, on principle, it seems to me it would be advisable to pay the traveling expenses out of a separate fund. The House did indicate its desire to give the President $75,000 a year compensation. The amendment which I offered was offered after that vote had been taken, and while it seems to me it is not desirable for the President himself to have the salary increased at a time when the Treasury is almost empty, yet the House having expressed its opinion on that, I think we might well adopt the conference report, meeting the Senate on this one item halfway, reducing the proposed salary of the President from $100,000 to $75,000, increasing it $25,000 over that now

received, and allow, if the Congress shall so desire, the $25,000 for traveling expenses.

Mr. GAINES of Tennessee. My understanding was that we gave him $50,000, that the $75,000 was made up of $50,000 salary and the $25,000 traveling expenses allowable under the general law. Now, it seems that he is to get $75,000 salary exclusive of the $25,000 traveling expenses, which will make practically $100,000 he can spend.

Mr. MANN. Mr. Speaker, when the House voted on the proposition for $100,000 it defeated it. It then voted on the proposition of compensation to the President of $75,000, and that was passed. I then offered the amendment which provided that that should include the traveling expenses, because the Senate amendment had not then been voted upon to include the traveling expenses. I wish to call what seemed to me to be a bluff on the part of that distinguished aggregation at the other end of the Capitol.

Mr. GAINES of Tennessee. Does the conference report provide that we shall give him $50,000 in addition to the traveling expenses?

Mr. MANN. The conference report provides that the compensation of the President of the United States shall be raised from $50,000 to $75,000 and eliminates all question in regard to traveling expenses. If Congress chooses to pay the traveling expenses now authorized by law, Congress has that power.

Mr. GAINES of Tennessee. Will not Congress be compelled next session to give him $75,000 and $25,000 traveling expenses?

Mr. MANN. It will not be compelled legally, but morally I should think it would be.

Mr. OLLIE M. JAMES. Has not the $25,000 traveling expenses already been appropriated for?

Mr. MANN. No.

Mr. OLLIE M. JAMES. It is in conference, is it not, and will be appropriated for?

Mr. MANN. Yes; it is in conference.

Mr. OLLIE M. JAMES. And will be appropriated for?

Mr. MANN. Yes.

Mr. OLLIE M. JAMES. Certainly; there is no doubt about that; and that is why I am opposed to this as well as to the $25,000 for traveling expenses.

Mr. BINGHAM. There is nothing in this bill that carries traveling expenses.

Mr. GAINES of Tennessee. I know; but to give the President $75,000 by this bill and then obey the statute law by giving him $25,000 traveling expenses will make $100,000 per year he can spend.

Mr. MANN. The sum and substance of the conference report is that the salary of the President is increased from $50,000 to $75,000, an increase of 50 per cent, and that all the other increases in the salaries proposed by the Senate and the new offices proposed by the Senate, which were in dispute, go out.

Mr. ADAIR. When this bill came from the Senate, was it not stated on the floor of the House, and understood by the House, that the $100,000 included traveling expenses?

Mr. MANN. I can not say what was stated on the floor of the House or understood by the House, but I have stated to the House it did not include traveling expenses, and offered an amendment to cinch the matter.

Mr. ADAIR. But when Members voted upon the proposition they understood it provided $75,000 for both——

Mr. MANN. I did not so understand it.

Mr. ADAIR. I think the gentleman did understand it, because he offered an amendment.

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. STEPHENS of Texas. The question which I asked the gentleman from Illinois was, How many years has it been since Congress doubled the salary of the President before, from $25,000 to $50,000?

Mr. LIVINGSTON. The gentleman from Pennsylvania has yielded me five minutes.

Mr. STEPHENS of Texas. Will the gentleman kindly state if we double it every twenty years; and we have done it——

Mr. LIVINGSTON. Mr. Speaker, I can not hear a word the gentleman says, there is so much noise here.

Mr. STEPHENS of Texas. That is what we are doing.

Mr. MANN. The gentleman and I will not be interested in what they are doing forty years from now.

The SPEAKER. Two or three Members address the Speaker and begin to talk. The gentleman from Georgia is entitled to the floor.

Mr. LIVINGSTON. Mr. Speaker, we have had this in conference for a couple of months, and the House has kept up with it. We have made our regular reports. The conference committee of the House this morning, I think, has kept faith with the House with every instruction which you have given us. We found that the question of traveling expenses of the President had been appropriated for until the 30th day of next June. Your conference committee nor this House can not undo it. That is a question of fact. Mr. Taft can get the benefit of that from the 4th day of March until the 30th day of June in spite of all that you and I can do or the committee on conference.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. LIVINGSTON. I have only five minutes. However, I will answer a question.

Mr. UNDERWOOD. I will ask the gentleman from Pennsylvania to yield me five minutes——

Mr. LIVINGSTON. That is all right——

Mr. UNDERWOOD. Then I will ask the gentleman. The question I want to be informed on——

Mr. LIVINGSTON. The gentleman must not make a speech. I have only five minutes. Ask your question.

Mr. UNDERWOOD. I am trying to state——

Mr. LIVINGSTON. I do not want the gentleman to make a statement; ask your question.

Mr. UNDERWOOD. Then I will ask the gentleman from Pennsylvania to yield to me.

Mr. LIVINGSTON. I have only five minutes.

Mr. KIMBALL. Mr. Speaker, I desire to ask the gentleman from Georgia a question.

Mr. LIVINGSTON. Oh, just a question. I will answer it.

Mr. KIMBALL. State to the House the various items of expenditure connected with the maintenance of the White House outside of the President's salary.

Mr. LIVINGSTON. Every one of them has been read over and over here in the House.

Mr. KIMBALL. But it would come with greater emphasis if the gentleman on the committee would state it to us here.

Mr. LIVINGSTON. We have stated it positively and it has been printed in the RECORD and you will find it here, every item of expense.

Mr. KIMBALL. What is the aggregate amount?

Mr. LIVINGSTON. The aggregate amount was stated at $293,000. We can not be responsible for men who do not sit in their seats and listen to what is going on. But, Mr. Speaker——

Mr. OLLIE M. JAMES. Will the gentleman yield?

Mr. LIVINGSTON. Let me finish this statement. We found that to be the condition, in regard to traveling-expense matter, that it was already appropriated for until the 30th day of June. Now, being a committee on the legislative, executive, and judicial appropriation bill, we had no right to go into the question of traveling expenses, and have left it entirely on the outside. It is for this House to give him the $25,000 traveling expenses or not to do it. We have not touched on it in the report, and nothing that we say or do touches that question of traveling expenses.

Mr. FINLEY. Will the gentleman permit a question?

Mr. LIVINGSTON. Put your question.

Mr. FINLEY. Did not the House cut out traveling expenses?

Mr. LIVINGSTON. No; we did not.

Mr. FINLEY. Did not we vote to eliminate the traveling-expense amount?

Mr. LIVINGSTON. No; that amendment was offered after the vote of the House, and we had been instructed.

Mr. OLLIE M. JAMES. Was not that amount of $290,000 for the maintenance of the White House increased $12,000 by this Congress for an automobile, and therefore was not the salary——

Mr. LIVINGSTON. No; we have not increased it a cent.

Mr. OLLIE M. JAMES. Did you not increase it for an automobile $12,000?

Mr. LIVINGSTON. Was not that done by the House?

Mr. OLLIE M. JAMES. Certainly. I am talking about the House.

The SPEAKER. The time of the gentleman from Georgia [Mr. LIVINGSTON] has expired.

Mr. LIVINGSTON. I would like to have three minutes more.

Mr. BINGHAM. I yield to the gentleman from Georgia [Mr. LIVINGSTON] three minutes.

Mr. LIVINGSTON. The conferees are not chargeable with the $12,000 that you gave for automobiles. It was stated on the floor of the House that it was in lieu of carriages and horses. The debate on the floor was on that very question, and the conferees had nothing to do with it. You gave him the $12,000.

Mr. OLLIE M. JAMES. Will the gentleman yield right there?

Mr. LIVINGSTON. Yes.

Mr. OLLIE M. JAMES. And when the provision for $35,000 came before the House for carriages and horses for the White House I moved to strike out the $12,000 of that sum, in order to keep faith with the statement on the floor when the sum of $12,000 was voted that it would be taken out of the regular appropriation for carriages and horses usually provided, and it was voted down.

Mr. LIVINGSTON. I know. The House did it. That matter was closed by the House, and the conferees did not reopen it.

Mr. SIMS. And they would not even take the yeas and nays when I asked for one.

Mr. LIVINGSTON. The conferees have done one thing. They have carried out all your instructions, and your amendment, offered by the gentleman from Illinois [Mr. MANN], was after the vote was taken, and your conferees felt, rather than to have that bill defeated, we should do that much. We can simply say that $75,000 is his salary, no more and no less.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. LIVINGSTON. Yes.

Mr. GAINES of Tennessee. When we go to appropriate next session of Congress for the next fiscal year, will not Congress be compelled to appropriate the $25,000 for traveling expenses?

Mr. LIVINGSTON. I never heard of Congress being compelled to do anything.

Mr. GAINES of Tennessee. Is not that now the law, and will it not be the law then? We have not repealed it, have we?

Mr. LIVINGSTON. It is the law, but there is no power to force Congress to appropriate.

Mr. GAINES of Tennessee. We have not repealed it, have we?

Mr. LIVINGSTON. We have not repealed it. You will have to repeal it to get rid of the law.

Mr. GAINES of Tennessee. Then the President will get the $75,000 and the $25,000 traveling expenses?

Mr. LIVINGSTON. Unless you repeal it; and that is a matter for the House and not for the conferees.

Mr. GAINES of Tennessee. Giving $75,000 now is a matter for the House, too.

Mr. LIVINGSTON. You have done that. What the conferees did was to conform their action with your action.

Mr. BINGHAM. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I have no disposition to delay the House in the consideration of this matter. I only desire, if I can, to try to show that this conference report is entirely proper and logical. It is claimed that there is no provision in it prohibiting the granting of traveling expenses to the President of the United States in the future. If there were in this conference report such a provision, it would not bind future Congresses. If traveling expenses are "emoluments" as that word is used in the Constitution of the United States (par. 6, sec. 1, Art. II), then the Constitution prohibits granting them at any time. If the traveling expenses that the gentleman from Illinois [Mr. MANN] and the gentleman from Missouri [Mr. CLARK] refer to are mere expenses incident to the presidential office, and not a part of his salary, then we may appropriate for them in the future as we have in the past. Nothing we can enact into law will bind any future Congress. The conference committee's report is exactly right. That committee had nothing to do with what the future Congresses might choose to do in relation to appropriating money for traveling expenses.

It seems to me that we are doing the right thing in making the salary of the President of the United States $75,000, $25,000 more than hitherto. That $25,000 extra and as salary the President may expend, if he chooses, in traveling or in any other way. My understanding is that the appropriations made for the past few years of $25,000 each year for traveling expenses did not give the President the right to control the $25,000 any further than to use it in paying traveling expenses. Now, if this conference report is agreed to, he will have a salary of $75,000, and it may be proper to argue to the next Congress that there is no constitutional power to give him traveling expenses, or that it is not expedient to do it, in addition to the $75,000. I think the conference report ought to be adopted as it is presented. [Cries of "Vote!"]

Mr. BINGHAM. Mr. Speaker, there are but four minutes left, and I yield them to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, on this side of the House, when this matter was up before, I think the understanding was that the $25,000 traveling-expense money would be molded into and combine the $25,000 that is to make up the $75,000—the President's salary.

Mr. LIVINGSTON. Now, if the gentleman will permit me, the gentleman from Illinois told him a moment ago that he made the amendment to meet the bluff from the Senate. It was nothing but a bluff.

Mr. GAINES of Tennessee. As the matter comes back here, as I understand it, that $75,000 is clean-cut salary, exclusive of the $25,000 for traveling expenses, practically giving in dollars and cents the President a hundred thousand dollars of money to use in the course of a year.

Mr. LIVINGSTON. It does not do anything of the kind.

Mr. GAINES of Tennessee. Well, why does it not?

Mr. LIVINGSTON. Because there is no $25,000 in the bill.

Mr. GAINES of Tennessee. Well, it will be in another bill, because the general statute of the country allows and provides for $25,000 for the traveling expenses of the President. Now, when your next Congress undertakes to repeal this "traveling expense" statute or want to refuse to appropriate this $25,000 expense money you will be met with the argument that this expense money is an "emolument" of the President—part of his "compensation"—and in that way defeat the repeal of this statute, and in morals and law impel Congress to make the $25,000 appropriation. The Constitution ordains:

The President shall, at stated times, receive for his services a compensation, which shall neither be increased or diminished during the period for which he shall have been elected, and he—

Now listen—

shall not receive within that period any other emolument from the United States or any of them.

Now, then, if this $25,000 is construed as being a part of his "compensation," how can Congress raise or reduce it after Judge Taft becomes President? It will be so argued by some that we can not reduce it.

Mr. LIVINGSTON. But the $25,000 is not appropriated, for the President only spent $9,000.

Mr. GAINES of Tennessee. It is not the President's money; it is money he has in trust, I have contended from the start. I proposed by amendment in a bill here to buy the President an "executive car" and pay for hauling it, to stop him from getting passes from the railways and lift him from their grasp and above suspicion. My amendment went out on a point of order, but it started the move, and this statute was soon enacted. I was the first man in this House who opened his mouth against the "free-pass abuse;" and, thank God, as a result it has been exterminated by a law. Now you are trying to fix it by law that the President will not only get $75,000 as his own money, but also $25,000 to cover his traveling over the country. He must and should travel over the country in the discharge of his duties, and the $25,000 was expense money; and when this matter was up here last we said that "expense" money should become a part of this "compensation." The plan was to wipe out this "expense" money statute.

Mr. LIVINGSTON. Well, I have already asserted it on the floor, and I repeat it once more, that as touching the mileage and transportation question there is nothing of it here, and the Senate agreed under the express vote that was had in the House that the President should have $75,000 only.

Mr. GAINES of Tennessee. Is there any way now that we can stop the $25,000 being paid the President for traveling expenses?

Mr. LIVINGSTON. Yes; a concurrent resolution will stop it.

Mr. GAINES of Tennessee. I mean in this conference report.

Mr. LIVINGSTON. It is not in the bill, I beg the gentleman to remember. We have not put anything in there about mileage.

Mr. GAINES of Tennessee. What bill is that in? Are you not providing that the President shall be paid $75,000 for salary and also $25,000 for expense money.

Mr. LIVINGSTON. No; we do not.

Mr. GAINES of Tennessee. That is not the way I understand it. I want the $75,000 to cover everything.

Mr. BINGHAM. I yield five minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, I think that the conferees on the part of the House are entitled to the thanks of the House for accomplishing so much as they did accomplish. [Applause.] They have saved the country about $300,000 per annum, as the House desired they should do. If this thing is finally agreed to all around, I want all Members to understand just exactly what they are doing. The President's salary remained at $25,000 a year until the 4th of March 1873, when it was raised to $50,000. It stayed that way until last Congress, when they voted this $25,000 for traveling expenses. I understand that the President only used eight or nine thousand of the $25,000. The proposition originally in the Senate was to increase the President's salary to $100,000. We defeated that proposition. Then the gentleman from Indiana [Mr. WATSON]

performed his great coup, and came in with the $75,000 proposition.

Mr. LIVINGSTON. That is what the House did.

Mr. CLARK of Missouri. And the House agreed to the $75,000.

Mr. LIVINGSTON. That is right.

Mr. CLARK of Missouri. Then the gentleman from Illinois [Mr. MANN], not satisfied with that, added to that amendment as a kind of vermiform appendix, in the shape of an amendment which made it so clear that a wayfaring man, though a fool, could not misunderstand the proposition, that the House was willing to give $75,000 to the President, and not one cent more. That is the only way that they got that $75,000 proposition through this House. Well, now, I agree with the gentleman from Georgia, that no difference what we do about this, the President will draw from this fund for traveling expenses to the 1st day of July.

Mr. LIVINGSTON. That is right.

Mr. CLARK of Missouri. That much I think is certain. But back of this there is an item in the sundry civil bill that restores this $25,000 of traveling expenses.

Mr. LIVINGSTON. If the gentleman will pardon me, Mr. HALE stated on the floor of the Senate yesterday that that would be taken out of the sundry civil bill, and his statement has been confirmed to-day.

Mr. CLARK of Missouri. If they take it out, then there is no kick about this.

Mr. MACON. None at all.

Mr. LIVINGSTON. And we are authorized by the Senate conferees to make that statement on the floor of the House.

Mr. CLARK of Missouri. Now, I serve notice on the floor of the House, so that all men may hear it, that if they bring that sundry civil bill in here with that $25,000 for traveling expenses in it I will have a roll call on every amendment that there is, in order to defeat that bill in the House. [Applause on the Democratic side.]

One other word, and then I am through with it. When we had the squabble here about the $12,000 for automobiles I believe that I could have won out on that proposition if the gentleman from Minnesota [Mr. TAWNEY] had not stated that the $12,000 for automobiles would be subtracted from the $35,000 for horses and carriages.

Mr. MANN. Will the gentleman yield?

Mr. CLARK of Missouri. Certainly.

Mr. MANN. It seems to me proper to suggest, in explanation of the statement of the gentleman from Minnesota, that I am informed that no part of that $35,000 has been used recently for the purchase of horses at all. Horses have been purchased out of another fund.

Mr. CLARK of Missouri. Well, they put that in now.

Mr. MANN. That is in explanation of the statement of the gentleman from Minnesota [Mr. TAWNEY], who I think did not understand that when he first made the statement to the House.

Mr. CLARK of Missouri. But what I was driving at is this, that they got the $12,000 for automobiles on that statement, and then, lo and behold, when they came in here the next time with the bill they had the same old $35,000 item for horses and carriages. I do not accuse the gentleman from Minnesota of double dealing about it, because I do not think he would, but I do not like that way of doing things.

Now, it is settled that the President shall have $75,000; but if they bring the sundry civil bill in here with that $25,000 in it for traveling expenses, I intend to fight it by every means known to this parliamentary body—what is left of it.

Mr. GARRETT. Or any part of the $25,000?

Mr. CLARK of Missouri. Yes; or any part of it.

Mr. MADDEN. If the gentleman will allow me, he remembers the fact that an amendment was offered on the floor of the House to reduce the $35,000 to $23,000, and that the House voted down the amendment.

Mr. CLARK of Missouri. I know it; of course it did.

Mr. MADDEN. Then it is hardly fair to state that the gentleman from Minnesota was responsible for the action of the House.

Mr. CLARK of Missouri. I did not say that he was, but I did say that it turned out that they got the $12,000 and the $35,000, too.

Mr. GAINES of Tennessee. And the gentleman from Minnesota opposed that amendment.

Mr. OLLIE M. JAMES. And voted it out by tellers, too.

Mr. CLARK of Missouri. I want to repeat that I think our conferees won a great victory over the Senate, on which I believe they ought to be congratulated.

Mr. BINGHAM. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT] and shall ask him at the end of that time to move the previous question.

Mr. GILLETT. I think the House understands this question thoroughly now. I was going to correct some misapprehensions that have been expressed, but I think the gentleman from Missouri has stated the facts exactly. Therefore I move the previous question now.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question being taken on agreeing to the conference report, on a division (demanded by Mr. OLLIE M. JAMES) there were—ayes 123, noes 75.

Accordingly the conference report was agreed to.

RECOGNIZANCES IN THE JUVENILE COURT.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to discharge the Committee on the District of Columbia from the further consideration of the bill (S. 8518) empowering the juvenile court of the District of Columbia to issue executions on forfeited recognizances, and that the bill be considered in the House at this time.

The bill was read, as follows:

Be it enacted, etc., That the juvenile court of the District of Columbia shall have power to issue execution on all forfeited recognizances upon motion of the proper prosecuting officer, and all writs of fieri facias or other writs of execution issued by said court shall be directed to and executed by the marshal of the District of Columbia. And any recognizance taken in the juvenile court, after being forfeited, may be transmitted to the clerk's office of the supreme court of the District of Columbia and therein docketed in the same manner as forfeited recognizances taken in the police court are now docketed, and thereupon shall have the same effect as if taken in said supreme court; and said lien shall continue as long as such judgment, decree, or recognizance shall be in force or until the same shall be satisfied or discharged.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I should like to ask what this is?

Mr. CAMPBELL. Mr. Speaker, if I can have the attention of the House, I will explain the purpose of this bill. There is now no power in the juvenile court of the District of Columbia to issue process for the collection of forfeited recognizances.

The purpose of this bill is to give the courts that power. The act creating the courts by an oversight omitted empowering the courts to collect forfeited bonds and recognizances. This simply fills in that omission.

Mr. GARRETT. Is this the unanimous report of the committee?

Mr. CAMPBELL. It is a unanimous report of the subcommittee; it did not reach the full Committee on the District of Columbia.

Mr. SMITH of Michigan. This is a very meritorious bill, and I hope the gentleman from Tennessee will not object.

Mr. GARRETT. Has it passed the Senate?

Mr. CAMPBELL. It has.

Mr. GARRETT. Was the Senate bill considered by the subcommittee?

Mr. CAMPBELL. It is an exact copy of the House bill, and was considered by the subcommittee and a report prepared, but not considered by the whole committee.

Mr. GARRETT. I will yield to my colleague on the committee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, this bill has not been considered by the committee, and therefore I know absolutely nothing about it. If the gentleman from Kansas makes the statement that the House is willing to accept, I will not be discourteous to my own committee and object, but, as I say, it has not been considered by the committee as a committee; it may have been by the subcommittee, and they may have made a report, but there is nothing by which I can inform myself of the matter contained in the bill. I might do an injustice by objecting to it.

Mr. CAMPBELL. I am glad the gentleman from Tennessee has made that statement.

Mr. SHACKLEFORD. Mr. Speaker, I was a member of the subcommittee, but being engaged elsewhere I could not attend, and, like my colleague, the gentleman from Tennessee, I do not know what this bill contains. I think it is a bad policy for bills to come along at the last end of a session, interfering with our inauguration ceremonies, and I feel that it is improper to legislate in that way. Nobody knows what the bill contains. We have to take the word of two or three members of the committee, and every other member must vote without knowing or having the remotest idea of what he is voting for. I shall have to object.

The SPEAKER. Objection is heard.

BUILDING ASSOCIATIONS, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the conference report on the bill (S. 6055) to amend section 691 of subchapter 7, "Building associations," of the Code of Laws for

the District of Columbia. I ask that the statement be read in lieu of the report.

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6055) to amend section six hundred and ninety-one of subchapter seven, building associations, of the Code of Law for the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered one, and agree to the same with an amendment as follows: Strike out the words "one hundred," in line 4 of said amendment, and insert in lieu thereof the words "two hundred and fifty;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered two, and agree to the same with amendments as follows: Page 3, line 5, strike out all after the word "act" down to and including the word "act" in line 7, with amendments as follows: On page 3 of the bill, in lines 4 and 5, strike out the words "except corporations organized under and availing themselves of the privileges of this act;" and in line 10, after the word "act," insert the following: ": *Provided*, That building associations heretofore organized and in actual operation before the passage of this act need not be incorporated;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered three, and agree to the same with amendments as follows: Strike out the words "the District of Columbia or," in line 3 of said amendment, and insert in the same line, after the word "Territory," the words "except the District of Columbia;" and also strike out the word "twenty," in line 11 of said amendment, and insert the word "ten;" and the House agree to the same.

S. W. SMITH,
J. HAMPTON MOORE,
J. DAVIS BRODHEAD,
Managers on the part of the House.
J. H. GALLINGER,
W. P. DILLINGHAM,
THOMAS S. MARTIN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

Statement to accompany the report of the committee of conference on the disagreeing votes of the two Houses on S. 6055, an act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia.

Amendment No. 1, as amended in conference, limits the expense of examination of any building association to $25 for the first $500,000 or fractional part thereof of assets and $10 for each additional $250,000 or fractional part thereof, thus reducing the maximum cost of examination, as proposed by the original House amendment.

Amendment No. 2, as amended in conference, relieves from the necessity of incorporation all building associations heretofore organized and in actual operation before the passage of this act, thus accomplishing in better and clearer phraseology the same purposes as were accomplished by the exceptions in page 3, lines 3, 4, 5, 6, and 7 of the act, as passed by the Senate.

Amendment No. 3, as amended in conference, makes every building association, incorporated or unincorporated, organized and existing under the laws of any State or Territory, except the District of Columbia, and doing business in the District, subject to the provisions of section 691 of the District Code, as amended by this act, and requires all such foreign associations to keep on deposit with the Comptroller of the Currency securities amounting to not less than 10 per cent of its capital and surplus, as security for its depositors and creditors.

To these amendments as thus amended the Senate agrees.

S. W. SMITH,
J. HAMPTON MOORE,
J. DAVIS BRODHEAD,
Managers on the part of the House.

The report was agreed to.

BILLS ON THE PRIVATE CALENDAR.

Mr. MANN. Mr. Speaker, I ask that the House proceed to the order made by the House making it in order to call up Senate bills on the Private Calendar not objected to.

The SPEAKER. The Clerk will report the first Senate bill.

LAPENE & FERRE.

The Clerk read as follows:

S. 2886. An act for the relief of the legal representatives of the late firm of Lapene & Ferre.

Mr. MANN. Mr. Speaker, to save time, I object.

Mr. MACON. I join with the gentleman from Illinois in the objection.

The SPEAKER. The Clerk will report the next bill.

STEWART & CO.

The Clerk read as follows:

S. 3843. An act for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart.

The SPEAKER. Is there objection?

Mr. MACON. I object.

Mr. FINLEY. I object.

The SPEAKER. The Clerk will report the next bill.

NAPOLEON B. GIDDINGS.

The Clerk read as follows:

S. 4690. An act for the relief of the legal representatives of Napoleon B. Giddings.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MACON. I object.

ACCOUNTS OF TREASURER UNITED STATES.

The Clerk read as follows:

S. 4049. An act authorizing a credit in certain accounts of the Treasurer of the United States.

Mr. SHACKLEFORD and Mr. MACON objected.

OMAHA TRIBE OF INDIANS.

The Clerk read as follows:

S. 2901. An act authorizing the Omaha tribe of Indians to submit claims to the Court of Claims.

Mr. MANN and Mr. STAFFORD objected.

ROBERT MORGAN GILSON.

The Clerk read as follows:

S. 3952. An act to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I reserve the right to object to that bill. If the gentleman who fathers it desires to explain it, I will be glad to hear him.

The SPEAKER. Is there another objection?

Mr. BUTLER. Mr. Speaker, there is but one objection, and I ask that that bill may be passed without prejudice, so that an amendment may be offered to it by the gentleman from Vermont, who is not now in his seat.

Mr. MANN. I object.

Mr. MACON. Mr. Speaker, I said I would reserve the objection, if the gentleman cared to explain it. I want to give the gentleman a chance to explain the bill.

Mr. MANN. I am willing for the gentleman to reserve the objection. There is no reason given in this report for this reinstatement. If there be a reason, we might not object.

Mr. MACON. The report shows that he resigned, and now he wants to be reinstated without giving any reason for the resignation or cause for the reinstatement.

Mr. BUTLER. The reason for the retirement has been stated in the House. At one time an objection was reserved, and the explanation was made and will be made again when the gentleman from Vermont offers the amendment.

Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of Georgia. I desire to know whether under the rule the objection is to be made before the bill is read or after. Some of us were trying to find out what the bills were, so that we could know whether to object or not.

The SPEAKER. I suppose it would save time if the bill was not read, but does the gentleman demand the reading of the bill?

Mr. BARTLETT of Georgia. No; not this bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MACON. There were two objections, Mr. Speaker.

The SPEAKER. Then the Clerk will report the next bill.

Mr. BUTLER. Were there two objections?

Mr. OLLIE M. JAMES. No; I think not. The gentleman from Illinois objected to the bill going over.

Mr. BUTLER. I can not hear the parliamentary situation.

The SPEAKER. The parliamentary situation is that objections are asked for. One gentleman objects, and then there

seems to be a disposition for disorder and talk. Is there objection?

Mr. MACON. I object.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill may be passed without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill may be passed without prejudice. Is there objection?

There was no objection.

MARY S. FERGUSSON.

The Clerk read as follows:

S. 6529. An act for the relief of Mary S. Fergusson.

The SPEAKER. Is there objection?

Mr. MANN and Mr. MACON objected.

ELLA M. COLLINS.

The Clerk read as follows:

S. 1750. An act to reimburse Ella M. Collins, late postmaster at Goldfield, Nev., for money expended for clerical assistance and supplies.

The SPEAKER. Is there objection?

Mr. STAFFORD and Mr. MACON objected.

GARRETT R. BRADLEY.

The Clerk read as follows:

S. 1752. An act to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Garrett R. Bradley, late postmaster at Tonopah, Nev., out of any money in the Treasury not otherwise appropriated, the sum of $442.14, to reimburse him for money expended for necessary clerical assistance.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

GEORGE Q. ALLEN.

The Clerk read as follows:

S. 4435. An act for the relief of George Q. Allen.

The SPEAKER. Is there objection?

Mr. MANN and Mr. MACON objected.

WILLIAM BOLDENWECK.

The Clerk read as follows:

S. 890. An act for the relief of William Boldenweck, assistant treasurer of the United States at Chicago.

The SPEAKER. Is there objection?

Mr. MACON and Mr. STAFFORD objected.

ORVILLE AND WILBUR WRIGHT.

The Clerk read as follows:

S. R. 119. A joint resolution authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright.

The SPEAKER. Is there objection?

Mr. MACON. I object to that.

Mr. COLE. Mr. Speaker, I hope the gentleman will not object.

Mr. OLLIE M. JAMES. There is but one objection.

The SPEAKER. The Chair hears but one objection. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 119) authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright.

Resolved, etc., That in recognition and appreciation of the great services of Orville Wright and Wilbur Wright, of Ohio, rendered the science of aerial navigation in the invention of the Wright aeroplane, and for their ability, courage, and success in navigating the air, the Secretary of War be, and he hereby is, authorized and directed to cause to be struck and presented to Orville Wright and Wilbur Wright appropriate gold medals with suitable emblems, devices, and inscriptions, to be determined by him; and that to enable the said Secretary to carry this resolution into effect a sufficient sum of money is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The committee amendment was read, as follows:

Page 1, line 21, after the word "money," insert the words "not to exceed three hundred dollars."

The amendment was agreed to.

The joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

CLAIMS ARISING UNDER NAVY DEPARTMENT.

The next business under the order was the bill (S. 4033) to satisfy certain claims against the Government arising under the Navy Department.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, this is a long bill and there is no chance of it becoming a law. There are a lot of amendments, and probably no chance of its becoming a law at this session, and I think I shall object.

Mr. MACON. There are 28 propositions, and I object.

MADISON COUNTY, KY.

The next business under the order was the bill (S. 5349) for the relief of Madison County, Ky.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury and the Commissioner of Internal Revenue be, and are hereby, authorized and required to audit and adjust the claim of Madison County, State of Kentucky, for internal-revenue taxes on dividends on shares of stock or bonds owned by said county in the Louisville and Nashville Railroad to the extent that such taxes were deducted from any dividends due and payable to said county, any statute of limitations to the contrary notwithstanding; and the Secretary of the Treasury is authorized to pay to Madison County, State of Kentucky, out of any money in the Treasury not otherwise appropriated, the amount of the claim so audited and adjusted.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

JOSEPH SCHREMBS.

The next business under the order was the bill (S. 3452) for the relief of Joseph Schrembs.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse Joseph Schrembs, out of any money in the Treasury not otherwise appropriated, the sum of $262.20, which amount was paid by said Schrembs, under protest, to the surveyor of the port of Grand Rapids and covered into the Treasury, as duty unlawfully assessed and collected by said surveyor on four cases of statuary for the use of St. Mary's Church, Grand Rapids, Mich., December 16, 1902.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

HAROLD BROWN, DECEASED.

The next business under the order was the bill (S. 5905) for the relief of the executors of the estate of Harold Brown, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the executors of the estate of Harold Brown, late a citizen of Newport, in the State of Rhode Island, the sum of $861.75, being an excess of taxes improperly levied and collected on legacies and distributive shares of the personal property of the said estate, which tax was paid by the executors on October 20, 1900, said payment to be in full for all claims by reason of such assessment and collection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

PARSEY O. BURROUGH.

The next business under the order was the bill (S. 7859) for the relief of Parsey O. Burrough.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the United States circuit court for the eastern district of Pennsylvania to adjudicate the two suits at law commenced in the courts of common pleas of Philadelphia which by certiorari were removed to the said circuit court, namely, the suits of Parsey O. Burrough for the recovery of alleged illegally collected taxes, paid under protest, one against the administrator of William H. Barnes, late collector of internal revenue for the first district of Pennsylvania, in which claim is made for the sum of $2,204.49, and the other against the administrator of John H. Diehl, late collector of internal revenue for the second district of Pennsylvania, in which claim is made for the sum of $1,807.09; and the said court is hereby authorized and empowered to hear, determine, and render final judgments in said suits for the amount of such taxes as may be shown to have been illegally collected and paid over to the Government and notwithstanding any error in the record as to the proper name of the collector who may have collected the same.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

PETER H. BRODIE, ALIAS PATRICK TORBETT.

The next business under the order was the bill (S. 1163) to correct the naval record of Peter H. Brodie, alias Patrick Torbett.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to correct the naval record of Peter H. Brodie, alias Patrick Torbett, late a sailor in the United States Navy, serving on the U. S. battle ship Ohio, the U. S. S. Maria Denning, and the Undine, and to issue to said Brodie a discharge from the service of the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

REFUNDING CERTAIN TONNAGE TAXES AND LIGHT DUES, STEAMER "MONTARA."

The next business under the order was the bill (S. 8429) to refund certain tonnage taxes and light dues levied on the steamship *Montara*, without register.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, the sum of $1,695, assessed and collected under sections 4219 and 4225, Revised Statutes, in the case of the steamship Montara, entered at Seattle on July 9, 1906, from Yokohama without register, upon application by the Pacific Coast Steamship Company.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, if I may, I would like to ask the gentleman from Nebraska, or some member of the Committee on Merchant Marine and Fisheries, in regard to this bill. Here was a vessel registered by the United States engaged in carrying contraband goods during the Japanese-Russian war and was captured by the Japanese and offered for sale and sold, brought back then to the United States, and there the Government required the payment of light dues and other fees on the vessel, which was more than coming from abroad, but on the ground that she was not then registered in the United States and not entitled to register without paying those fees.

Mr. HINSHAW. Having been purchased by the Japanese Government.

Mr. MANN. Having been seized by the Japanese Government and sold at auction. I know all about the facts, but I would ask some member of the Committee on Merchant Marine, who was not interested in the subject, what the policy of the Government was?

Mr. HINSHAW. I do not know what disposition was made of it.

Mr. MANN. It does not belong to the gentleman's committee, of course, the Committee on Claims; this is to pay back certain money, and I wanted to know if there was a policy.

Mr. HINSHAW. No; I do not think there is any policy in regard to it, as far as I know.

Mr. MANN. Very well.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

HOWARD B. CARPENTER.

The next business on the Private Calendar was the bill (S. 3810) for the relief of Howard B. Carpenter.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Howard B. Carpenter the sum of $2,446.34, the balance due him for survey of boundary line between the States of Idaho and Montana, under contract dated February 10, 1904.

The SPEAKER pro tempore (Mr. FASSETT in the chair). Are there objections?

There were no objections.

The bill was ordered to be read a third time, was read the third time, and passed.

THE TUG "JUNO."

The next business on the Private Calendar was the bill (S. 5510) for the relief of the owners of the tug *Juno*.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the owners of the tug Juno, the sum of $376.50, in full compensation for damages occasioned by collision with the United States Marine-Hospital Service steamer Neptune in Wilmington Creek, Delaware, on June 4, 1907.

The SPEAKER pro tempore. Are there objections?

There were no objections.

The bill was ordered to be read a third time, was read the third time, and passed.

NESTLER BREWING COMPANY.

The next business on the Private Calendar was the bill (S. 6373) waiving the statute of limitations as to the claim of the Nestler Brewing Company, and authorizing the Commissioner of Internal Revenue to adjudicate the same.

The bill was read in full.

The SPEAKER pro tempore. Are there objections?

Mr. BARTLETT of Georgia. Mr. Speaker, I object.

Mr. FINLEY. Mr. Speaker, I object.

W. B. GRAHAM.

The next business on the Private Calendar was the bill (S. 6682) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance.

The bill was read in full.

The SPEAKER pro tempore. Are there objections?

Mr. FINLEY. Mr. Speaker, I object.

Mr. BARTLETT of Georgia. So do I.

JAMES H. OWEN.

The next business on the Private Calendar was the bill (S. 7782) for the relief of James H. Owen.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $930 to James H. Owen, of Los Angeles, Cal., found and held to be due him by the Secretary of the Interior under contract of May 31, 1906, for the construction of buildings and irrigation works at the Truxton Canyon Indian School, Arizona.

The SPEAKER pro tempore. Are there objections?

There were no objections.

The bill was ordered to be read a third time, was read a third time, and passed.

B. D. CROCKER.

The next business on the Private Calendar was the bill (S. 7861) for the relief of B. D. Crocker.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit B. D. Crocker, collector of internal revenue for the district of Washington, and his accounts with the sum of $2,500, being the value of a book of retail liquor dealers' special tax stamps charged to him, destroyed by accidental burning in the building in Tacoma, Wash., in which the collector's office is located.

The SPEAKER pro tempore. Are there objections?

Mr. FINLEY. I object, Mr. Speaker.

Mr. CARLIN. I object, Mr. Speaker.

Mr. MANN. Will the gentleman reserve his objection on that?

Mr. CUSHMAN. Mr. Speaker, I trust the gentleman will withhold his objection.

Mr. BOOHER. I object to that bill, Mr. Speaker.

Mr. CUSHMAN. Will the gentleman withhold his objection?

Mr. BOOHER. No; I object.

Mr. CUSHMAN. The bill is simply to credit the collector of internal revenue in my home city with certain internal-revenue stamps that were accidentally burned. There is no appropriation made here. The Government has lost nothing. The passage of this bill is recommended by the Secretary of the Treasury, and the Secretary of the Treasury would credit him for this amount on the books now if the legal authority existed for him so to do. It is simply in order that the legal authority may be given to the Secretary of the Treasury to straighten up this account. It costs the Government nothing—not a cent. I trust the gentleman will not object.

Mr. BOOHER. I withdraw my objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

AARON CORNISH.

The next business on the Private Calendar was the bill (S. 4806) to amend the military record of Aaron Cornish.

The bill was read in full.

The SPEAKER pro tempore. Are there objections?

Mr. FINLEY. Reserving the right to object, I would like to have an explanation of the bill.

Mr. BARTLETT of Georgia. Unless there is an explanation, I will object.

The SPEAKER pro tempore. Two objections are heard. The Clerk will report the next bill.

DEWITT EASTMAN.

The next business on the Private Calendar was the bill (S. 8588) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909.

The bill was read, as follows:

Be it enacted, etc., That Dewitt Eastman shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Battery I, Fourth Regiment U. S. Artillery, on the 13th day of June, 1865: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The SPEAKER pro tempore. Is there objection?

Mr. BARTLETT of Georgia. The President has been vetoing bills like this. I therefore object.

Mr. STEVENS of Minnesota. Will the gentleman withhold his objection for a moment? This is to correct an error that

was made in the passage of a bill through the Senate and House this very winter. A bill passed unanimously correcting the military record of this man, who served over four years, until May, 1865. When he arrived at Fort Snelling, Minn., there was no officer there to muster him out of the service, there were no rations for him, and the commanding officer told him to go home, and he went. By some inadvertence we left out the words "honorable discharge." We have corrected his military record, and all this does is to give him an honorable discharge.

Mr. BARTLETT of Georgia. With that explanation, I have no objection.

The bill was ordered to a third reading, read the third time, and passed.

HENRY G. RUPP.

The next business on the Private Calendar was the bill (S. 2489) for the relief of Henry G. Rupp.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Harry G. Rupp, quartermaster's clerk at Seattle, Wash., the sum of $1,556.70, out of any money in the Treasury not otherwise appropriated, to reimburse him for household goods destroyed by a fire which consumed the quartermaster's warehouse at Seattle, Wash., May 7, 1906, which goods were in the custody of the United States for shipment on a Government bill of lading from Seattle, Wash., to Spokane, Wash.

Mr. CARLIN. I object.

Mr. BARTLETT of Georgia. I will also.

Mr. HUMPHREY of Washington. I hope the gentleman will withhold the objection.

Mr. BARTLETT of Georgia. I will withhold the objection.

Mr. HUMPHREY of Washington. This is to pay a clerk in the Quartermaster-General's Department for goods that he lost in a fire on a United States wharf at Seattle. I desire to say that we have passed bills for the benefit of the officers. They have all been paid under bills of this character. Here was a clerk who lost more heavily than anyone, and they would not allow him for the clothing of his wife or children, and his loss was over $1,500. He was a poor boy.

Mr. BARTLETT of Georgia. May I inquire under what rule the Government pays for these accidental losses; why it becomes an insurer against loss?

Mr. HUMPHREY of Washington. He was ordered there and directed to place his goods on this wharf.

Mr. JONES of Washington. I just want to suggest that we passed two bills of a similar character to pay the claims for the destruction of goods in the same fire for the officers, and as we have paid the claims of the officers, I do not think it is fair to object to the payment of the claim of this poor boy, who was a clerk.

Mr. BARTLETT of Georgia. I do not think so either; and I will withdraw my objection.

The bill was ordered to a third reading, read the third time, and passed.

THOMAS C. CLARK.

The next business on the Private Calendar was the bill (S. 4426) for the relief of Thomas C. Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Thomas C. Clark, inspector of construction, quartermaster's department at Seattle, Wash., the sum of $758.75, out of any money in the Treasury not otherwise appropriated, to reimburse him for household goods destroyed by a fire which consumed the quartermaster's warehouse at Seattle, Wash., May 7, 1906, which goods were in the custody of the United States Government for transportation.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

BRITISH STEAMSHIP "MAROA."

The next business on the Private Calendar was the bill (S. 8379) for the relief of the owners of the British steamship *Maroa*.

The bill was read, as follows:

Be it enacted, etc., That the claim of the owners of the British steamship Maroa for reimbursement for the cost of repairs and for demurrage as the result of a collision with the U. S. S. Rocket on the night of February 2, 1907, in the harbor at Norfolk, Va., be, and the same is hereby, referred to the United States district court, eastern district of Virginia, with jurisdiction to hear and determine the same to judgment: *Provided*, That the petition is filed within twelve months from the passage of this act.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

WILLIAM J. SCOTT.

The next business on the Private Calendar was the bill (S. 8839) for the removal of restrictions from the third selection or allotment of lands selected by William J. Scott, a minor member of the Osage tribe of Indians, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the restrictions be, and they are hereby, removed from the third selection or allotment of lands allotted to and in the name of William J. Scott, a minor member of the Osage tribe of Indians, being the following-described tract of land, to wit: The east half and the northwest quarter of the southeast quarter and southeast quarter of the northeast quarter of section 14, township 21, range 8 east of the Indian meridian, containing 160 acres of land, more or less, in Osage County, Okla.: *Provided*, That the said lands may be sold by the surviving parent, or in the event of his death by a guardian of said minor appointed by the county court of Osage County, Okla., and the proceeds of said sale covered into the United States Treasury and placed to the credit of said minor, to be held for his benefit and use and the interest thereon paid in the manner and at the same rate as is provided for funds of the Osages segregated under the terms of the Osage allotment act approved June 28, 1906: *Provided further*, That upon the passage of this act the Secretary of the Interior shall cause to be issued a deed conveying said lands to the surviving parent of said minor, or to the guardian of said minor if said parent be dead, and that in case of sale of said lands by said parent or guardian the same shall be sold subject to the approval of the Secretary of the Interior.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

S. W. LANGHORNE AND H. S. HOWELL.

The next business on the Private Calendar was the bill (S. 1177) for the relief of S. W. Langhorne and H. S. Howell.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. FINLEY. I will reserve the right to object.

Mr. MANN. I object.

The SPEAKER pro tempore. Two objections are heard.

The Clerk will read the next bill.

O BAH BAUM.

The next business on the Private Calendar was the bill (S. 4103) authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians."

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to ascertain the value of the timber heretofore and during the years of 1896, 1897, and 1898 cut upon the allotment of O bah baum, an allottee of the White Earth Diminished Reservation, upon lot No. 2 of the northeast quarter and lot No. 3 of the northwest quarter of section 16, township 142, range 37, and after deducting from the value of said timber the amount heretofore paid the said O bah baum to pay over to the said O bah baum the balance of the value of said timber, said payment to be made from the funds carried on the books of the office of the Secretary of the Interior under the head "For the relief and civilization of the Chippewa Indians in the State of Minnesota," created by the act of January 14, 1889.

SEC. 2. That this act shall take effect and be in force from and after the date of its passage.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

CERTAIN ACCOUNTS OF THE TREASURER.

The next business on the Private Calendar was the bill (S. 3956) authorizing a credit in certain accounts of the Treasurer of the United States.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MACON, Mr. SHACKLEFORD, and others objected.

The SPEAKER pro tempore. Objection is heard.

WALTER F. ROGERS.

The next business was the bill (S. 6852) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That under and in accordance with the terms and provisions of the act of Congress approved April 22, 1904, entitled "An act to provide for payment of damages on account of change of grade due to construction of the Union Station, in the District of Columbia," as amended by the act of Congress approved June 29, 1906, the commission appointed under said act is hereby authorized and directed to meet and view the property known as lot No. 116, according to the subdivision made by A. B. Kelly, trustee, in square No. 628, as per plat of said subdivision in the office of the surveyor of the District of Columbia in book 14, at page 197, improved by house and premises No. 19 McCullough street NW., Washington, D. C., and hear testimony touching the damages to said property which have resulted from changes in the grade of streets, avenues, or alleys authorized by

the act of Congress approved February 28, 1903, relating to the construction of a union railroad station in the District of Columbia, and to appraise and determine the amount of damages, if any, to which the owner of said property so affected by change of grade may be entitled.

SEC. 2. That if any of the parties interested, their personal representatives, or the Commissioners of the District of Columbia shall be dissatisfied with the appraisement or award of said commission, the court shall, on motion of the parties so dissatisfied, direct the United States marshal to summon a jury of seven disinterested men, not related to any person in interest, to meet and view the said property and to appraise and determine the amount of damages to which the owner of said property so affected by change of grade may be entitled, as provided in and by the aforesaid act of Congress, so amended as aforesaid.

SEC. 3. That a sufficient sum to pay the compensation and expenses of said commission and the compensation of said jurors and the amount of any appraisement or award of damages made in favor of the owner of said property is hereby appropriated out of the revenues of the District of Columbia, and 50 per cent thereof shall be refunded to said District of Columbia by the United States.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

CERTAIN LANDS, KOOTENAI COUNTY, IDAHO.

The next business on the Private Calendar was the bill (S. 8822) providing for the relinquishment by the United States of certain lands in the county of Kootenai, in the State of Idaho.

The bill was read, as follows:

Be it enacted, etc., That the United States relinquish unto the county of Kootenai, in the State of Idaho, all of its right, claim, or title to or the possession of that certain piece or parcel of land situated in Kootenai County, in the State of Idaho, being a part of lot 49, which is a portion of the Fort Sherman Military Reservation, described as follows: Beginning at a point 1,332 feet north of a stone monument at or about high-water mark on the east boundary of Fort Sherman Military Reserve (abandoned), said point being the northeast corner of the Coeur d'Alene and Spokane Railway terminal grounds, in section 14, township 50 north, range 4 Washington base meridian, said point being also the northeast corner of lot 49 of said military reserve (abandoned); thence running west along the north line of said terminal grounds 332 feet; thence southeasterly along a straight line 265 feet, more or less, to a point 252 feet south of and 252 feet west of the place of beginning; thence east 252 feet to the intersection with the east line of said terminal grounds; thence north along said east line 252 feet to the place of beginning; to have and to hold forever as a part of the public lands belonging to the said county of Kootenai.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

CERTAIN LAND IN DADE COUNTY, FLA.

The next business on the Private Calendar was the bill (S. 8555) to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.

The bill was read, as follows:

Be it enacted, etc., That the interest of the United States in and to the land situated in Dade County, in the State of Florida, to wit, the northwest quarter of the northeast quarter of section 1, township 51, range 41 south and east, is hereby relinquished and released unto John M. Bryan, jr., of Dade County, Fla., and patent issue therefor: *Provided*, The said John M. Bryan, jr., pay one dollar and a quarter for the land referred to prior to the issuance of the patent to him.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

JOHN H. LAYNE.

The next business on the Private Calendar was the bill (S. 9402) for the relief of John H. Layne.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the civil-service laws John H. Layne shall hereafter be held and considered to have been discharged from the military service of the United States as a private of Company G, Nineteenth Regiment U. S. Infantry, on the 19th day of December, 1898, by reason of disability resulting from wounds or sickness incurred in the line of duty.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

CERTAIN CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

The next business on the Private Calendar was the bill (S. 4035) to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897.

The bill was read, as follows:

Be it enacted, etc., That the auditor of the supreme court of the District of Columbia is hereby empowered and directed to examine and audit for settlement in accordance with the act of Congress approved January 26, 1897, and as amended July 19 1897, the claims of the following persons, as named below, for property taken, injured, or destroyed by reason of the destruction or removal of the Northern Liberty Market, in the city of Washington, D. C., in September, 1872, as also all claims of said persons for payments made for the purchase, rent, or use of any stall privilege in said market house and for license for conducting any business therein, to the extent of the unexpired term of said purchase, rent, use, or license.

The names of the persons whose claims are to be audited are: Louisa A. Berger, Henry Stello, Charles H. Stello, and Theodore J. Stello, upon proof of their being the widow and only heirs of Henry Stello, deceased, and upon proof that said Henry Stello was the owner of stall privileges, the compensation for the loss of stalls in this case not to exceed the sum of $300 for any one stall; Catherine E. Shreve and Nellie M. Healey, upon proof of their being the widow and only heir of William H. Shreve, deceased, and upon proof that the said William H. Shreve was the owner of the stall privileges, the compensation for loss of stall not to exceed the sum of $200 for any one stall; Elizabeth Haase and Rosa Haase, upon proof of their being the widow and only heir of Henry Haase, deceased, and upon proof that the said Henry Haase was the owner of the stall privilege, the compensation for the loss of stall not to exceed the sum of $300; Harriet Dover, William G. Reed, and Ida V. Reed, upon proof of their being the only heirs of Armistead Reed, deceased, and upon proof that the said Armistead Reed was the owner of the stall privilege, the compensation in this case not to exceed the sum of $200 for the loss of any one stall; Alexander P. Gray, upon proof that he was the owner of the stall privilege, the compensation in this case not to exceed the sum of $300 for the loss of any one stall; Jacob N. Leapley, upon proof that he was the owner of the stall privilege, the compensation in this case not to exceed the sum of $300 for any one stall; Annie F. Ward, Eva M. Eppley, Mamie M. Leimbach, Lydia Baptista, and George J. Stinzing, upon proof of their being the only heirs of Frederick Stinzing, deceased, and upon proof that the said Frederick Stinzing was the owner of the stall privileges, the compensation for the loss of stalls in this case not to exceed the sum of $200 for any one stall; Eliza Shaffer and Emma Myers, upon proof of their being the only heirs of Christian Wagner, deceased, and upon proof that the said Christian Wagner was the owner of stall privileges, the compensation for the loss of stalls in this case not to exceed the sum of $200 for any one stall; Mary E. Gross, upon proof of her being the only heir of Barbara Brown, deceased, and upon proof that the said Barbara Brown was the owner of stall privileges, the compensation in this case not to exceed the sum of $200 for any one stall; Mary L. Simaker, Emma J. Ward, Cecelia Manning, and Joseph Gold, upon proof of their being the only heirs of Joseph Gold, deceased, and upon proof that the said Joseph Gold was the owner of stall privileges, the compensation in this case not to exceed the sum of $200 for any one stall.

SEC. 2. That when the auditor has ascertained the amount of the loss, as above described, in any case growing out of the removal or destruction of the market as aforesaid, he shall report such claims, so far as allowed by him, the total amount of such allowances not to exceed the sum of $2,000, to the Commissioners of the District of Columbia, who shall, in case they approve said claims, report the same to Congress, in their annual or deficiency estimates, for payment out of the revenues of the District of Columbia. That the sum of $300, or as much thereof as may be necessary, to pay for the services of the auditor in examining and auditing said claims for settlement, and the further sum of $250, or so much thereof as may be necessary, to pay the actual and necessary expenses incurred in making said examination and audit, is hereby appropriated, to be paid wholly from the revenues of the District of Columbia.

SEC. 3. That the said auditor shall make a tabular statement of the within-named claims, the persons owning the same, and the amount found to be due on account of each; and for the purposes hereinbefore specified said auditor shall have the power to subpœna witnesses, administer oaths, and examine witnesses under oath, and shall have full access to all of the records, books, papers, and vouchers of every kind whatever of the late board of public works and the District of Columbia, and shall provide, by fair and equitable rules, for the examination of the same by claimants or their attorney. Said auditor shall give notice for the presentation of the claims hereinbefore specified in such manner as he may deem necessary, and no claim shall be audited or allowed unless presented within thirty days after the first publication of such notice; and said auditor shall make full report of all his acts and proceedings to the Commissioners of the District of Columbia.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

DEMETRIO CASTILLO, JR.

The Clerk read as follows:

S. R. 108. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Mr. Demetrio Castillo, jr., of Cuba.

The Clerk read the bill.

Mr. PARKER. Mr. Speaker, that gentleman is already provided for in the Military Academy bill.

Mr. MANN. Is the gentleman sure of that?

Mr. PARKER. Yes.

Mr. MANN. I object.

WILLIAM MARTINSON.

The Clerk read as follows:

S. 2544. An act for the relief of William Martinson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of William Martinson, late of Company G, Twelfth Regiment Illinois Volunteer Cavalry, and grant him an honorable discharge: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. HOLLIDAY. I would like to ask the gentleman if this has been reported by the Committee on Military Affairs in the House?

Mr. CAMPBELL. It has.

The bill was ordered to be read a third time, was read the third time, and passed.

PAUL SINOCK.

The Clerk read as follows:

S. 3164, an act to correct the military record of Paul Sinock.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to amend the records of the Second Regiment of Louisiana Infantry Volunteers so as to show that Paul Sinock, late a sergeant of Company G of said regiment, was born in Germany, and to issue to him a certificate of honorable discharge, as of date of April 18, 1899, showing such birthplace: *Provided*, That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

ROBERT MORGAN GILSON.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent to return to the bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson, which was passed without prejudice.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to restore Robert Morgan Gilson, late a captain in the United States Marine Corps, to be a captain in the United States Marine Corps: *Provided*, that the said Robert Morgan Gilson shall establish to the satisfaction of the Secretary of the Navy, by the usual examination for such grade, his physical, mental, moral, and professional fitness to perform the duties thereof: *And provided further*, That the said Gilson shall be carried as additional to the number of the grade to which he may be restored or at any time thereafter promoted; and that no pay, bounty, or emoluments shall be allowed by reason of the passage of this act.

Mr. MANN. I reserve the right to object.

Mr. FOSTER of Vermont. Mr. Speaker, the purpose of this is to give to this man the position that he had when he resigned from the service.

Mr. MANN. I may say to the gentleman from Vermont that no reason has been given for the report, and neither the gentleman nor anyone else has given a reason for the passage of the bill.

Mr. FOSTER of Vermont. I shall be very glad to give a reason for it. This man served faithfully for five years, and then his health failed him to the extent that would not justify his application to be placed on the retired list. He felt that his condition was such that it was not safe for him to remain in the service; that he could not perform properly the duties of the service as they should be performed. He was a conscientious young man and accordingly he retired. He has now recovered his health and his strength, and he is very anxious to return to the service of his country.

All he asks is that the United States naval authorities shall examine him physically and mentally, and if they find him qualified physically and mentally that he shall be restored to the place that he left.

Mr. MACON. Does the gentleman from Vermont think it would be right or fair to other officers in the army to allow this man to retire for five years and then go back and take rank over them?

Mr. FOSTER of Vermont. He does not take the rank from anyone. He simply goes back to the place he left.

Mr. MACON. Have not some others been promoted since then?

Mr. MANN. Does the gentleman propose to restore him to the same position he occupied when he resigned?

Mr. FOSTER of Vermont. No; to the same relative position, so he does not gain anything.

Mr. MANN. So if he has been out five years, he still will in the end receive the benefit of promotion as though he had remained in the service?

Mr. FOSTER of Vermont. No; not that.

Mr. MANN. Does the gentleman propose to restore him to the place following the same name that he would have followed if he had remained in?

Mr. FOSTER of Vermont. If I understand the gentleman correctly, that is it.

Mr. MANN. That would give him the same benefit of promotion hereafter as though he had remained in the service?

Mr. FOSTER of Vermont. He does not get the benefit of longevity. I will yield to the gentleman from Pennsylvania.

Mr. BUTLER. Mr. Speaker, it is intended by this amendment to restore this man to the service in the place that he had when he left the service. The man whose name is indicated in the bill is the one that stands in the place now, by regular promotion, that Mr. Gilson had when he left.

Mr. MANN. Does he go back into the same position he occupied when he left?

Mr. BUTLER. The same grade, may I ask my friend?

Mr. MANN. No; the same relative position.

Mr. BUTLER. He goes back on the register in the same place that he retired from.

Mr. SLAYDEN. What rank did he have when he retired?

Mr. BUTLER. Captain, and he goes back as captain; and I think he is twenty-second or twenty-third on the register.

Mr. SLAYDEN. What do all the other captains below 22 or 23 think about this?

Mr. BUTLER. It is asked that he be restored as an additional number.

Mr. FOSTER of Vermont. It will not interfere with the others.

Mr. SLAYDEN. It is bound to.

Mr. BUTLER. It is asked to restore him as an additional number, so that he will not stand in the way of the promotion of anyone.

Mr. MANN. Suppose he was No. 22 on the list of captains when he went out; if he goes in now what would he go in as—No. 22A?

Mr. BUTLER. Yes; or as an additional number. He will promote along with No. 21.

Mr. MANN. Although the man who was No. 21 when he went out now may be a major?

Mr. BUTLER. No, no! The name is mentioned particularly there in the bill, as an amendment.

Mr. MANN. The name of the man means nothing to us.

Mr. BUTLER. But this man stands a certain number on the register.

Mr. MANN. I know; but the question which I ask is plain and simple to everyone in the House. Suppose when he went out he was No. 22 on the list of captains?

Mr. BUTLER. Yes.

Mr. MANN. Now, the man who was No. 21 on the list of captains at that time is probably a major by this time.

Mr. BUTLER. Yes.

Mr. MANN. Or at least away up on the captains' list. Now, does this man go back now as No. 22A on the list of captains?

Mr. BUTLER. He goes back as No. 22A on the list of captains, just where he left, and it is intended by this amendment to put him there.

Mr. SLAYDEN. Has the President recommended that the Marine Corps be increased by an additional officer?

Mr. BUTLER. No.

Mr. SLAYDEN. Has the commander in chief of the Marine Corps recommended that he needs one more captain?

Mr. BUTLER. The department has asked for the restoration of this man.

Mr. SLAYDEN. Unsolicited, of course?

Mr. BUTLER. I could not tell.

Mr. FOSTER of Vermont. I will answer that question——

Mr. MANN. This is not a West Point man?

Mr. BUTLER. No.

Mr. MANN. So he would take the place of no one?

Mr FOSTER of Vermont. No.

Mr. MACON. I want to ask the gentleman a question. When this captain retired, some one else took his place?

Mr. FOSTER of Vermont. Yes.

Mr. MACON. In going back and taking that particular place, will he not displace somebody?

Mr. FOSTER of Vermont. No.

Mr. BUTLER. This is restoring him as an additional number, and he stands alone.

Mr. FOSTER. No. 22A. He displaces no one, I will say to the gentleman.

The SPEAKER pro tempore. Is there any other objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

RECOGNIZANCES IN THE JUVENILE COURT.

Mr. CAMPBELL. Mr. Speaker, I now ask unanimous consent that the Committee on the District of Columbia be discharged from the further consideration of the bill (S. 8518) empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances, and that the bill be now passed, which bill I send to the clerk's desk and ask to have read. I will state that this is the bill which was called up a few moments ago and to which the gentleman from Missouri [Mr. SHACKLEFORD] made objection. Since that time the gentleman from Missouri has examined the bill and, as I understand it, now has no objection to its passage.

Mr. SHACKLEFORD. Mr. Speaker, having read the bill, which I had not an opportunity to do before, I withdraw my objection.

Mr. CAMPBELL. Then, I ask for its present consideration.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the juvenile court of the District of Columbia shall have power to issue execution on all forfeited recognizances upon motion of the proper prosecuting officer, and all writs of fieri facias or other writs of execution issued by said court shall be directed to and executed by the marshal of the District of Columbia. And any recognizance taken in the juvenile court, after being forfeited, may be transmitted to the clerk's office of the supreme court of the District of Columbia and therein docketed in the same manner as forfeited recognizances taken in the police court are now docketed, and thereupon shall have the same effect as if taken in said supreme court; and said lien shall continue as long as such judgment, decree, or recognizance shall be in force or until the same shall be satisfied or discharged.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

NESTLER BREWING COMPANY.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1237, on page 34 of the calendar, to consider Senate bill 6373.

Mr. MACON. Mr. Speaker, I would like to know what the bill is before giving consent.

Mr. HOWELL of Utah. It is Senate bill 6373, a bill for a small claim of $50, which was objected to by the gentleman from Georgia and the gentleman from South Carolina, and both of them, on further consideration, have withdrawn their objections, and I understand there is no further objection.

Mr. MACON. State what the bill provides, so we will know whether it is meritorious or not.

Mr. HOWELL of Utah. The bill is to pay to the Nestler Brewing Company the sum of $50 for a repayment of stamps. This company assigned their claim to their attorney, and the application for the repayment of those stamps——

Mr. MANN. That is, the attorney made application.

Mr. HOWELL of Utah. The attorney made application, but under the law the Commissioner of Internal Revenue could not recognize the attorney as having a redeemable interest in those stamps, and therefore he refused the claim, and before they could get the claim in directly the statute of limitation worked.

Mr. MACON. I will say in regard to that, Mr. Speaker, that we have a great many Spanish-American war stamps that are barred by the statutes. If we are to open up this matter and allow these stamps to be revived by removing the statutory bar, why should we not allow the removal of the statutory bar against the other class of stamps?

Mr. MANN. With the permission of my friend from Arkansas, I will suggest that in this case it appears by the report that the company not being familiar with the law, as a matter of convenience made an assignment of the claim to their attorney so that he might make the claim here. The claim was not, I understand, assigned until the statute of limitation had run.

Then it was rejected on the ground that under the law they could not allow a claim to an assignee. As a matter of fact, no negligence on the part of the company occurred; it was nothing but a lack of knowledge, and it is only a repayment of a $50 stamp which was not used.

Mr. MACON. Does not that same lack of knowledge extend, in a way, to the owners of Spanish-American war stamps? They had no direct knowledge; they had to take knowledge of the law, but they failed to do so, and hence the statute of limitation has barred their right to have them redeemed.

Mr. MANN. I may say to my friend from Arkansas we have once or twice since I have been in the House extended the time for the redemption of those stamps.

Mr. MACON. If there is any considerable number of them outstanding, perhaps it would be wise to extend it again. The amount carried in this bill is small, so I will not object to its passage.

The bill was ordered to be read a third time, was read the third time, and passed.

SARAH J. FOWLER.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House from further consideration of the bill H. R. 25980, and pass the bill.

The SPEAKER pro tempore (Mr. FASSETT). The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25980) for the relief of Sarah J. Fowler.

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to place the name of Sarah J. Fowler, widow of the late John H. Fowler, on the pension roll of the police department of the said District at the rate of $50 per month.

The SPEAKER pro tempore. Is a second demanded?

A second was not demanded.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DISTRIBUTION OF CONGRESSIONAL RECORD, ETC., TO GOVERNOR-GENERAL OF THE PHILIPPINE ISLANDS.

Mr. LANDIS. Mr. Speaker, I desire to ask unanimous consent for the present consideration of the bill H. R. 24864.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 24864) to provide for the distribution of the CONGRESSIONAL RECORD and public bills, documents, etc., to the governor-general of the Philippine Islands at Manila, P. I.

Be it enacted, etc., That the Public Printer is hereby authorized to furnish gratuitously to the governor-general of the Philippine Islands at Manila 10 copies of the daily CONGRESSIONAL RECORD and three copies of all bills, resolutions, documents, and reports, as printed, and he is hereby directed to print, if necessary, the extra number required to comply with this act.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PRINTING HEARINGS, INVESTIGATION OF WOOD PULP, ETC.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

House concurrent resolution 60.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 2,000 copies of the hearings, including index, of the select committee of the House to investigate as to pulp wood, pulp, and paper, of which 1,500 copies shall be for the use of the House, including 300 copies to be distributed under the direction of the members of said committee elected to the Sixty-first Congress, and 500 copies for the use of the Senate.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken and the concurrent resolution was passed.

ANNUAL REPORT, ISTHMIAN CANAL COMMISSION.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution No. 105.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 additional copies of the Annual Report of the Isthmian Canal Commission for 1908; with accompanying illustrations, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

BRUSSELS CONVENTION.

Mr. LANDIS. Mr. Speaker, I also offer the following Senate joint resolution, S. R. 105, reported from the Committee on Printing (H. Rept. 2317).

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. R. 105) for the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, in reference to the exchange of official journals, etc.

Resolved, etc., That for the purpose of more fully carrying into effect the provisions of the convention concluded at Brussels on March 15, 1886, and proclaimed by the President on January 15, 1889, the Public Printer is hereby authorized and directed to supply to the Library of Congress such number as may be required, not exceeding 100 copies, of the daily issue of the CONGRESSIONAL RECORD for distribution, through the Smithsonian Institution, to the legislative chambers of such foreign governments as may agree to send to the United States current copies of their parliamentary record or like publication, such documents, when received, to be deposited in the Library of Congress.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CUSTOMS TARIFF.

Mr. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution (S. C. Res. 102).

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That there be printed 15,000 additional copies of Senate document 547, Sixtieth Congress, second session, relating to customs tariffs and consisting of Senate and House reports of 1888, 1890, 1894, and 1897; 5,000 copies for the use of the Senate and 10,000 copies for the use of the House of Representatives.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

REPORT OF SUPERINTENDENT OF THE CAPITOL.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to have printed as a document the report of the Superintendent of the Capitol, with illustrations (H. Doc. No. 1499).

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADDITION TO ROCK CREEK PARK.

Mr. SMITH of Michigan. Mr. Speaker, I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill S. 4441, and ask for its passage.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title, as follows:

An act (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park.

Mr. SULZER. Mr. Speaker, I object.

Mr. ALEXANDER of Missouri. I object, Mr. Speaker.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park.

Be it enacted, etc., That certain pieces and parcels of land lying in the vicinity of Massachusetts avenue and Rock Creek, as hereinafter described, be acquired, as hereinafter set forth, and they shall thereupon become a part of Rock Creek Park, District of Columbia.

SEC. 2. That the Chief of Engineers of the United States Army and the Commissioners of the District of Columbia, hereinafter referred to as the board of control of Rock Creek Park, shall cause to be made an accurate map of said pieces and parcels of land showing the location, quantity, and character of each piece and parcel of private property to be acquired and the location of proposed new streets, which map shall be filed and recorded in the public records of the District of Columbia, and from and after the date of filing said map the several tracts and parcels of land shown thereon shall be held as taken for public uses and the title thereof vested in the United States, subject to the payment of just compensation to be determined by said board of control of Rock Creek Park and approved by the President of the United States: *Provided*, That such compensation be accepted by the owner or owners of the several pieces and parcels of land.

SEC. 3. That the pieces and parcels of land first to be taken shall be those tracts of land in the District of Columbia the title to which was vested in Charles J. Bell, Amos H. Plumb, and John Cassels, trustees by decree of the supreme court of the District of Columbia, entered on the 15th day of April, 1903, in equity cause No. 23345, described as follows: All that part of the aforesaid property lying to the south of the south building line of Massachusetts avenue and to the east of the center line of Rock Creek drive, containing 3½ acres, more or less; also all that part of the aforesaid property beginning on the center line of Rock Creek drive and on the dividing line of the aforesaid property and Woodley Park; thence southerly along the line of said property to a point at or near Rock Creek, and thence southwesterly along the line of said property down Rock Creek to the north building line of Massachusetts avenue; thence northwesterly along said building line of Massachusetts avenue to where the west line of said property leaves said avenue; thence following said property line in a northerly and northwesterly direction to its intersection with the north building line of the Observatory circle; thence along said building line of said circle westerly to its intersection with the center line of Thirty-fourth street; thence north along the center line of Thirty-fourth street to the center of Garfield street; thence due east to a point perpendicular distant 325 feet from the center line of Cleveland avenue; thence southeasterly and parallel to said center line of Cleveland avenue and 325 feet distant therefrom along the center of a proposed new street to the point where said line intersects the center line of Twenty-ninth street; thence southeasterly by reverse curved line, following the center of a proposed new street, to the intersection of the center line of Rock Creek drive; thence about 350 feet along said center line of Rock Creek drive to the point of beginning, containing about 84½ acres; also all the portions of lots 1, 2, 3, 4, and 5, block 14, and parts of lots 2 and 21, block 12, Woodley Park, as are included between Connecticut avenue, Rock Creek, the west line of Woodley Park, and the center line of Rock Creek drive, containing 8¾ acres, more or less; also that part of a tract known as Normanstone, owned by William E. Edmonston and others, trustees, and lying between Massachusetts avenue, the grounds of the United States Naval Observatory, and the east line of said tract north of Massachusetts avenue, containing 2.7 acres, more or less: *Provided, however*, That the said board of control may exchange for a portion of this ground, foot for foot, that piece or parcel of ground now owned by the United States, containing 0.7 of an acre, more or less, lying on the south side of Massachusetts avenue next to the Observatory circle and east thereto and bordering on the north line of the tract known as Normanstone. All references to streets, avenues, or highways in the foregoing description refer to such streets, avenues, and highways as the same are laid down on the third section of the plans for the permanent system of highways in that part of the District of Columbia lying outside of cities.

SEC. 4. That the portion of Benton street from where said Benton street intersects the reverse curved line of boundary referred to in the aforesaid description eastwardly to the junction of said Benton street with said Rock Creek drive, as laid down on said highway plans, be, and the same is hereby, abandoned as a highway and for highway purposes, and upon acquisition by the United States of the title to the pieces and parcels of land herein described, and to be purchased as aforesaid, the United States shall dedicate and set apart for and as a public highway a strip of land 30 feet wide along the boundary line of said park, as above described, wherever said boundary is the center line of a street laid down in said plan of the permanent system of highways of the District of Columbia or is the center line of any new street or streets provided for herein, and shall further establish a building restriction line 15 feet back of the said 30-foot strip of land.

SEC. 5. That as one of the conditions upon which this act shall become operative, and contemporaneously with conveyance of the title to the United States of the pieces and parcels of land hereinbefore described, the aforesaid trustees or owners, without compensation and free of all costs and charges to the United States or the District of Columbia, by proper conveyance, shall set apart, convey, and dedicate for the purposes of a public highway, out of and from the remainder of the property the title to which is vested in said trustees or owners aforesaid, a strip of land 30 feet wide along the boundary line of said park, as above described, wherever said boundary line is the center line of a street laid down on the said plan of permanent system of highways or is the center line of any new street or streets provided for herein; and shall, in addition to such conveyance and dedication and in the same deed, enter into an agreement to establish building restriction lines to agree with the street lines, as shown on said highway plan, or where any new street or streets are provided for herein, the said building restriction lines to be a width of 15 feet adjacent to the dedicated portion of the street, the intent of this act being that the width of such street or streets included within such building restriction lines shall be 90 feet: *Provided*, That the space between the street lines conveyed and dedicated as herein required and the building restriction lines established as herein required shall be considered as private property set aside and to be used for parking purposes, and in such agreement said trustees or owners shall agree that said parking shall be subject to the regulations of the Commissioners of the District of Columbia in regard to the height of parking and the projection of buildings beyond the building line, and that the District of Columbia shall have a right of way through said parking for sewers and water mains free of cost, and to lay thereon sidewalks, if, in the judgment of said commissioners, the space between street lines is not sufficient to admit the construction of such sidewalk within said lines.

SEC. 6. That to pay the expense of inquiry, survey, cost of land taken, and all other necessary expenses incidental thereto, the sum of $423,000, or so much thereof as may be necessary, is hereby appropriated, one half out of the revenues of the District of Columbia and the other half out of any moneys in the United States Treasury not otherwise appropriated, the said sum to be disbursed by the disbursing officer of the District of Columbia as now provided by law, upon vouchers to be approved by the said board of control of Rock Creek Park.

During the reading,

Mr. HACKNEY. Mr. Speaker, a parliamentary inquiry. I understand that the special rule applies only to the Private Calendar. This is not on the Private Calendar.

The SPEAKER pro tempore. This is a motion to suspend the rules.

The Clerk concluded the reading of the bill.

The SPEAKER pro tempore. Is a second demanded?

Mr. NORRIS. I demand a second.

The SPEAKER pro tempore. Under the rules a second is ordered. The gentleman from Michigan [Mr. SMITH] is entitled to twenty minutes and the gentleman from Nebraska [Mr. NORRIS] is entitled to twenty minutes.

Mr. SMITH of Michigan. Does the gentleman desire to use his time now?

Mr. NORRIS. I desire to hear the bill explained.

Mr. SMITH of Michigan. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. BURTON].

[Mr. BURTON of Ohio addressed the House. See Appendix.]

Mr. NORRIS. Mr. Speaker, not knowing that this bill was coming up, I am not myself prepared with some of the documents that I would otherwise have here to-day had I known in advance that the bill was to be taken up at this time. It comes from the Committee on Appropriations. About a year or two ago, I think, practically the same bill was referred to the Committee on Public Buildings and Grounds. I was a member of the subcommittee that went out and examined this particular land, and, as I remember it, it is absolutely valueless for any building purposes, or for almost any other purposes. I do not believe it suitable for a playground, because if the children ever got down into the gullies you never could get them out, and if they went down from the top they would certainly be killed when they struck the bottom. I do not believe that the Government of the United States can afford to pay this price for this land that, as a matter of fact, we thought at that time neither the Government nor the District needed.

Mr. HEFLIN. Is this the same land that was talked about here about a year ago, the purchase of which the gentleman from Florida [Mr. CLARK] so earnestly opposed?

Mr. NORRIS. I think it is. I do not remember about the gentleman from Florida, but I opposed it, as did several other gentlemen, practically all of the gentlemen from the Committee on Buildings and Grounds, and the proposition was defeated in the House. Now, as I understand it, without any further consideration from any other committee, it comes up again.

Mr. PERKINS. Will the gentleman yield for a question?

Mr. NORRIS. I will.

Mr. PERKINS. Will the gentleman state briefly where this land is situated?

Mr. NORRIS. It is north of Massachusetts avenue, near the Naval Observatory, and runs north in an irregular shape.

Mr. PERKINS. On both sides of Rock Creek?

Mr. MANN. Mainly on the other side of Rock Creek, between the observatory and the present park.

Mr. NORRIS. I yield five minutes to the gentleman from Missouri [Mr. BARTHOLDT].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

CRIMINAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent to suspend the proceedings on the present motion and consider a conference report on the bill S. 2982, the criminal-code bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to suspend the proceedings on the present motion and consider the conference report on the bill S. 2982, the criminal code bill. Is there objection? [After a pause.] The Chair hears no objection.

Mr. MOON of Pennsylvania. And I ask unanimous consent that the statement may be read in lieu of the report.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 2982, being a bill to codify, revise, and amend the penal laws of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate agree to the House amendment, with amendments to sections 7, 19, 20, 37, 51, 95, 125, 126, 140, 187, 200, 226, 227, 243, 253, 254, 255, 256, 257, 262, 263, 276, 295, 300, 321, 322, 323, and 349.

That the House agree to the amendments proposed by the Senate conferees, as follows:

Section 7: On page 4, in line 21, after the words "United States," insert the words "or in any place subject to the jurisdiction thereof."

Section 19: On page 12, line 13, substitute a semicolon for the period, and add the following: "and shall, moreover, be thereafter ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States."

Section 20: On page 12 strike out section 20.

Section 23: On page 14, strike out section 23, reading as follows:

"SEC. 23. No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall be fined not more than five thousand dollars."

Section 24: Page 14, in line 16, strike out the words "or to keep the peace at the polls."

Section 37: On page 22, in line 11, substitute a comma for the semicolon, strike out the remainder of the section, and in lieu thereof insert the following: "shall be fined not more than five thousand dollars or imprisoned not more than five years, or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or person under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars and imprisoned not more than two years."

Section 51: On page 28, at the end of the section, add the following: "And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands."

Section 95: On page 48, at the end of line 21, add the words "prima facie."

Section 105: On page 53, in line 1, after the word "or," strike out the word "be."

Section 125: On page 63, in lines 3 to 7, amend the proviso so as to read as follows: "*Provided*, That no person shall be deemed guilty of a violation of any such rule unless prior to such alleged violation he shall have had actual knowledge thereof."

Section 126: On page 63, in line 13, strike out the word "and" and insert in lieu thereof the word "or;" and in line 14 substitute a comma for the period at the end of the section and add the words "or both."

Section 140: On page 70 strike out section 140.

Section 142: On page 71, in line 1, strike out the word "now" before the word "provided."

Section 187: On page 98, in line 17, after the word "vessel," insert the words "to the current business of the carrier."

Section 194: On page 100, in line 18, strike out the word "or" before the word "embezzling."

Section 200: On page 104, in line 14, substitute a semicolon for the comma, strike out the remainder of the section, and in lieu thereof insert the following: and if in effecting or attempting to effect such robbery he shall wound the person having custody of such mail, or put his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned twenty-five years.

Section 226: On page 123, in line 6, before the word "submit," insert the word "knowingly."

Section 227: On page 123, in line 22, before the word "misstate," insert the word "or;" and in line 23, before the word "conceal," insert "for the purpose aforesaid shall knowingly and willfully."

Sections 241, 242, 243: On pages 132 and 133 strike out the word "That" at the beginning of each section and begin the first word of each section with a capital letter.

Section 243: On page 133, in line 13, after the word "shall," insert the word "knowingly."

Section 248: On page 136, in line 19, substitute for the words "and every" the words "or any."

Section 253: On page 140, in lines 9 and 10, strike out the words "being a citizen or other person resident."

Section 254: On page 140, in line 17, strike out the word "American;" and in line 18 substitute for the words "jurisdictional limits" the word "jurisdiction."

Section 255: On page 141, in line 1, strike out the word "American."

Section 256: On page 141 strike out section 256.

Section 257: On page 141, in line 12, strike out the words "State, Territory, or District," and in lieu thereof insert the words "place subject to the jurisdiction."

In line 13 strike out the words "a foreign country, state, or" and in lieu thereof insert the words "any other."

In lines 14 and 15 strike out the words "State, Territory, or District" and in lieu thereof insert the words "place subject to the jurisdiction."

Section 262: On page 143, in lines 13 and 14, strike out the words "jurisdictional limits" and in lieu thereof insert the word "jurisdiction."

Section 263: On page 143, in line 21, before the word "directly" insert the words "or under the jurisdiction thereof."

Section 270: On page 146, in line 11, strike out the word "other" before the word "foreign."

Section 276: On page 150, in line 8, strike out all after the period, and also all of lines 9 and 10.

Section 279: On page 151, in line 20, strike out the word "be" before the word "fined."

Section 295: On page 158 transpose the language of line 10 so that it will read "United States, beats, wounds, or without justifiable cause, im-."

Section 300: On page 161, in line 3, strike out the word "and" at the end of the line and in lieu thereof insert the word "or."

Section 321: On page 169, in line 15, strike out the words "in any Territory."

Section 322: On page 169, in line 19, strike out the words "in any Territory."

Section 323: On page 169, in line 23, strike out the words "in any Territory."

On page 183 strike out all of lines 21, 22, and 23, reading as follows:

"Section 4 of 'An act to protect all citizens in their civil and legal rights,' approved March 1, 1875."

On page 196 strike out all of lines 13 to 20, both inclusive, reading as follows:

"No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall be fined not more than $5,000."

Section 349: On page 198, in line 1, strike out the word "from" and in lieu thereof insert the word "on;" in line 2

strike out the word "July" and in lieu thereof insert the word "January;" also in line 2 strike out the word "nine" and in lieu thereof insert the word "ten."

R. O. MOON,
HERBERT PARSONS,
SWAGAR SHERLEY,
Managers on the part of the House.

W. B. HEYBURN,
GEO. SUTHERLAND,
JAMES P. CLARKE,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2982) to codify, revise, and amend the penal laws of the United States submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report as to each of the amendments of the Senate, namely:

Section 7: The words "or in any place subject to the jurisdiction thereof" are added after "United States."

The offense denounced by this section is that of recruiting soldiers and sailors to engage in any armed hostility against the United States. No reason exists why this should not be made unlawful not only within the United States, but in all places subject to the jurisdiction thereof. When the law was originally passed the words "United States" fully covered our whole jurisdiction.

Section 19: The restoration in section 19 of the words "and shall moreover be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States."

Section 20: The omission of section 20, which is in the following language: "If in the act of violating any provision of the preceding section any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed."

Sections 19 and 20 are a part of what is popularly known as the "civil rights" sections, passed May 31, 1870.

It will be observed that section 20 creates no new offense. It simply imposes an additional penalty for an overt act that may be committed in pursuance of the conspiracy denounced in section 19.

By section 20, if in pursuance of a conspiracy to injure or intimidate any citizen in the free exercise of any right or privilege secured to him by the Constitution or laws of the United States, a murder should be committed, upon indictment and conviction for the conspiracy the person found guilty may be executed if the laws of the State in which the offense is committed impose the penalty of death for the crime of murder.

The House and Senate adopted different methods of modifying the rigors of the punishment under these two sections. Section 19 provides for a maximum penalty of a fine of not more than $5,000 and imprisonment for not more than ten years, and declares that any person convicted thereunder shall be thereafter ineligible to any office, place of honor, profit, or trust created by the Constitution or laws of the United States.

The House modified section 19 by striking out this disqualifying clause. The Senate left the disqualification to hold office in and struck out the additional punishment prescribed by section 20. The managers on the part of the House, recognizing that section 20 was an anomaly in criminal law, which made it possible that under an indictment and conviction for a misdemeanor a man might be executed, and also recognizing that any offense that might come within the provisions of this section might and ought to be punished by the laws of the State wherein it was committed, agreed to its omission, but in consideration of this omission restored the disqualifying penalty omitted from section 19. Section 19 therefore is restored as existing law and the maximum punishment for the offense prescribed thereby is a fine of not more than $5,000, imprisonment for not more than ten years, and the disqualification to hold any office, place of honor, profit, or trust created by the Constitution or laws of the United States.

Section 23, page 14, is omitted.

Section 23 provides that no citizen possessing all other qualifications prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude, and makes penal provisions for the violation thereof.

While this section is omitted from the codification, at the same time the provisions on page 183 of the bill repealing existing law upon that subject is also omitted.

The omission of section 23 therefore does not change existing law, but simply leaves this single section uncodified.

Section 24, page 14: Strike out in line 15 the words "or to keep peace at the polls."

Section 24 provides that every officer of the army or navy who orders or brings or keeps armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep peace at the polls, shall suffer fine and imprisonment.

The omission of the words "or to keep peace at the polls" leaves the section as a prohibition against keeping armed men at a place where an election is held unless such force be necessary to repel armed enemies of the United States.

The provision for keeping peace at the polls is inoperative, as there is no provision anywhere in the law authorizing the keeping of troops for that purpose. The omission of these words therefore does not in any sense diminish the force of existing law.

Section 51: Add to the proviso the following words: "And nothing in this section shall interfere with or take away any right or privilege under any existing law of the United States to cut or remove timber from any public lands."

The offense denounced by this section is the cutting or wantonly destroying of growing timber on public lands or the exporting or disposing of the same. Under existing law any miner or agriculturist may clear his land, prepare his farm for tillage, and take timber necessary to support his improvements. The amendment simply makes clear that it is not the intention of this law to interfere with or take away any right to cut or remove timber that is now conferred by existing law.

Section 95: The amendment adds the words "prima facie."

The provision of section 95 is that upon the trial of any indictment for embezzling public money under certain enumerated sections it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books of the Treasury, as required in civil cases. The addition of the words "prima facie" only states more clearly what is the existing law upon the subject.

Section 125: The proviso in this section is changed in its form by striking out the words "been provided with a duly authenticated written or printed statement of such rule or practice" and substituting therefor the words "had actual knowledge thereof."

The offense denounced by this section is that of an officer or employee of the United States, etc., who by virtue of his office shall become possessed of information which might exert an influence upon or affect the market value of any product of the soil, which information is by law or rule of the department required to be withheld from publication until a fixed time, who willfully imparts such information to any person not entitled under the law to receive the same, or who shall speculate by buying or selling the same. The proviso appended to this section is: "That no person shall be deemed guilty of a violation of any rule of any department unless prior to such alleged violation he shall have been provided with a duly authenticated written or printed statement of such rule or practice." The amendment adopted by the conferees simplifies this proviso, while in no sense altering its legal effect. It provides "That no person shall be deemed guilty of a violation of any such rule unless prior to such alleged violation he shall have had actual knowledge thereof."

Section 126: The substitution of the word "or" for the word "and" and the insertion of the words "or both."

The provision in the House amendment provided for the offense denounced a fine of not more than $5,000 and imprisonment not more than five years.

This change of the substitution of the word "or" for "and," and the addition of "or both" are in harmony with the general system of punishments as provided for in the bill.

Section 140: Strike out section 140.

This was a new section reported by the committee. It provides that whoever being a prisoner confined in a jail, penitentiary, etc., and being in lawful custody of an officer, etc., shall escape or attempt to escape, etc., shall be fined not more than $1,000 or imprisoned not more than seven years, or both. This was stricken out by the Senate. Being new law, the House assented thereto.

Section 187: Insert the words "to the current business of the carrier."

Section 187 provides that the owner, driver, master, etc., or other person having charge of a stagecoach, railway car, steamboat, etc., which regularly performs trips on post routes, etc., shall be guilty of a criminal offense if he carries, otherwise than in the mails, any letters or packets except such as relate to some part of the cargo of such steamboat or other vessel.

The insertion of the words "to the current business of the carrier" permits a common carrier to which a mail coach is attached to transmit by its servants to other stations on its route communications not inclosed in the mail, if such communications are confined to the carrier's business. This is in exact conformity with the construction placed upon existing law. The regulations of the Post-Office Department permit such communications, and these regulations have been declared legal by an opinion of the Attorney-General of the United States.

The amendment therefore only makes clear the existing law upon the subject.

Section 200: The amendment to this section in effect restores existing law upon this subject. The House amendment consolidated two sections of existing law, to wit, sections 5472 and 5473, Revised Statutes. The effect of the amendment is to divide the offense denounced, one being an assault of a person having lawful control of the mail with intent to rob, steal, or purloin such mail or the robbing of such person of such mail, and the second being the effecting or attempting to effect such robbery by the use of a dangerous weapon.

The amendment simply divides the sections into two parts and affixes a different penalty for the two distinct offenses.

Section 226: Insert the word "knowingly."

Section 226 punishes anyone who submits or causes to be submitted to any postmaster, etc., any false evidence relative to any publication for the purpose of securing the admission thereof at the second-class rate. The change simply requires that such evidence shall be submitted knowingly.

Section 227: Insert the words "for the purpose aforesaid shall knowingly and willfully."

This section denounces as a crime the presenting or causing to be presented any false claim for the loss of any registered letter, etc., and further provides that any person who shall knowingly and willfully misrepresent or misstate or conceal any material fact in respect of such claim shall be guilty of the offense denounced.

The amendment relates entirely to the offense of concealing a material fact and provides that such concealment shall be for the purpose of presenting such false claim and shall be knowingly and willfully done.

Sections 241, 242, and 243: Simply for the sake of euphony the word "that" is stricken out at the beginning of each section and begin each section with a capital letter. It in no way interferes with the sections themselves.

Section 243: Insert the word "knowingly" after the word "shall," in line 13.

Section 243 is the third section of the amendment added to the bill by the House, and is what is popularly known as the "Knox bill," for the regulation of interstate shipments of liquor. This section denounces as an offense and punishes by a suitable fine the shipping or causing to be shipped from one State, Territory, or District, etc., into any other State, Territory, or District, etc., any package containing spirituous, vinous, malted, etc., liquor, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein.

The insertion of the word "knowingly" changes this provision so that it shall read: "Whoever shall knowingly ship or cause to be shipped from one State, Territory, or District," etc., shall be fined as therein provided. The word "knowingly" as employed in a criminal law imports legal and not actual knowledge. Legal knowledge has been judicially defined to be such information as would lead a prudent man to believe the fact existed and which, if followed by an inquiry, must bring knowledge of the fact home to him. It was believed by the conferees that before a conviction of this offense this degree of knowledge should be brought home to the person accused.

Section 248: For the sake of clearness and in conformity with the general provisions of the section itself, the words "and every" are stricken out and the words "or any" inserted. It does not in any sense change the provisions of the section.

Section 253: Strike out the words "being a citizen or other person resident."

This section provides that whoever, being a citizen or other person resident within the jurisdiction of the United States, takes on board or transports from any foreign country any person in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, shall be punished, etc.

The words "being a citizen or other person resident" are redundant. When they are stricken out the section reads: "Whoever, within the jurisdiction of the United States, takes on board," etc., the remaining words being an ample and complete definition of jurisdiction.

Section 254: Strike out the word "American;" substitute the word "jurisdiction" for "jurisdictional limits."

The offense defined in this section is that of a captain, master, etc., of a vessel found in any river, port, etc., within the jurisdiction of the United States, having on board any person for the purpose of selling such person as a slave, etc.

The place defined is wholly within the jurisdiction of the United States, and the offense, therefore, need not be limited to an American vessel. The change of the word "jurisdiction" for the words "jurisdictional limits" is merely verbal and tends to clearness and simplicity of expression.

Section 255: The word "American" is stricken out for the same reason set forth in the preceding section.

Section 256: Strike out the section.

By reason of the elimination of the word "American" in the two preceding sections section 256 becomes unnecessary.

This section simply provides that any person, a citizen of the United States, who voluntarily serves on board of any foreign vessel employed in the slave trade, shall be punished. The elimination of the word "American" in the preceding sections gives the United States power to punish within her jurisdiction persons on board vessels whether foreign or American.

Section 257: Strike out the words "State, Territory, or District" and in lieu thereof substitute the words "place subject to the jurisdiction."

No other change is made in this section. The amendment is for the sole purpose of clearness and simplicity of expression.

Section 262: Strike out the words "jurisdictional limits" and insert in lieu thereof the word "jurisdiction." This change is made for the reason set forth in the above section.

Section 270: Strike out the word "other," which is simply a clerical error.

Section 276: In lines 8, 9, and 10, page 150, strike out the following: "The jurisdiction, conferred by this paragraph, of crimes committed upon any such vessel while within the limits of any State, shall be concurrent with that of the courts of such State."

The conferees decided that these words are entirely unnecessary, as the jurisdiction conferred by the paragraph referred to would remain in such States without this provision.

Section 295: A mere transposition of language.

The effect of this transposition is as follows: Existing law provides that the master or officer of a vessel of the United States on the high seas, etc., shall not beat, wound, or without justifiable cause imprison any of the crew. Since the provision of the law abolishing flogging in the navy, it was deemed necessary to so transpose the words as to prohibit the said master, etc., from beating or wounding without justifiable cause. This is effected by this amendment.

Section 300: Substitute the word "or" for the word "and," which results in no substantial change in existing law.

Sections 321, 322, and 323: Strike out the words "in any Territory."

These words are unnecessary in the separate sections, because the general jurisdictional clause at the beginning of the chapter provides that "Except as otherwise expressly provided, the offenses befined in this chapter shall be punished as hereinafter provided, when committed within any Territory or District," etc., of the United States. This amendment, therefore, is a purely formal one.

In the repealing sections, on page 183, strike out all of lines 21, 22, and 23.

On page 196 strike out all of lines 13 to 20, both inclusive.

These omissions from the repealing sections of the bill are those above referred to, being in effect the omission of repealing sections relating to section 23, which remains uncodified, as before mentioned.

Section 349: Strike out "from" and insert "on;" strike out "July" and insert "January;" and consequently strike out "nine" and insert "ten."

The effect of this is to postpone the time of this code going into effect until January 1, 1910.

R. O. MOON,
HERBERT PARSONS,
SWAGER SHERLEY,
Managers on the part of the House.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the conference report be agreed to.

Mr. UNDERWOOD. I would like to ask the gentleman a question. I would like to know whether this is a final and complete report?

Mr. MOON of Pennsylvania. It is.

Mr. UNDERWOOD. What disposition was made of the Humphreys amendment as to the transportation of liquors?

Mr. MOON of Pennsylvania. It was accepted as it left the House, except that the word "knowingly" was put in the last clause, so that it will read:

Whoever knowingly ships or causes to be shipped without being marked—

And so forth, shall be subject to a penalty.

Mr. GAINES of Tennessee. What was done about the provision to prevent the sending out of fraudulent information from the Agricultural Department?

Mr. MOON of Pennsylvania. That exists in the law, and was adopted by the conferees, and will be section 126.

Mr. GAINES of Tennessee. I want to congratulate the gentleman on that and the Humphreys amendment.

Mr. MANN. Will the gentleman yield to me?

Mr. MOON of Pennsylvania. I will yield five minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I want to pay a compliment or two. The penal code has been before the House since the beginning of the last session of Congress. Other matters have been before the House in regard to the transportation of liquors between the States. Both problems have been somewhat intricate and rather difficult of solution. I want to take this occasion, Mr. Speaker, to compliment the chairman of the Committee on the Revision of the Laws, Mr. MOON of Pennsylvania [applause], the gentleman from New York, Mr. PARSONS [applause], a member of the committee; the gentleman from Michigan, Mr. DENBY, another member of the committee [applause]; the gentleman from Kentucky, Mr. SHERLEY, a member of that committee [applause]; and the gentleman from Tennessee, Mr. HOUSTON [applause].

Without their persistent efforts this bill would not have become a law. And in connection with what seems to me a deserved compliment to those gentlemen, I shall extend my congratulations to the gentleman from Mississippi [Mr. HUMPHREYS] and the gentleman from Kansas [Mr. MILLER] for the work they did in bringing before this House the so-called "Humphreys, Knox, or Miller amendment" in reference to the interstate transportation of liquor, which, by the adoption of this report, will become the law of the land.

I may say, Mr. Speaker, that during this session of Congress, notwithstanding the criticism that is often leveled against the rules, this work has been done without a special rule from the Committee on Rules, by the action of the House, moving along the line of the rules, as they exist, because the House was determined upon having legislation upon that subject in answer to the proper demand or request from the country.

I congratulate Congress upon the enactment of the penal code, including the proper regulation of interstate transportation of intoxicating liquors. [Applause.]

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. MOON of Pennsylvania. I yield to the gentleman.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I want to say that so far as the regulation of the interstate transportation of liquors is concerned, in my opinion that amendment never would have been the law but for the earnest, intelligent, and most effective cooperation of the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. O Mr. Speaker, I acted only as an adviser to the gentleman from Mississippi.

Mr. SHERLEY. Mr. Speaker, while the many pleasant things are being said about many Members of this House, I feel that I should say a word in behalf of a man who has done as much of the drudgery in connection with this particular piece of legislation as any man who had anything to do with it, and it has been a bill which carried with it tremendous drudgery. The work of the committee extended over many months, and the members of this joint committee, I am sure, would not have been able to present what they believe to be a very accurate revision of the penal laws of the land if it had not been for the able assistance of Mr. John L. Lott, who was the clerk of that committee and who is entitled to this public recognition of his services. [Applause.]

Mr. MILLER. Mr. Speaker, I will ask the gentleman from Pennsylvania to yield to me.

Mr. MOON of Pennsylvania. I yield to the gentleman.

Mr. MILLER. Mr. Speaker, I want to state that I agree most heartily with the statement just made by the gentleman from Mississippi [Mr. HUMPHREYS]. That gentleman and myself know probably better than any other Members of this House of the work done by the gentleman from Illinois [Mr. MANN], and of the earnest and consistent course which was followed by him from the beginning of this session until now, and which has enabled us to do whatever we were able to do. [Applause.]

Mr. BARTHOLDT. Mr. Speaker, I will ask the gentleman to yield to me for a moment.

Mr. MOON of Pennsylvania. I yield to the gentleman.

Mr. BARTHOLDT. Mr. Speaker, I desire to express a devout wish, namely, that the agitation for liquor legislation at the hands of Congress may have received a quietus by the adoption of the Humphreys amendment, and that that amendment marks the line of demarcation beyond which Congress in its legislation on that subject will not go.

Mr. LANGLEY. Mr. Speaker, I desire to express the opinion that the wish of the gentleman from Missouri [Mr. BARTHOLDT], which is evidently father to the thought, will not be realized. This is only a step in the right direction.

Mr. MOON of Pennsylvania. Mr. Speaker, I do not desire and do not intend to take up the time of the House by any speech. It is certainly pleasant at this period of our monumental labor—for I think this House will agree with me that the labor of this committee during the entire session of two Congresses has been monumental—to listen to these tributes and the complimentary remarks of the gentleman from Illinois [Mr. MANN]. These compliments have been tendered to the committee. I desire to tender to the legal profession at large, to the members of the judiciary, to the members of the bar throughout this country this completed work as a tribute of the Sixtieth Congress. In my judgment, no more important piece of legislation has been enacted at this session. Probably no one except members of the legal profession will absolutely agree to that statement, but when we come to consider the fact that prior to this enactment the penal laws of the United States were scattered in six or seven different volumes of great magnitude commingled with general legislation and frequently overlapping each other, and that it was almost impossible even for the judge upon the bench or the man learned in the law by exhaustive and patient investigation to tell with accuracy what the law exactly was, I think all will agree that this body of men will welcome this codification, which brings within the narrow compass of a few pages all of the penal and criminal sections of the laws of the United States.

Therefore, in conclusion, I say, on behalf of the committee, that we tender to the judiciary and to the bar and to the citizens of this country this completed work, in the belief that it will be of great service to them in the administration and enforcement of the criminal laws of this Nation. [Applause.]

Mr. Speaker, I ask for the adoption of the report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. MOON of Pennsylvania. Mr. Speaker, I now ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk and ask to have read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

Resolved, That the Secretary of the Senate be authorized to renumber the sections consecutively; to strike out the headnotes at the beginning of each chapter to sections which have been omitted and to renumber the headnotes to correspond to the numbers given the sections; to correct the reference in one section to other sections; to correct typographical errors; and to correct the punctuation as indicated by the committee on conference.

The SPEAKER. The Chair suggests to the gentleman from Pennsylvania that this resolution probably should be a concurrent resolution.

Mr. MOON of Pennsylvania. Mr. Speaker, the committee did not think so. This matter is with the Clerk of the Senate. The Senate adopted a similar resolution giving to its Clerk the power to make these very slight changes; but in view of the fact that the House was also interested in this legislation, we felt the only thing necessary was to give the assent of the House to the Clerk of the Senate to make these simple corrections.

Mr. MANN. But the House has no authority to confer any jurisdiction upon the Clerk of the Senate. The House may direct its own Clerk.

Mr. MOON of Pennsylvania. Mr. Speaker, this work is practically all done. This same resolution passed the Senate. If the Chair thinks it advisable, I will ask unanimous consent to change this to a concurrent resolution.

The SPEAKER. Unless the gentleman has examined it very closely and is satisfied with it, it seems to the Chair that the resolution should be a concurrent one.

Mr. MOON of Pennsylvania. We have simply acquiesced in the Senate's instruction to its Clerk. We do not attempt to instruct the Clerk of the Senate, but the Senate has already instructed its Clerk. That was our thought, so that we simply acquiesced in the instructions of the Senate to its own Clerk. That Clerk must do the work.

The SPEAKER. The House can only know of the action of the Senate——

Mr. MANN. Mr. Speaker, this is the penal code, and it seems to me it is desirable to pass it in accordance with the law and the Constitution.

Mr. MOON of Pennsylvania. Then, Mr. Speaker, I ask unanimous consent to change the joint resolution and put it in the form of a concurrent resolution.

The SPEAKER. The gentleman from Pennsylvania modifies the resolution and offers it as follows.

The Clerk read as follows:

Amend so that it will read:

House concurrent resolution 78.

"Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate," etc.

The question was taken, and the resolution as modified was agreed to.

On motion of Mr. MOON of Pennsylvania, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

ADDITION TO ROCK CREEK PARK.

The House resumed consideration of the bill (S. 4441) to acquire certain land in the District of Columbia as an addition to Rock Creek Park.

Mr. BARTHOLDT. Mr. Speaker, as has already been stated, this bill is an old acquaintance. It was here at the last session and it was defeated by this House by a vote of two to one. Some years ago a very thorough investigation was had by a commission consisting of three Senators and three Members of the House, all members of the Committee on Public Buildings and Grounds of the two Houses. At that time hearings were had upon all the different propositions, and I do not remember a single disinterested citizen of Washington who appeared before the committee, save one, and that one had been sent by another gentleman who was very much interested in the proposition. So much in reply to the statement of the gentleman from Ohio that the sentiment of the people of the District of Columbia was unanimous on that question.

When this bill was before the House the last time the statement was made positively and unequivocally that unless the House acted favorably upon the proposition we would have no more opportunity to purchase that land, because the options would expire.

The proceedings to-day prove that either there were no options at all or that they have not expired, consequently the statement made to us at that time is not borne out by the facts. The Committee on Public Buildings and Grounds is heartily in favor——

Mr. McGUIRE. Will the gentleman yield for a question?

Mr. BARTHOLDT. I have only one minute—is heartily in favor of parks in this city, but we would like to establish parks on the principle on which they were established by the forefathers of the present generation, namely, as breathing spots within the city of Washington. There is a large part of the city of Washington lying on Mount Pleasant, every foot of which is being rapidly covered with houses and improvements, and no provision whatever has been made to provide breathing spots for the people there. I would be in favor of putting a park there instead of a park away out, which can only be reached by automobiles. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. NORRIS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. ANDRUS]. [Applause.]

Mr. ANDRUS. Mr. Speaker, the work of a session of Congress apparently is never completed until we have some little discussion in regard to an appropriation for the purchase of land in Rock Creek Park. My time is rather limited, but at the outset I want to state how I stand on parks. I am in favor of parks as I am in favor of public schools, in favor of churches; churches to grow a better moral influence in the community, churches so that the children may acquire an education, and parks where the children can play and grow bone and muscle and nerve to help them bear the heavy burdens of life that will follow. I would like to give you just a hasty résumé of this matter for four years. On March 27, 1906, Senate bill 5289 called for $600,000. On the 27th of March a Senator wrote to the president of the District Commissioners asking certain information, and among the information asked for I find this.

I read from his report. It is Calendar No. 2811, near the bottom of the third page:

The price named in the bill, $600,000, for about 437,000 square feet of land, or about $1.37 a square foot, is in excess of the estimated value of the land by the board of assessors, their value being $230,000.

Mr. Speaker, I have had some experience, having bought a few lots during my life, and I found the assessors' value as a rule a pretty good criterion on which to act. On March 30, 1906, evidently a conscience was pricked, and a bill (H. R. 5102) was introduced for $550,000—$50,000 less. On February 16, 1907, conferees of the House and the Senate came to an agreement of $475,000, but it was not satisfactory to the House Committee on Public Buildings and Grounds, and the matter dropped with the expiration of the Fifty-ninth Congress.

The thing took on new life, and on January 27, 1908, the bill S. 4441 was reported for $423,000—a gradual coming down. That bill went directly to one of the appropriation committees, and on May 26 last, under a suspension of the rules, it was defeated by a vote of 57 for and 164 against.

Mr. NORRIS. That was this same bill?

Mr. ANDRUS. This same bill that is brought up to-day. Now, what have the Government and the people lost in these three years? We are talking now about $423,000 as against $600,000 three years ago, a saving to some one of $177,000. The interest on $600,000 for three years at 2 per cent is $36,000. It makes a total of $213,000. It may be a small sum in this House, but, Mr. Chairman, there are 10,000 boys in my district who would be exceedingly happy if in a legitimate way they could make that money in three years. [Applause.]

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SMITH of Michigan. Mr. Speaker, how much time has the gentleman from Nebraska [Mr. NORRIS] left?

The SPEAKER pro tempore. The gentleman from Michigan has ten minutes left, and the gentleman from Nebraska has eight minutes.

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from New York [Mr. MCMILLAN] two minutes.

Mr. MCMILLAN. Mr. Speaker, it has been my privilege to know something about parks; being one of the park commissioners, as well as president of the board for four years, in the city of New York, and having been engaged in the condemnation proceedings of large acreage that was taken for parks, I know whereof I speak.

I say to you that this area that is about to be created for a park is of divine construction. And as to its being worth $4,000 an acre, I challenge any man to create such a possibility of a park, with a stream running through it, that only a divine architect or a divine landscape artist could create. Why do you leave it to man to deface and wipe out? If you do that, it will be a sacrilege. It would be an injustice to the Paris of America. I have traveled considerably, and I can say to you that there is no place to-day on the divine footstool that should be kept so sacred as park territory as Rock Creek.

Do you know what it takes to create an acre of parkage? We spend $20,000 an acre on our parks in the city of New York, and we could not create anything like that. I beg of you, gentlemen, to not let this opportunity pass to purchase it, for if you do, some real estate speculator like myself will buy it, and then you will not get it for any such sum as that at which it is now offered. The reason that you get it to-day for $4,000 an acre is that you have worked them down from $6,000 to $4,000, and I thank the gentleman from New York [Mr. ANDRUS] for telling us this. [Applause.]

Mr. SMITH of Michigan. Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. One minute, Mr. Speaker. I know this property. I have ridden or walked over it often during the last twelve years. My children, year after year, have picknicked down in the bottom of the ravine that everybody says children can not get to. We selected a picnic ground there, and have an annual children's picnic. So I know the property, and I know that it is available for a park.

It is necessary for the Government to own along Rock Creek. I know that as to value the price asked in old times was too much. It has come down, and values are going up. If anyone will go out Massachusetts avenue he will see that property and buildings of the very best description are moving by leaps and bounds, by miles, since I have been in the city, along Massachusetts avenue. The improvement has just gotten to the edge of this property, where there is a frontage of nearly 1,000 feet obtained on the north side of Massachusetts avenue, just beyond Rock Creek, and those front feet alone will, within a few years, be worth the price that is paid. [Applause.]

Mr. SMITH of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. LOVERING].

Mr. LOVERING. Mr. Speaker, I know something of this proposition, and I believe it to be the best and most favorable proposition that can be made to enlarge our park system at Rock Creek. I have had something to do with land in my day,

and I know that unless we take this land at this time the chances are that we will have to pay at least 25 or 50 per cent more than we are now asked, if indeed we ever again have the opportunity.

Mr. SHERLEY. Will the gentleman yield?

Mr. LOVERING. I yield.

Mr. SHERLEY. That statement was made last year, the year before, and the year before that.

Mr. LOVERING. The gentleman need not say that to me. I know it. It is none the less true, even if it has been said before. I am credibly informed that the owners of this property would not object to have the proposition fall down in the House at this time. It is just the sort of a project that I should be glad to enter into myself if I were in land speculation.

Mr. Speaker, I yield back my time.

Mr. SMITH of Michigan. How much time did the gentleman yield back?

The SPEAKER pro tempore. Half a minute.

Mr. SMITH of Michigan. Now will the gentleman from Nebraska use some time?

Mr. NORRIS. I yield one minute to the gentleman from Alabama.

Mr. HEFLIN. Mr. Speaker, this bill carries an appropriation of nearly half a million dollars. The same bill was up for consideration in May, 1908, and was voted on and defeated. Fifty-seven votes were cast in favor of it and 164 votes cast against it. I trust that this bill will not be pushed through in the closing hours of this session. Let it go over until the next Congress, and then all of us who desire to do so can see this land and can investigate the matter of its real value, and then if we must purchase it for the Government, let us exercise business judgment and get it as cheaply as we can. [Applause.]

Mr. NORRIS. How much more time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has seven minutes.

Mr. NORRIS. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, when this identical bill, without the change of a letter, was voted on by yeas and nays in this House on the 26th day of May last, 164 noes were recorded as against 57 ayes. ow many gentlemen are going to change, and what reason are you going to give for your flop in so short a time? Now, there will be a yea-and-nay vote at this time on this bill, and you will have to explain some day why you changed in so short a time, without any new evidence or any new reason given for the change. There is no option on this land at this time. I will read from a statement made by Mr. Charles Glover in the hearings before the Committee on Appropriations last year, before this bill was voted on in May last:

> The CHAIRMAN. How it is, Mr. Glover, with respect to the 88 or 98 acres; would it be possible for you to have the option renewed another year?
>
> Mr. GLOVER. No, sir; that is out of the question, Mr. TAWNEY. They have assessed this ground at $7,500 an acre. The assessment has gone up tremendously.
>
> Mr. FITZGERALD. The assessed valuation of it?
>
> Mr. GLOVER. Yes; they have put it up enormously, and justly so. It is a pretty fine piece of ground. Bell told me the other day that they hardly knew what to do about this thing.
>
> The CHAIRMAN. You think it would be impossible to renew the option?
>
> Mr. GLOVER. Absolutely.
>
> The CHAIRMAN. When will the option expire?—
>
> Now listen—
>
> Mr. GLOVER. With this session of Congress.

That was the last session Mr. Glover said this option expired. When has it been renewed? If he told the truth then, and I do not question his veracity, there is no option on that land at this time. I was told by as good a Member as there is in this House that another Member, who is a Member now, is interested in one of the syndicates mentioned by Mr. Glover, in one of these pieces of land. Are you going to be influenced into enacting such legislation as this under suspension of the rules?

Mr. CLAYTON. May I ask the gentleman a question?

Mr. SIMS. Certainly.

Mr. CLAYTON. Do you think it is fair to the membership of this House to make that statement without naming the man or at least giving the authority?

Mr. SIMS. The gentleman who told me is in his seat on the floor of the House at this moment, and he can tell the name of the Member if he so desires.

Mr. CLAYTON. On which side of the Chamber?

Mr. SIMS. On the other side of the Chamber.

Mr. CLAYTON. What is the color of his hair?

Mr. SIMS. Oh, his hair is all right.

Mr. CAMPBELL. I think that if the gentleman has any information upon that subject he ought to name the man.

Mr. SIMS. The gentleman who told me is present, and he will tell you that a Member of this House is now, or was, interested in one of these pieces of land, and has used his personal influence heretofore to pass this bill.

Mr. CLAYTON. I insist that the gentleman from Tennessee ought to give the name of the Member from whom he obtained that information.

Mr. SIMS. Oh, he is now in the Chamber.

Mr. CLAYTON. I want to hear all the information, and I insist that he furnish the name. Give us the name.

Mr. SIMS. The gentleman who told me is on the floor of the House; he can give it.

Mr. CLAYTON. Name him.

Mr. SIMS. I will not name him. He is here and hears what I say. Will giving the name tend to prove anything except this: That whenever people in this District have land they can not sell to anybody else they try to sell it to the Government before it goes up. They started in on this tract at $600,000 and now they have got it down to $435,000. Of course the gentleman from Ohio [Mr. BURTON], and the other gentlemen who have spoken in behalf of this bill, did not know that any Member of the House was interested in any of this land.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Michigan. I yield one minute to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Speaker, I have walked over this land. It ought to be a part of the parking system of Washington. The average cost of it will be 10 cents a square foot. I understand that land for building purposes out in the extension of Massachusetts avenue approaching this property has been selling at $2.50 a square foot, or twenty-five times as much as the average price for this land.

Some day this land will have to be taken. I believe it is economy to take it now, and I hope it will be taken.

Mr. NORRIS. We have only two minutes remaining. Will the gentleman from Michigan use some of his time?

Mr. SMITH of Michigan. I yield three minutes to the gentleman from Michigan [Mr. GARDNER].

Mr. GARDNER of Michigan. Mr. Speaker, for several years it has been my fortune, as a member of the District appropriations committee of the Committee on Appropriations, to go thoroughly over nearly the entire District. The thing that has impressed me more than any other, except the rapid growth and development of the city, is the utter lack of park provision for the future. Go out Fourteenth street, Thirteenth street, Eleventh street, Seventh street, Connecticut avenue, Massachusetts avenue, and many others, and you find that the real estate man has his grip upon the land, and he does not give anything for park purposes. Take out Rock Creek Park, and beyond the boundary, there is scarcely anything where in the future our people can go to get a breath of fresh air. We are building as solidly, as the gentleman from Missouri says, on Columbia Heights as they are in Philadelphia, New York, Boston, and Chicago, with absolutely no park reservations.

Old Washington, or lesser Washington, is known everywhere for the number and beauty of its parks, but the greater Washington, unless you do something, will be without parks.

Now, they talk about this being a good price, $422,000 for 100 acres of land, admirably adapted as it is for park purposes. On Meridian Hill, out Sixteenth street, in the edge of the city, they want $600,000 for 18 acres of land for public purposes. Every year in the future we are likely to pay more for this or any other tract that lies within reasonable distance of the growing population of this city. [Applause.]

Mr. NORRIS. I yield one minute to the gentleman from Minnesota [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, I am certainly in favor of as much free air as it is possible to obtain, but Members ought not forget that Rock Creek Park now contains 2,000 acres of land adjoining this 100-acre tract that is sought to be purchased. It seems to me that when they obtained that 2,000 acres they obtained all the land that was suitable for a park or for any other purpose at the time. Now there remain 100 acres of land that it will cost many times more to improve—to make it useful for park purposes—than the contemplated purchase price. We are making now, as the record shows, between two and three hundred thousand dollars every two or three years by not purchasing this land. Let us wait a few years more and we will get it for half the money. But I will say that if we obtain it then, we will have an elephant on our hands that will cost many times more than its value to improve it for park purposes. It is

apparent that the opportunity to obtain this cavernous tract will not be foreclosed for many years, for the reason that the Government is the only visible purchaser, and its only apparent value is confined to park purposes. [Applause.]

Mr. NORRIS. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota [Mr. NYE].

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. NYE] is recognized for one minute.

Mr. NYE. Mr. Speaker, if we really want economy, we ought to defeat this bill, because the price of the property has declined $200,000 in the last three years, and if we wait long enough we will get it perhaps for what it is worth. [Laughter.] It has declined $200,000 in a time of the greatest prosperity known in the history of this country. I am opposed to it, for this reason: As a new Member of this House I am appalled at the manner in which legislation is sluiced through here the last minute of the session, legislation which carries millions of dollars, and at the last moment a real-estate scheme is sprung upon us. [Applause.] I am opposed to the bill and I hope it will be beaten more overwhelmingly than it was last session. [Applause.]

Mr. SMITH of Michigan. I yield the balance of my time to the gentleman from Ohio [Mr. BURTON].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for three minutes.

[Mr. BURTON of Ohio addressed the House. See Appendix.]

The SPEAKER pro tempore. The time of the gentleman has expired, all time has expired; and the question is on discharging the Committee of the Whole House on the state of the Union, suspending the rules, and passing the bill.

The question was taken, and the Speaker pro tempore stated that he was in doubt.

Mr. CLAYTON. In order that there may be no doubt, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 31, nays 192, answered "present" 13, not voting 149, as follows:

YEAS—31.

Barchfeld	Foelker	Longworth	Olcott
Bede	French	Lorimer	Parker
Bingham	Gardner, Mich.	Lovering	Parsons
Burton, Ohio	Henry, Conn.	Lowden	Payne
Cassel	Higgins	McKinley, Ill.	Porter
Dalzell	Howland	McMillan	Roberts
Dawes	Huff	McMorran	Washburn
Fassett	Knowland	Mann	

NAYS—192.

Aiken	Dixon	Humphreys, Miss.	Pou
Alexander, Mo.	Draper	James, Ollie M.	Pratt
Andrus	Durey	Johnson, Ky.	Pray
Ashbrook	Edwards, Ga.	Jones, Va.	Rainey
Barclay	Ellerbe	Jones, Wash.	Ransdell, La.
Barnhardt	Englebright	Keifer	Rauch
Bartholdt	Esch	Keliher	Reeder
Bartlett, Ga.	Ferris	Kennedy, Ohio	Reynolds
Beale, Pa.	Fitzgerald	Kinkaid	Rhinock
Beall, Tex.	Floyd	Kipp	Rothermel
Bell, Ga.	Fordney	Kitchin	Rucker
Bonynge	Foster, Ill.	Knapp	Russell, Mo.
Booher	Foulkrod	Küstermann	Ryan
Bowers	Gaines, Tenn.	Lafean	Sabath
Boyd	Garner	Lamb	Saunders
Brantley	Gillespie	Langley	Scott
Brodhead	Godwin	Lawrence	Shackleford
Broussard	Goebel	Lenahan	Sheppard
Burgess	Gordon	Lewis	Sherley
Burnett	Goulden	Lindbergh	Sherwood
Burton, Del.	Gregg	Lloyd	Sims
Butler	Griggs	Loud	Slayden
Byrd	Gronna	Loudenslager	Small
Calder	Guernsey	McCreary	Smith, Cal.
Calderhead	Hackney	McDermott	Snapp
Candler	Hale	McGuire	Stafford
Capron	Hamilton, Mich.	McHenry	Stanley
Carter	Hamlin	McKinney	Stephens, Tex.
Chaney	Hardwick	Macon	Sturgiss
Chapman	Hardy	Madden	Sulloway
Clark, Mo.	Harrison	Madison	Sulzer
Clayton	Hawley	Maynard	Talbott
Cook, Colo.	Hay	Miller	Taylor, Ohio
Cook, Pa.	Hayes	Moore, Pa.	Thistlewood
Cooper, Pa.	Heflin	Morse	Thomas, N. C.
Cooper, Tex.	Henry, Tex.	Murdock	Tirrell
Cooper, Wis.	Hinshaw	Murphy	Tou Velle
Cox, Ind.	Hitchcock	Needham	Townsend
Craig	Hobson	Nicholls	Underwood
Cravens	Holliday	Norris	Volstead
Crawford	Houston	Nye	Waldo
Cushman	Howard	O'Connell	Wallace
Davidson	Howell, N. J.	Padgett	Watkins
Davis	Howell, Utah	Page	Webb
Dawson	Hughes, N. J.	Patterson	Wheeler
De Armond	Hull, Iowa	Perkins	Willett
Denver	Hull, Tenn.	Peters	Wilson, Ill.
Diekema	Humphrey, Wash.	Pollard	Wilson, Pa.

ANSWERED "PRESENT"—13.

Adamson	Douglas	Hill, Conn.	Swasey
Boutell	Finley	Olmsted	
Cockran	Flood	Overstreet	
Cole	Fornes	Smith, Mich.	

NOT VOTING—149.

Acheson	Ellis, Oreg.	Jackson	Pujo
Adair	Estopinal	James, Addison D.	Randell, Tex.
Alexander, N. Y.	Fairchild	Jenkins	Reid
Allen	Favrot	Johnson, S. C.	Richardson
Ames	Focht	Kahn	Riordan
Ansberry	Foss	Kennedy, Iowa	Robinson
Anthony	Foster, Ind.	Kimball	Rodenberg
Bannon	Foster, Vt.	Knopf	Russell, Tex.
Bartlett, Nev.	Fowler	Lamar, Fla.	Sherman
Bates	Fuller	Lamar, Mo.	Slemp
Bennet, N. Y.	Fulton	Landis	Smith, Iowa
Bennett, Ky.	Gaines, W. Va.	Laning	Smith, Mo.
Birdsall	Gardner, Mass.	Lassiter	Smith, Tex.
Bradley	Gardner, N. J.	Law	Southwick
Brownlow	Garrett	Leake	Sparkman
Brundidge	Gilhams	Lee	Sperry
Burke	Gill	Legare	Spight
Burleigh	Gillett	Lever	Steenerson
Burleson	Glass	Lindsay	Sterling
Caldwell	Goldfogle	Livingston	Stevens, Minn.
Campbell	Graff	McCall	Tawney
Carlin	Graham	McGavin	Taylor, Ala.
Cary	Greene	McKinlay, Cal.	Thomas, Ohio
Caulfield	Hackett	McLachlan, Cal.	Vreeland
Clark, Fla.	Haggott	McLain	Wanger
Cocks, N. Y.	Hall	McLaughlin, Mich.	Watson
Conner	Hamill	Malby	Weeks
Coudrey	Hamilton, Iowa	Marshall	Weems
Cousins	Hammond	Martin	Weisse
Crumpacker	Harding	Mondell	Wiley
Currier	Haskins	Moon, Pa.	Williams
Darragh	Haugen	Moon, Tenn.	Wolf
Davenport	Helm	Moore, Tex.	Wood
Denby	Hepburn	Mouser	Woodyard
Driscoll	Hill, Miss.	Mudd	Young
Dwight	Hubbard, Iowa	Nelson	
Edwards, Ky.	Hubbard, W. Va.	Pearre	
Ellis, Mo.	Hughes, W. Va.	Prince	

So the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. MCMORRAN with Mr. PUJO.

Mr. SHERMAN with Mr. RIORDAN.

Mr. WANGER with Mr. ADAMSON.

Mr. CURRIER with Mr. FINLEY.

For the balance of the session:

Mr. BRADLEY with Mr. RANDELL of Texas.

Mr. OVERSTREET with Mr. MOON of Tennessee.

Until further notice:

Mr. HEPBURN with Mr. WOLF.

Mr. DWIGHT with Mr. HAMILTON of Iowa.

Mr. DENBY with Mr. HAMILL.

Mr. CRUMPACKER with Mr. HACKETT.

Mr. COUDREY with Mr. GLASS.

Mr. CARY with Mr. WEISSE.

Mr. BURLEIGH with Mr. GILL.

Mr. BURKE with Mr. FAVROT.

Mr. BENNET of New York with Mr. FORNES.

Mr. ANTHONY with Mr. ESTOPINAL.

Mr. LANDIS with Mr. LEVER.

Mr. KNOPF with Mr. LEGARE.

Mr. KENNEDY of Iowa with Mr. LEE.

Mr. KAHN with Mr. LEAKE.

Mr. JENKINS with Mr. LASSITER.

Mr. ADDISON D. JAMES with Mr. LAMAR of Florida.

Mr. GRAHAM with Mr. KIMBALL.

Mr. GILLETT with Mr. HILL of Mississippi.

Mr. FOSTER of Vermont with Mr. HELM.

Mr. FAIRCHILD with Mr. HAMMOND.

Mr. ELLIS of Missouri with Mr. SMITH of Missouri.

Mr. PEARRE with Mr. RUSSELL of Texas.

Mr. MUDD with Mr. ROBINSON.

Mr. MOON of Pennsylvania with Mr. RICHARDSON.

Mr. MARSHALL with Mr. REID.

Mr. MALBY with Mr. MOORE of Texas.

Mr. MCLAUGHLIN of Michigan with Mr. MCLAIN.

Mr. MCGAVIN with Mr. LIVINGSTON.

Mr. LAW with Mr. LINDSAY.

Mr. BANNON with Mr. WILEY.

Mr. WATSON with Mr. WILLIAMS.

Mr. TAWNEY with Mr. TAYLOR of Alabama.

Mr. STERLING with Mr. SPIGHT.

Mr. SOUTHWICK with Mr. SPARKMAN.

Mr. SLEMP with Mr. SMITH of Texas.

Mr. SMITH of Iowa with Mr. ADAIR.

Mr. CAMPBELL with Mr. CALDWELL.

Mr. HUGHES of West Virginia with Mr. BRUNDIDGE.

Mr. WOODYARD with Mr. BARTLETT of Nevada.

Mr. SMITH of Michigan with Mr. ANSBERRY.

Mr. BOUTELL with Mr. BURLESON.

Mr. BROWNLOW with Mr. GARRETT.

Mr. MARTIN with Mr. FULTON.

Mr. BATES with Mr. DAVENPORT.

Mr. LONGWORTH with Mr. GOLDFOGLE.
Mr. ALEXANDER of New York with Mr. CARLIN.
Mr. BIRDSALL with Mr. LAMAR of Missouri.
Mr. AMES with Mr. CLARK of Florida.
Mr. ALLEN with Mr. JOHNSON of South Carolina.
For this vote:
Mr. GAINES of West Virginia in favor, with Mr. FLOOD of Virginia against.
The result of the vote was announced as above recorded.

REPORT ON FRAUDS AND DEPREDATIONS UPON THE PUBLIC SERVICE.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to print in the RECORD, without taking the time of the House to read it at this time, the report which by House resolution No. 480 the committee appointed thereunder was directed to make at this session, which report, by direction of that committee, I now present to the House.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, what is this report about?

The SPEAKER. It is the report from the special committee of which Mr. OLMSTED is chairman, touching an investigation——

Mr. HIGGINS. Mr. Speaker, I object.

The SPEAKER. Does the gentleman from Pennsylvania desire to move to suspend the rules?

Mr. OLMSTED. If there was any objection to my request for unanimous consent, Mr. Speaker, I move to suspend the rules——

Mr. MANN. Has not the gentleman the right to make this report?

Mr. OLMSTED. We were directed by the resolution to make report at this session, and I think we have the right to make it at any time.

The SPEAKER. The gentleman can make the report, but the gentleman asks unanimous consent that it might be printed in the RECORD. It would be printed as a document.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. If this is a privileged report, the gentleman would have the right to have it read, and thereupon it would appear in the RECORD and we would do without our dinners——

Mr. OLMSTED. Mr. Speaker, my object is to have it printed in the RECORD without taking up the time of the House to have it read now.

Mr. KEIFER. Would it be printed as a document, too?

Mr. OLMSTED. That would follow.

The SPEAKER. The Chair would again ask if there be objection.

Mr. HIGGINS. Mr. Speaker, I withdraw my objection.

The SPEAKER. The Chair hears none.

The report is as follows:

[House of Representatives, Report No. 2320, Sixtieth Congress, second session.]

Report of select committee on appropriations for and employees engaged in the detection and prevention of fraud in and depredations upon the public service appointed under House resolution 480. Presented by Mr. OLMSTED, March 3, 1909.

The select committee, appointed in pursuance of House resolution No. 480, respectfully report that—

The said resolution authorizing the appointment and defining the duties of this committee was as follows:

"Resolved, That the Speaker is authorized to appoint a select committee of five members, whose duty shall be to inquire and report to the House at its present session, as follows:

"First. What appropriations were made at the first session of the Sixtieth Congress for the fiscal year nineteen hundred and nine that could be used to prevent frauds in and depredations upon the several branches of the public service, including the protection of public lands and their products from fraudulent entry or appropriation, and to apprehend and punish persons charged with violation of the laws of the United States; also what increase, if any, was made in any of such appropriations over the amounts apropriated for nineteen hundred and eight.

"Second. What branches of the public service, paid for in whole or in part out of the United States Treasury, are authorized or are in existence and supported by appropriations made by Congress, whose principal duties are to detect and prevent frauds, or to apprehend and bring to trial and punishment persons charged with violating the laws of the United States; whether such branches of the public service or any persons employed therein have been or are engaged in any duty not contemplated by the law or the appropriation establishing or providing for such service; the names of the persons employed, for any period, in each branch of such service during the current and last fiscal year; the rates of compensation and allowance paid or being paid to each of them, by whom they were appointed and on whose recommendation, and a statement of the specific duty performed or engaged upon by each of such employees each day since the beginning of the fiscal year nineteen hundred and eight.

"The committee, or any subcommittee thereof, is authorized to sit during the sessions of the House; to send for persons and papers, including private or secret archives; to administer oaths; and to employ such clerical, messenger, and stenographic assistance as they shall deem necessary. All expenses incurred hereunder shall be paid on the certificate of the chairman of the committee out of the contingent fund of the House."

Your committee soon learned that compliance with the said resolution would be utterly impossible within the life of the present Congress. It therefore, upon the 1st day of February, 1909, presented to the House a preliminary report, whereupon, as recommended therein, the House limited the scope of the inquiry by the adoption of a resolution reading as follows:

"Resolved, That the select committee appointed in pursuance of House resolution numbered four hundred and eighty, and thereby requested to report to the House during the present session, shall inquire and report only as follows:

"First. What appropriations were made at the first session of the Sixtieth Congress for the fiscal year nineteen hundred and nine that could be used to prevent frauds in and depredations upon the several branches of the public service, including the protection of public lands and their products from fraudulent entry or appropriation, and to apprehend and punish persons charged with violation of the laws of the United States; also what increase or decrease, if any, was made in any of such appropriations as compared with the amounts appropriated for the fiscal year ending June thirtieth, nineteen hundred and eight.

"Second. What branches of the public service, paid for in whole or in part out of the United States Treasury, are authorized or are in existence and supported by appropriations made by Congress, whose duties, in whole or in part, are to detect and prevent frauds, or to apprehend and bring to trial and punishment persons charged with violating the laws of the United States; whether such branches of the public service or any persons employed therein have been or are engaged in any duty not contemplated by law or the appropriation establishing or providing for such service; the number of persons so employed, for any period, in each branch of such service during the current and last fiscal year, the rates of compensation and allowance paid or being paid to them.

"The committee, or any subcommittee thereof, is authorized to sit during the sessions of the House; to send for persons and papers; to administer oaths; and to employ such clerical, messenger, and stenographic assistance as they shall deem necessary. All expenses incurred hereunder shall be paid on the certificate of the chairman of the committee out of the contingent fund of the House."

By reference to the resolution, which is the chart of our authority, it will be found that there has not been referred to this committee all or any part of any message of the President touching upon the Secret Service; nor any question as to the effect of any limitation contained in last year's sundry civil appropriation bill. The committee is not asked by the resolution to express any opinion or make any recommendation upon those matters, and will not therefore discuss them. We have not considered it within our authority, as it certainly was not within our limit of time, to investigate or pay any attention to the numerous cases which have been brought to our attention of alleged abuses by government agents, inspectors, or detectives.

The resolution does not limit this inquiry to the so-called "Secret Service" or to persons who are by the terms of their employment designated as "detectives." In fact, neither the "Secret Service" nor "detectives" are referred to at all in the resolution except as they are included in the broader language requiring ascertainment and report as to the appropriations which could be used; and the number of persons employed whose duties, in whole or in part, are to detect and prevent frauds, or to apprehend and bring to trial and punishment persons violating the laws of the United States. The language is very comprehensive and if given its widest meaning would embrace nearly every officer and employee in the public service, including heads of departments, courts, district attorneys, marshals, etc. We have assumed, however, that a somewhat narrower meaning was intended.

The information called for by the resolution is difficult of exact ascertainment and accurate report owing to the mixed duties of certain classes of government employees and the fact that very frequently appropriations are made in a lump sum for a great variety of objects, no particular amount being appropriated for any particular purpose. As an illustration of this take the case of the

INTERSTATE COMMERCE COMMISSION.

After appropriating for the salaries of the commissioners and their secretary, the sundry civil appropriation act for the fiscal year 1908 contains this item:

"Interstate Commerce Commission: For all other authorized expenditures necessary in the execution of laws to regulate commerce, of which sum not exceeding $50,000 may be expended in the employment of counsel, and not exceeding $3,000 may be expended for the purchase of necessary books, reports, and periodicals, and not exceeding $1,500 may be expended for printing other than that done at the Government Printing Office, $603,245."

The sundry civil appropriation act for the fiscal year 1909 is in precisely the same language, except that the amount is $700,000, an increase of $96,755. Each of these was an appropriation that "could be used" in the prevention and detection of frauds, etc.; but it was out of this fund that the commission had also to pay the salaries of all its clerks, counsel, office rent, printing, incidental expenses, office furniture, traveling expenses, stenographers, typewriters, and all other necessary expenses. Had the entire sum been expended in the prevention or detection of fraud, the other business of the department must have come to a standstill, or else the department must have asked for a deficiency appropriation. As a matter of fact, the evidence shows that out of that appropriation there were employed, during some or all of the fiscal year ending June 30, 1908, seven, and during the current fiscal year eight, special agents, practically detectives, making investigations with relation to violations of the criminal provisions of the act to regulate commerce, particularly in regard to the payment of rebates by carriers and misbilling by shippers. Except for the payment of the salaries of special agents, the balance of this appropriation was used for purposes other than the prevention or detection of fraud. The entire expenditure out of this appropriation for the fiscal year 1908 was $562,429.08. For the current year the amount expended to January 30, 1909, was $355,390.34.

The sundry civil appropriation act, passed at the first session of the Sixtieth Congress, for the fiscal year 1909 contained, for the first time, an appropriation "to further enable the Interstate Commerce Commission to enforce compliance with section 20 of the act to regulate commerce as amended by the act approved June 29, 1906, including the employment of necessary special agents or examiners." The amount appropriated was $350,000, a clear increase of that amount over appropriations for 1908 available for that purpose. There was for each year a general fund which could be used. In the fiscal year 1908 there were 19 men employed at an expense of $30,968.15, and 34 men in the fiscal year 1909 to January 31 at an expense of $41,534.14. Up to that date, covering seven months, no more than that amount had been used

out of the $353,000 appropriation. The said section 20 provides that persons guilty of violation of its provisions shall be deemed guilty of a misdemeanor and may be subjected to fine and imprisonment. These special agents were paid from $1,600 to $3,000 per annum and their expenses when away from official headquarters.

During each of the fiscal years in question there was appropriated $100,000 to enable the Interstate Commerce Commission to keep informed regarding compliance with, and to execute and enforce the requirements of, the safety appliance act of March 2, 1903, out of which appropriation 23 inspectors were employed in each year whose duties were largely those of special detectives, and were sometimes performed in secret; that is to say, without the knowledge of the corporations whose appliances they were inspecting for the purpose of ascertaining violations of the law.

There was also appropriated, for each of the years in question, $10,000 to carry out the objects of the acts concerning carriers engaged in interstate commerce approved June 1, 1898.

Out of these appropriations the Interstate Commerce Commission employed special attorneys to assist the United States district attorneys in the prosecution of cases arising under the interstate-commerce laws. It does not appear that the Interstate Commerce Commission has used the secret-service men or detectives of any other department of the Government.

POST-OFFICE DEPARTMENT.

For the fiscal year 1908 the postal appropriation act appropriated $599,150 for salaries of post-office inspectors. The same act for the fiscal year 1909 carried $572,750, a reduction of $26,400.

The total number of post-office inspectors employed in 1908 was 377, and in 1909, 355, a reduction of 22.

For per diem allowance and traveling expenses of these inspectors, for 1908 the appropriation was $350,000, and for 1909, $325,000, a reduction of $25,000.

For traveling expenses of inspectors without per diem allowance, the amount appropriated for 1908 was $25,000, and for 1909, $35,000, an increase of $10,000.

The appropriation for livery hire for inspectors was $60,000 for 1908, and $50,000 for 1909, a reduction of $10,000.

There was also an appropriation of $96,620 for each year for clerical and other expenses and $6,000 for miscellaneous expenses at the division headquarters of these inspectors. Also an appropriation of $20,000 for each year for rewards for detection, arrest, and conviction of post-office burglars and highway robbers, and for securing information relative to the violation of the postal laws, and services in the apprehension of criminals.

The duties of these post-office inspectors are of a mixed character. They may be called upon to inspect and lay out rural free-delivery routes and perform other services not in the line of this inquiry, but they also constitute a very important body of men performing what may be fitly termed "detective services" in regard to violations of the postal laws and regulations.

They have fifteen division headquarters in different parts of the country, and the inspectors are shifted from one division to another as occasion may require. The Post-Office Department has not, within the past two years, called upon any other department for any detail of secret-service men, or detectives, and its officers believe that the fraud or depredation cases can be better and more economically handled by these inspectors, familiar with the postal laws and regulations, than by secret-service men obtained from another department. They handle a vast number of such cases, amounting to thousands in a single year. The reduction from 377 to 355 in the number of inspectors grew out of the merging of duties, so that rural agents, whose sole duty had previously been to examine into petitions for the institution of rural free-delivery routes and the inspection of such routes, were made available for the general purposes of inspectors. The then chief of inspectors had recommended a reduction of 15 and Congress reduced it 7 more, or 22 in all. No complaint has been made to this committee that the present number is inadequate.

In addition to inspectors there are, at their 15 division headquarters, 99 clerks and laborers, at an expense in each of the two years of $96,620.

In the legislative, executive, and judicial appropriation act for 1908 there was appropriated $8,000, and for 1909, $12,000 for special agents in the Division of Classification, at $2,000 each. There were 4 such agents in 1908, and 6 in 1909. The detection or prevention of fraud is incidental to, but not the chief purpose of, their employment, and the same may be said of 6 for each year in the Division of Registered Mails.

TREASURY DEPARTMENT.

The so-called "Secret Service Division."—The sundry civil appropriation act, passed at the first session of the Fifty-ninth Congress for the fiscal year 1908, contained the following item:

"Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including $1,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, the act of March 2, 1895, and for no other purpose whatever, except in the protection of the person of the President of the United States: *Provided*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts, $125,000."

The similar act, passed at the first session of the Sixtieth Congress for the fiscal year 1909, contained precisely the same item in the same language, except that the appropriation was for $115,000, or $10,000 less, and the following words were added to the paragraph:

"No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department or who may at any time during the fiscal year 1909 have been employed by or under said Secret Service Division."

Similar appropriations in varying amounts have been made from year to year for a long period of time. The words "Secret Service" do not appear in the statutes above-mentioned, and there is no provision of law creating a separate department or division, but the various men employed under and paid out of this appropriation have come to be spoken of as "The Secret Service Division of the Treasury," and in the legislative, executive, and judicial appropriation act of 1908 there appears this item:

"Secret Service Division: For 1 chief, $4,000; assistant chief, who shall discharge the duties of chief clerk, $3,000; 1 clerk of class 4; 1 clerk of class 3; 2 clerks of class 2; 1 clerk of class 1; 1 clerk, $1,000; and 1 attendant, $720; in all, $17,020."

In the same act for 1909 the appropriation is $16,120, a reduction of $900.

The practice has grown up in this Secret Service Division of the Treasury of keeping upon the rolls a larger force of detectives than are at all times required for the purposes specified and limited in the statute and of lending or detailing such of them as may be desired from time to time by other departments, from 90 to 95 per cent of such loans or details having been to the Department of Justice. Mr. Wilkie in his testimony says: "I kept as an available force enough men to take care of the Department of Justice's demands as well as my own." This was without the authorization of the statute, but originated, doubtless, in the exigencies and necessities of the case, and the practice has been more or less followed for a good many years. When men have been so detailed from the Secret Service Division, their pay in that division and from that appropriation has ceased, and they have been paid out of appropriations made for the purposes of the departments to which they were detailed.

The Attorney-General, in his report for 1907, expressed his desire for a detective force in his own department, subject wholly to his own control.

Upon the addition of the lines above referred to in the sundry civil appropriation act for the current fiscal year it was considered that the further detail of men from the Secret Service of the Treasury to the Department of Justice, to be paid for out of appropriations carried in the same act, was prohibited, and no such details were made after June 30, 1908. Upon the 1st day of July, 1908, nine of the secret-service employees of the Treasury Department resigned entirely from that service and were employed by the Attorney-General in the Department of Justice, along with others, in the creation of a force of secret-service men there, to which further reference will be made.

The number of men employed in the Secret Service Division of the Treasury Department during the fiscal year 1908 was as low as 44, and at times as high as 68. The average was about 56 men.

On the 30th of June, 1908, the end of that fiscal year, the number employed was 65, which, by the resignation of the 9 who went to the Department of Justice, was reduced to 56, which is the number at the present time.

The assignments, loans, or details from the Treasury Department to departments other than the Department of Justice for the fiscal years 1908 and 1909, as testified by Mr. Wilkie, chief of the division, were as follows:

Fiscal year 1908:

State Department: 1 man for 26 days; 1 man for 12 days; 1 man for 11 days; 1 man for 7 days; 1 man for 6 days; 1 man for 5 days; 1 man for 2 days; total, 7.

War Department: 1 man for 50 days; 1 man for 9 days; 1 man for 8 days; 1 man for 4 days; total, 4.

Navy Department: 1 man for 156 days; 1 man for 32 days; 1 man for 27 days; 1 man for 11 days; 1 man for 10 days; 1 man for 7 days; total, 6.

Treasury Department, Customs Division: 1 man for 17 days; 1 man for 17 days; 1 man for 9 days; 1 man for 8 days; total, 4. Internal Revenue: 1 man for 66 days; 1 man for 33 days; 1 man for 32 days; total, 3. Bureau of Engraving and Printing: 1 man for 4 days.

Department of Agriculture: 1 man for 4 days.

Government of Porto Rico: 1 man for 74 days.

Fiscal year 1909 (6 months):

State Department: 1 man for 159 days; 1 man for 20 days; 1 man for 11 days; 1 man for 8 days; 1 man for 7 days; total, 5.

War Department: 1 man for 4 days.

Navy Department: 1 man for 20 days; 1 man for 16 days; 1 man for 14 days; 1 man for 13 days; 1 man for 11 days; total, 5.

Mr. Wilkie, in a computation made upon the basis shown in his letter to the chairman under date of February 25, 1909, which will be found with the testimony, makes it appear that the average number engaged in all "special investigations" in 1908 was 20½ and for 1909 (six months) 1½. By "special investigations" we assume that he means investigations made for departments and divisions other than the Secret Service Division of the Treasury, from which it would appear that the division had upon its rolls for that year an average of 20½ men more than were required for the purposes expressly authorized by the statute and in 1909 an average of only 1½ men.

During the fiscal year 1909 none of the Treasury secret-service men have been used by the Department of Justice.

Frauds upon the customs revenue.—In the sundry civil appropriation acts for 1908 and 1909, there is an appropriation of $200,000 for each year "for the detection and prevention of frauds upon the customs revenue," also for 1908 an appropriation of $20,000 and for 1909 of $25,000 "for compensation in lieu of moieties in certain cases under the customs-revenue laws." Out of these appropriations there were employed, during each of the fiscal years 1908 and 1909, 27 special agents and 1 supervising special agent, all in the classified service, with salaries fixed and established by law. In 1908 there were employed 52 and in 1909 54 special employees performing similar services, but not within the classified service. They are considered temporary employees and are paid from $4 to $7 per day and traveling expenses when away from home; and there was a third class of confidential agents, 5 in number each year, employed in foreign countries.

There was also employed throughout the whole country in each year about 1,200 customs inspectors, whose duty it is to prevent or detect smuggling and similar violations of the customs laws, and some or all of them have also other duties to perform. They are all in the classified service and receive salaries specified by law. It is not understood that they perform any detective services outside of the customs department. They secure the evidence upon which the Government proceeds against smuggled goods, and the Department of Justice conducts prosecutions for violations of the customs laws.

There are in this department also, and were during each of the fiscal years 1908 and 1909, 225 examiners, whose duty it is to detect undervaluations and other violations of the customs laws. They are all in the classified service.

Mr. Reynolds, Assistant Secretary of the Treasury, did not recall that during 1908 or 1909 the customs department had used any of the men of the Secret Service Division of the Treasury, and said that there had not been any more than two or three such cases within four years. The statement of Mr. Wilkie, Chief of the Secret Service Division of the Treasury Department, shows that on four different occasions in 1908 there were assignments of one man for a short period, in one case for eight days, another for nine days, and two for seventeen days each, and that there were none in 1909.

Internal Revenue Department.—In the internal-revenue branch of the Treasury Department there were during the fiscal year 1908 and are now employed 40 internal-revenue agents charged with the detection and punishment of fraud. They are in the classified service, and their salaries are provided for in the appropriation for agents, gaugers, storekeepers, and other subordinate officers carried in the legislative, executive, and judicial appropriation act. The total appropriation for the fiscal year 1908 was $2,310,000, and for 1909 $2,400,000, an increase of $90,000.

In the same acts there were appropriated for the fiscal year 1908 $250,000 and for 1909 $200,000 to carry out the provisions of the act of March 2, 1907, relating to denatured alcohol. The work for which that appropriation was intended has not developed sufficiently to require the full appropriation, and the men employed under it have been assigned to aid the internal-revenue agents in the investigation of frauds and evasions of taxes. Out of that appropriation there were paid during the fiscal year ending June 30, 1908, 6 agents at $6 per day, and 1 at $5 per day, or 7 in all, with an allowance of $3 per day for subsistence; and during the present fiscal year there have been employed 2 agents at $7 per day, and 5 at $6 per day and subsistence, or a total of 7. From the same appropriation there were employed during the fiscal year 1908, 33 men known as "inspectors" at $5 per day and subsistence, 15 at $4 per day, and 2 at $3 per day, or 50 in all.

During the present fiscal year there have been employed in all 47 such inspectors. These men, paid out of the denatured-alcohol fund, have not all been required by that particular service, but the department considered it wise to keep them, to be in training as the denatured-alcohol business grows, and in any event to help out in the other branch of the work where it is claimed the authorized employees were too few to perform the service.

On three different occasions in 1908 one man was used from the Secret Service Division of the Treasury Department.

Fraud fund.—The sundry civil appropriation act of 1908 appropriated $100,000 for detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same. For 1909 this appropriation was $125,000, an increase of $25,000. Out of this fund there were paid, in 1908, 9 special employees at $5 per day and 33 at $4 per day, 42 in all, with $2 per day for subsistence while at their stations, and $2.50 and traveling expenses while away from their stations.

In 1909 there were 14 at $5 per day, and 44 at $4 per day, 58 in all, and in addition there were about 10 such special employees on duty from 30 to 90 days each, employed in emergency cases. Their work is substantially that of detectives. They are practically secret-service men. None of them have within the past two years been loaned or detailed to any other branch of the Secret Service outside of the strictly Internal-Revenue Department.

The salaries and expenses of electors, deputy collectors, surveyors, clerks, messengers, and janitors in the internal-revenue offices were the same for each of the years 1908 and 1909, $2,075,000 having been appropriated for each year. For the salaries and expenses of 40 revenue agents, salaries and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, the appropriation for 1908 was $2,310,000, and for 1909 $2,400,000, an increase of $90,000.

Special gaugers.—In a general sense all the officers, agents, or employees of the Internal-Revenue Department have as part of their duties the detection and prevention of fraud, and they are all subject to special duties in that regard. This department has in particular a force of special gaugers and specially assigned deputy collectors under the direct control of the Commissioner of Internal Revenue, whose duties are essentially those of a detective character, such as looking up illicit distillers and other violators of law. The special gaugers are paid not to exceed $5 per day and their actual and necessary traveling expenses. The pay accounts of the detailed deputy collectors are settled by the collectors upon whose recommendation they are appointed, and although detailed to other services they are continued as officers of their respective districts. They receive the same pay and allowance for expenses as though performing duty in their own districts.

Miscellaneous in Treasury Department.—For each of the years 1908 and 1909 there were appropriations as follows: $5,000 for one general inspector of supplies for public buildings, the salary being $3,000 and expenses $2,000. Inspector of furniture and other furnishings for public buildings, salary, $3,000; traveling expenses, $2,500. Assistant inspector of furniture, etc., $1,600. Salaries of special agents and expenses of examiners detailed to examine books and accounts at subtreasuries and depositories, $3,000.

There were also appropriations for employees in the office of the Comptroller of the Treasury, $69,820 for 1908 and $71,420 for 1909, an increase of $1,600. For the office of the Auditor for the Treasury Department, $152,500 for 1908 and $153,700 for 1909, an increase of $1,200. For the office of the Auditor for the War Department, $391,280 for each year. For the office of the Auditor for the Navy Department, $142,540 for 1908 and $146,340 for 1909, an increase of $3,800. For the Auditor for the Interior Department, $167,380 for 1908 and $170,380 for 1909, an increase of $3,000. For the office of the Auditor for State and Other Departments, $113,840 for 1908 and $120,760 for 1909, an increase of $6,920. For the Auditor for the Post-Office Department, $816,370 for 1908 and $825,270 for 1909, an increase of $8,900.

While the officers and employees of these departments are in one sense engaged in the prevention or detection of frauds upon the Government, and their duties are of very great importance, we nevertheless do not consider them as strictly within the scope of our inquiry, and have not stopped to ascertain their number, except to learn that there were a few more in 1909 than in 1908.

DEPARTMENT OF COMMERCE AND LABOR.

Bureau of Immigration and Naturalization.—The act of February 20, 1907 (34 Stat. L., 898), entitled "An act to regulate the immigration of aliens into the United States," provides in its twenty-fourth section that in the enforcement of that portion of the act which excludes contract laborers the Secretary of Commerce and Labor may draw from the immigration fund annually $50,000 for salaries and expenses of persons employed thereunder. Under that act the Secretary employed 56 men to detect contract laborers, one of whom subsequently resigned. Their duties are of a secret-service character. They are not in the classified service, and the Secretary may fix, raise, or decrease their pay.

The "immigrant fund" is derived from a head tax of $4 required to be paid by aliens entering the United States. It may not exceed $2,500,000 in each year.

Many of the provisions of the immigration law are penal in character, and the entire force of the Bureau of Immigration and Naturalization may, in a broad sense, be considered as engaged in the detection or prevention of frauds upon the Government, or violations of that law. They guard all our inland borders, as well as the seaboards, against clandestine entries, and they make arrests. The immigration inspector and other immigration officers, clerks, and employees, as authorized by law, are appointed, and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor upon the recommendation of the Commissioner-General of Immigration.

There were in that bureau 1,436 employees for the fiscal year 1908, of whom 79 were stationed in the District of Columbia and 1,357 outside thereof. On the 31st of January, 1909, there were a total number of 1,441, of whom 79 were in the District of Columbia and 1,362 in other parts of the country.

Steamboat Inspection Service.—The number of men employed July 1, 1908, was 252, of whom 9 were in the District of Columbia and 243 elsewhere; January 31, 1909, the total number was 261, of whom 9 were in the District of Columbia and 252 outside thereof.

Some of the provisions of the acts regulating steam vessels are penal in their character, and it is part of the duty of these inspectors and other employees to ascertain whether or not their provisions are being violated. Their services are chiefly of an expert character in the inspection of the hulls, boilers, steam pipes, steel plates, and other parts of vessels; they also ascertain whether or not they carry gunpowder or other explosives in violation of law. They issue licenses to masters, chief mates, engineers, and pilots of such vessels, and for sufficient cause may revoke them. Their salaries and expenses are provided for in a permanent appropriation, to be paid out of the revenues received from the inspection of steam vessels and licensing of officers thereof. In no other sense than as above indicated are the employees of this service within the scope of this inquiry.

Bureau of Navigation.—The employees of the Bureau of Navigation ascertain and report violations of the navigation laws.

There were in each of the years 1908 and 1909, 76 of those employees, of whom 23 were in the District of Columbia, and 53 in other parts of the country.

Bureau of Fisheries.—This department maintains 4 agents upon the Pribilof Islands to protect the seals and detect poaching, and this year the Navy Department sent a small man-of-war and the Revenue Department 4 revenue cutters to guard the rookeries.

Bureau of Standards.—This bureau is very useful in preventing frauds upon the Government in the matter of supplies for the various departments, as, for instance, ink and paper, the character of the light used in light-houses, etc., but we hardly think that it is within the scope of this inquiry. It had 118 employees in each of the years 1908 and 1909, all within the District of Columbia.

Bureau of Corporations.—For each of the fiscal years 1908 and 1909 there was appropriated the sum of $175,000 for compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of said bureau as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, in lieu of subsistence, at a rate not exceeding $4 per day to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares.

The regular office force of this bureau is paid for out of a separate appropriation, carried in the legislative, executive, and judicial appropriation bill, which appropriated for the fiscal year 1908 $72,720 and for the fiscal year 1909 $72,720.

The payments out of the lump-sum appropriation of $175,000 cover field men, lawyers, statisticians, etc., that may be employed either in or out of the office, according to the duties assigned them. During the fiscal year 1908 there were paid out of this appropriation 72 persons on the roll as special attorneys, special examiners, and special agents. Twenty-nine of those were temporary appointments. During the fiscal year 1909 there have been employed at one time as many as 81 special attorneys, special examiners, and special agents, of whom 34 were temporary men, and 22 have been dismissed. The statutory roll, so called, included 59 in 1908 and 55 in 1909. It is difficult to differentiate between those required for field service and those required for office service, as they are to a certain extent used interchangeably.

The functions of this bureau while not primarily are nevertheless largely in the direction of the detection or prevention of violations of the law by ascertaining whether or not the corporations and trusts are observing its provisions. The agents of this bureau do not make arrests, nor themselves institute prosecutions, but upon information obtained by the bureau prosecutions may be, and in some notable cases have been, instituted by the Department of Justice. About 15 men from this bureau were detailed or lent to the Department of Justice to assist in the prosecution of the Standard Oil Company and the beef trust. While so employed they were not paid by the Department of Justice, but continued upon the roll and in the payment of the Bureau of Corporations.

This bureau has not during the past two years called upon the Secret Service Division of the Treasury Department nor upon any other department for the loan or detail of secret-service men or detectives, and has not lent nor detailed any of its men for the use of other departments, except to the Department of Justice, as above indicated.

Secretary Straus testified that the Department of Commerce and Labor never called upon the Secret Service Division of the Treasury Department for assistance, and that it had no occasion for such men except to investigate and keep track of officials and employees of his own department. If he needed that kind of men, he much preferred to have them in his own department, as it is "always administratively better if the head of a department has complete control of the men that are working for the department." He testified that on one or two occasions he had used one immigration inspector, experienced in work of that kind, to investigate employees in his own department, and paid

him out of the immigration fund. He stated that with perhaps a little stretch of authority he has one man now investigating the "white slave" traffic, and also that as the case requires he adopts the course of selecting one, two, or three men in his office and sending them to California or El Paso, for instance, to make investigations, the only difficulty about that being that his department is deprived of their services in the office while they are away.

DEPARTMENT OF AGRICULTURE.

Bureau of Animal Industry.—For each of the fiscal years 1908 and 1909 there was appropriated $3,000,000 for the inspection of meat and meat food products entering into interstate or foreign commerce and carrying into effect the meat-inspection laws. Out of this fund there were employed in 1908 2,177 persons and in 1909 a few more. These persons are stationed in packing houses throughout the country, and when violations of law are found they report to the department and the matter is turned over to the solicitor of the department to institute prosecution. They are in the classified service. They are frequently transferred from one field of operation to another and are engaged in preventing or detecting violations of the act of June 30, 1906.

There was appropriated for 1908 $897,200 and for 1909 $947,200, an increase of $50,000, for general expenses of the Bureau of Animal Industry, including the carrying out of the provisions of the act of February 2, 1903, for the suppression and prevention of the spread of contagious and infectious diseases of live stock; the act of March 3, 1905, for the establishment of quarantine districts, and the so-called 28-hour law. For these purposes the department maintained in the field about 250 men in each year, whose duty it was to prevent or detect violations of these laws. When such violations are discovered they are reported through the regular channels to the Department of Justice, which institutes proper legal proceedings.

The Forestry Service.—For the year 1908 there was appropriated for the general expenses of the Forestry Service (exclusive of regular salaries) $1,756,800, and for 1909 $3,151,900, an increase of $1,395,100. This appropriation covered a variety of objects, but out of it 2,551 men were employed in 1908, and 2,345 during the first half of the fiscal year 1909. Their duties are of a mixed character, among them to prevent depredation upon the public lands, violations of the liquor laws, and to report violations whenever discovered to the end that proper prosecutions may be brought. This force includes the so-called "forest guard."

Bureau of Chemistry.—In the Bureau of Chemistry 109 persons were employed in 1908 and 122 in 1909 whose business in a general way is the prevention of fraud in articles of food and drink. They are employed in the execution of the pure-food law, and their operations are confined to that bureau. The appropriations for this bureau were $650,000 for 1908 and $760,000 for 1909, an increase of $110,000.

No secret-service men from any other department have been detailed within the last two years to the Department of Agriculture, and no employees of that department have been detailed for use in any other department. The Secretary of Agriculture has one secret-service man in his own department and would like another.

STATE DEPARTMENT.

For the State Department for each of the years 1908 and 1909 there was appropriated $25,000—the salaries of five consular inspectors, at $5,000 each—and $15,000 each year for their expenses. They inspect the offices of consuls and consular agents and, if necessary, outside persons having relations with those agencies.

During the fiscal year 1908, for the purpose of making special investigations and of guarding the persons of distinguished foreign guests, the State Department obtained from the Secret Service Division of the Treasury nine men, or rather there were nine different employments in which seven different men were concerned. The evidence shows that "they were gotten from the Treasury Department on special detail at the expense of the Department of State."

During the fiscal year 1909 the State Department has had six details from the Secret Service Division of the Treasury Department and two special details from consular offices. Their services were paid for at the rate of from $3 to $6 per day. Some of them were paid out of an appropriation of $90,000 for each year for "emergencies arising in the diplomatic and consular services," and some of them out of an $8,000 appropriation for each year "for expenses under the neutrality act." The State Department had no difficulty in obtaining from the Secret Service Division of the Treasury Department all the men that it needed either in 1908 or 1909.

NAVY DEPARTMENT.

In the naval appropriation act for each of the fiscal years 1908 and 1909 there was appropriated $65,000 for emergencies and extraordinary expenses. Out of this fund the Navy Department in 1908 obtained from the Secret Service Division of the Treasury Department 10 men who were employed for brief periods in connection with thefts at navy-yards. For the present fiscal year, up to January 9, 1909, there had been 5 men employed from the same source. During both years the Navy Department had from the Treasury Department all the secret-service men that it called for or required.

During each of the years 1908 and 1909 the Navy Department had 92 civilian watchmen employed at the various navy-yards in different parts of the country. Some of them, one at least, is classed under the head of "Special labor detectives." It is their duty to prevent thefts or other depredations upon the government property. But their duties in that regard are not different from those of watchmen about the public buildings in Washington, and we therefore give them no further consideration.

There is also in this Department a Bureau of Supplies and Accounts, and the office of the Paymaster-General, by which all accounts are investigated and audited for the purpose of preventing frauds against the Government. There are two general inspectors, office of the pay corps of the navy, who travel around to the various navy-yards to inspect the accounts of the various offices. Their compensation is the pay for their rank and corps. In the Bureau of Supplies and Accounts there are nine civil employees and seven or eight officers directly connected with the Department at Washington. The committee has not obtained detailed information as to the number of men and officers of the navy employed in investigating armor plate, gunpowder, naval stores, and the various supplies purchased and required in the Department.

THE ARMY.

A vivid illustration of the difficulty of determining the amount of appropriations "that could be used" to prevent or detect frauds or the apprehension and punishment of persons charged with violations of the laws is found in the appropriation for incidental expenses contained in the army appropriation act. It is in precisely the same language for each of the years 1908 and 1909. For 1908 the lump sum of $1,944,016.72 is appropriated for incidental expenses, among which are enumerated postage, telegrams, erection of barracks, reimbursement of funeral expenses, office furniture, hire of laborers, compensation of clerks in certain offices, hire of veterinary surgeons, purchase of medicines for horses, blacksmith tools, horseshoes, and scores of other purposes.

Along in the body of the paragraph occurs the word "spies," and in another place the words "for the apprehension, securing, and delivering of deserters, escaped military prisoners, and the expenses incident to their pursuit." The appropriation for 1909 was $2,200,000, an increase of $255,983.28. By sacrificing the other objects enumerated, these appropriations might all have been expended in the hiring of spies, but as matter of fact the evidence shows that nothing whatever was so expended during either year, unless possibly in the Philippine Islands, and only comparatively small sums for the apprehension of deserters and escaped military prisoners. Even the investigation of the Brownsville matter was not paid for out of these appropriations. They need not, therefore, be further considered.

In the Brownsville case the War Department made a contract with the chief of the detective bureau which serves certain southern railways, or with him and one other, to undertake certain work for a certain specified amount of money. These contractors were two in number. They employed a number of private detectives, but just how many the War Department does not know, as these detectives were employed by the two contractors and reported to them, and they in turn made report to the department. The amount paid to these contractors was $5,000 in the fiscal year 1908 and $10,000 in the fiscal year 1909. These payments were made out of an appropriation of $3,000,000 made in the deficiency appropriation act of March 3, 1899 (30 Stat. L., 1214–1223), "for emergency fund to meet unforeseen contingencies constantly arising, to be expended at the discretion of the President." The balance of that fund still unexpended is $229,639.32. The entire fund may be declared as one "that could be used" for purposes such as are covered by this inquiry, but no part of it appears to have been so used except the $15,000 above mentioned.

In the army appropriation act for 1908 an item of $10,000 and for 1909 of $15,000 "for all contingent expenses of the army not otherwise provided for" was included, which doubtless could be used for such purposes, but the evidence shows that it was not, there having been no occasion for such use.

The army appropriation act carried a total of $69,000 for each year for the pay of officers in the Inspector-General's Department and one expert accountant, and other items relating to that department were carried in the legislative, executive, and judicial appropriation act, aggregating in all $105,005.76. In this department there were in each year 17 commissioned officers, 1 expert accountant, 24 clerks, 10 messengers, and 6 enlisted men.

While the prevention or detection of fraud by the officers and men of the Inspector-General's Department is not the primary object of that department, it is an important incident thereof. The evidence shows that "officers of the department are detailed to investigate special charges against officers, soldiers, or civilian employees involving fraudulent practices against the Government or in their private relations, which bring discredit upon the Government which they serve," and that "their work sometimes incidentally involves the investigation of persons not directly connected with the army, through misconduct or financial irregularities involving army officers with those persons, but never for such persons directly only when that purpose is involved in the investigation of the conduct of somebody connected with the army." It does not investigate the affairs of private individuals, firms, or corporations unless in some way connected with the army itself or some army officer, or something of that kind.

The celebrated Carter case is one in which a member of the Engineer Corps having made a complaint or allegation against Carter, an inspector of the Inspector-General's department was ordered there to make an investigation, and having made the same he reported, and, based upon his report, charges were preferred against Captain Carter.

The Chief of Staff testified that, so far as he knew, the War Department had not called upon the Secret Service Division of the Treasury Department or used any of its men during either of the years 1908 or 1909.

The difficulty of determining just what officers or employees should be considered as fairly within the scope of this inquiry is further illustrated in the case of other branches of the War Department. Maj. Gen. J. F. Bell, Chief of Staff, in order that he might fully inform the committee, sent a communication to all bureau chiefs of the War Department calling for information, in the course of which he said:

"It will in some cases be hard to draw a line between those who are and are not employed in detecting or preventing frauds against the Government; but all those whose duties clearly come within the scope of these provisions should be enumerated, and a general statement should be submitted covering all those whose duties come partially within this scope, such, for instance, as officers and employees of the Inspector-General's department, inspectors employed by constructing quartermasters, inspectors of articles being manufactured under contract, such as ordnance, subsistence, quartermaster supplies, clothing, furniture, etc.

"Their actual status and duties should be sufficiently defined in each case as to show clearly just what part of their duty consists in such work. Clerks to inspectors and those handling administrative work connected therewith need not be included unless that is their exclusive work."

We have already sufficiently referred to the Inspector-General's department. The replies from the other bureaus, showing the number of persons employed and the character of their duties, may be found in the testimony. The persons so employed, while neither detectives nor secret-service men, were, to some extent, and many of them in a very important way, engaged in preventing or detecting frauds upon the Government.

INTERIOR DEPARTMENT.

Pension Bureau.—Of course part of the duties of the clerks in the Pension Department is to detect or prevent fraud. That, however, is merely incidental to their general duty of ascertaining whether or not the applicant for a pension is within the law, and the amount of pension to which he is entitled. We do not think that these clerks are within the pending inquiry.

The legislative, executive, and judicial appropriation act for 1908 carried $162,500 for the payment of 125 special examiners, and the

same act in 1909 carried $130,000 for 100 special examiners, a decrease of $32,500 in the appropriation and 25 in the number of special examiners. It is provided in the law that no person appointed as special examiner "shall be employed in the State from which he is appointed." In addition to this, the commissioner is authorized to make such details as may be necessary for field work.

The average number of these special agents or examiners engaged in field work in 1908 was 135, and the present number is 148. While they are used to investigate cases of alleged fraud, they are also used to take testimony in cases of poor persons applying for pensions, who are unable to bear the expenses of producing the necessary witnesses. In other words, they help the poor, righteous claimant, and detect the fraud of the unjust claimant. The appropriation for traveling expenses of special examiners and those detailed for making special investigations pertaining to the Pension Bureau was $300,000 for 1908, and $250,000 for 1909, a reduction of $50,000. The reduction was made upon the recommendation of the Commissioner of Pensions. The Pension Department has not had occasion to call upon any other department or branch of the Government for secret-service men within the past two years.

Indian Affairs.—In this department there were 12 in 1908 and 8 in 1909 so-called Indian inspectors, who are presidential appointees and have been or will be transferred to the Secretary's roll so as to serve the whole department. Their duties are of a mixed character, and they often take up cases involving violations of law. They are not in the classified service. They are paid out of a special appropriation for inspectors. The amount appropriated in the Indian appropriation bill for salaries and expenses was $33,800 for each year.

For 1908 there was appropriated $25,000, and for 1909 $40,000 to be used by the Commissioner of Indian Affairs in the suppression of the liquor traffic among Indians.

There was also an appropriation for each year for expenses of Indian police.

There was appropriated $75,000 for 1908 and $85,000 for 1909 for contingencies in the service, including expenses of Indian agents.

Out of these appropriations for Indian Affairs there were employed 12 inspectors in 1908 and 8 in 1909 at $2,500 each, with $3 in lieu of subsistence and $3 per diem for traveling expenses.

In 1908 the Indian police numbered 44 officers and 667 privates, and in 1909 there were 49 officers and 685 privates. The officers received $25 per month and the privates $20. There was also one special officer at $2,500 per annum and 7 at $1,200 per annum engaged in suppressing liquor traffic, with an allowance of $3 per diem for traveling and subsistence.

General Land Office.—In the sundry civil appropriation act for the fiscal year 1908 there was an appropriation of $250,000 for protecting public lands from illegal and fraudulent entry or appropriation, providing for the appointment of agents by the Secretary of the Interior, etc. For the fiscal year 1909 the appropriation was $500,000, an increase of $250,000. Out of these appropriations special agents were employed. During the fiscal year 1908 the average number was 90. The number at the end of the year was 107. During the fiscal year ending June 30, 1909, to the end of January, there were employed at times as high as 173. The number in January, 1909, was 128, and the average for that portion of the year was 156. They were and are engaged in preventing or detecting frauds and trespasses, stealing of timber, illegal entries of land, fraudulent surveys, fraudulent titles, and the like. These special agents were assisted in each of the years 1908 and 1909 by 23 examiners of surveys for the purpose of detecting fraudulent surveys. These special agents were not, during the years in question, detailed to or used in any other branch of the public service. Their compensation varies from $1,200 to $1,800 per annum, and they are allowed by law $3 per day in lieu of subsistence, and actual expenses for transportation.

The Interior Department has not in any of its branches or bureaus used any of the men of the Secret Service Division of the Treasury Department during either of the years 1908 or 1909.

Mr. Garfield, the Secretary of the Interior, testified before this committee that there had been no embarrassment to his department during either of the years for lack of assistance of that kind; that many of his special agents had become expert in ferreting out perjury, forgery, and other crimes, and that being familiar with the land laws they were, in a general way, more effective than an ordinary detective. Speaking of his force of special agents, he said: "They are engaged in just such work as you have indicated;" that is to say, in the detection or prevention of fraud.

It seems that formerly these land-fraud cases, or many of them, were worked up, in the first instance, by secret-service men put upon the work by the Department of Justice and taken either from its own employees or those of the Secret Service Division of the Treasury. But soon after Mr. Garfield came into office he made an arrangement with the Attorney-General whereby such cases were to be worked up, in the first instance, by the special agents of the Interior Department without the assistance of men from any other department. The secret-service men of the Department of Justice now assist in these matters only after they have been referred to that department by the Secretary of the Interior, but no employees of the Department of Justice, or any other department, are now engaged in the preliminary investigation of cases in the Land Department except in a few particular cases, the investigation of which they had started before the present arrangement between the two departments was made.

This arrangement between the Department of the Interior and the Department of Justice was made some time in 1907, and became effective February 16, 1908, at which date the records which employees of the Department of Justice or of the Secret Service in the Treasury loaned to it for that purpose had made in the West were turned over to the agents of the Interior Department. From that time to the present the Interior Department has done its own investigating with its own special force and without outside assistance.

Speaking of the arrangement between the two departments, Secretary Garfield said:

"The present line of division of work between the Department of Justice and the Interior Department is as follows: All the land cases involving litigation are prepared by the special agents of the General Land Office. In case they report that a certain set of facts justifies prosecution, either criminal or civil, report is made to the Assistant Attorney-General's office of my department and thereafter passed upon by me. If I determine that the facts justify either criminal or civil prosecution, I forward all the papers to the Department of Justice with the request that that department give the matter consideration and take such action as it may deem advisable from the facts, stating to the department that if a case is brought the agents of the Land Office are available for the Department of Justice as witnesses and for such further investigation of the facts of the case as the Department of Justice may require." (Record, p. 244.)

Speaking further of this force of special agents, Mr. Garfield, in his letter of January 16, 1909, addressed to the Secretary of the Treasury, and by him in turn forwarded to the Speaker of the House of Representatives, said:

"The increased appropriation given by Congress last year has been of the greatest benefit in putting the service upon a proper basis. * * *

"The field force is at present better organized than at any time in its history, and I can readily add other agents in the different districts where work is required. The older men—those who have had experience in the field—will handle the more difficult cases, and the new men will be immediately assigned to the simpler cases. * * *

"I have given the closest personal attention to the organization and personnel of the special-agent force. At best the work of a special agent is most difficult. No matter how honestly, how effectively, he works, he is constantly subjected to the criticism of every entryman upon whose claim an adverse report is made, and it is unfortunately too often the case that the dishonest entryman seeks to cover up his own fraud by charging the agent with unfair or corrupt action."

After explaining the arrangement between his department and the Department of Justice, whereby his force of special agents do the investigating in the first instance and the Department of Justice investigates only after it has been called upon to make such investigation, Mr. Garfield in his testimony said:

"There is a clear line of division of work, and we are endeavoring to keep as close to that as possible. That is the only case where the Department of the Interior, so far as its particular cases of fraud are concerned, is at all embarrassed. If the Department of Justice does not have a force of secret-service men who can do work of the character that I have just indicated, then the cases which the Land Department has forwarded to them, involving criminal prosecution, might be seriously embarrassed.

"Mr. OLMSTED. Are many of your men detailed at any time to assist the Department of Justice in detective work, so called, or the preparation of cases, other than looking after the facts?

"Mr. GARFIELD. No; there are none.

"Mr. OLMSTED. Has there been any embarrassment resulting from a lack of detective or secret-service force available for the Department of Justice?

"Mr. GARFIELD. I understand that there was prior to my administration of the Interior Department.

"Mr. OLMSTED. But since your administration?

"Mr. GARFIELD. Since that time I have had no difficulty of that character, because of an arrangement which the Attorney-General and I have made with regard to the conduct of those cases.

"Mr. OLMSTED. The Attorney-General now has, we understand, an effective force of his own available for his use.

"Mr. GARFIELD. I do not know whether he has that force.

"Mr. OLMSTED. We have a letter so stating, and he has 34.

"Mr. GARFIELD. So far as we are concerned, there is no lack on our side.

"Mr. OLMSTED. So far as your department is concerned, there has been no embarrassment for lack of assistance of that kind?

"Mr. GARFIELD. There has not. I am speaking now in my own administration. There was difficulty prior to that time.

"Mr. OLMSTED. Our inquiry does not go back of that time.

"Mr. BRANTLEY. The ordinary detective, so called, would he really be a competent man in the investigation of these land frauds and land matters unless he was specially trained in the matter of titles, and so on?

"Mr. GARFIELD. He would be at a disadvantage if he did not know the land laws and the operations under the land laws. It is of course true that certain classes of claims, such as forgery and perjury, that are wholly disconnected with the enforcement of any particular law, a detective would be able to discover, but in the investigation of these land-fraud cases, where either forgery or perjury or similar claims are charged or alleged, it is a very great help to the man who is investigating these cases to know very clearly the public-land laws, the methods of their administration, and the effect of the various papers that are filed in connection with these various entries. It is, therefore, not a wise or effective way of conducting such an investigation as that to put it in the hands of a detective simply. Whereas he might very readily discover some of these particular points, he would not be as effective as the land officer who is approaching the case from the other point of view, and incidentally is able to follow out any of the leads that may result in the exposure of either forgery or perjury or similar crimes."

In pursuance of that arrangement a large number of pending cases, which had theretofore been partially investigated by the secret or special service of the Department of Justice, were, upon the 16th of February, 1908, transferred to the General Land Office field force, by whom such investigations are now made.

Accompanying the letter to the Speaker above referred to was a communication addressed by H. H. Schwartz, chief of the field service, to the Commissioner of the General Land Office, in which, after detailing to some extent the cases upon which they are engaged and the effectiveness of the force, he said:

"However the investigations of the past two years by your special agents, aided by an aroused public sentiment, have produced evidence and information of wholesale and astounding frauds upon the public lands, and such cases necessarily require much time from the field force. As a result, we have of record in the special service division of this office the 32,000 distinct cases demanding further field action, notwithstanding that during the past seventeen months there have been investigated a total of over 28,000 cases."

As the result of that correspondence the appropriation, which for 1908 was $250,000 and for 1909 $500,000, has been increased to $1,000,000 for 1910 in the sundry civil appropriation bill as it passed the House of Representatives, February 26, 1909.

Secretary Garfield also testified that since he became the head of the department, March 4, 1907, "I have made no use or any requisition upon the Treasury Secret Service for the use of their men."

DEPARTMENT OF JUSTICE.

In the Department of Justice there are six classes of employees who fall fairly within the limits of this inquiry.

Special agents.—What are designated as "special agents" in this department are secret-service men. Prior to July 1, 1908, there were 20 of them. Upon that date there were added the 9 men previously referred to, who were chosen, and thereupon resigned, from the Secret Service Division of the Treasury, making 29. Three of the 9 have since

been dropped—1 for insubordination, 1 for unfitness, and the third for some reason not definitely stated. Others have been added to this force, so that on the 30th of January, 1909, there were 40.

The appropriation fund out of which these men were employed was $540,000 for the fiscal year 1908 and $560,000 for 1909, an increase of $20,000. Taking the Secret Service Division of the Treasury and the Secret Service Division of the Department of Justice together, it appears that, as the appropriation for one was decreased $10,000 and the other increased $20,000, there was a net increase of $10,000 for purely secret-service men. Adding the 20 who were in the Department of Justice June 30, 1908, to the 65 in the Treasury division, gives a total of 85 for that year. At present there are 56 in the Treasury division and 40 in the Department of Justice, making 96—a net increase of 11.

In his report to Congress for 1907 Attorney-General Bonaparte said:

NEED OF A DETECTIVE FORCE.

"The attention of the Congress should be, I think, called to the anomaly that the Department of Justice has no executive force, and, more particularly, no permanent detective force under its immediate control. This singular condition arises mainly from the fact that before the office of the Attorney-General was transformed into the Department of Justice a highly efficient detective service had been organized to deal with crimes against the Treasury laws, which force has been, in effect, lent from time to time to this department to meet its steadily increasing need for an agency of this nature, without, however, being removed from the control of the Treasury Department. I note with pleasure the efficiency and zeal with which these officers have cooperated with the United States attorneys and marshals, as well as with the special representatives of this department, in securing the enforcement of the federal laws; but occasionally circumstances have suggested the advisability of having all those engaged in this common work, in last resort, under a common head; and in some instances it has been found inexpedient to employ secret-service officers in the general police work of this department in the interest of their own special and appropriate duties. When emergencies arise requiring prompt and effective executive action, the department is now obliged to rely upon the several United States marshals; if it had a small, carefully selected, and experienced force under its immediate orders, the necessity of having these officers suddenly appoint special deputies, possibly in considerable numbers, might be sometimes avoided with greater likelihood of economy and a better assurance of satisfactory results. I venture to recommend, therefore, that provision be made for a force of this character; its number and the form of its organization must be determined by the scope of the duties which the Congress may see fit to intrust to it. It may well be thought wise to preserve unchanged the existing detective organization, especially in view of its highly creditable record and excellent service, and it is not in any wise my purpose to suggest a different view, but it seems obvious that the department on which not only the President, but the courts of the United States, must call first to secure the enforcement of the laws ought to have the means of such enforcement subject to its own call; a Department of Justice with no force of permanent police in any form under its control is assuredly not fully equipped for its work."

In his report for 1908, after the establishment of the force above mentioned, he said:

THE NEW SPECIAL-AGENT FORCE.

"In my last annual report I called attention to the fact that this department was obliged to call upon the Treasury Department for detective service and had, in fact, no permanent detective force directly under its orders. Through the prohibition of its further use of the secret-service force, contained in the sundry civil appropriation act approved May 27, 1908, it became necessary for the department to organize a small force of special agents of its own. Although such action was involuntary on the part of this department, the consequences of the innovation have been, on the whole, moderately satisfactory. The special agents, placed as they are under the direct orders of the chief examiner, who receives from them daily reports and summarizes these for submission each day to the Attorney-General, are directly controlled by this department, and the Attorney-General knows, or ought to know, at all times what they are doing and at what cost. Under these circumstances he may be justly held responsible for the efficiency and economy of the service rendered. The experience of the past six months has shown clearly that such a force is, under modern conditions, absolutely indispensable to the proper discharge of the duties of this department, and it is hoped that its merits will be augmented and its attendant expense reduced by further experience."

In his testimony before this committee he said that the transfer of the land-fraud investigations to the Interior Department early in the calendar year 1908 had resulted in considerable economy in expenses.

In his testimony he also said:

"The general result has been fairly satisfactory. This, as the committee will of course understand, is during the six months that immediately succeeded the elimination of the secret-service operatives. Some of the United States attorneys were very much annoyed and caused anxiety by not being able to call for this force of experienced men, upon whom they had become accustomed to rely, and they hesitated to intrust our new force of special agents with the same responsible duties. That was particularly noticeable in the case of the United States attorney for the southern district of New York, in connection with the Morse prosecution. Some instances of it, however, occurred in other cases. This was quite a reasonable frame of mind for those attorneys to entertain, and I fully appreciated the difficulty of the situation. Nevertheless, I can not say that any miscarriage of justice occurred as a result of it, and certainly the result in the Morse case did not indicate that the new special agents were less faithful than the more experienced ones they had had previously."

The Attorney-General thinks that no serious difficulty will be found in recruiting as more men are needed.

In the course of his testimony the following occurs:

"Mr. YOUNG. You still retain the same opinion as to the policy of having a secret force under the direct control of the Attorney-General that you expressed in those reports, do you not?

"Mr. BONAPARTE. I do.

"Mr. YOUNG. Your experience has rather confirmed your opinion in that respect than otherwise?

"Mr. BONAPARTE. It has; and so far as it has affected my opinion at all it has strengthened it. I am clear that it is better administration to have a separate force under the Department of Justice, and I think that force ought to be a general detective force, for all government work. I think the Department of Justice ought to have the control of the detection of crime and the preparation of evidence for all classes of federal offenses. In other words, I think that wherever the Department of Justice has to try a case the Department of Justice ought to have the work of ascertaining the persons probably guilty, and of bringing the case against them.

"Mr. YOUNG. In other words, where the responsibility lies, the power should be.

"Mr. BONAPARTE. I think that is a principle of good administration."

With that view of the matter we understand that Mr. Wilkie, the chief of the Secret Service Division of the Treasury, concurs.

Bank examiners.—In his report to Congress for 1908 the Attorney-General said:

SPECIAL ACCOUNTING FORCE NEEDED.

"In prosecutions for violations of the laws relating to national banks it is often necessary, and has become customary, for this department to secure the services of national-bank examiners to prepare the cases for trial and testify as expert witnesses regarding the records of the banks involved. These officers display both zeal and capacity in the discharge of these duties, but it would be more satisfactory and less expensive if the Department of Justice had a small number of trained accountants in its permanent employ for these and similar purposes. The reasons which have been found by experience to, in some measure, counterbalance the loss of the very valuable services of the secret-service force apply with at least equal force to bank examiners; and if the Congress shall not see fit to indicate its disapproval, the employment of such accountants in their places may receive careful consideration by the department in the near future.

"The number and gravity of offenses against the national banking laws by officers or employees of national banks constitute matters of reasonable solicitude and regret. The moral culpability involved in such offenses seems often to be imperfectly appreciated and, although they usually excite great indignation and provoke loud complaints from the sufferers when they are first discovered, so much time is frequently lost in the preparation for trial and actual trial of these long and complicated cases that the crime itself has faded from public memory when the criminal is at last convicted, and there is need of vigilance lest he finally escape with wholly insufficient punishment. The department has felt bound in duty energetically to assist the several United States attorneys in bringing this class of offenders to justice, and to do all in its power to assure them adequate penalties."

During each of the years 1908 and 1909 the Department of Justice in the prosecution of cases of offenses against the national banking laws has employed 35 national-bank examiners. These men who are agents of the Treasury Department do not receive salaries from the Government, but when one of them examines a national bank he receives certain legal fees which are required to be paid by the bank. He receives nothing from the United States Treasury for his regular services. When the Attorney-General sends these examiners to investigate the affairs of a bank for the purposes of a criminal prosecution, they charge from $10 to $25 per day and expenses. These charges are paid out of the appropriation for "Such miscellaneous expenses as may be authorized by the Attorney-General," etc. The department has no means of telling whether their services are really needed, or whether they are giving a fair return for the money, or, as the Attorney-General expresses it, "Simply making time."

He thinks it would be a source of very considerable economy to have a force of expert accountants in his own department, whom he could send to make such investigations. He complains that he has no method of supervising the work of the bank examiners, and says:

"No; the relations of the Department of Justice to the bank examiners are very similar to what they were to the secret-service operatives. The bank examiners are under the control of the Treasury Department, and they are loaned to us, so to speak—that is, they are designated for accounting work, and we appoint them as special officers of our department for the time being, and they are paid out of our appropriations. I have several times called attention to the fact that it would be very desirable for us to have a corps of accountants of our own, and if I were going to remain Attorney-General I should organize such a corps to at least relieve the bank examiners of their duties in the preparation of criminal cases."

He complains that he has no method of supervising the work. "No; we have no means at all. There was the same objection to the work of the secret-service operatives," who, he says, did not report to him daily, but "to the chief of their division in the Treasury Department. They also made reports, more or less regularly, to the United States attorney under whom they worked, but there was not any coordination of those reports which enabled the Attorney-General to supervise and know." Speaking of them and the bank examiners, he says:

"I think both those forces ought to be under the control of the Attorney-General."

Antitrust law agents or investigators.—There are 2 men regularly employed as antitrust investigators and paid out of the appropriation for the enforcement of the antitrust laws. From time to time others are occasionally employed. At the present time there are 3, one having been employed under authority of the Attorney-General by the special counsel in the prosecution against the Harriman railway system.

The Attorney-General, before the committee, could not remember the number of men that had been temporarily employed, but said "the number was certainly not large."

Regular examiners of the Department of Justice.—The department has a force known as regular examiners, consisting of one chief examiner at $2,750 per annum, 3 examiners at $2,500, 4 at $2,250, 2 at $2,000, and 3 at $1,800. Under instructions from the Attorney-General these examiners examine the offices, records, accounts, and official acts of United States marshals, attorneys, commissioners, and clerks of courts. They make confidential reports as to the conduct of the United States officers connected with the Department of Justice. The number was the same in each of the years 1908 and 1909.

These men are paid from $3 to $5 per day and a per diem for expenses out of an appropriation carried in the sundry civil act for "Payment of such miscellaneous expenses as may be authorized by the Attorney-General for the United States courts and their officers, including the furnishing and collecting of evidence," etc. As already stated, the amount appropriated for 1908 was $540,000 and for 1909 $560,000.

Naturalization examiners.—Connected with the Department of Justice there are 34 naturalization examiners, whose duties are to assist in every possible way the assistant United States attorneys in charge of naturalization matters, in obtaining evidence necessary to prevent fraudulent naturalization, and to enable such attorneys to prosecute suits to set aside judgments of naturalization fraudulently or illegally obtained. There are 34 of these assistant United States attorneys, and they and the examiners are paid out of the appropriation for "Pay of

assistant attorneys in naturalization cases." The number is understood to have been the same in each of the years 1908 and 1909.

Other agents engaged in certain classes of detective work.—The Department of Justice had during 1908 and 1909 about 7 men constantly employed "in certain classes of cases of detective work, principally peonage and land-fraud cases, which we deemed it inadvisable to place in the hands of the secret-service operatives." They were all paid out of the appropriation for miscellaneous expenses.

We submit herewith the testimony taken by the committee. Under the appropriate heads of this report we have indicated the number of men in each department whose duties we think bring them fairly within the scope of this investigation, including not only secret-service men and detectives, so called, but those who are designated as special agents, special examiners, investigators, inspectors, special employees, and the like, showing the increase or decrease in number in each branch of the service; the appropriations available for their employment, and the increase or decrease therein, for the fiscal years 1908 and 1909.

The net increase in the total number in all departments in 1909 over the number for 1908 was 100.

The appropriations for 1909 "that could be used" for such purposes were, in the aggregate, $1,980,708.28 more than the similar appropriations for 1908.

It must not be understood, however, that this increased sum was all actually expended for such purposes. By far the larger amount of the increases were in lump sum appropriations, covering a great variety of objects, and while they were such as could be, they were not actually all used in the employment of persons for the detection or prevention of fraud.

The largest single increase is $1,395,100 in an appropriation for the Department of Agriculture, most of which was used for entirely different purposes. So there was an increase of $255,983.28 in a lump sum appropriation for the army, which could have been, but was not, used for the hiring of spies.

Except in the few instances indicated in this report we have found no branches of the public service, or persons employed therein, engaged in any duty not contemplated by law; but whether any such persons have been or are engaged in any duty not contemplated by law or the appropriation establishing or providing for such service could be accurately ascertained only by an examination of each person so engaged in any such service, which examination could not be made within the life of the present Congress.

While your committee is not required, by the terms of the resolution under which it is acting, to make any recommendation, we deem it proper to call attention to the fact that the Secret Service Division of the Treasury Department now exists without permanent authority of law, dependent entirely upon appropriations made from year to year, and that the like force in the Department of Justice is similarly without permanent authority of law, and paid out of lump-sum appropriations for incidental expenses. We call attention also to the recommendations of the Attorney-General in his reports to Congress for 1907 and 1908 recommending that provision be made for a force of this character, its number, and the form of its organization to "be determined by the scope of the duties which Congress may see fit to intrust to it;" and that a sufficient number of accountants be included therein, or their employment authorized by him, to dispense with the costly and unsatisfactory employment of bank examiners, referred to in his reports and in his testimony. Whether the separate forces of secret-service men now existing in the Treasury Department and in the Department of Justice should be combined in one, under control of the Attorney-General, we do not attempt to decide, but suggest that, whether separately maintained or under one control, they should be permanently provided for and their duties clearly defined and limited by law.

MARLIN E. OLMSTED,
FRANK D. CURRIER,
H. OLIN YOUNG,
WILLIAM G. BRANTLEY.
EATON J. BOWERS.

MARCH 3, 1909.

MESSAGE FROM THE SENATE.

A message from the Senate announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 28304. An act granting certain obsolete ordnance for ornamental purposes;

H. R. 28411. An act to grant two cannons to Northern Ohio University, at Ada, Ohio;

H. R. 28059. An act making appropriations for the Military Academy for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 27053. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910;

H. R. 21003. An act fixing the compensation of certain officials in the customs service, and for other purposes;

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public building acts, and for other purposes;

H. R. 24834. An act for the protection of the surface rights of entrymen;

H. R. 28243. An act to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes;

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.; and

H. R. 21896. An act to amend section 86 of "An act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes."

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7640. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company;

S. 9278. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors;

S. 8520. An act requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia;

S. 8187. An act to change the name of the Washington Hospital for Foundlings; and

S. 9421. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain widows and dependent and helpless relatives of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 24835. An act authorizing the necessary resurvey of public lands;

H. R. 26916. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910;

H. R. 8661. An act for the relief of the Richmond Light Infantry Blues, of Virginia;

H. R. 21896. An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes;

H. R. 28243. An act to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes;

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.;

H. R. 24834. An act for the protection of the surface rights of entrymen;

H. R. 27053. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909;

H. R. 21003. Fixing the compensation of certain officials in the customs service, and for other purposes;

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public building acts, and for other purposes; and

H. J. Res. 262. Joint resolution extending the operation of an act for the control and regulation of the waters of the Niagara River, for the preservation of Niagara Falls, and for other purposes.

PRINTING OF "NOTES ON TARIFF REVISION," "IMPORTS AND DUTIES," "TARIFF HEARINGS."

Mr. PERKINS. Mr. Speaker, I submit the following report (H. Rept. No. 2323) from the Committee on Printing and move its adoption.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

House concurrent resolution 77.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 1,000 copies of "Notes on Tariff Revision," prepared under the direction of the clerk of the Committee on Ways and Means, 700 copies for the use of the House and 300 copies for the use of the Senate; that there be printed and bound 1,000 copies of "Imports and Duties," 1894 to 1907, prepared under the direction of the Committee on Ways and Means, 700 copies for the use of the House and 300 copies for the use of the Senate; that there be printed and bound 2,500 copies of "Tariff Hearings" before the Committee on Ways and Means of the House of Representatives since the 10th day of November last, 1,700 copies for the use of the House and 800 copies for the use of the Senate.

The amendments recommended in the report of the Committee on Printing are as follows:

In line 2 strike out the words "one thousand" and insert in lieu thereof the words "thirteen hundred."

In line 5 strike out the words "seven hundred" and insert in lieu thereof the words "one thousand."

In line 7 strike out the words "one thousand" and insert in lieu thereof the words "thirteen hundred."

In line 10 strike out the words "seven hundred" and insert in lieu thereof the words "one thousand."

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield for a question?

Mr. PERKINS. Yes.

Mr. UNDERWOOD. I desire to ask the gentleman whether these books will be distributed to the Members through the folding room or through the document room?

Mr. PERKINS. Through the folding room.

Mr. FITZGERALD. It does not so provide in the resolution.

Mr. PERKINS. This resolution calls for printing for the use of the House, and under such resolution I think they are distributed among the Members.

Mr. BARTLETT of Georgia. They can not be, unless they art put in the folding room. Unless the gentleman provides they shall go to the folding room we will get them from the document room.

Mr. PERKINS. No, the gentleman is wrong; they are distributed from the folding room pro rata to Members.

Mr. GAINES of Tennessee. Will the gentleman inform us whether they go to the credit of Members of this Congress or to Members of the next Congress.

Mr. PERKINS. They go to the credit of Members of this Congress.

Mr. GAINES of Tennessee. I do not want them, and I will give them to my successor.

Mr. PERKINS. The gentleman can turn them over to his successor. Mr. Speaker, I move the adoption of the resolution.

The amendments were agreed to.

The resolution as amended was agreed to.

BUREAU OF ANIMAL INDUSTRY, DEPARTMENT OF AGRICULTURE.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Agriculture.

The message is as follows:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of Agriculture submitting a report of the operations of the Bureau of Animal Industry of the United States Department of Agriculture for the fiscal year ended June 30, 1908, prepared in compliance with the requirement of section 11 of the act approved May 29, 1884.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 2, 1909.*

LEAVE OF ABSENCE.

By unanimous consent, Mr. CLARK of Florida was granted leave of absence for the balance of the session on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes.

The message also announced that the Senate had passed without amendment the following resolutions:

House concurrent resolution 69.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 2,000 copies of the hearings, including index, of the select committee of the House to investigate as to pulp wood, pulp, and paper, of which 1,500 copies shall be for the use of the House, including 300 copies to be distributed under the direction of the members of said committee elected to the Sixty-first Congress, and 500 copies for the use of the Senate.

House concurrent resolution 77.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 1,000 copies of "Notes on Tariff Revision," prepared under the direction of the clerk of the Committee on Ways and Means, 700 copies for the use of the House and 300 copies for the use of the Senate; that there be printed and bound 1,000 copies of "Imports and Duties," 1894 to 1907, prepared under the direction of the Committee on Ways and Means, 700 copies for the use of the House and 300 copies for the use of the Senate; that there be printed and bound 2,500 copies of "Tariff Hearings" before the Committee on Ways and Means of the House of Representatives since the 10th day of November last, 1,700 copies for the use of the House and 800 copies for the use of the Senate.

Joint resolution (S. R. 140) to create a joint commission to consider the revision and codification of the laws of the United States.

The message also announced that the Senate had passed with amendment joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 235. Joint resolution concerning and relating to the treaty between the United States and Russia.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 8819. An act to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia.

S. 6934. An act for the relief of the Merritt & Chapman Derrick and Wrecking Company.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 28192. An act to amend and consolidate the acts respecting copyright;

H. R. 23468. An act to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 21029. An act for the relief of James W. Sears;

H. R. 16696. An act for the relief of the estate of Peter McEnery, deceased;

H. R. 15603. An act for the relief of John W. Wood;

H. R. 12712. An act for the relief of the estate of Samuel J. Rogers;

H. R. 12512. An act for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia;

H. R. 4168. An act to carry out the findings of the Court of Claims in the case of James A. Paulk;

H. R. 3622. An act for the relief of John D. McLain;

H. R. 2950. An act for the relief of certain officers of the United States Signal Corps;

H. R. 1549. An act granting a pension to Lela L. Ellis;

H. R. 1072. An act for the relief of the legal representatives of Sewell Coulson, deceased;

H. R. 24864. An act to provide for the distribution of the CONGRESSIONAL RECORD and public bills, documents, etc., to the governor-general of the Philippine Islands at Manila, P. I.; and

H. R. 23973. An act for the relief of pensioners of the Metropolitan police fund.

RESIGNATION FROM COMMISSION, HOUSE OF REPRESENTATIVES OFFICE BUILDING.

The SPEAKER laid before the House the following letter, which the Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., March 3, 1909.

Hon. JOSEPH G. CANNON,
Speaker House of Representatives,
Washington, D. C.

SIR: I hereby tender my resignation as a member of the commission created for the purpose of superintending the construction of the House of Representatives Office Building and a lighting and heating plant.

Your obedient servant,

W. P. HEPBURN.

The SPEAKER. The Chair designates the gentleman from Iowa [Mr. SMITH] to fill the vacancy.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 10 o'clock this evening.

The motion was agreed to.

Accordingly (at 6 o'clock and 15 minutes p. m.) the House was declared in recess.

AFTER RECESS.

The recess having expired (at 10 o'clock p. m.), the House was called to order by the Speaker.

SILETZ POWER AND MANUFACTURING COMPANY.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill H. R. 6183, on the House Calendar, and that it be passed as amended.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill, and to consider the same in the House at this time.

Mr. CLAYTON. Mr. Speaker, I object, in order to have an explanation of what it is.

The SPEAKER. The bill will first be read as amended, and then objection will be in order.

The Clerk read as follows:

A bill (H. R. 6183) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon.

Be it enacted, etc., That the right of way is hereby granted, as hereinafter set forth, to the Siletz Power and Manufacturing Company, a corporation organized and existing under the laws of the State of Oregon, and its successors and assigns, for the construction, operation, and maintenance of a water ditch or canal through the lands of the United States in the Siletz Indian Reservation, Oreg., beginning at a point on the right bank of the Siletz River, in lot 13 of section 9, township 10 south, range 10 west Willamette meridian; running thence in a northeasterly direction through said section and terminating at a point on the right bank of the Siletz River, in lot 30 of section 4, township 10 south, range 10 west of Willamette meridian: *Provided,* That no rights hereunder shall attach until the Secretary of the Interior shall have determined to his satisfaction that the interests of the Indians and the public will be promoted thereby.

SEC. 2. That the right of way hereby granted shall be 50 feet in width on each side of the central line of such water ditch or canal.

SEC. 3. That before the grant of such right of way shall become effective, a map showing the definite location of such water ditch or canal must be filed with and approved by the Secretary of the Interior, and the company shall make payment to the Secretary of the Interior for the benefit of the allottees of full compensation for such right of way through their allotments, including all damage to their improvements and lands, and for damage to lands reserved for agency purposes, which compensation shall be determined and paid under the direction of the Secretary of the Interior in such manner as he may prescribe: *Provided further,* That the Siletz Power and Manufacturing Company, its successors or assigns, where not otherwise provided, shall, at its own expense, construct and maintain sufficient and suitable bridges across the water ditch or canal the right of way for which is hereby granted at the crossing of public roads, and be designated by the county court of the county in which they may be, failing in which the rights herein granted shall be forfeited.

SEC. 4. That the rights herein granted shall be forfeited by said corporation unless the water ditch or canal shall be constructed through the said lands within three years from the passage of this act.

Mr. CARLIN. Mr. Speaker, I object.

Mr. HAWLEY. Mr. Speaker, I move to suspend the rules and pass the bill with an amendment.

The SPEAKER. The gentleman from Oregon moves to suspend the rules and pass the bill with an amendment. Is a second demanded? [After a pause.] The question is on agreeing to the motion.

The motion was agreed to.

Accordingly the rules were suspended and the bill was passed.

GENERAL DEFICIENCY BILL.

Mr. VREELAND. Mr. Speaker, I desire to call up the conference report on the bill H. R. 28376—the general deficiency bill—and ask that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28376) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 7, 8, 9, 14, 15, 18, 19, 20, 26, 27, 28, 30, 41, 69, 75, and 76.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 10, 11, 12, 13, 16, 17, 21, 22, 24, 25, 29, 31, 32, 33, 36, 37, 38, 39, 40, 42, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 79, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, and 95, and agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: On page 23 of the bill, in line 11, after the word "fifty-one," insert the words "and fourteen hundred and sixty-nine;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "Survey," insert the words "during the fiscal year nineteen hundred and ten;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "the said sum of three thousand dollars;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 4 of said amendment insert in the blank the number "seven hundred and forty-nine;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine thousand dollars;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with amendments as follows: After the word "Representatives," in lines 11 and 12 of said amendment, strike out all that follows down to and including the word "Printing," in line 21; and in line 21 of said amendment strike out the word "twelve" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: After the word "Document" in said amendment insert the words "Numbered seven hundred and forty-seven;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: After the word "Numbered" in said amendment insert the words "seven hundred and forty-five;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In line 12 of said amendment, after the word "Numbered," insert the words "seven hundred and forty-six;" and the Senate agree to the same.

J. A. TAWNEY,
EDWARD B. VREELAND,
S. BRUNDIDGE, Jr.,
Managers on the part of the House.
EUGENE HALE,
J. H. GALLINGER,
H. M. TELLER,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate on the general deficiency bill submit the following written statement in explanation of the effect of the accompanying conference report thereon:

The bill as finally agreed upon appropriates $19,431,727.29.

The Senate by its amendments added $2,654,406.68.

By the conference agreement the Senate recedes from $844,663.58, which includes $120,000 for payment of the claim of the State of Virginia; $72,000 for payment of the claim of the State of Maryland; $50,000 for the Lincoln memorial; $497,000 for army transportation; $66,000 for the contributors to pay the ransom of Miss Ellen M. Stone; and the House agrees to amendments involving $1,809,743.10, which includes $500,000 for payment to the Republic of Colombia; $61,258 to refund duties on anthracite coal; and $750,000 for inland mail transportation.

J. A. TAWNEY,
EDWARD B. VREELAND,
S. BRUNDIDGE, Jr.,
Managers on the part of the House.

Mr. VREELAND. Mr. Speaker, I move the adoption of the conference report, the statement concerning which has been read at the Clerk's desk.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

AMENDMENT OF REVISED STATUTES.

Mr. PARKER. Mr. Speaker, I move to suspend the rules and discharge the Committee on the Judiciary from the further consideration of the bill (S. 3526) entitled "A bill to amend section 876 of the Revised Statutes," which I now send to the Clerk's desk, and pass the same; and that H. R. 12403, on the House Calendar, be laid on the table, it being a similar bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 3526) to amend section 876 of the Revised Statutes.

Be it enacted, etc., That section 876 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 876. Subpœnas for witnesses who are required to attend a court of the United States in any district may run into any other district: *Provided*, That in civil causes the witnesses living out of the State in which the court is held do not live at a greater distance than 100 miles from the place of holding the same."

The SPEAKER. Is a second demanded?

Mr. CLAYTON. I demand a second, Mr. Speaker.

The SPEAKER. Under the rules a second is ordered.

Mr. PARKER. Mr. Speaker, this is the original section that was enacted about one hundred and twenty years ago, except that it changes the word "district" to "State." In olden times the districts were coterminous with the States. A subpœna issued out of the district courts could run in any part of the district or State. It could likewise run in any other district within a hundred miles. Now that they have divided up the districts a subpœna out of the district court can not run all over the State, and the district court of the southern district of New York can not subpœna witnesses from Buffalo, while the state court can.

It was suggested by Mr. Griggs, former Attorney-General, that that ought not to be. He suggested that the word "district" should be changed to the word "State," so that the subpœna should run throughout the State. I will say that the House bill contained also the words "and Territory." The Senate, I think justly, held that the courts in the Territories were not United States courts, and was opposed to passing the bill with those words in, and we have adopted the Senate bill.

Mr. MANN. Will the gentleman yield to me for a question?

Mr. PARKER. Certainly.

Mr. MANN. I did not quite understand the gentleman. I supposed the Senate bill was the same as the House bill outside of the question of the Territories. In what other respect does it differ?

Mr. PARKER. In no other way. The House bill had, "*Provided*, That in civil cases the witnesses live in the State or Territory in which the court is held." The Senate took objection, I think justly, that the courts of the Territory are not district courts of the United States or courts of the United States at all.

Mr. MANN. In other respects is the Senate bill the same?

Mr. PARKER. In exactly the same words.

Mr. DALZELL. Has the bill been reported by the Committee on the Judiciary?

Mr. PARKER. The House bill was reported by the Committee on the Judiciary, but the House bill was broader.

Mr. CLAYTON. Mr. Speaker, I demanded a second in order that the gentleman might explain this bill to the House. I have had many inquiries made about it by gentlemen on this side of the Chamber. The gentleman has made a very lucid explanation of the bill. I think it is a proper bill, and think it ought to pass.

The question was taken, the rules were suspended, and the bill was passed.

The SPEAKER. The House bill (H. R. 12403) will lie on the table.

JAMAICA BAY IMPROVEMENT COMMISSION.

Mr. LAW. Mr. Speaker, I ask unanimous consent that the report of the Jamaica Bay improvement commission, appointed pursuant to a resolution of the board of estimates and apportionment, dated March 2, 1906, for the purpose of reporting upon the general improvement and development of Jamaica Bay in the boroughs of Brooklyn and Queens, and also upon the condition of the water front of the city of New York other than that of Manhattan Island be printed as a public document (H. Doc. No. 1488).

Mr. MANN. Reserving the right to object——

Mr. CLARK of Missouri. We could not hear what the paper was.

The SPEAKER. The Clerk can read the title of the report.

The Clerk read as follows:

Report of the Jamaica Bay improvement commission, appointed pursuant to a resolution of the board of estimates and apportionment, dated March 2, 1906, for the purpose of reporting upon the general improvement and development of Jamaica Bay, in the boroughs of Brooklyn and Queens, and also upon the condition of the water front of the city of New York other than that of Manhattan Island.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman who makes the report, is that the report of a government official?

Mr. LAW. Mr. Speaker, I think I can explain the object of this report.

Mr. MANN. The gentleman will have plenty of time.

Mr. LAW. In the river and harbor act of March 2, 1907, this provision was contained for a survey of the waters of Jamaica Bay:

The waters of Jamaica Bay, including entrance to said bay at Rockaway Inlet and those waters having their outlet in Dead Horse Inlet, with a view to framing a plan for their improvement and recommending the order of such improvement with the cost thereof, and to recommend the proportion of such cost to be borne by the city of New York; and the Secretary of War is hereby requested to confer and cooperate with the commissioner of docks and ferries of the city of New York, or with any other duly authorized agents, officers, or representatives of the city of New York, and with any commission of engineers appointed, or who shall hereafter be appointed, to survey or examine said bay and to recommend to the city of New York plans for the improvement of said Jamaica Bay or the lands in and about said bay.

Mr. CLAYTON. Mr. Speaker, we were unable on this side of the Chamber to hear the very long explanation made by the gentleman. Can not the gentleman tell us whose report this is?

Mr. LAW. This is a report by a commission of engineers appointed by the mayor of the city of New York, directed under the provisions of the act which I have just read, to confer with the Secretary of War. The Secretary of War has since then made his report, which has been transmitted to Congress after a conference with this commission, whose report I present.

Mr. MANN. Does the report of the Secretary of War refer in any way to this report?

Mr. LAW. Yes, sir; it does. And I would say, in addition to that, it is the judgment of the district engineer, whose report has been submitted, that the report can not be completely understood without reference to this report of the city's commission of engineers of which it speaks.

Mr. MANN. The gentleman desires to have this printed as a document in order that the whole matter may be printed and before the House?

Mr. LAW. Exactly so.

Mr. CLAYTON. Mr. Speaker, I desire to ask the gentleman what will be the probable cost of this document?

Mr. LAW. I can not say in regard to that. It contains 157 pages.

Mr. CLAYTON. It will be a small amount.

Mr. LAW. I think so.

Mr. CLAYTON. Was this report made by joint expenditure by the Federal Government and the city of New York?

Mr. LAW. Well, not exactly. It was made by an expenditure of the city of New York. The report which the Secretary of War has transmitted recommends a plan of improvement to be carried out jointly by the Government and the city of New York, and this contains what the city of New York proposes it must do in conjunction with the Government.

Mr. CLAYTON. This preserves in printed form for the use of the committee, in order that it may have the information about this work that relates to the public improvement?

Mr. LAW. Exactly so.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is ordered that the report be printed as a public document.

WATER IN NORTH CAROLINA WHERE FISHING IS PROHIBITED.

Mr. SMALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19607) to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law.

The SPEAKER. Is this bill on the Union Calendar?

Mr. SMALL. It is.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill, and to consider the same in the House. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed, upon the request of the governor of the State of North Carolina, to designate such officers, experts, and employees of the Bureau of the Coast and Geodetic Survey and of the Bureau of Fisheries as may be necessary to cooperate with the North Carolina state fish commissioner in making a survey of and marking in a prominent manner all those areas of the waters of the sounds and their tributaries of the State in which the use of any or all fishing appliances are prohibited by law; and the Secretary of Commerce and Labor is hereby authorized and directed to furnish to the officers, experts, and employees of said bureaus so detailed as aforesaid such instruments, appliances, and steam launches as may be necessary to make the survey aforesaid; and the Secretary of Commerce and Labor is hereby authorized to have made in the Bureau of the Coast and Geodetic Survey all the plats necessary to show the results of the aforesaid survey, and to furnish to the fish commissioner of the State of North Carolina such copies as may be necessary for his use, and for

this purpose to employ in the District of Columbia and elsewhere such technically qualified persons as may be necessary to carry out the purposes of this act.

SEC. 2. That the Secretary of Commerce and Labor is hereby further authorized to have erected or constructed by the officers so detailed as aforesaid, while making said survey, such structures as may be necessary to mark in a prominent and satisfactory manner the points of triangulation so that the same may be used for such future work of the Coast and Geodetic Survey as the said bureau may be hereafter required to perform in prosecuting the government coast survey of the navigable waters of the United States located within the State of North Carolina.

SEC. 3. That the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries be, and they are hereby, authorized and directed to expend, under the direction of the Secretary of Commerce and Labor, a sum of money not exceeding $15,000 in carrying out the purposes of this act.

SEC. 4. That this act shall take effect from the date of its passage.

With the following amendment:

Amend section 3 by striking out the same and substituting the following therefor:

"SEC. 3. That the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries be, and they are hereby, authorized and directed to expend, under the direction of the Secretary of Commerce and Labor, such sum or sums of money as may be necessary, and as may be hereinafter appropriated, in carrying out the purposes of this act."

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, I will reserve the right to object, in order that the gentleman may have an opportunity to explain why the Secretary of Commerce and Labor should be called upon to cooperate with the State of North Carolina, and also to tell the House how much money it is going to cost to do the thing which he proposes by this bill to have done.

Mr. SMALL. Mr. Speaker, I am sure I can make a satisfactory explanation.

There are two large inland sounds in North Carolina in which the catch of shad is larger than in any similar area in the United States, and it has become necessary in the past few years for the legislature of the State to limit the area within which shad may be caught, in order that the supply may be increased. It is necessary to mark out this area. The State of North Carolina has no bureau which has the facilities necessary to make this survey; therefore the cooperation of the Coast and Geodetic Survey and of the Bureau of Fisheries has been asked. There is no appropriation in this bill, and it is estimated that the cost will be inconsiderable—not more than $1,000. The object of asking the cooperation is because the State of North Carolina has no facilities for making the survey.

Mr. MADDEN. Does the gentleman think, because the State of North Carolina has no such facilities, that is a good reason why the Government of the United States should be asked to cooperate?

Mr. SMALL. I will say to the gentleman that we think so, because there are several precedents for this. It has been done for Chesapeake Bay and for Long Island Sound and for other sections of the country.

Mr. MADDEN. How much money will it involve?

Mr. SMALL. Not more than a thousand dollars, and, in addition to that, it will be in the interest of the Coast and Geodetic Survey in making certain marks there which are necessary for the purposes of navigation.

Mr. MANN. The gentleman says the cost will not probably exceed $1,000. Section 3 of the bill originally limited the cost to $15,000. Has the gentleman received more definite information since introducing the bill?

Mr. SMALL. I may say to the gentleman from Illinois that that amount was inserted prior to consultation with the officials of the Coast and Geodetic Survey and the Bureau of Fisheries here.

Mr. MANN. And their estimate is that it will not cost to exceed a thousand dollars?

Mr. SMALL. Not to exceed a thousand dollars. It is an inexpensive thing.

The SPEAKER. Is there objection?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SMALL, a motion to reconsider the last vote was laid on the table.

OUTWARD ALIEN MANIFESTS ON CERTAIN VESSELS.

Mr. BENNET of New York. Mr. Speaker, I move to suspend the rules and pass the bill (S. 7785) relative to outward alien manifests on certain vessels, with the committee amendment.

The bill was read, as follows:

Be it enacted, etc., That until the provisions of section 12 of the immigration act of February 27, 1907, relating to outward alien manifests, shall be made applicable to passengers going out of the United States to Canada by land carriage, said provisions shall not apply to passengers going by vessels employed exclusively in the trade between the ports of the United States and the Dominion of Canada and the Republic of Mexico.

With the following committee amendment:

In line 4 strike out "twenty-seven" and insert "twenty."

Mr. CLAYTON. Mr. Speaker, I demand a second.

The SPEAKER. A second is ordered under the rule. The gentleman from New York [Mr. BENNET] is entitled to twenty minutes and the gentleman from Alabama [Mr. CLAYTON] is entitled to twenty minutes.

Mr. BENNET of New York. Mr. Speaker, this bill is to correct an injustice. When we passed the immigration statute in 1907, we put in a very wise provision, which is this:

It shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States from any port thereof to file before departure therefrom with the collector of customs a complete list of all of such alien passengers taken on board. Such list shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States.

Then follow the appropriate provisions for the enforcing of the law.

It is very evident that the purpose of the bill is to enable us to find out how many aliens go out each year; so by deducting that from those who come in we can find the precise increase or decrease, as the case may be, in the number of aliens who have come into this country during a particular fiscal year.

Mr. REEDER. Is that in the law or in the bill?

Mr. BENNET of New York. What I have read is in the law. Between our ports and Canada it has been found impossible, so far, to make any such statute apply to the railways; and our statistics, so far as Canada is concerned, will remain imperfect; but the principal object of the committee and what Congress had in view was to get the statistics as they came across the Atlantic and Pacific.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. BENNET of New York. Certainly.

Mr. GOULDEN. Why are the railroads exempt from the requirements of the law with reference to immigrants coming over the border?

Mr. BENNET of New York. Because every day thousands of Canadians cross the border on the railways temporarily, one way or the other. They cross the ferry at Detroit, and everywhere that a railway crosses the border they go in and go out. It would seriously impede travel. Several years ago we authorized the department to make a contract with the Canadian government relative to the inspection of aliens coming in on the railway.

Mr. GOULDEN. Will the gentleman tell me what restrictions there are regarding the immigrants where he says arrangements have been made with the Dominion of Canada?

Mr. BENNET of New York. I will do that in a moment. But one steamship line that carries passengers from Boston up to Canada, and that runs nightly, complains of this discrimination. They say if a man could walk into the office in Boston and buy a ticket, and they could ask him the questions, they would not mind, but when seven or eight hundred people, starting from all parts of the United States, get on board the ship and the purser has to go around in the night and ask everybody the preliminary question whether they are aliens, and then ask them all these questions, it puts a burden on their traffic that is unfair in competition with the railways. They ask that until the provisions of section 12 of the immigrant act, relating to the outward manifest, is made applicable to Canadian railroads, the provision as applied to passengers going by vessel employed exclusively between the United States and Canada and the Republic of Mexico shall not apply, and it seemed to the committee that their request was fair, and that the Government ought not to interfere one way or the other between competing carriers, and until we place the same burden on the railways we ought not to place it on the steamers.

Now, I will answer the gentleman from New York. Until we made the arrangement with Canada by which we put our own officials in Montreal and Quebec, until we made the arrangement with the Canadian government by which they enforce the immigration laws in Canada, there was no protection at all. Any alien that came into a Canadian port could walk across the border anywhere. Now no alien can get into a Canadian port that could not get into a similar American port.

Mr. MANN. I would like to ask the gentleman a question. Has this bill the support of the Department of Commerce and Labor

Mr. BENNET of New York. Yes; the gentleman will find the letter of the Secretary on the second page.

Mr MANN. On the second or third page?

Mr. BENNET of New York. On the second page.

Mr. MANN. I would like to ask the gentleman whether in preparing the report he thought it would add to the value of the letter of the department by inserting it twice? [Laughter.]

Mr. BENNET of New York. The gentleman now speaking did not prepare the report. It was prepared by the gentleman from Massachusetts [Mr. GARDNER].

Mr. MANN. I thought it might be one of the new rules prepared by the gentleman from Massachusetts that, instead of quoting the letter once in the report, it would add to the expense and value by copying it twice.

Mr. BENNET of New York. Everybody is not as careful as the gentleman from Illinois.

Mr. MANN. The gentleman from Massachusetts is always careful, especially when dealing with the subject of the rules. I would like to know from him whether it is one of his rules to have a letter printed in a report twice.

Mr. BENNET of New York. I am going to yield to the gentleman from Massachusetts to answer the question.

Mr. GOULDEN. Let me ask the gentleman if this is the unanimous report of the committee?

Mr. BENNET of New York. It is not; there are minority views.

Mr. Speaker, I reserve the balance of my time.

Mr. BONYNGE. Mr. Speaker, I will ask the gentleman what is the committee amendment?

Mr. BENNET of New York. The committee amendment simply strikes out "twenty-seven" and inserts "twenty."

Mr. BONYNGE. To what does that refer?

Mr. BENNET of New York. The Senate alluded to the act of February 27. It is simply a clerical error. I reserve the balance of my time.

Mr. BURNETT. Mr. Speaker, the very form of this bill I think ought to defeat it. The proposition involved is that a law that is now in existence shall be superseded or suspended until some other law in the dim and distant future shall be passed. This is just the reading of the bill:

That until the provisions of section 12 of the immigration act of February 20, 1907, relating to outward alien manifests, shall be made applicable to passengers going out of the United States to Canada by land carriage, said provisions shall not apply to passengers going by vessels employed exclusively in the trade between the ports of the United States and the Dominion of Canada and the Republic of Mexico.

Mr. Speaker, the form of the bill itself ought to condemn it, as I say, and then the bill itself is wrong. The Secretary of Commerce and Labor, instead of really indorsing and approving the bill, says in his report:

It would be highly desirable to require all railway lines doing an international business to comply with the provisions of section 12, which are now applicable only to steamship lines.

It is proposed by this bill that, because the law does not go far enough and apply to railroad companies going into Canada and Mexico, it shall not apply to these steamship lines that go from Boston or from ports of the United States into Canada and Mexico. The purpose of section 12 of the immigration law was to require that all steamship companies leaving our ports should make manifests of outgoing aliens in order that we might have statistics giving information in regard to those who were outgoing. It was frequently said, especially by those who are opposed to restriction of immigration, that those who came in did not form a fair estimate as to the number, because many of them went out. In order to test that contention, the last immigration law enacted in February, 1907, required that all steamships leaving American ports should keep these manifests of outgoing aliens. Now, this bill asks us to suspend that law until we make it apply to railroad companies, and the Secretary of Commerce and Labor says that it ought to apply to railroad companies. The gentleman from California [Mr. HAYES] and myself filed a minority report on the idea that we are going backward in this bill, that instead of repealing the law so far as these particular steamship lines are concerned, it ought to be made to apply as well to railroad companies as to steamship companies, and hence that the law ought not to be amended in the way provided by this bill, but that it ought to be extended further.

Mr. REEDER. Will the gentleman permit a question?

Mr. BURNETT. Yes.

Mr. REEDER. I want to ask the gentleman if the committee that made the minority report regard that it is possible to make this law applicable to railroads?

Mr. BURNETT. I think it is. It is a very simple requisition in the first place. Just read what is required.

Mr. REEDER. Then, I want to ask why such a bill was not prepared instead of this one?

Mr. BURNETT. The immigration law did not go far enough. We could not get everything that we wanted in the law, and therefore we went as far as we could in order to pass the bill, hoping that by amendment we might perfect it. Here is all that is required in the manifests, and it is very simple and does not take a great deal of time to make it: It says that steamships leaving from any port of the United States shall file before departure with the collector of customs of each port a complete list of all such alien passengers taken on board; and such list shall contain the name, age, sex, nationality, and residence in the United States, occupation, and the time of last arrival of such alien in the United States. That is not much. The companies have their blanks all ready. The gentleman indicates that the steamship companies make up that list after they leave the port. If they do, it is in violation of the law, because the law requires that before leaving port these manifests shall be taken for statistical purposes, in order that we might have full information as to those that are going out.

Mr. BENNET of New York. Does not the law provide, on page 6 of the immigration law at the last end of section 12, that vessels making regular trips may, when expedient, arrange for delivery of such lists of outgoing aliens at a later date, so that they do not have to make it before they leave the ports?

Mr. BURNETT. What section is that, section 6?

Mr. BENNET of New York. No; section 12. It says that in case of vessels making regular trips from the United States the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later day.

Mr. BURNETT. It does not matter about that, Mr. Speaker, whether it does or not, so far as that is concerned. The purpose here is to repeal the law and go backward in the steps that we have already taken in regard to gathering these statistics. If they are valuable it ought to be complied with, and the law extended instead of abrogated. There is another thing. It was brought to the attention of the committee that there were steamship lines running regularly across from several Canadian ports to European countries, and if that is true how easy it would be for the aliens who desire to leave this country and go to Europe, in order to avoid giving the very important information required by these manifests, to go to the Canadian ports and then take ship for the European ports, and in that way absolutely abrogate and neutralize the law.

Mr. RYAN. May I ask the gentleman a question?

Mr. BURNETT. Yes.

Mr. RYAN. Can not people who leave this country go to Canada over the bridges at Niagara Falls and Buffalo, or cross in other ways? Can not they go to Europe by these same steamboat lines and the statistics will be inaccurate because their records will not have been taken?

Mr. BURNETT. Of course. Therefore the law ought to go further instead of going backward. It ought to be made to apply to the railroad companies as well as to the steamship lines.

Mr. RYAN. The question I was about to ask was this——

Mr. GARDNER of Massachusetts. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. GARDNER of Massachusetts. For the purpose of asking the gentleman from Alabama a question.

Mr. BURNETT. Mr. Speaker, I must refuse to yield until I finish with the gentleman from New York [Mr. RYAN].

Mr. GARDNER of Massachusetts. Mr. Speaker, I raise the point of order that the House is not in order, and it is impossible to hear what the gentleman from New York is saying.

The SPEAKER pro tempore. The House will be in order.

Mr. RYAN. Mr. Speaker, the point I wanted to make was that the statistics were inaccurate now in regard to people going from the United States to Canada; and until you have a complete register of all people, whether going by steamship or railroad, in my opinion there ought to be none, because I think it is unfair to ask the steamships to register their people when the railroads or footbridges are not required to perform the same duty.

Mr. BURNETT. Mr. Speaker, the same argument would say we ought to repeal the law entirely as to the ships that are leaving this country and are going to any country, because some escape the operation of the law by rail across into Canada. The contention of those of us who differ from the majority of the committee on this question is that instead of repealing the law or getting rid of a part of it, we ought to go further and extend the law and require that the railroads that are crossing into Canada and Mexico collect these statistics. That could be done quite easily, as blanks could be provided for the taking of the manifest at all stations, and that would be an accurate manifest of aliens who are outgoing. But, Mr. Speaker, the

proposition of the gentleman from New York is that instead of vitalizing the law we ought to repeal it entirely and put it where it would not be effective as to those who go in these ships into Canada and Mexico.

I would now ask the gentleman from New York to use some of his time.

Mr. BENNET of New York. How much time have I remaining?

The SPEAKER pro tempore. Fifteen minutes.

Mr. BENNET of New York. I yield to the gentleman from Massachusetts [Mr. GARDNER] ten minutes.

Mr. BURNETT. How much time have I, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has ten minutes remaining.

Mr. GARDNER of Massachusetts. Before the gentleman from Alabama [Mr. BURNETT] takes his seat I would like to ask him if he thinks these statistics obtained from these four steamboat lines are of any value?

Mr. BURNETT. Well, Mr. Speaker, I will answer that if they are honestly obtained from the steamboat companies they are of value. The gentleman voted for the bill in its form, he helped to pass the bill in its form, and he certainly was not asking for something that was nugatory and of no benefit at all as applied to the steamship companies; and yet if they are beneficial for the steamships going across the Atlantic or Pacific, then they are certainly beneficial in requiring the boats, if they are going into Canada, to make up the manifest—if the law is enforced. If the law is not enforced, then they are not. I doubt if any of the immigration laws as enforced by the present Secretary of Commerce and Labor are of much benefit, as he seems to try to nullify instead of enforcing them. [Laughter and applause.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I hope that the gentleman will yield me as much of his time as he has occupied of mine. Now, Mr. Speaker, these statistics are perfectly valueless. On our outgoing trans-Atlantic steamship lines they are of value. That is why they put them in the law. But here are three steamboat lines running from Boston, one to Yarmouth, one to Halifax, and one to St. Johns, and I understand there are two steamboat lines running from Seattle to Vancouver. The statistics obtained on those steamboat lines do not amount to a drop in the bucket as compared to the passage across the border by train or over the border from the east to the west coast or by ferries crossing at Detroit or by the traffic on the Great Lakes. And no figures whatever are kept on that vast volume of traffic, and therefore it is perfectly valueless to take the statistics from these small steamboat lines which run and make night trips from Boston to the provinces of Canada.

The gentleman from Alabama [Mr. BURNETT] asks why we do not extend it. Why do you not extend your laws so that everybody who goes on a ferry has to fill out a paper like that [exhibiting], or so that everybody crossing on a railroad train has to fill out a paper like that? Because it is not practicable. And that is why we did not put it into the law. We asked all about these steamboat lines, and now we wish to correct it.

Now I read from a letter written by the chairman of the Interstate Commerce Commission. We wrote to him to find out whether it was practicable to do what the gentleman from Alabama [Mr. BURNETT] suggests; whether it was practicable to extend this law to the ferries and the steamboat lines, and he tells us that it is not practicable. He says:

> The members of the commission have no special familiarity with the subject-matter of your communication, but so far as we can judge it would not be practicable to apply the provisions of section 12 of the immigration act of 1907, copy of which was inclosed in your letter, to transportation lines, such as steam and electric roads and ferries, operating between the United States and Canada and the United States and Mexico.

Mr. Speaker, look at the practical effect of this law. People come from the interior, people come from Pennsylvania, people come from New York State with tickets to Halifax and St. Johns. They go down to the steamboat wharves; they go aboard of the steamer for the night trip, and go to bed. They go to sleep, and it comes on rough. Sometimes there are 600 or 800 passengers, but not more. Then the purser comes along, and he wakes all those ladies and children and asks them to tell him their family name, their given name, their age, their sex, their calling or occupation, the country of which they are a citizen or subject, their race or people, their State, their city or town, their country of last permanent residence, and the country of intended future permanent residence.

Mr. BENNET of New York. Will the gentleman yield for just a question?

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield to the gentleman from New York?

Mr. GARDNER of Massachusetts. Yes.

Mr. BENNET of New York. Assuming that one of the passengers is a large, able-bodied citizen, how far does the gentleman from Massachusetts think that the purser would ask him the questions in that list before there was some peculiar language in the stateroom?

Mr. GARDNER of Massachusetts. It is not the language, gentlemen; it is the call for steward. [Laughter.]

You can imagine yourselves in the place of those passengers on that rough voyage by sea and having the purser knock at your door, in order to try to get you to answer those questions. Just as sure as you are born you would come back by rail, and then what would become of your statistics? You apparently had a crowd going and nobody coming back, and you have vitiated what little statistics you are able to obtain.

Mr. Speaker, in pure justice to these small steamboat lines running out of Boston do not put this law any further in force. There is nobody asking for it. Mr. Larned, Deputy Commissioner of Immigration, told me it was impracticable.

Everybody who knows anything about that knows that it is impracticable; and the only result under heaven is to drive the people from these little steamboat lines to the great railroads that cross the border and the ferries which cross from the city of Detroit. I yield back the balance of my time.

Mr. BENNET of New York. How much time does that leave me?

The SPEAKER pro tempore (Mr. WEEKS). That leaves the gentleman from New York six minutes and the gentleman from Alabama ten minutes.

Mr. BENNET of New York. I will ask the gentleman from Alabama to consume the remainder of his time now, as, so far as I know, there will be but one speech on this side.

Mr. BURNETT. I yield five minutes to the gentleman from California.

Mr. HAYES. Mr. Speaker, this is a bill of great importance, and there developed, when it was under consideration by the Committee on Immigration, quite a difference of opinion in regard to it. For that reason I believe it is hardly proper that a bill of this kind should be brought up and an effort made to push it through on the last night of the session, as the gentleman from New York proposes. I believe that under these circumstances this bill ought to be voted down. Gentlemen, there is no immediate pressing demand for legislation of this kind.

Now as to the merits of the bill. The troubles that the gentleman from Massachusetts so eloquently depicts would come from an effort to enforce this law or to administer it can easily be overcome by regulations of the Department of Commerce and Labor, or, if necessary, by legislation by the Congress of the United States.

There is no need for a man when he crosses the ferry every day to be obliged to answer these questions. An arrangement can be made so that he can have a permanent certificate, when all he will have to do will be to show it as he goes on board a ferryboat or a train.

Mr. GARDNER of Massachusetts. Mr. Speaker, I will ask the gentleman from California if he has consulted the officials of the Immigration Bureau about this?

Mr. HAYES. I did some time ago. I consulted one of the officials.

Mr. GARDNER of Massachusetts. May I ask the name of that official?

Mr. HAYES. I believe the Assistant Secretary of Commerce and Labor.

Mr. GARDNER of Massachusetts. I say "any of the immigration officials?"

Mr. HAYES. No; I have not.

Now, Mr. Speaker, the Secretary of Commerce and Labor evidently thinks that it would be possible to make this regulation apply to railroad companies, for he has stated that in effect in a letter which he wrote to the Committee on Immigration on the subject, saying that it was highly desirable that it should be done, and I and the gentlemen who signed the minority report with me believe it is not only desirable but absolutely necessary to have this done. These statistics will be robbed largely of their value unless it is done. As has already been stated, other steamship lines will be formed, such as the line from Montreal and other Canadian ports, and many aliens will take that route, being shorter than by New York, and these statistics will thus be very imperfect. I see no reason why, under proper regulations, these statistics may not be gathered by the railroad companies from the aliens they carry over the border.

I believe that instead of loosening up the regulations by which we should keep track of the immigration into and emigration from this country these regulations should be enlarged and stiffened up. Therefore I believe this bill should not pass.

Mr. HACKNEY. Do you know whether the present law requiring this information is beneficial in keeping track of the aliens coming from Canada and British Columbia?

Mr. HAYES. These reports are.

Mr. HACKNEY. It is valuable in that respect?

Mr. HAYES. Because these reports will enable the immigration officials to better keep track of the movement of Asiatics on the borders is one of the reasons why I am opposed to the passage of this bill. There should be strict surveillance of the travel between Mexico and Canada and this country, and aliens, especially Asiatics, should not be allowed to pass backward and forward without any track being kept of them.

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. I yield two minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, the presentation of this bill at this time furnishes an object lesson of the unwisdom, in the closing hours of the session, of Congress passing upon important measures without giving them proper consideration. Now, here we have a standing committee of this House appointed to deal with the subject-matter involved in this bill. This committee has been sitting time after time during the long and the short sessions of Congress for the consideration of just such measures as this; and yet the House to-night is presented with this spectacle of a divided committee on a matter that must be of great importance, or else the gentleman from Massachusetts would not be so insistent upon its instant passage. And certainly the gentleman from California and my colleague from Alabama would not be so insistent in their opposition to it if they did not think it a hurtful measure. [Applause.]

Therefore, Mr. Speaker, in view of the fact that we are soon to have an extraordinary session, when this matter can be considered, this House to-night ought to vote down this measure in order that the committee may properly consider it and the House may have the benefit of the further action of the committee after it has given it a full and careful consideration. [Loud applause.]

Mr. BURNETT. I yield two minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I have listened with great interest to the remarks of the gentleman from Massachusetts [Mr. GARDNER]. The main objection of the gentleman from Massachusetts, it seems, is that a person must write his name in full, his age, sex, and previous condition. I will ask the gentleman if every man who lives in Boston or any other place in this country, under the tariff law that the gentleman helped to put upon the statute book, when that man comes into this country from a foreign country, is not required to write his name, age, and be also able to tell everything that he has brought in from a foreign country; and not only to write it all down, but swear to it. And is it any more inconvenient, is it any more unrepublican to have to do what is required under this bill than to carry out the other rule that has been promulgated ever since we have had a high protective tariff? [Applause.]

Mr. BURNETT. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Two minutes.

Mr. BURNETT. Mr. Speaker, I will not reiterate what I said a moment ago. This is really a step in the direction of breaking down the manifest law as applied to the steamships. I know of their ways that are devious. I know the tricks that they play. I know the efforts that they make to break down the immigration laws whenever they can; and this is simply a step in the direction of breaking down that wholesome provision which requires that they shall keep these manifests. At this time the pretext is that the boats from Boston do not have time to make them. They have from fifteen to twenty hours in going from Boston to the Canadian ports; and yet the gentleman says the passengers may be seasick, and it is irksome to make them. It is true as to the large ships that many get seasick. Sometimes people are seasick all the way across. Yet the gentleman says that fifteen or twenty hours are not a sufficient time for them to sign up a paper already made out, stating their names, age, sex, and occupation while they lived here and how long they had remained in this country. A few simple lines would cover it all. If the steamship companies break this down you will have them coming here next time with the proposition that the steamships be released entirely from keeping these manifests. Then those who oppose restriction will come up here with the same old false cry, that as many aliens have been going out of the country as have been coming in. It was for the purpose of getting exact statistics in order to disprove that contention and to furnish accurate statistics that this law was passed. If this bill passes, you will see in the next session of Congress that the abandonment of the manifests will be advocated by the steamship companies and by gentlemen on this floor. [Applause.]

Mr. GARDNER of Massachusetts. May I ask the gentleman a question?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BENNET of New York. Mr. Speaker, in my four years of service this is the first time that the gentleman from Massachusetts [Mr. GARDNER] and myself have thoroughly agreed upon any proposition touching the immigration question. The reason that we do so to-night is because of the absolute, plain, evident justice of the proposition. This bill does not in any way touch the question of immigration into this country. It touches merely the question of statistics. It puts the steamships and the railways on the same plane. It corrects an injustice which we admit in the original bill. The Interstate Commerce Commission advised us that these laws could not be made applicable to railways. They are not now applicable to railways. Therefore, unless we wish to confuse the statistics, we ought to pass this bill.

Personally I do not think the great body of American people care very much how many Canadians come into this country or go out of it; while a great proportion of our population, for one reason or another, care a great deal how many Europeans or Asiatics come in. I was one of the men who drafted this section 12, under which we can find out accurately about the number of Europeans and Asiatics that leave our shores every year. It is beneficial legislation, and I want the statistics to be collected as accurately as possible. If you pass this bill and wipe out these inaccurate statistics relative to temporary absences of Canadians domiciled in this country, you aid in making the statistics more accurate. I hope that the bill will pass.

The SPEAKER. The question is on the motion to agree to the amendment and pass the bill.

The question being taken, on a division (demanded by Mr. BURNETT) there were—ayes 137, noes 104.

Mr. KIMBALL, Mr. SHACKLEFORD, and Mr. BURNETT demanded the yeas and nays.

The yeas and nays were refused, 8 Members, not a sufficient number, rising in support of the demand.

Mr. BURNETT. Tellers, Mr. Speaker.

Tellers were ordered, and the Speaker appointed Mr. BENNET of New York and Mr. BURNETT.

The House again divided; and the tellers reported that there were—ayes 104, noes 87.

So the rules were suspended and the bill was passed.

BILLS AND RESOLUTIONS WITH MORE THAN ONE NAME ATTACHED.

Mr. FITZGERALD. Mr. Speaker, I present the following privileged report (H. Rept. No. 2322).

The Clerk read as follows:

RIGHT OF MEMBERS TO PRESENT BILLS OR RESOLUTIONS WITH THE NAME OF MORE THAN ONE MEMBER ATTACHED THERETO.

Mr. FITZGERALD, from the select committee to investigate and report as to the right of Members to present bills and resolutions with the name of more than one Member attached thereto submits the following report:

The select committee appointed under House resolution No. 553 to investigate and report as to the right of Members to present bills or resolutions as provided by the rules with the name of more than one Member attached thereto beg leave to report as follows:

"Bills, resolutions, petitions, and memorials are introduced or presented to the House in accordance with the provisions of the first four sections of Rule XXII."

The rule is as follows:

"1. Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal, with the names of the Members presenting them, and the Clerk shall furnish a transcript of such entry to the official reporters of debates for publication in the RECORD.

"2. Any petition or memorial or private bill excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

"3. All other bills, memorials, and resolutions may, in like manner, be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules shall be entered on the Journal and printed in the RECORD of the next day, and correction in case of error of reference may be made by the House, without debate, in accordance with Rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

"4. When a bill, resolution, or memorial is introduced 'by request,' these words shall be entered upon the Journal and printed in the RECORD."

Bills may also be reported to the House by a Member as a result of instructions of a committee to which has been referred petitions on given subjects (1st sess., 32d Cong. Jour., p. 935); and bills are also so reported from committees to which messages from the President or some other papers have been referred. It has been held almost universally that unless a memorial, petition, bill, or other paper upon a designated subject has been referred to a committee it can not report a bill on a subject-matter not thus before it.

These procedures are as firmly established as any founded upon the written rules of the House. It is apparent, therefore, that the introduction or presentation of bills and resolutions is governed in some instances by the practice of the House rather than by express rule. Investigation discloses that in construing the rules it is necessary to keep in mind the prevailing practice prior to the adoption of the rule to be construed and the purpose sought to be accomplished by its adoption.

As at present constituted, Rule XXII has been continued since the revision in the Fifty-first Congress.

To ascertain accurately its meaning and to understand the rights conferred by its provisions it is necessary to trace the various changes in the practice of the House prior to its adoption.

The general parliamentary rule is stated by Jefferson in his Manual, as follows:

"When a Member desires to bring in a bill on any subject, he states to the House in general terms the causes for doing it, and concludes by moving for leave to bring in a bill, entitled," etc. (Jefferson's Manual, sec. 23, p. 163, Manual and Digest, 60th Cong., 2d sess.)

With the aid of Hind's Precedents, it has been possible to trace readily the evolution in the practice of the House in relation to the introduction of petitions, memorials, bills, and resolutions. The first rule in reference to petitions and memorials was adopted by the House April 7, 1789, and was as follows:

"Petitions, memorials, and other papers addressed to the House shall be presented through the Speaker or by a Member in his place, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise; but shall lie upon the table to be taken up in the order they were read." (Hind's Precedents, Vol. IV, p. 263.)

The rule as to the presentation of bills was as follows:

"Every bill shall be introduced by motion for leave or by an order of the House on the report of the committee; and in either case a committee to prepare the same shall be appointed. In cases of a general nature one day's notice, at least, shall be given of the motion to bring in a bill, and every such motion may be committed." (Hind's Precedents, Vol. IV, p. 283.)

As early as 1803 the reading of memorials and petitions took considerable time, and in course of time became extremely burdensome.

In 1842, on motion of Mr. John Quincy Adams, the following rule was adopted:

"That Members having petitions and memorials to present be permitted to hand them to the Clerk, indorsing the same with their names and the reference or disposition to be made thereof, and that such petitions and memorials be entered on the Journal, subject to the control and direction of the Speaker, and if any petition or memorial be so handed in which, in the judgment of the Speaker, is excluded by the rules that the same be returned to the Member from which it was received."

In 1874, on the report Mr. Samuel J. Randall, from the Committee on Rules, a provision was adopted requiring the reporters of debates to furnish for publication a list of memorials, petitions, and other papers, with their reference, each day presented under the rule.

Section 1 of the present Rule XXII is substantially the rule of 1842 with the provision adopted in 1874, and in addition the words "bills of a private nature."

About the year 1870 bills for the establishment of post routes had become exceedingly numerous. The time taken in their presentation was so great that the following rule was adopted:

"But the Speaker shall not entertain a motion for leave to introduce a bill or joint resolution for the establishment or change of post routes, and all propositions relating thereto shall be referred, under the rule, like petitions and other papers, to the appropriate committee."

This was the first time that a rule was adopted which permitted the introduction of bills or resolutions without personal recognition and by motion.

In 1879 bills for the improvement of rivers and harbors were placed in the same category as post-route bills and were required to be presented and referred as were petitions and memorials.

The most comprehensive revision of the rules was made in 1880. The provisions already mentioned as having been adopted as to bills for post routes and the improvement of rivers and harbors were included at that time as section 5 of the then Rule XXI, which related to bills. Section 1 of Rule XXII was adopted practically as it is at present, except that the words in the first clause "or bills of a private nature" were not included.

In December, 1887, Mr. Randall reported the provisions requiring the filing of all private bills at the box at the desk, instead of presenting them in the open House on the call of States and Territories on Mondays, which was then the day and method for presenting bills. He explained that the effect of the change would be to permit the presentation of private bills on any day instead of confining their introduction to Monday.

In the revision in the Fifty-first Congress, in 1891, the result of which is commonly referred to as the "Reed Rules," the rule for the call of States and Territories in their alphabetical order for the presentation of bills was dropped. Rule XXII as it is at present was framed, and practically all bills, resolutions, petitions, and memorials were required to be presented in the same manner—by placing them in the basket, or, as the rule provides, by delivering them either to the Speaker or the Clerk, according to their character.

The rule is substantially as it has been for many years as to petitions and memorials, and section 3 was designed to include all bills and papers which prior to its adoption had been presented on the call of States and Territories, but which thenceforth were to be presented without the formality of recognition.

The present practice is the result of a gradual evolution, the result of imperative demands for time for more important matters than the merely formal presentation of bills. With 396 Representatives and Delegates introducing in one Congress more than 25,000 bills, it is apparent that unless some rule similar to the one now in force was devised that the time occupied in presenting bills would be a burden which could not long be tolerated.

While the rule itself does not in express terms prohibit the attaching of the name of more than one Member to a bill or resolution when it is delivered to the Clerk or to the Speaker, as the case may be, for reference, attention is called to the second clause, requiring that under certain conditions the bill "shall be returned to the Member from whom it was received." The House, however, in the conduct of its business is not controlled, nor is the business conducted, merely in accordance with the express rules of the House. There are many situations not specifically covered by the written rules which are nevertheless regulated definitely by the procedure which has come down from time immemorial and which procedure is essential to the orderly conduct of the business of the House.

Rule XLIV, which was first adopted in 1837, provides that "the rules of parliamentary practice in Jefferson's Manual shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives."

A casual examination of Rule XXII does not disclose any inhibition against the attachment of more than a single name to a bill or resolution. Examined in the light of the evolution of the rules and practice relating to the presentation of bills, however, and bearing in mind the purpose sought to be accomplished by the changes made from time to time resulting finally in the introduction of all bills without the formality of recognition, it seems clear to the committee that the underlying principle of individual recognition still prevails and that the presentation of a bill involves such recognition.

A careful search has been made to ascertain whether the question referred to the committee had ever been raised and determined. No record of such a decision has been found.

The committee has had called to its attention the action of Mr. Thomas B. Reed when Speaker, in a matter involving the same question to be determined by this committee.

Mr. JOHN SHARP WILLIAMS, of Mississippi, informed the committee that he had received a memorial from the legislature of Mississippi while Mr. Reed was Speaker. There were attached to the memorial the names of all of the Representatives from that State, and Mr. WILLIAMS placed it in the basket at the Clerk's desk. In the RECORD the day following, the memorial was reported as having been presented by Mr. WILLIAMS alone. Upon inquiry, he was informed that the Speaker, Mr. Reed, had stricken all other names from the memorial, and he later informed Mr. WILLIAMS that he had done so since, under the rules, it was impossible for more than one Member to present a memorial.

Had this decision been made in such manner as to have been preserved in the records of the House, it would undoubtedly have been regarded as controlling forever.

A search of the files of the document room discloses that at least 10 bills and resolutions have been presented with the name of more than one Member attached thereto.

Some of these bills were presented in the Fifty-ninth Congress, the others during this Congress. The search could not possibly be complete in its results, since no record is kept of bills so introduced, and it is necessary to rely largely upon the recollection of the employees in the document room.

The information obtained indicated that while the practice has not been so prevalent and long continued as to justify the assertion that it has become a custom and part of the unwritten regulations controlling the procedure and business of the House, it has undoubtedly been sufficiently indulged to vindicate those who, in the absence of a controlling ruling or some action by the House, contend for the practice.

Possible abuses from the continuance of the practice are not discussed, since the committee is unanimously of the opinion that under the true and proper construction of the rule the attaching of the name of more than one member to a bill or resolution is unauthorized.

JOHN J. FITZGERALD.
MARLIN E. OLMSTED.
FRANK D. CURRIER.
CHARLES E. TOWNSEND.
SWAGAR SHERLEY.

Mr. FITZGERALD. Mr. Speaker, I move that the committee be discharged from further consideration of the subject.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. This is a unanimous report?

Mr. FITZGERALD. This is a unanimous report. Perhaps I might state, by permission of the Speaker, as it may be of interest to the House to know, that three members of the committee have at one time or another joined with other members in attaching their names to bills. After investigation of the matter, the committee concluded, as the report shows, that under a proper construction of the rules such practice was not authorized.

Mr. MANN. If the House should adopt the report, of course that would have no effect on any proposition that has already been submitted?

Mr. FITZGERALD. None whatever.

Mr. MANN. Then why does not the gentleman move to adopt the report and discharge the committee?

Mr. FITZGERALD. Mr. Speaker, at the suggestion of the gentleman from Illinois, I shall modify my motion, that the report be adopted and the committee be discharged.

Mr. SHACKLEFORD. I would like to ask the gentleman what useful purpose can be served by bringing in this report at the last hour of the session, when there is not a chance to discuss it? Is not the resolution introduced here precisely like what often happens in a court, where a particular plea can not be filed except when consent of the court is given? There may be three or four or more men sign a plea as counsel, but only one man can stand in the place and ask permission to file the plea. It can not be filed without leave of court. Does the gentleman from New York insist that the plea must be stricken from the files because more names are signed to it than that of

the man who asked permission to file it? Is there any difference between that and this?

Mr. FITZGERALD. I think the usages and practice controlling parliamentary bodies is so peculiar to the bodies themselves that there can be no fair contrast with what might be proper in a court.

Mr. SHACKLEFORD. I ask the gentleman what useful purpose is to be gained by waiting until the last days of the session, when we are about to inaugurate a President, to bring up a resolution, without any opportunity for fair discussion?

Mr. FITZGERALD. The committee was directed to make the report. Since the committee was appointed until this week I have been engaged day and night in work of the Committee on Appropriations in preparing and considering the sundry civil appropriation bill, as has also one other of the members of the committee.

It has been utterly impossible to bring a report in earlier. Since the report is unanimous, and since three members of the committee have been among those who have believed that the practice of attaching more than one name was authorized, after investigation have come to the conclusions stated in the report, it seems to me that since no attempt is made in any way to interfere with any bill or resolution which has been introduced in that way prior to this time, there can not be any objection to the adoption of this report, but that it will be conducive to proper procedure in the House to adopt it at this time.

Mr. UNDERWOOD. In other words, if the gentleman will allow me, the result of the report is not to reflect upon the past procedure of the House, but merely to make a precedent for the House in the future?

Mr. FITZGERALD. That is so.

Mr. SHACKLEFORD. If this report is correct, are not the other bills where two or more names have been attached invalid, and ought they not to be stricken from the files?

Mr. FITZGERALD. No; not unless the House takes some action. Nobody has suggested that any action should be taken in regard to any bill or resolution heretofore introduced. It seemed to the committee that it might be desirable if the practice be unauthorized to have it declared so, and it has been done in a manner that anybody reading the report would say that without such an investigation as has been made there was some justification for the belief that the practice was justifiable.

Mr. MANN. Would not the adoption of the report simply mean to say that in the opinion of the House, without striking anything from the files, without in any way reflecting upon any Member who has signed reports of that character, in the future it would be the desire of the House that only one Member introduce memorials?

Mr. MURDOCK. Did the committee find whether any action similar to the action now taken by this committee had been taken in previous Congresses?

Mr. FITZGERALD. There is no record of any case, and the only case like it is that one called to the attention of the committee as pointed out in the report of the committee by the gentleman from Mississippi [Mr. WILLIAMS] when he presented a memorial from the State of Mississippi, to which he attached the names of all of the members of the Mississippi delegation, and Mr. Speaker Reed struck from that memorial all of the names excepting the name of Mr. WILLIAMS, which appeared first on the memorial, and informed him that under the rules and practices of the House it was impossible for more than one Member to present a memorial; and, as the committee states, if that decision had been made in a manner in which it had been preserved in the records of the House, nobody would have ever questioned it, and it would have been controlling since that time.

Mr. SHACKLEFORD. But was it made in that manner so that it could be stated as a precedent?

Mr. FITZGERALD. It was not.

Mr. SHACKLEFORD. Then it is not a precedent.

Mr. OLMSTED. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. OLMSTED. Mr. Speaker, I merely wish to say that this does not change the rules of the House in any way. This report, if adopted, will merely express the opinion of the House as to what is the proper practice under the present rules of the House. If it shall be the desire of the next House when it comes to adopt rules to so change the present rules as to permit two or more Members to join in offering one bill or resolution, well and good; but until that time it will know the adopted construction of the present rules. We found that in one case a committee had instructed two Members to make a report. They both put their names to it as offering it, and put it in the basket. Now, suppose it had been a privileged report, could two people rise at one time and say, "We demand recognition to present a privileged report?"

Could a dozen Members be recognized to present one bill? Could a dozen rise and say, "We present a bill entitled so-and-so?" Such a proposition could not be considered for a moment. The placing of the bill in the basket simply takes the place of the personal recognition which was formerly the practice. This report simply expresses the opinion, without reflecting upon the integrity of any bill or resolution heretofore offered, that no more than one Member may present one bill or resolution. I may say that we found that even one member of the Committee on Rules had joined another Member of the House in presenting a bill. This report simply expresses an opinion as to the better practice to be observed in the future.

Mr. DAVIS. Will the gentleman yield?

Mr. OLMSTED. Yes.

Mr. DAVIS. Upon the theory that the gentleman has just advanced, and the case which of course this special committee was appointed to investigate——

Mr. OLMSTED. We were not appointed to investigate any special case.

Mr. DAVIS. Was not the committee appointed as a special committee to investigate the resolution that was introduced by the so-called "insurgents?"

Mr. OLMSTED. No; there was no reference made to any particular case in the resolution under which the committee was appointed.

Mr. MANN. There are a large number of these bills, I may say to the gentleman from Minnesota.

Mr. OLMSTED. We found 10 or more.

Mr. DAVIS. Take the case of the insurgent resolution that was introduced upon the idea the gentleman has just expressed, would it have been proper for the gentleman whose name is at the head of those signing that resolution to have presented it to the House?

Mr. OLMSTED. Undoubtedly.

Mr. DAVIS. And to have stated that he, on behalf of Messrs. So-and-so, mentioning seven or eight Members, presented the following resolution.

Mr. OLMSTED. I think he could present it if he were recognized.

Mr. DAVIS. Calling them by name?

Mr. OLMSTED. If he were recognized, he could present it, and he could say anything that he was permitted to say.

Mr. DAVIS. Would it be proper for him to say, "I, in behalf of John Smith and John Doe and others, present the following resolution?"

Mr. OLMSTED. If he could not say it on the floor, he could not say it in the basket.

Mr. DAVIS. Is not that the same system that the chairman of the committee adopts when he presents a report of a committee and says that on behalf of the committee he presents the following report?

Mr. OLMSTED. He says that he is directed by that committee to do it.

Mr. DAVIS. That shows that he is directed by a number of men to do it.

Mr. OLMSTED. Yes; by a committee.

Mr. DAVIS. Then this particular resolution would have been proper, and it would have been proper for one of the Members who introduced that resolution to have said, "I and certain others hereby introduce for consideration the following resolution, or place it in the basket."

Mr. HAMILTON of Michigan. But they were not a committee.

Mr. DAVIS. Neither was there a committee in this John Sharp Williams case.

Mr. OLMSTED. And that is why Speaker Reed struck the other names off.

Mr. FITZGERALD. The gentleman understands the principle underlying that, and the evolution shows it, that the presentation of a memorial which is dropped in the box is, in effect, a recognition, and it would be impossible for more than one man to be recognized to present a memorial. Only one man can present it.

Mr. DAVIS. What I was trying to get at is this: Would it be proper for one man, then, to say that on behalf of—naming 15 or 20 Members of the House—"I hereby present the following resolution for consideration?"

Mr. FITZGERALD. He does the same thing by dropping it in the basket. I do not think a gentleman could go on and say that on behalf of somebody besides himself he did something unless we adopt a procedure here that would eliminate completely individual initiative and responsibility. It is the indi-

vidual responsibility of the Member on the floor that must be considered.

Mr. DAVIS. But he does it by direction of a committee, say, of 16. Why can not he say that by direction of a committee of 15 or 20 members he does so and so?

Mr. RYAN. Does not the rule provide that a bill or memorial must be submitted by one Member alone?

Mr. FITZGERALD. Nothing specific.

The SPEAKER. What is the motion of the gentleman from New York?

Mr. FITZGERALD. Mr. Speaker, the report having been unanimous, and not thinking there would be any contention, I moved that the report be adopted and the committee be discharged.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman from New York yield me a little time before he moves the previous question upon the adoption of the report?

Mr. FITZGERALD. How much time does the gentleman desire—five minutes?

Mr. GARDNER of Massachusetts. Yes.

Mr. FITZGERALD. Well, I yield the gentleman from Massachusetts five minutes.

Mr. GARDNER of Massachusetts. Mr. Speaker, I do not think it makes any difference whether you adopt this rule or not. Nobody cares whether one man introduces a resolution or whether 29 men introduce a resolution, but I understand the gentleman brings it up as a privileged matter. Am I correct?

Mr. FITZGERALD. The committee was directed to report.

Mr. GARDNER of Massachusetts. At no particular time; it was a privileged resolution.

Mr. FITZGERALD. If it was not reported to-day or to-morrow, I suggest to the gentleman, it could never be reported.

Mr. GARDNER of Massachusetts. In all events it comes in here, if it comes at all, as a privileged matter, and when it came up originally it was a privileged matter. And that means, Mr. Speaker, that the gentleman from New York has discovered a new way, besides an appeal, of reviewing the action of the Speaker.

If his report means anything, it means that the Speaker transcended his power when he referred that bill to any committee at all, because if it was not properly introduced the Speaker could not have referred it to a committee, and I am delighted to find that it is now a privileged matter to ascertain whether or not the Speaker's action has been correct, because in the future as a privileged matter, when the Speaker makes a rule, for instance, as he did in the case of the gentleman from Tennessee [Mr. GAINES] when he brought in the Lilley resolution, that the control of the floor passed to the gentleman from New York [Mr. PAYNE], those of us who did not think so have now the means of bringing before this House as a privileged question a resolution in order to see whether his decision was correct or whether it was not correct.

Not only that case, but when the gentleman from New York [Mr. FITZGERALD] raised the point of order that the control of the floor passed from Mr. BENNET of New York to Mr. SABATH of Illinois and the Speaker ruled otherwise, those of us who disagreed in that decision now find that whether one gentleman or another chooses to appeal or not we have the means we did not have before of reviewing a decision of the Speaker, and for that reason I do not care two shakes of a cat's tail whether the resolution of the gentleman goes through or not. I am very glad to learn that it is a matter of privilege to review the action of the Speaker. [Applause and cries of "Vote!"]

Mr. OLLIE M. JAMES. Mr. Speaker, I would like to ask the gentleman from New York [Mr. FITZGERALD] a question.

Mr. HEPBURN. Mr. Speaker, will the gentleman yield to me for a moment for a question?

Mr. FITZGERALD. Yes.

Mr. HEPBURN. I would like to ask the gentleman if there is any question in his mind as to the right of the 29 gentlemen introducing that resolution each in his turn to have introduced the same resolution?

Mr. FITZGERALD. If the gentleman will permit me to say, first, I have no ulterior designs against the particular 29 gentlemen.

Mr. HEPBURN. It was the action back of the 29 gentlemen that inspired the gentleman from New York to action, however.

Mr. FITZGERALD. Not particularly their action, but the number of names by the appearance in the RECORD did attract my attention.

Mr. HEPBURN. Will the gentleman answer my question?

Mr. FITZGERALD. I said I knew of no——

Mr. HEPBURN. No rule that would prohibit it?

Mr. FITZGERALD. None whatever.

Mr. HEPBURN. And that course might have been pursued; and the gentleman reports now, as I understand, that it would be the better practice that 29 gentlemen each for himself should have introduced this bill and required the printing of it, and left the record to be made with regard to each one of them, and that that would be the better practice, rather than the 29 uniting in one in order to save the extraordinary printing of 28 of these bills?

Mr. FITZGERALD. I doubt if the gentleman from Iowa [Mr. HEPBURN], by the most careful examination of the report, will find anything that will justify his conclusions as to the position he ascribes to me. [Cries of "Vote!"]

The SPEAKER. The question is on the adoption of the report and the discharge of the committee.

The question was taken, and the motion was agreed to.

CODIFICATION OF THE LAWS.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 140, and have it considered at this time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (No. 140) to create a joint committee to consider the revision and codification of the laws of the United States.

Resolved, etc., That a special joint committee be appointed, consisting of five Senators, to be appointed by the Vice-President from Members of the Sixty-first Congress, and five Members of the House of Representatives, to be appointed by the Speaker from the Members of the Sixty-first Congress, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws reported by the statutory revision commission heretofore authorized to revise and codify the laws of the United States, including all laws of a general nature, permanent in character, passed since the submission to Congress on December 15, 1906, of the final report of said commission; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary assistants, to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary; all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to be read a third time, was read the third time, and passed.

TREATY BETWEEN UNITED STATES AND RUSSIA.

The SPEAKER laid before the House the House joint resolution No. 235, concerning and relating to the treaty between the United States and Russia, with a Senate amendment.

The Senate amendment was read.

Mr. SABATH. Mr. Speaker, I move that the House concur in the Senate amendment.

The amendment was agreed to.

REPRESENTATIVE JAMES S. SHERMAN.

Mr. FOSTER of Vermont. Mr. Speaker, it seldom happens in the history of the House of Representatives that we furnish to the republic a Vice-President. We shall do that to-morrow noon when the Hon. JAMES SCHOOLCRAFT SHERMAN takes the oath of office. [Loud applause.]

I am sure, Mr. Speaker, that I voice the sentiment of the entire membership of the House when I say that we regret Mr. SHERMAN's leaving us. Nevertheless, our loss is the Nation's gain. And I am sure also, Mr. Speaker, that I speak in behalf of the entire membership of the House when I say that Mr. SHERMAN will carry with him to his new office the respect, the friendship, and the best wishes of the House of Representatives. [Loud applause.]

Mr. Speaker, it sometimes occurs to some of us that with that intuitive mind of yours you occasionally recognize a Member before he asks for recognition. Again, Mr. Speaker, I believe that I speak the sentiment of the entire membership of the House when I respectfully ask you just now to recognize the gentleman from New York [Mr. SHERMAN]. [Loud and long-continued applause.]

The SPEAKER. The gentleman from New York [Mr. SHERMAN] is recognized. [Loud applause.]

Mr. SHERMAN. Mr. Speaker, were it not for the particularly auspicious occasion, so far as I am concerned I should hesitate to emphasize the arbitrary right which the gentleman from Vermont suggests that the Chair has. But, Mr. Speaker, I do value the privilege of occupying the floor for just a moment or two in response to the thought which the gentleman from Vermont has brought to my mind.

It is twenty-one years, Mr. Speaker, last December since I entered the House of Representatives in the Fiftieth Congress. I have served here since then continuously, save only for one term, and that intermission was occasioned by my acceptance of an invitation differing from that ordinarily given me by a considerate constituency, to remain at home and become better

acquainted with that constituency during that period of two years. [Laughter.]

In the Fiftieth Congress, Mr. Speaker, there sat but five men who are to-day Members of Congress—your honored self; the gentleman from Pennsylvania, Mr. BINGHAM; the gentleman from Pennsylvania, Mr. DALZELL; the gentleman from New York, Mr. COCKRAN, and myself. It is true that both Colonel HEPBURN and Mr. PAYNE rank me in service, because they had sat in a prior Congress but were not Members of the Fiftieth Congress. There have been wonderful changes in the House of Representatives in those twenty-one years. In the first place, the House to-day has a membership of more than 60 greater than it had at that time—a membership greater by almost the number that were originally provided by the Constitution for the First Congress, which was, as I recollect it, 65. Then we had a membership of 332; now of 391.

I can almost see, Mr. Speaker, filing by me in my memory some of the great men of that period. I can see over yonder Samuel J. Randall, of Pennsylvania [applause]; strong, able, fearless, a concise debater, a splendid presiding officer, fair in debate, considerate in his antagonisms, mindful for his country, standing here, day after day, performing the work that an honest conscientious guardian of the Nation's interests should perform.

I remember, sir, that at that time there sat in the chair which you now occupy that great citizen of Kentucky, since elevated to the Senate, then to the Treasury portfolio, a man who in every decision in that chair meted exact justice to both sides of this House. [Loud applause.]

Mr. Speaker, I think I but speak the plain truth when I say that from John G. Carlisle until now, to the present Speaker, through Crisp, and Reed, and Henderson, and yourself, through all, no man on either side of this House has the right to claim that he has ever received from any Speaker other than his just deserts, other than fair treatment. [Loud applause.]

I can almost see, sir, sitting in the seat which is now mine, the first seat on this side, little Charley O'Neill, as we called him; concise, prim, considerate, courteous, gallant to a degree; always at his post of duty performing his share of legislation.

I can see back here "Pig Iron Kelley," as he was called, William D. Kelley, with his erect form, notwithstanding his three and seventy years of life, with his sonorous voice resounding through this Hall, always voicing the sentiment of his State and his party in favor of that great economic principle which I have always believed is the mainstay of the Republican party.

I can see over yonder Breckinridge the greater, and Breckinridge the lesser, the Breckinridge from whose lips there came like ripples of water liquid eloquence, whose equal there never was in this House or in any other body, William C. P. Breckinridge. [Loud applause.] He was a natural-born orator.

Right over here sat that other man from Massachusetts, the impassioned orator without equal in any legislative body, John D. Long. [Applause.] Up the middle aisle sat he, a leader who was elevated to the highest gift in the American Republic—aye, the highest gift, I believe, in the hands of any electorate in the world—William McKinley, of Ohio. [Great applause.] William McKinley, beloved by the Members on both sides of this Chamber; beloved by the people of this country; who served the people on battlefield, in forum, and executive chair, ably, faithfully, and well; and who with an appeal to the Almighty to forgive his slayer when he fell by the hand of an assassin, passed over to the great beyond. And standing by him in the aisle was the ponderous and powerful, calm and forceful, not eloquent always, ready always, fair always, able, a leader of men born was he, Thomas B. Reed, of the State of Maine. [Loud applause.]

All these men, Mr. Speaker, save Mr. Carlisle, have gone to their reward. Others, Mr. Speaker, some you and I have known and respected, have admired, for whom there has grown up even our strong affection, are still here.

I came to the House the youngest Member; I go out not the oldest, but among the oldest, Mr. Speaker, and I can not think of going out without more than a tinge of sadness. It has been a delightful service in this House. A wonderful period during which we have served. We have grown in population, in wealth, in enterprise; we have extended our territory. Indeed, we have become, Mr. Speaker, within those twenty years a world power and recognized as such.

The strength of our navy has been recently demonstrated, and in its globe-encircling voyage that navy has been the admiration of the world. [Applause.] It was at the beginning of my service here that the American Navy first began its progress toward its present wonderful development, under the recommendation of William C. Whitney, of the State of New York. [Applause.]

But, Mr. Speaker, I did not mean to encroach upon the time of the House to this extent. I did wish to say that I look back upon my service here with delight. For you gentlemen who are now in the Chamber, and for scores upon scores of others who have done their duty and who have passed on, some to the great beyond and some to perform duties in private life, I have formed for many of these a warm and a close affection. For many of those into whose faces I now look I have more than a personal regard, an affection which borders on love.

Mr. Speaker, there can never be for a boy anything like the early friendships. There never can be for me anything which quite measures up to the delight and the satisfaction of my service in the Congress of the United States. [Applause.] As I think of going out, there comes to my mind the words which many of you remember—

Love goes from love,
Like schoolboy to his books—

And I guess there are none of us so old but that we remember, when the skating was good or the baseball game was on, with what reluctance we went to our books. And that is my feeling to-night, Mr. Speaker. I go from this body with reluctance. I sever my official connection with you all with the utmost regret.

I carry with me, for a little time of service in the other end of this Capitol, and then to private life, the keenest remembrance of the kindly consideration that I have always received from both sides of the House. That of this side I always felt as though perhaps I was somewhat entitled to. Over there it did not seem quite as though I had the right to expect the generous treatment, gentlemen of the Democracy, that I have always received at your hands. [Applause.] And I take delight to-night in giving public expression to it.

All this memory will be with me while life lasts; and I trust, gentlemen, that the friendship will not be all upon one side. I hope I will live, for a little time at least, in the minds and the hearts of many of you. I shall not stay constantly over at the other end of the Capitol, boys. [Applause.] I am coming over to mingle with you now and again. Of course I shall find some associates over there. Why, Mr. Speaker, more than one-third of the United States Senate to-day is made up of men who have served with me in this House during the last twenty years. [Applause.] Thirty-two of the 90 United States Senators have had their schooling in this House.

Therefore, Mr. Speaker, that body can be properly looked upon as a very great, if not the greatest legislative body in the world. [Applause and laughter.] It, perhaps, may be looked upon as a college, for which a very considerable minority were prepared in this Chamber.

Gentlemen, please take with you to your homes my assurances of respect, of esteem, of regard; respect and esteem and regard for men who, it seems to me, time and again have shown their patriotic devotion to their country, who have shown their desire to do that which is right. And, Mr. Speaker, I say, what some other gentleman said in debate here to-night, that during all these years I have not found a man on either side of the Chamber whose actions I believed were impelled by any improper or impure motive. [Applause.] We have differed, to be sure, differed at times diametrically. Our antagonisms at times have been keen, our contests sharp.

But, Mr. Speaker, victor and vanquished have always been ready to accord to the other side the honesty of their beliefs, the sincerity of their purposes, the patriotism of their acts.

Take with you, gentlemen, to your homes my regard, my esteem, my affection; and I hope that after the morrow, when the excitement of that day has passed, you will in the greatest comfort possible under the congested conditions reach your homes in safety; and I sincerely hope each of you will find all your loved ones waiting for you there, happy and contented, and that peace, prosperity, and plenty and length of days may abide with you, one and all. [Prolonged applause.]

PERSONAL PRIVILEGE.

Mr. WALDO. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WALDO. Mr. Speaker, on February 20, 1908, at the request of Hon. Lorrin Andrews, late attorney-general of Hawaii, and who represented the American lawyers and other American citizens, residents of Shanghai, China, I presented to the House articles of impeachment against Lebbeus R. Wilfley, judge of the United States court for China.

These articles charged judicial outrages and gross abuse of power which, in my judgment, showed Judge Wilfley to be utterly unfit to hold judicial office.

The President, without any investigation of the facts, except to hear Judge Wilfley and his friends, sent to the subcommittee of the Judiciary Committee, which was then investigating the facts, a copy of a letter from himself to Secretary Root, in which the President used this language:

I have received and read your report of February 29 upon the charges submitted by Lorrin Andrews, under date of November 19, 1907, against Judge Wilfley; it appearing from your report that Congressman WALDO stands sponsor for the charges.

And concluded letter as follows:

It is not too much to say that this assault on Judge Wilfley in the interest of the vicious and criminal classes is a public scandal.

This was evidently an intentional reflection upon the uprightness of my motives and conduct and an invasion of my privileges as a Member of this House.

Judge Wilfley was charged with disbarring as unfit and unqualified, without hearing and in defiance of law, all the American lawyers whom he found practicing in Shanghai when he came there; of holding a sham and fraudulent examination, which he asserted the leaders of the bar did not pass, while only two lawyers did, members of a partnership in which the one member was disqualified to try cases by age and infirmities, the other by youth and inexperience.

Several of those held unfit and not qualified were then and are to-day members in good standing of the bar of the Supreme Court of the United States, lawyers of high standing and ability and of the best character and reputation.

Judge Wilfley was charged with convicting American citizens of crimes in defiance of law and evidence and then refusing bail pending appeal from his outrageous decisions and even attempting to evade the order of the circuit court of appeals directing him to admit to bail.

Judge Wilfley was charged with appointing receivers, stripping American citizens of their property and business without an opportunity to obtain counsel or to present evidence, while at the same time he protected fraudulent lottery and gambling schemes conducted by his friends.

Judge Wilfley appeared before the committee of this House, cross-examined in person, and made a statement or speech of an hour and a half, not under oath, in which he admitted practically every charge against him except the lottery charge, which was proved by his own letter in evidence, his only defense being that he acted with good motives, and that the Americans in Shanghai were very corrupt and disreputable.

The subcommittee reported, although the acts complained of were in the nature of tyranny or judicial outrage showing unfitness for judicial office, they were not, each considered by itself, impeachable offenses, but nevertheless closed its report with these grave reflections:

It is obviously true that an aggregation of entirely legal acts may develop into a system of tyranny and oppression; and that an inequitable exercise of judicial discretion may convert the machinery of justice into an engine of despotic and autocratic power. This may be accomplished without the taint of individual corruption and with a laudable purpose of purifying a community and of inaugurating civic reform.

Terror to evil doers if purchased at the price of judicial fairness and overstrained legal authority is achieved at too great an expense, for it defeats its own high aim and warps the very fabric of the law itself.

The temptation of an honest judge to—

"Bend once the law to his authority
To do a great right—do a little wrong—"

is fraught with such danger to our whole system of remedial justice that it merits the condemnation of every legal mind.

Such acts of legal oppression and of abuse of judicial discretion lie at the base of these charges. They are made before the House of Representatives in the form prescribed by law and custom, and are presented as a question of high privilege upon the solemn responsibility of a Member of the House. Charges so presented against this court have a peculiar and dangerous significance. In this case they are dismissed as falling short of impeachable offenses, by what we believe to be sound principles of legal construction, and Judge Wilfley is therefore denied any opportunity of defense. He can file no answer, make no denial, nor explain to the House the legality or necessity for his action.

These charges therefore stand uncontroverted, and if Judge Wilfley's judicial acts in the future are marked by the rigorous and inflexible harshness imputed to him they will hang as a portentous cloud over this new court, impairing his usefulness, impeding the administration of justice, and challenging the integrity of American institutions.

It was never my contention that any one of the judicial outrages committed by Judge Wilfley upon the American lawyers and residents of Shanghai was in itself sufficient to warrant his impeachment. I did and do now assert that the continued defiance of law and the rules of justice and equity by Judge Wilfley, and his continuous series of judicial outrages upon the rights of American citizens, show him to be utterly unfit to hold judicial office.

Such judicial outrages, even if committed, as Judge Wilfley claims, "with good intention," are, in my opinion, "high crimes and misdemeanors" under the Constitution and grounds for impeachment. If it were not so, the people of a community would be, as the Americans of Shanghai were, the helpless prey of an unscrupulous judicial tyrant.

This report of the subcommittee was accepted by the Judiciary Committee and a resolution adopted recommending that no further action be taken by the House.

Members of the Judiciary Committee, and Members of the House, who had used every honorable means to protect Judge Wilfley from the result of his high-handed and unjust treatment of American citizens in Shanghai, told Judge Wilfley that he had barely escaped impeachment, and warned him that on his return to China he must alter his judicial methods and conduct and in the future temper his judgments with some consideration of justice and equity.

This Judge Wilfley failed to do, but on his return to China was even more disregardful of all law and rules of equity and justice.

Mr. MANN. Will the gentleman yield?

Mr. WALDO. I had rather finish, and then I will yield.

Mr. MANN. Then, I make the point of order that the gentleman is not stating a question of personal privilege.

Mr. WALDO. I submit to the Chair that if there is any question of personal privilege this is one.

Mr. MANN. I was going to ask the gentleman if he himself thought it was a question of personal privilege.

Mr. WALDO. I do.

Mr. MANN. I have listened very attentively, and I do not think the gentleman has yet stated a question of personal privilege.

Mr. WALDO. This is an attack on a Member of the House.

Mr. MANN. I think it is an attack on some one who is not a Member of the House.

Mr. WALDO. Not at all; I have not related the charge in detail. I have gone over it in a concise way, simply calling the attention of the country to the fact that I had been charged with having committed an act of public scandal as a Member of this House. I think I am in order.

Mr. CLAYTON. Mr. Speaker, I rise to a point of order that the gentleman presents no question of personal privilege. I have listened carefully to what he has said, and it seems to me the whole effort is to kick a judge now out of office and to kick a President who goes out to-morrow. [Laughter.]

Mr. WALDO. I have no such intention, and I think the gentleman will fail to find any such intention in anything that I have said.

The SPEAKER. May the Chair suggest to the gentleman that he ask unanimous consent to print his statement?

Mr. WALDO. I shall only take about six minutes more.

The SPEAKER. The Chair does not like to rule on a question of privilege.

Mr. CLAYTON. I have no objection to the gentleman taking six minutes more if he wants to hasten the outgoing Republican President.

Mr. WALDO. I would suggest to the gentleman that I should have been through by this time if I had not been interrupted.

Mr. PAYNE. That is not the question at all. If I understand the gentleman, what he proposes to say now is on a line with what he has been saying. As I understand, Judge Wilfley has retired to private life. The matter was investigated by the Judiciary Committee and the contention of my colleague was not founded on fact. I object to cumbering the RECORD now with any more charges against Judge Wilfley.

Mr. MILLER. I would like to suggest to the gentleman from New York that Judge Wilfley has been fired from public life into private life, and very justly as I think.

Mr. PAYNE. Well, there are two attacking a man who can not protect himself in this body. I object to any further statements in this line.

Mr. MANN. I will not insist on the point of order.

The SPEAKER. But the gentleman from New York makes the point of order.

Mr. MANN. If the gentleman from New York is going to talk very long, I will.

Mr. WALDO. I should have been through twice over if I had not been interrupted. I ask unanimous consent of the House that I may proceed, although it seems to me that it is not necessary to ask unanimous consent.

Mr. KIMBALL. I object.

The SPEAKER. Does the gentleman from New York ask unanimous consent to print the remainder of his statement?

Mr. WALDO. I will, if the Chair rules that it is not a question of personal privilege.

The SPEAKER. The gentleman from New York asks unanimous consent to print the balance of his statement. Is there objection? [After a pause.] The Chair hears none.

The balance of the statement is as follows:

In the case of Captain Price, the United States circuit court of appeals in California had reversed the judgment of conviction of assault with a deadly weapon and sent the case back for a new trial, stating that in case Captain Price was not acting in self-defense his action, at the most, would constitute only a simple assault.

On the second trial before Judge Wilfley, shortly after his return to Shanghai, the complaining witness failed to appear. Judge Wilfley, in defiance of the law of all civilized countries, ordered the stenographer's minutes of the witnesses' testimony at the first trial read as evidence on the second trial. The Chinaman who had corroborated the testimony of the complaining witness on the first trial that the complaining witness had not in the first instance assaulted Captain Price with a carving knife now testified that this was false; that the complaining witness had first assaulted Captain Price with a carving knife; and that he had testified falsely on the first trial because the complaining witness had paid him to do so and because of the threats of District Attorney Bassett.

On this kind of evidence Judge Wilfley convicted Captain Price of assault a second time and sentenced him to prison for three months at hard labor. A second time Judge Wilfley refused to admit Captain Price to bail; a second time Captain Price's lawyer was obliged to go all the way to San Francisco, Cal., to apply for a mandamus; and a second time the circuit court of appeals ordered Judge Wilfley to admit Captain Price to bail.

Judge Wilfley next attempted to get Captain Price's bookkeeper and cashier in his large restaurant and casino business deported in defiance of law. Because the United States consul-general refused to commit this gross outrage against an American citizen, Judge Wilfley made false and scandalous charges against the consul-general, asserting that he was now standing in with the disreputable element in Shanghai; more than that, Judge Wilfley has, since his return to America, been repeating these false and scandalous charges to anyone who would listen to him.

Since these last scandalous judicial and nonjudicial outrages upon the Americans of Shanghai Judge Wilfley has been permitted by cable to resign.

He attempted to get from the people of Shanghai a protest to the President against his recall, and at the same time announced in the public press that his resignation was entirely voluntary.

Such action as I took in this case was taken after long deliberation and with a consideration of the consequences of the President's custom of acting on impulse without consideration or knowledge of facts. I knew well the President's inability to confess a wrong done a friend in haste and ignorance.

Although time has shown that I was right and the President was wrong, I never expect him to admit it or to do me such partial justice as is now possible.

I can only rely upon the approval of sober-minded men, my friends and countrymen within this House and without—to whom the final event will now show the uprightness of my motives and the necessity of my action for the protection of defenseless Americans in a far land, at any cost to myself.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 25980. An act for the relief of Sarah J. Fowler.

INTERNATIONAL EXHIBITION, BRUSSELS.

Mr. COUSINS. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 27818) providing for participation in the Universal and International Exhibition to be held at Brussels in 1910, and to pass the bill, which bill I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to accept the invitation extended by the Government of Belgium to the Government of the United States to participate in the Universal and International Exhibition to be held at Brussels from April to November, 1910.

In accepting said invitation it is hereby declared to be the purpose of the Government of the United States to participate in said Universal and International Exhibition at Brussels by erecting suitable buildings and making an appropriate exhibit of arts, industries, manufactures, and products of the soil and mines, and, as far as practicable, of the functions of the General Government of the United States, and an exhibit of such other articles as the President of the United States may direct: *Provided*, That such participation, buildings, exhibits, and all expenses connected therewith, including salaries, clerical and other services, and transportation of persons and exhibits shall not exceed $300,000.

Toward the expenses herein authorized incident to the participation of the United States in the said exhibition there is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended.

SEC. 2. That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint one commissioner-general and six commissioners, one of whom shall be a Senator of the United States and one of whom shall be a Member of the House of Representatives. Said six commissioners shall serve without salary, but shall be paid $2,000 in lieu of all personal and traveling expenses.

It shall be the duty of the commissioner-general, under the direction of the Secretary of State, immediately to take such steps as are necessary to ascertain the general plan and scope of the said Universal and International Exhibition at Brussels, and the extent and character of the exhibit that will best serve the interests of the United States and its citizens and will be best adapted to illustrate the growth and development of the country and the character of our people.

That as soon as practicable the said commissioners shall report fully to the President and the Secretary of State the result of such investigation, together with their recommendations and the estimated cost of such participation in the said exhibition within the foregoing authorization, and that it shall be the duty of the commissioner-general, under the direction of the Secretary of State, to construct such buildings as may be necessary, and to make all arrangements essential to participation, within the meaning and scope of this act.

That the said commissioner-general shall receive as compensation for his services the sum of $8,000 per annum, together with his actual traveling expenses, including sleeping-car service and a per diem in lieu of subsistence of $7 when actually traveling in the discharge of his duties.

That the President shall also appoint a secretary, at a compensation of $6,000 per annum, together with his actual traveling expenses, including sleeping-car service and a per diem in lieu of of subsistence of $6 when actually traveling in the discharge of his duties as such secretary, who shall act as disbursing agent and who shall perform such duties as may be assigned to him from time to time by the commissioner-general, and who shall render his accounts at least quarterly to the proper accounting officers of the Treasury of the United States, and shall give bond in such sum as the Secretary of the Treasury may require. That the term of service of the commissioner-general and the secretary herein provided for shall not exceed two years. And the said commissioners, subject to the approval of the Secretary of State, shall appoint from time to time such clerical and other assistants as may be necessary and as may hereafter be necessary and as may hereafter be appropriated for in connection with the participation herein authorized.

SEC. 3. That upon the request of the Secretary of State the Secretary of War is hereby authorized to furnish free transportation on government transports from seaports on the Atlantic seaboard to Belgium and return of all government exhibits and for such officials or employees connected with the commission or in charge of any or all government exhibits.

The Secretary of Agriculture is hereby authorized to prepare suitable exhibits of agricultural and food products of the States and Territories of the United States, and shall exhibit the same under the direction and control of the commissioner-general.

All officers and employees of the executive departments and of the Fish Commission and of the Smithsonian Institution, in charge of or responsible for the safe-keeping of exhibits belonging to the United States, may permit such exhibits to pass out of their possession for the purpose of being transported to and from and exhibited at said exhibition as may be requested by the commissioner-general, whenever authorized to do so, respectively, by the heads of the departments and the Commissioner of Fisheries and the Secretary of the Smithsonian Institution; such exhibits and articles to be returned to the said respective departments to which they belong at the close of the exhibition.

The commissioner-general shall employ such number of experts as may be needed, having special attainments in regard to the subjects of the group or groups in said exhibition to which they may be assigned, respectively, and he may employ from time to time such other experts as he may deem necessary in the preparation and installation of such exhibits.

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois demands a second. Under the rule a second is ordered. The gentleman from Iowa is entitled to twenty minutes and the gentleman from Illinois to twenty minutes.

Mr. COUSINS. Mr. Speaker, I have not proposed this bill for the purpose of making a speech at this closing hour by any means. I shall speak but a very few moments in its behalf. It was reported from the Committee on Foreign Affairs by the gentleman from Rhode Island [Mr. CAPRON], who is at his home ill. It has seemed to me all the time, ever since the bill has been reported, that it should have at least respectful consideration, and I believe the unanimous support of every Member in this House and of the other House. It is the ordinary proposition for a universal exposition. It is a proposition which comes from the great Government of Belgium. It is to be their great international exposition in 1910.

That Government when we held our last exposition at St. Louis appropriated $300,000; made her exhibits there one of the very best among the five great nations of the world. She is fifth to-day in the nations of the earth as to commerce and trade. She is one of the best customers that the United States

has, maybe because she has to be and maybe not. Our relations with that Government are the most cordial. It seems to me it would be very shortsighted if on the heels of our great St. Louis Exposition we did not recognize this invitation of this great neighbor of ours across the sea and reciprocate in like, as she did in the days when we were having our great exposition here. During the last five years we have participated in but one great international exposition in Europe, that of Paris. During that time the six foremost nations of the earth have participated in five expositions here in our country.

I wish to offer the proposition that we can do no less than recognize this invitation, that as a great nation, enjoying friendly and extensive commercial relations with Belgium, we can do no less than recognize her as she did us at St. Louis.

Mr. SULZER. Will the gentleman yield?

Mr. COUSINS. Yes.

Mr. SULZER. Mr. Speaker, I am very much in favor of this bill, and I sincerely hope it will pass. I would like to ask the gentleman when the exposition at Brussels will be held.

Mr. COUSINS. From April until November, 1910.

Mr. SULZER. Hence it is important to pass the bill at this session of Congress.

Mr. COUSINS. Unless it is passed now it can not be made practical.

Mr. TAWNEY. Is it not a fact that this Government appropriated $300,000 to participate in the Louisiana Purchase Exposition?

Mr. COUSINS. That is very likely.

Mr. OLLIE M. JAMES. How much is it to cost the Government?

Mr. COUSINS. Not to exceed $300,000, including everything. It seems to me that there is no argument needed in a case of this kind, when we come to consider that a nation that is fifth in the trade and commerce of the world, and who came to us at St. Louis a year or two ago appropriating $300,000, representing all the vast industries that she has—agriculture, mining, and manufacturing—now asks us to participate in her exposition. We asked them to come. They accepted, and appropriated liberally. Now, they ask us to return. It surely would be shortsighted in us not to do it, laying aside the question of commerce, even as to the matter of amity. I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I do not know that I have any objection to this bill. I think, on the contrary, that we ought to be represented at the Brussels Exposition. This bill, however, contains one of the most remarkable sections which ever has come before this House. Section 2 provides:

> That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint one commissioner-general and six commissioners, one of whom shall be a Senator of the United States and one of whom shall be a Member of the House of Representatives.

It seems to me a remarkable proposition that if the House of Representatives is to be represented among the commissioners-general, or among commissioners, that that Member shall be appointed by the President and confirmed by the Senate. Since when did we turn over all of our power to the Senate of the United States to select a Member from the House to act upon a commission? It is customary in these matters to let the Senate select its member of the commission, and to permit the House to select its member of the commission. But here is a proposition, originating I do not know where. The bill was never introduced into the House except as reported from the Committee on Foreign Affairs, and I give that committee the credit to say that I think that they never read the bill through, as it was evidently sent to them by some one outside of the legislaive branch of the Government.

Certainly the Committee on Foreign Affairs would not presume to propose in this House that when you select a Member of the House to represent it you shall ask the Senate to make the selection. Now, the distinguished gentleman now occupying the chair—and it will be a great regret to us that he will not occupy the position of the head of this commission in the next Congress—I am sure would not condone such an offense as a Member of the House. Why, if it were proposed to select the distinguished gentleman from Indiana [Mr. LANDIS] as the most fitting representative of the House, would we think it necessary to go to the other end of the Avenue and ask the President to ask the Senate if he might be the representative from the House? Is it the intention by this legislation to utterly and entirely abandon the prerogatives and privileges of the House of Representatives?

This bill will not pass; it is a House bill, and the only purpose that can be effected by passing the bill through the House to-night is to say that we no longer want our rights as Members of the House, but that we seek to go into the other end of the Capitol so that we may there control the action of the House. It will not send commissioners to Brussels, the passage of the bill in the House to-night will not provide an exhibit at Brussels, but it will register the last expiring effort of the House of Representatives to efface itself from taking a part in the government of the United States. Mr. Speaker, I reserve the balance of my time. [Applause.]

Mr. MACON. Mr. Speaker, before the gentleman takes his seat will he allow me to suggest there is one other bad feature about this bill, and that is it proposes to take $300,000 out of a depleted Treasury in order to make entertainment for people somewhere, which the people of the United States will not even have an opportunity to attend themselves.

Mr. MANN. Well, as I suggested to my friend from Arkansas, the passage of the bill through the House, in my opinion, will not take a dollar from the Treasury, because I do not think it will pass through the Senate; possibly it might, but it will register the will of the House that it wants to efface itself.

Mr. OLLIE M. JAMES. The gentleman, in making that statement with a degree of assurance that it will not pass the Senate, perhaps has not taken into his conclusions the rapidity with which a bill like this can go through the Senate.

Mr. MANN. It might go through the Senate, but I do not think it will pass. I yield two minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, I do not care to discuss the question of dignity suggested by the gentleman from Illinois. The gentleman from Illinois has suggested that the bill will not pass the Senate. It occurs to me that the greatest inducement which could lead the Senate to pass the bill would be the provision to which he has called attention, of the Senate passing upon the Member from the House who should be a member of the commission. But, Mr. Speaker, without reference to the question of dignity, I wish to say that the people of the United States, in my humble judgment, are getting exceedingly tired of paying for expositions, and they are particularly tired of paying for expositions in which they have no interest, directly or indirectly.

Mr. Speaker, I now yield back the balance of my time.

Mr. COUSINS. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this bill should pass. I agree with the gentleman from Iowa, and I differ with the gentleman who has just taken his seat regarding the advantages of these expositions. They benefit and elevate the people far beyond the conception of the unthinking. These great international expositions do much good in an educational way and go far to establish cordial relations between people of different countries, dissipate prejudices, and broaden humanity. We must do as other great countries do. We must be abreast of the times. [Applause.] When we held expositions in this country we invited all other countries to participate, and they generally did so. We are a world people and we should participate in all the great expositions. When we consider the friendship of Belgium and the advantages bound to result from our participation in this exposition, I believe it will be a mistake to defeat this bill. I am in favor of expositions, and I hope this measure will pass without opposition. The money invested in this display in the products of our fields and forests and factories will return to us an hundredfold. We can not be a country apart. We must hold our place in the forefront of the world's progress.

Mr. OLLIE M. JAMES. Will the gentleman yield? The gentleman from Iowa [Mr. COUSINS] assured us that $300,000 was to be appropriated for the purpose of this exposition. If the gentleman will examine this bill, he will find out that it starts off with a salary of $8,000 to the commissioner-general, and besides that he is to get his actual traveling expenses, sleeping-car service, and per diem in lieu of subsistence of $7 a day. In addition to that there is a secretaryship of $6,000, for sleeping-car service an additonal $7 a day, and then there are 8 commissioners, at $2,000 each. Now, how much will be left, after all these officers are paid, for the exposition in Belgium?

Mr. SULZER. I only have a few minutes. I can not yield for a speech. I hope we will appropriate sufficient money to fittingly take part in this exposition. If we do not, we will be recreant to the best interests of the people of the country.

Mr. OLLIE M. JAMES. Is this to be an exposition of office-holders or an exposition of the products of the United States?

Mr. SULZER. Mr. Speaker, I believe, and I want to say this as emphatically as I can, that it will be to the best interests of the producers of this country for us to participate in a fitting way in this Brussels Exposition. I hope the bill passes.

The SPEAKER. The time of the gentleman has expired. [Cries of "Vote!"]

The SPEAKER pro tempore (Mr. LANDIS in the chair). The question is on suspending the rules and passing the bill with committee amendments.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 60, noes 70.

So the motion to suspend the rules was rejected.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I submit the conference report on the bill H. R. 28245, the sundry civil appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 24, 28, 29, 32, 33, 41, 42, 44, 58, 60, 70, 71, 74, 75, 79, 81, 96, 113, 114, 116, 118, 119, 121, 122, and 127.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 21, 22, 23, 30, 31, 35, 36, 37, 39, 45, 47, 48, 49, 52, 54, 55, 56, 57, 59, 61, 62, 63, 64, 65, 66, 69, 72, 73, 76, 77, 78, 80, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 97, 98, 99, 100, 101, 105, 106, 107, 108, 109, 110, 112, 115, 117, 120, 124, 125, 126, 128, and 129, and agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty thousand dollars;" and the Senate agree to the Same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Point Judith breakwater lights, Rhode Island: For establishing lights and fog signals on the breakwater of the national harbor of refuge, Point Judith, Rhode Island, twelve thousand dollars."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Add at the end of said amendment the words "to be immediately available;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Add at the end of said amendment the words "to be immediately available;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "one hundred and fifty thousand dollars;" and after the word "dollars" at the end of the said amendment insert the following, "and the said commission shall complete their entire work and make their final report, and the commission shall cease on the first day of March, nineteen hundred and ten;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 100 of the bill, in line 5, strike out the word "fifty" and insert in lieu thereof the word "twenty-five;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: Add at the end of said amendment the words "to be immediately available;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In line 4 of said amendment, after the word "services," insert the words "for the Senate Office Building;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: On page 106 of the bill, in line 3, strike out the words "to indict" and insert in lieu thereof the words "or other juries to indict and try;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the word "seventy-five" and insert in lieu thereof the word "sixty;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Strike out all after the word "Treasury," in line 8 of said amendment; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million four hundred and seven thousand three hundred and ninety dollars;" and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: On page 166 of the bill, in line 8, strike out the words "forty-two thousand six" and insert in lieu thereof the words "forty-seven thousand one;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "five hundred dollars;" and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and two thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million three hundred and twenty-eight thousand seven hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "the," insert the words "Congress and the;" and on page 200 of the bill, in line 25, strike out the words "forty-one thousand two hundred and thirty-two" and insert in lieu thereof the words "forty-eight thousand and thirty;" and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 215 of the bill, in line 20, after the word "shall," insert the words "transmit the estimates to Congress as heretofore required by law and;" and change the number of the section to 7; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the number proposed insert "8;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the number proposed insert "9;" and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: After the word "is" at the end of line 13 of said amendment insert the words "specifically and in express terms;" and change the number of the section to 10; and the Senate agree to the same.

J. A. TAWNEY,
WALTER I. SMITH,
JOHN J. FITZGERALD,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
H. M. TELLER,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill making appropriations for sundry civil expenses for the fiscal year 1910 submit the following written statement in explanation of the accompanying conference report:

The bill as finally agreed upon appropriates $137,609,906.93.

The Senate by its amendments added to the bill $1,954,719.

By the conference agreement the Senate yields from $1,134,658, and the House agrees to $820,061.

Among the principal items agreed to by the House are the following:

Everett, Wash., public building, $40,000.

Riverside, Cal., public building, $50,000.

For the National Museum, $250,000, instead of $300,000 as proposed by the House and $190,000 as proposed by the Senate.

For Ambrose Channel, New York, lights, $40,000.

For Alcatraz light station, California, $35,000.

For lights in Alaskan waters, $60,000.

For Immigration Commission, $150,000, with a requirement that said commissison shall report and cease on the 1st day of March, 1910.

For the Senate Office Building, $123,000.

For topographical surveys, Geological Survey, $350,000, as proposed by the Senate, instead of $300,000, as proposed by the House.

For geological surveys, $225,000, instead of $260,000, as proposed by the Senate.

For additional wing to Freedmen's Hospital building, Washington, D. C., $55,700.

For additional shop building for Frankford Arsenal, $23,500.

For addition to the building for offices of the President, $40,000.

For water supply, Presidio of San Francisco, $100,000.

For payment to the Catholic Church in Porto Rico, $120,000.

The principal items inserted by the Senate which are stricken from the bill include:

For six launches and revenue cutters for the Revenue-Cutter Service, at a total cost of $615,000.

For light keepers' dwellings, $75,000.

For Winter Quarters Shoal light-vessel, Virginia, $135,000.

For Buffalo breakwater light station, $43,200.

For aids to navigation in Puget Sound, $41,600.

For gauging streams, the increase from $100,000 to $200,000.

For investigation of structural materials, the increase from $100,000 to $150,000.

For Platt National Park, Oklahoma, $20,000.

For continuing improvement of Potomac Park, $50,000.

For traveling expenses of the President, $25,000.

The following items proposed to be stricken out of the bill by the Senate are restored, as follows:

For special examiners, division of naturalization, $125,000 instead of $150,000.

For fees of clerks of courts for services in naturalization cases, $25,000.

For testing machine for the Bureau of Standards, $50,000.

Provisions of law inserted by the House and stricken out by the Senate are restored as follows:

Fixing the compensation of linotype operators in the Government Printing Office.

The section requiring the estimates of expenditures to be submitted by the Secretary of the Treasury to the President, when the same exceed the estimated revenues, for his suggestions to Congress with reference to their reduction or for such loans or new taxes as may be necessary to cover the deficiency.

Section 9, inserted by the Senate, repealing certain unexpended balances of appropriations is agreed to.

J. A. TAWNEY,
WALTER I. SMITH,
JOHN J. FITZGERALD,
Managers on the part of the House.

Mr. TAWNEY. Mr. Speaker, I move the adoption of the report, and on that motion I ask for the previous question.

Mr. CLARK of Missouri. Mr. Speaker, I want to ask just one question. That $25,000 for traveling expenses goes out?

Mr. TAWNEY. That is out.

Mr. BENNET of New York. Will the gentleman from Minnesota [Mr. TAWNEY] yield me two or three minutes?

Mr. TAWNEY. I yield three minutes to the gentleman.

Mr. BENNET of New York. Mr. Speaker, I think that as a member of the Immigration Commission I ought perhaps to say that the provision inserted in the bill for the commission is, so far as I am concerned, and as far as I have been able to consult the members of the commission, entirely satisfactory. There is no reason why we ought not to complete our work in a year, and there is no reason why we ought to spend in the fiscal year provided for by this bill more than the money appropriated.

The gentleman from Kansas [Mr. MURDOCK], who the other day made the point of order against the appropriation of $300,000 as it came from the committee, deprived me of the unique opportunity of offering an amendment, which I had already prepared, reducing the amount of the appropriation from $300,000 to $200,000.

Mr. TAWNEY. If the gentleman will permit an interruption, the $300,000 recommended from the Committee on Appropriations is the amount estimated by the commission.

Mr. BENNET of New York. Not by the commission, if the gentleman will permit me, but by the bureau. The committee has treated us with great liberality and entire fairness, and I thought that the commission at that time owed a duty to the committee, and thinking that it ought not to spend as much money, I had intended to make the motion at that time.

Mr. MURDOCK. How much does the bill now carry?

Mr. BENNET of New York. One hundred and fifty thousand dollars, and I think it is enough.

Mr. BURNETT. Will the gentleman yield two or three minutes to me?

Mr. TAWNEY. I yield three minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I desire to say that I shall not offer any objection or amendment, or try to prevent the adoption of the report of the committee of conference on the sundry civil bill, but I think the time that is given to the Immigration Commission to make its final report is entirely too long. I believe, Mr. Speaker, that this commission can make its report by the 1st day of December or, at least, by the 1st day of January, without any trouble whatever.

In support of that I want to read just one clause of the report of the commission that was filed the other day. I am a member of that commission and know something of its work. I think, without question, if this House will require the commission to do so they can make their final report by the 1st day of January, when legislation on this question can proceed. Here is what we said:

> The plans of the commission are realized, the various lines of work outside Washington will be terminated as sufficient data is secured from each, and practically all field work will be completed in the early fall, probably by September 15, 1909. When field investigations are completed, the work will consist entirely of compiling the data secured and in preparing reports upon the various subjects.

Mr. Speaker, these tabulations and compilations are going on now. Why, then, should it be necessary, after the field work has been completed on the 15th of September, to extend the time of making its final report beyond two months and a half, solely for the purpose of preparing this report?

Mr. FITZGERALD. Will the gentleman yield?

Mr. BURNETT. Certainly.

Mr. FITZGERALD. Let me say to the gentleman that there is nothing to prevent the commission from presenting its report earlier. The House conferees believed it could be presented in a month from the completion of the field work; but the insistence of the Senate was that there should be longer time given. I did not believe it was necessary.

Mr. SABATH. Unless to extend the appropriation.

Mr. OLLIE M. JAMES. I want to suggest to the gentleman from New York that I know of nothing that hastens the report of one of these commissions like fixing the time when it shall die.

Mr. FITZGERALD. That is true. I was as anxious as the gentleman from Alabama that the life of the commission should end on the 1st of December, and to give the commission $100,000, but it was impossible to bring that about, and this was the best that could be done.

Mr. BURNETT. Well, Mr. Speaker, I think if the gentlemen had had this report of the commission before them, in which the commission states that the field work will be completed by the 15th of September, certainly two months and a half would leave the commission ample time to make its report.

The SPEAKER. The time of the gentleman has expired.

Mr. TAWNEY. I yield the gentleman two more minutes.

Mr. BURNETT. When this report was prepared, Mr. Speaker, I reserved the right as a member of the commission to make objection to the suggestion that they made, that their report could be completed by the end of the next fiscal year, because, as stated by the gentleman from Kentucky, if it was forced to do so, it could soon report. This commission was created at the time for the purpose of preventing legislation restricting immigration. There is no doubt that that was the purpose, Mr. Speaker; and it has accomplished that purpose so far, because every time any effort is made to report restrictive legislation before the Committee on Immigration those opposing it say, "Oh, wait until your commission reports;" and that is the real reason why it was desired that this commission should postpone its report during the next fiscal year, in order to prevent any legislation, although the people all over the country are demanding it. Therefore I believe that the 1st day of December, or the 1st day of January, at the very farthest, should be the time fixed for them to file their report. If they were required to do so, they would do it. But this commission will follow the rule of all other commissions and take every minute of time the law gives them to finish its work, unless the appropriation gives out before that time.

Mr. TAWNEY. Mr. Speaker, just one minute. In answer to the gentleman from Alabama, I desire to state that the contention elsewhere was in favor of a continuation of this commission for a period of two years, at a very much greater cost to the Government than the amount now authorized. The managers on the part of the House felt that they were making a fairly good compromise settlement by securing the final report of the commission on March 4, 1910, instead of December 1, 1909, or January 1, 1910, as the gentleman from Alabama now suggests. I take it that under all the circumstances, and in view of the fact that under this provision the existence of this commission is terminated entirely, we have made a very good compromise.

I want to say, in addition, by the conference agreement the Senate yields $1,134,658 and the House agrees to $820,061. The addition made by the Senate to the House bill was only $1,954,719. So that the managers on the part of the House feel that they secured a fair settlement with the other branch of the legislative department on their proposed increases to our bill.

I now move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 23973. An act for the relief of pensioners of the Metropolitan police fund;

H. R. 12512. An act for the relief of persons who sustained damage by explosion near Frankfort Arsenal, Philadelphia;

H. R. 4168. An act to carry out the findings of the Court of Claims in the case of James A. Paulk;

H. R. 3622. An act for the relief of John D. McLain;

H. R. 1549. An act granting a pension to Lela L. Ellis;

H. R. 16696. An act for the relief of the estate of Peter McEnery, deceased;

H. R. 2950. An act for the relief of certain officers of the United States Signal Corps;

H. R. 15603. An act for the relief of John W. Wood;

H. R. 12712. An act for the relief of the estate of Samuel J. Rogers;

H. R. 21029. An act for the relief of James W. Sears;

H. J. Res. 225. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C.; and

H. J. Res. 261. Joint resolution authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America in the year 1912.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2982. An act to codify, revise, and amend the penal laws of the United States;

S. 9402. An act for the relief of John H. Layne;

S. 8822. An act providing for the relinquishment by the United States of certain land to the county of Kootenai, in the State of Idaho;

S. 8379. An act for the relief of the owners of British steamship *Maroa;*

S. 7859. An act for the relief of Parsey O. Burrough;

S. 6055. An act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia;

S. 5905. An act for the relief of the executors of the estate of Harold Brown, deceased;

S. 4426. An act for the relief of Thomas C. Clark;

S. 3810. An act for the relief of Howard B. Carpenter:

S. 3164. An act to correct the military record of Paul Sinock;

S. 2544. An act for the relief of William Martinson; and

S. 671. An act to construct a road along the south bank of Anacostia River.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 10 o'clock.

The motion was agreed to; and accordingly (at 1 o'clock and 3 minutes a. m.) the House was declared in recess.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Superintendent of the Capitol Building and Grounds, transmitting preliminary report relating to underground transportation between the Capitol and certain other public buildings (H. Doc. No. 1499)—ordered to be printed as a House document with illustrations.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting the report of the excise board for the fiscal year ended October 31, 1908 (S. Doc. No. 755)—to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS.

Under clause 2 of Rule XIII, bills were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LANDIS, from the Committee on Printing, to which was referred the bill of the House (H. R. 28247) to codify, revise, and amend the laws relating to the public printing and binding and the distribution of public documents, reported the same with amendment, accompanied by a report (No. 2308), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. COLE, from the Committee on Territories, to which was referred the bill of the Senate (S. 8058) authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior, reported the same with amendment, accompanied by a report (No. 2310), which said bill and report were referred to the Committee of the Whole House.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the Senate (S. 5252) to provide for the payment of certain moneys advanced by the States of Virginia and Maryland to the United States Government to be applied toward erecting public buildings for the Federal Government in the District of Columbia, reported the same adversely, accompanied by a report (No. 2318), which said bill and report were laid on the table.

Mr. MUDD, from the Committee on Expenditures in the Department of Justice, to which was referred the resolution of the House (H. Res. 430) requesting the Attorney-General to inform the House relative to the fees received by officers, clerks, attorneys, and special counsel in the Department of Justice beyond the salaries fixed by law, reported the same adversely, accompanied by a report (No. 2309), which said resolution and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RODENBERG: A bill (H. R. 28436) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sac and Fox Indians of the Mississippi in Oklahoma against the United States—to the Committee on Indian Affairs.

By Mr. HITCHCOCK: A bill (H. R. 28439) to increase the revenues—to the Committee on Ways and Means.

By Mr. McDERMOTT: Resolution (H. Res. 608) requesting the Secretary of Commerce and Labor to investigate concerning moving-picture machines, etc.—to the Committee on the Judiciary.

By the SPEAKER: Memorial of the legislature of South Dakota, praying for a reduction of the duty on wool—to the Committee on Ways and Means.

Also, memorial of the legislature of Wisconsin, praying for certain improvements in Shiloh Military Park—to the Committee on Military Affairs.

Also, memorial of the legislature of Kansas, praying for the retention of the pension agency at Topeka, Kans.—to the Committee on Appropriations.

Also, memorial of the legislature of Oregon, praying for the establishment of forest reserves in the eastern Appalachian Mountains—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, praying for legislation for the conservation of the national resources—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, praying for appropriations to provide for the instruction in forestry in agricultural colleges—to the Committee on Agriculture.

Also, memorial of the legislature of Oregon, praying for legislation regulating the shipment of intoxicating liquors between the States and Territories—to the Committee on the Judiciary.

Also, memorial of the legislature of Oregon, praying for the removal of the duty on burlap—to the Committee on Ways and Means.

By Mr. ESCH: Memorial of the legislature of Wisconsin, asking for the enactment of a law creating a volunteer retired list—to the Committee on Military Affairs.

By Mr. WEISSE: Memorial of the legislature of Wyoming, relating to creating forest reserves—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

By Mr. CARY (by request): Memorial of the legislature of Wisconsin, concerning the enactment of a law creating a volunteer retired list—to the Committee on Military Affairs.

By Mr. SULLOWAY: Memorial of the legislature of New Hampshire, favoring passage of bill for the establishment of national forest reserves in the White Mountain region—to the Committee on Agriculture.

By Mr. HUMPHREY of Washington: Memorial of the legislature of Washington, concerning the creation of a national park in the Olympic Forest Reserve—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 28437) granting a pension to James Crum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28438) granting a pension to Frank Risner—to the Committee on Pensions.

Also, a bill (H. R. 28440) granting an increase of pension to George F. Gose—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorials of the child-labor committee of Los Angeles, Cal.; the Gurley Memorial Presbyterian Church, of Washington, D. C.; Mary A. Goodman and 9 others, of Hartford, Conn.; Joseph W. Malone and 20 others, of Brooklyn, N. Y.; R. G. Oliver and 19 others, of Hartford, Conn.; and Clarkson N. Fowler and 32 other citizens of Connecticut, praying for legislation to mitigate the evils of child labor—to the Committee on the Judiciary.

Also, memorial of Waldron (Ark.) Council, Order United American Mechanics, praying for legislation to exclude Asiatics from the United States—to the Committee on Foreign Affairs.

Also, memorial of the Illinois Daughters of the American Revolution, praying for legislation to provide for retaining the wall at Fort Massac—to the Committee on Appropriations.

Also, petition of T. L. Cleveland and 10 other members of Union Grange, of Winnebago County, Ill., praying for federal aid in the construction of national highways—to the Committee on Agriculture.

Also, memorial of Danville (Ill.) Lodge, Benevolent and Protective Order of Elks, praying for the establishment of a reservation in Wyoming for the care and maintenance of the American elk—to the Committee on the Public Lands.

Also, memorial of Honolulu Harbor, No. 54, of Honolulu, Hawaii, praying for the passage of the so-called "Hayes bill," in relation to the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Cairo Commercial Club, praying for legislation to improve the inland waterways—to the Committee on Rivers and Harbors.

Also, memorial of the Raymond Shingle Weavers' Union, of Raymond, Wash., protesting against the sentence of Samuel Gompers and others by the federal courts—to the Committee on the Judiciary.

Also, memorial of the Federated Trades Council of Waukesha, Wis., protesting against the sentence by the federal court of Samuel Gompers, John Mitchell, and others—to the Committee on the Judiciary.

Also, memorial of the W. A. Jordan Company, of Galesburg, Ill., and other firms, corporations, and individuals in the United States, praying for the reduction of the duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of George M. Cohan, Samuel H. Harris, and Victor Moore, members of "The Talk of New York" dramatic company, asking removal of duty on costumes—to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Western Engineers' Society of Western Pennsylvania, for appropriation for geological testing station at Pittsburg—to the Committee on Appropriations.

Also, petition of J. T. Miller & Sons, of Millersburg, Ohio, for a maximum and minimum tariff on flour, the minimum 25 per cent at least below the present duty—to the Committee on Ways and Means.

Also, petition of Perry Peck and others, of Licking County, Ohio, against reduction of tariff on wool—to the Committee on Ways and Means.

By Mr. BARTLETT of Georgia: Petition of wholesale grocers of Macon, Ga., asking reduction of tariff on sugar—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Maurice L. Adams, of Clinton, Me., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BURNETT: Petitions of the Presbyterian Church of Guntersville, the Methodist Episcopal Church of Union Springs, the Baptist Church of Union Springs, and the Methodist Episcopal Church of Collinsville, all in the State of Alabama, favoring legislation against shipments of intoxicants into prohibition States—to the Committee on the Judiciary.

By Mr. BURTON of Delaware: Petition of the Benevolent and Protective Order of Elks, requesting passage of bill for establishment of a reserve in Wyoming—to the Committee on the Public Lands.

By Mr. BUTLER: Petition of Edwin D. Solenberger, chairman of a mass meeting in borough hall, Lansdowne, Pa., favoring H. R. 24148, for federal bureau for children—to the Committee on Expenditures in the Interior Department.

By Mr. DRAPER: Petition of the American Institute of Architects, asking the creation of a bureau of arts and public buildings—to the Committee on Public Buildings and Grounds.

By Mr. FORNES: Petition of the American Institute of Architects, of New York City, favoring a bureau of arts and public buildings—to the Committee on Public Buildings and Grounds.

By Mr. FRENCH: Petition of citizens of Nampa, Parma, Weiser, and Meriden, Idaho, favoring an interstate liquor law subjecting liquor to control of laws of the State into which it is shipped—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Potlatch, Idaho, against the removal of the duty on lumber—to the Committee on Ways and Means.

By Mr. FULLER: Petition of American Protective Tariff League, favoring a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of United Confederate Veterans of New Orleans, for amendment of the Hepburn law, for free transportation for members of the Grand Army of the Republic and the United Confederate Veterans—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Providence (R. I.) Public Library, to place imported books and papers on the free list—to the Committee on Ways and Means.

Also, petition of E. A. Smith, president of Cairo Commercial Club, favoring the passage of a liberal river and harbor bill—to the Committee on Rivers and Harbors.

Also, petition of Public Library of the District of Columbia, favoring the Tacoma Park branch library bill (H. R. 11758)—to the Committee on the District of Columbia.

Also, petition of the National Pocahontas Memorial Association of New York City, against S. 4453, for a Pocahontas monument—to the Committee on the Library.

By Mr. GARDNER of Michigan: Petition of the Benevolent and Protective Order of Elks, creating a reserve for care of American elks in Wyoming—to the Committee on the Public Lands.

By Mr. GOEBEL: Petition of Phœnix Council, No. 85, Junior Order United American Mechanics, of Cincinnati, Ohio, favoring enactment of an effective Asiatic exclusion law—to the Committee on Immigration and Naturalization.

By Mr. GOULDEN: Petition of the American Institute of Architects, of New York City, favoring a bureau of arts and public buildings—to the Committee on Public Buildings and Grounds.

By Mr. HAMILTON of Michigan: Petition of Grange No 338, of Allegan County, Mich., favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of citizens of Geneva, Nebr., favoring a national highways commission—to the Committee on Agriculture.

By Mr. HOUSTON: Paper to accompany bill for relief of Burkett F. Starnes (H. R. 24539)—to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 28390, granting an increase of pension to William Davis—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of the National Consumers' League, urging that the work of Doctor Wiley may not be hampered—to the Committee on Interstate and Foreign Commerce.

By Mr. HUBBARD of West Virginia: Petition of George M. Snook & Co., of Wheeling, W. Va., for reduction of duty on gloves—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of citizens of Woodville, N. Y., favoring the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Ellisburg, N. Y., against enactment of Sunday-rest legislation—to the Committee on the District of Columbia.

By Mr. LOUD: Petition of citizens of Arenac County, Mich., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. McKINNEY: Petition of residents of the Fourteenth Congressional District of Illinois—to the Committee on Ways and Means.

By Mr. MANN: Petition of the Woman's Republican Club of New York City, indorsing work of Dr. Harvey Wiley—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago (Ill.) Lodge, No. 4, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

Also, petition of the Cairo Commercial Club, for legislation to improve inland waterways—to the Committee on Rivers and Harbors.

Also, petition of the American Protective Tariff League, against a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

By Mr. NORRIS: Petition of residents of McCook, Nebr., against parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

By Mr. PEARRE: Petition of Frostburg (Md.) Lodge, No. 470, Benevolent and Protective Order of Elks, favoring a reservation for the American elk and appropriation of $30,000 therefor (H. R. 21980)—to the Committee on the Public Lands.

By Mr. STURGISS: Petition of the Elkins Produce and Grocery Company, of Elkins; Grant Rinehart, of Lehigh; and E. J. Moran, of Tucker County, all in the State of West Virginia, favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of C. W. Thomian, of West Virginia, favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SULZER: Petition of the New York Chapter of the American Institute of Architects, favoring the creation of a bureau of arts and public buildings—to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Pennsylvania: Petition of Williamsport (Pa.) Lodges Nos. 193 and 173, Benevolent and Protective Order of Elks, for creation of American elk reservation in the State of Wyoming (H. R. 21980)—to the Committee on the Public Lands.

By Mr. WOOD: Petition of the King Confectionery Company, of Trenton, N. J., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

SENATE.

[Legislative day of Wednesday, March 3, 1909.]

The Senate met at 9.30 o'clock a. m., Thursday, March 4, 1909, on the expiration of the recess.

The PRESIDING OFFICER [Mr. GALLINGER in the chair]. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. 28245) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

The message further announced that the House had passed the joint resolution (S. R. 140) to create a joint committee to consider the revision and codification of the laws of the United States.

The message also announced that the House had passed the bill (S. 7785) relative to outward alien manifests on certain vessels, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6183. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon; and

H. R. 19607. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law.

RECESS.

Mr. HALE. The House will not be in session until 10 o'clock. I move that the Senate take a recess until half past 10 o'clock.

Mr. SMITH of Michigan. I ask the Senator to modify his motion, so that the Senate may meet at 10.

Mr. HALE. I will modify it, and move that the Senate take a recess until 10 o'clock.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine—that the Senate take a recess until 10 o'clock.

The motion was agreed to; and at the expiration of the recess (at 10 o'clock a. m.) the Senate reassembled.

ALIEN MANIFESTS ON VESSELS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 7785) relative to outward alien manifests on certain vessels, which was, in line 4, to strike out "twenty-seventh" and insert "twentieth."

Mr. KEAN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

WHITE MOUNTAIN FOREST RESERVE.

The PRESIDING OFFICER [Mr. GALLINGER] presented a concurrent resolution of the legislature of New Hampshire, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

Whereas the legislature of 1903–1905 recommended and supported legislation toward the establishment of national forest reserves; and

Whereas the Weeks bill now pending in Congress provides for the purchase of forest lands of any watershed in the United States, to be paid for by money received from existing national forest lands at the rate of $1,000,000 for the next fiscal year and $2,000,000 yearly thereafter for nine years; and

Whereas the said Weeks bill provides for federal aid to those States which have an effective forest fire service:

Resolved by the senate (the house of representatives concurring), That the legislature of the State of New Hampshire hereby approves of all provisions tending to the establishment of national forest reserves in the White Mountain region and federal aid for an effective forest fire service;

That the State will cooperate with the Federal Government in the accomplishment of the purposes proposed by said bill now pending in Congress and favors its early enactment;

That our Senators and Representatives in Congress be urged to favor said proposed legislation and use all honorable action thereon; and

That a copy hereof be sent to the Speaker of the House of Representatives and to each member of the New Hampshire congressional delegation.

A true copy. Attest:

M. W. FITZPATRICK, *Clerk.*

OLYMPIC FOREST RESERVE.

Mr. PILES presented a joint memorial of the legislature of Washington, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA, STATE OF WASHINGTON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam H. Nichols, secretary of state of the State of Washington, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 5, passed at the eleventh regular session of the legislature of the State of Washington, relative to the establishment of a national park in the Olympic Forest Reserve, with the original enrolled copy of said memorial now on file in this office and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at the capitol, at Olympia, this 26th day of February, A. D. 1909.

[SEAL.]

SAM H. NICHOLS,
Secretary of State.

House joint memorial 5.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the members of the eleventh legislative session, assembled in the State of Washington, respectfully present that Quinault Lake is one of the most beautiful and attractive in the State of Washington and in the entire Northwest; that it is within easily accessible distance of the future metropolis which civic energy and natural advantages are rapidly creating on the shores of Grays Harbor; that the shores of said lake are all included in the Olympic Forest Reserve and the Quinault Indian Reservation.

Wherefore, and in order that this lake and a portion of its shores, together with the adjacent forest and landscape, may forever remain in their virgin beauty and grandeur, a resort of pleasure and pride to posterity, and a memorial to those resolute pioneers who have pushed the western frontier to the shores of the Pacific, your memorialists do respectfully petition that that portion of the Olympic Forest Reserve indicated in the accompanying map, which is herewith made a part of this memorial, be created a national park under whatever name shall seem to your honorable bodies most fitting, said proposed park being more particularly described as follows:

That portion of the Olympic Forest Reserve which comprises sections 19, 20, 29, and 30, T. 23 N., R. 9 W., Chehalis County, Wash., containing 1,322.55 acres, more or less.

The secretary of state is hereby directed to immediately transmit a certified copy of this memorial to His Excellency the President of the United States of America and to each of the Senators and Representatives in Congress from the State of Washington.

Passed by the house January 27, 1909.

Passed by the senate February 5, 1909.

SILETZ INDIAN RESERVATION.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 6183) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, was read the first time by its title.

Mr. FULTON. That is a local bill. I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the right of way is hereby granted, as hereinafter set forth, to the Siletz Power and Manufacturing Company, a corporation organized and existing under the laws of the State of Oregon, and its successors and assigns, for the construction, operation, and maintenance of a water ditch or canal through the lands of the United States in the Siletz Indian Reservation, in Oregon, beginning at a point on the right bank of the Siletz River, in lot 13 of section 9, township 10 south, range 10 west of Willamette meridian; running thence in a northeasterly direction through said section and terminating at a point on the right bank of the Siletz River, in lot 30 of section 4, township 10 south, range 10 west of Willamette meridian: *Provided*, That no rights hereunder shall attach until the Secretary of the Interior shall have determined to his satisfaction that the interests of the Indians and the public will be promoted thereby.

SEC. 2. That the right of way hereby granted shall be 50 feet in width on each side of the central line of such water ditch or canal.

SEC. 3. That before the grant of such right of way shall become effective, a map showing the definite location of such water ditch or canal must be filed with and approved by the Secretary of the Interior, and the company shall make payment to the Secretary of the Interior for the benefit of the allottees of full compensation for such right of way through their allotments, including all damage to their improvements and lands, and for damage to lands reserved for agency purposes, which compensation shall be determined and paid under the direction of the Secretary of the Interior in such manner as he may prescribe: *Provided further*, That the Siletz Power and Manufacturing Company, its successors or assigns, where not otherwise provided, shall, at its own expense, construct and maintain sufficient and suitable bridges across the water ditch or canal the right of way for which is hereby granted at the crossing of public roads, and be designated by the county court of the county in which they may be, failing in which the rights herein granted shall be forfeited.

SEC. 4. That the rights herein granted shall be forfeited by said corporation unless the water ditch or canal shall be constructed through the said lands within three years from the passage of this act.

SEC. 5. It is hereby expressly provided that Congress may at any time alter, amend, or repeal this act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURVEYS OF NORTH CAROLINA WATERS.

The bill (H. R. 19607) to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law was read the first time by its title.

Mr. OVERMAN. I ask unanimous consent that the bill be put on its passage. It is recommended by the Secretary of Commerce and Labor and it is recommended by the Fish Commission here.

Mr. KEAN. Is it not rather dangerous legislation?

Mr. OVERMAN. It is simply to authorize the Government here to cooperate with the fish commissioner of the State of North Carolina in making some surveys of waters in that State. The bill has passed the House.

Mr. KEAN. I should like to hear the report read.

Mr. OVERMAN. Here is the report. I will hand it to the Senator.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed, upon the request of the governor of the State of North Carolina, to designate such officers, experts, and employees of the Bureau of the Coast and Geodetic Survey and of the Bureau of Fisheries as may be necessary to cooperate with the North Carolina state fish commissioner in making a survey of and marking in a prominent manner all those areas of the waters of the sounds and their tributaries of the State in which the use of any or all fishing appliances are prohibited by law; and the Secretary of Commerce and Labor is hereby authorized and directed to furnish to the officers, experts, and employees of said bureaus so detailed as aforesaid such instruments, appliances, and steam launches as may be necessary to make the survey aforesaid; and the Secretary of Commerce and Labor is hereby authorized to have made in the Bureau of the Coast and Geodetic Survey all the plats necessary to show the results of the aforesaid survey, and to furnish to the fish commissioner of the State of North Carolina such copies as may be necessary for his use, and for this purpose to employ in the District of Columbia and elsewhere such technically qualified persons as may be necessary to carry out the purposes of this act.

SEC. 2. That the Secretary of Commerce and Labor is hereby further authorized to have erected or constructed by the officers so detailed as aforesaid, while making said survey, such structures as may be necessary to mark in a prominent and satisfactory manner the points of triangulation so that the same may be used for such future work of the Coast and Geodetic Survey as the said bureau may be hereafter required to perform in prosecuting the government coast survey of the navigable waters of the United States located within the State of North Carolina.

SEC. 3. That this act shall take effect from the date of its passage.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA E. WEST.

Mr. CLAPP. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 3674) for the relief of Mrs. M. E. West, to report it favorably without amendment. I ask unanimous consent for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to refer to the Court of Claims the claim of $1,500 of Martha E. West, for lumber composing a sawmill and taken in 1865 by United States troops in the Sioux Indian war in Minnesota and used for the construction of a stable, for adjudication on principles upon which claims were paid by the commission under the act of Congress of February 16, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. HALE. I move that the Senate take a recess until 11 o'clock.

The motion was agreed to; and (at 10 o'clock and 12 minutes a. m.) the Senate took a recess until 11 o'clock a. m., when it reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and resolutions, and they were thereupon signed by the Vice-President:

S. 671. An act to construct a road along the south bank of Anacostia River;

S. 2544. An act for the relief of William Martinson;

S. 3164. An act to correct the military record of Paul Sinock;

S. 3810. An act for the relief of Howard B. Carpenter;

S. 4426. An act for the relief of Thomas C. Clark;

S. 5905. An act for the relief of the executors of the estate of Harold Brown, deceased;

S. 6055. An act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia;

S. 7859. An act for the relief of Parsey O. Burrough;

S. 8379. An act for the relief of the owners of the British steamship *Maroa;*

S. 8822. An act providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho;

S. 9402. An act for the relief of John H. Layne;

S. 1163. An act to correct the naval record of Peter H. Brodie, alias Patrick Torbett;

S. 1752. An act to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance;

S. 2489. An act for the relief of Harry G. Rupp;

S. 3452. An act for the relief of Joseph Schrembs;

S. 3526. An act to amend section 876 of the Revised Statutes;

S. 3952. An act to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson;

S. 4035. An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897;

S. 4103. An act authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians;"

S. 5349. An act for the relief of Madison County, Ky.;

S. 5510. An act for the relief of the owners of the tug *Juno;*

S. 6373. An act waiving the statute of limitations as to the claim of the Nestler Brewing Company, and authorizing the Commissioner of Internal Revenue to adjudicate the same;

S. 6852. An act for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia;

S. 7782. An act for the relief of James H. Owen;

S. 7785. An act relative to outward alien manifests on certain vessels;

S. 7861. An act for the relief of B. D. Crocker;

S. 8429. An act to refund certain tonnage taxes and light dues levied on the steamship *Montara* without register;

S. 8518. An act empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances;

S. 8555. An act to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.;

S. 8588. An act to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909;

S. 8839. An act for the removal of restrictions from the third selection or allotment of lands selected by William J. Scott, a minor member of the Osage tribe of Indians, and for other purposes;

S. 8929. An act withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described;

H. R. 1549. An act granting a pension to Lela L. Ellis;

H. R. 2950. An act for the relief of certain officers of the United States Signal Corps;

H. R. 3622. An act for the relief of John D. McLain;

H. R. 4168. An act to carry out the findings of the Court of Claims in the case of James A. Paulk;

H. R. 12512. An act for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia;

H. R. 12712. An act for the relief of the estate of Samuel J. Rogers;

H. R. 15603. An act for the relief of John W. Wood;

H. R. 16696. An act for the relief of the estate of Peter McEnery, deceased;

H. R. 23973. An act for the relief of pensioners of the Metropolitan police fund;

H. R. 1072. An act for the relief of the legal representatives of Sewell Coulson, deceased;

H. R. 23464. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 23468. An act to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 25980. An act for the relief of Sarah J. Fowler;

H. R. 28192. An act to amend and consolidate the acts respecting copyright;

H. R. 28245. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 28376. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes;

H. R. 3674. An act for the relief of Mrs. M. E. West;

H. R. 26203. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 6183. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon;

H. R. 19607. An act to authorize the Secretary of Commerce and Labor to cooperate, through the bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law;

H. R. 24864. An act to provide for the distribution of the CONGRESSIONAL RECORD and public bills, documents, etc., to the governor-general of the Philippine Islands at Manila, P. I.;

S. R. 105. Joint resolution for the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, in reference to the exchange of official journals, etc.;

S. R. 119. Joint resolution authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright;

S. R. 140. Joint resolution to create a joint committee to consider the revision and codification of the laws of the United States; and

H. J. Res. 235. Joint resolution concerning and relating to the treaty between the United States and Russia.

STATEMENT OF RECEIPTS AND EXPENDITURES.

Mr. CULBERSON. Mr. President, I desire to submit a statement of receipts and expenditures of the Government for the past seven years. I do not intend under the circumstances to read this statement, or to ask that it be read at the desk, nor do I intend to make any lengthy comment upon it. I will say, however, generally that the expenditures as estimated by the Secretary of the Treasury for 1910 are exceptionally large, and that the increase each year has seemed to me to be abnormal.

As illustrating that, I will state that the expenditures estimated for 1910 exceed those of 1903, the first year for the expenditures of which the present administration is responsible, by more than $328,000,000, or an increase of about 51 per cent. The estimated expenditures for 1910, as made by the Secretary of the Treasury, exceed those of 1902, the last year for which the McKinley administration was fully responsible for expenditures, more than $375,000,000, or an increase of about 63 per cent in eight years.

With this general statement, Mr. President, I ask that the statement which I send to the desk may be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

Total revenues and expenditures for the years named, as shown by the reports of the Secretary of the Treasury.

1903.

Revenues	$694,621,117.64
Expenditures	640,323,450.28
Surplus	54,297,667.36

1904.

Revenues	684,214,373.74
Expenditures	725,984,945.65
Deficit	41,770,571.91

The sum of $50,164,500 was paid this year on the Panama Canal. Aside from this amount expenditures increased for the year more than $35,000,000 over the previous year.

1905.

Revenues	$697,101,269.95
Expenditures	720,105,498.55
Deficit	23,004,228.60

Three million nine hundred and eighteen thousand eight hundred and nineteen dollars and eighty-three cents was paid this year on the Panama Canal. It will be observed that, omitting the Panama Canal expenditures for 1904 and 1905, all other expenditures for 1905 exceeded those of 1904 more than $40,000,000 and those of 1903 more than $75,000,000.

1906.

Revenues	$762,386,904.62
Expenditures	736,717,582.01
Surplus	25,669,322.61

The sum of $19,379,373.71 was paid this year on the Panama Canal. Omitting all expenditures for the canal, it will be seen that expenditures for all other purposes for 1906 were $1,151,529.58 greater than for 1905, and about $77,000,000 greater than for 1903. Including the canal expenditures, it is found that the total expenditures for 1906 are more than $16,000,000 greater than for 1905, about $9,000,000 greater than for 1904, the year when the extraordinary expenditure of $50,000,000 was made for the canal, and more than $96,000,000 larger than in 1903.

1907.

Revenues	$846,725,339.62
Expenditures	762,488,753.32
Surplus	84,236,586.30

Twenty-seven million one hundred and ninety-eight thousand six hundred and eighteen dollars and seventy-one cents was spent this year on the Panama Canal. Omitting the canal expenditures, it is found that total expenditures for all other purposes for 1907 were $17,951,926.31 greater than for 1906 and $94,966,684.33 more than for 1903. Including the canal expenditures, the total for 1907 was $25,771,171.31 more than for 1906, $42,383,254.77 more than for 1905, $36,503,807.67 more than for 1904, and $122,165,303.04 more than for 1903, or an aggregate increase of total expenditures for the four years over 1903 of $226,823,536.79, and, omitting total canal expenditures of $100,661,312.25, an aggregate increase of $126,162,224.54 over 1903.

1908.

Revenues	$792,604,781.94
Expenditures	850,674,983.09
Deficit	58,070,201.15

In this year Panama Canal expenditures were $38,093,425.29. Omitting such expenditures for both years, the total expenditures for all other purposes were $77,291,423.19 larger in 1908 than in 1907, and $172,258,107.52 more than for 1903. Including disbursements for the canal, the expenditures for 1908 were $88,186,227.77 more than for 1907 and $210,351,530.81 more than for 1903.

1909 (estimated).

Revenues	$788,796,956.00
Expenditures	902,796,956.00
Deficit	114,000,000.00

This is $52,121,972.91 more than the expenditures for 1908 and $262,473,503.72 more than for 1903.

1910 (estimated).

Revenues	$825,340,712.00
Expenditures	968,387,508.01
Deficit	143,046,796.01

This expenditure is $65,590,552.01 greater than the estimated total expenditure for 1909 and $328,064,055.73 more than the total expenditure for 1903, or an increase in governmental expenditures in seven years of more than 51 per cent.

The total receipts and expenditures for 1902, the last full year of the administration of President McKinley, were as follows:

Receipts	$684,326,280.47
Expenditures	593,038,904.90
Surplus	91,287,375.57

It will thus be seen that the expenditures of the last year of the administration of President Roosevelt exceed those of the last year of President McKinley $375,348,603.11, or an increase of more than 63 per cent.

Mr. CULBERSON. At the suggestion of the Senator from Georgia [Mr. CLAY] I ask that the additional statement which I send to the desk be also printed in connection with the statement with reference to expenditures.

The VICE-PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

Title.	Appropriations 1898.	Appropriations 1909.	Appropriations 1910, as passed Senate.
Agricultural	$3,182,902.00	$11,672,106.00	$13,075,716.00
Army	23,129,344.30	95,382,247.61	102,636,050.34
Diplomatic and consular	1,695,308.76	3,538,852.72	3,646,586.67
District of Columbia	6,186,991.06	10,001,888.85	12,089,872.16
Fortifications	9,517,141.00	9,316,745.00	8,320,111.00
Indian	7,674,120.89	9,253,347.87	11,439,128.00
Legislative	21,690,766.90	32,832,913.50	32,326,984.00
Military Academy	479,572.83	845,634.87	2,541,421.33
Naval	33,003,234.19	122,663,885.47	137,035,199.05
Pension	141,263,880.00	163,053,000.00	160,908,000.00
Post-office	53,611,783.38	111,958,088.23	138,744,564.93
Sundry civil	95,665,338.75	222,970,892.00	234,453,370.00
River and harbor			9,435,750.00
Total	397,100,384.06	793,489,602.12	866,974,628.48
Deficiencies	10,557,417.34	56,702,309.06	20,933,493.27
Miscellaneous	999,057.90	4,011,337.26	2,000,000.00
Total	408,656,859.30	854,203,248.44	899,918,121.75
Permanent, specific, and indefinite appropriations	120,078,220.00	154,194,295.12	160,096,082.52
Grand total	528,735,079.30	1,008,397,543.56	1,060,014,204.27

NATIONAL WATERWAYS COMMISSION.

The VICE-PRESIDENT. The Chair announces the appointment of the following Senators as members of the commission created by the act for the improvement of rivers and harbors: The Senator from New Hampshire, Mr. GALLINGER; the Senator from Washington, Mr. PILES; the Senator from Michigan, Mr. SMITH; the Senator from North Carolina, Mr. SIMMONS; and the Senator from Arkansas, Mr. CLARKE.

JOINT COMMITTEE ON THE REVISION OF THE LAWS.

The VICE-PRESIDENT appointed Mr. HEYBURN, Mr. SUTHERLAND, Mr. PILES, Mr. TELLER, and Mr. OWEN members on the part of the Senate of the Joint Committee on the Revision of the Laws.

INAUGURAL CEREMONIES.

Mr. KNOX submitted the following resolution (S. Res. 323), which was considered by unanimous consent and agreed to.

Resolved, That the inaugural ceremonies of the President and Vice-President take place in the Senate Chamber immediately after the organization of the Senate, instead of at the east portico as heretofore ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On March 2, 1909:

S. 9422. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors;

S. 9242. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors;

S. 9454. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors;

S. 9067. An act to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers;

S. 8654. An act for the relief of certain occupants of unsurveyed public lands in Craighead County, Ark.; and

S. 6074. An act to provide for holding sessions of the United States circuit and district courts at Springfield, Mass.

On March 3, 1909:

S. 8554. An act authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes;

S. 9373. An act to provide for the sale of isolated tracts of public land in Imperial County, Cal.;

S. 9006. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company of Maryland to enter the District of Columbia, approved February 18, 1907;

S. 5729. An act to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof;

S. 8058. An act authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior;

S. 8187. An act to change the name of the Washington Hospital for Foundlings;

S. 8520. An act requiring reports of the Hospital for Foundlings to be made to the Commissioners of the District of Columbia;

S. 8899. An act granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of such soldiers and sailors;

S. 9278. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors; and

S. 9421. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to certain dependent relatives of such soldiers and sailors. such soldiers and sailors.

On March 4, 1909:

S. 7640. An act to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company.

SENATE BILLS AND JOINT RESOLUTIONS RECEIVED AND APPROVED AT THE CAPITOL THE MORNING OF MARCH 4, 1909.

S. 671. An act to construct a road along the south bank of the Anacostia River;

S. 1163. An act to correct the naval record of Peter H. Brodie, alias Patrick Torbett;

S. 1752. An act to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance;

S. 2489. An act for the relief of Harry G. Rupp;

S. 2982. An act to codify, revise, and amend the penal laws of the United States;

S. 3452. An act for the relief of Joseph Schrembs;

S. 3810. An act for the relief of Howard B. Carpenter;

S. 3952. An act to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson;

S. 4035. An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897;

S. 4103. An act authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians;"

S. 5349. An act for the relief of Madison County, Ky.;

S. 5510. An act for the relief of the owners of the tug *Juno;*

S. 5905. An act for the relief of the executors of the estate of Harold Brown, deceased;

S. 6055. An act to amend section 691 of subchapter 7, building associations, of the Code of Law for the District of Columbia;

S. 6373. An act waiving the statute of limitations as to the claim of the Nestler Brewing Company, and authorizing the Commissioner of Internal Revenue to adjudicate the same;

S. 7782. An act for the relief of James H. Owen;

S. 7785. An act relative to outward alien manifests on certain vessels;

S. 7861. An act for the relief of B. D. Crocker;

S. 8379. An act for the relief of the owners of the British steamship *Maroa;*

S. 8518. An act empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances;

S. 8555. An act to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.;

S. 8822. An act providing for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho;

S. 8929. An act withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described;

S. R. 105. Joint resolution for the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, in reference to the exchange of official journals, etc.;

S. R. 119. Joint resolution authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright; and

S. R. 140. Joint resolution to create a joint committee to consider the revision and codification of the laws of the United States.

NOTIFICATION TO THE PRESIDENT.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the Speaker of the House had appointed Mr. TOWNSEND, Mr. SCOTT, and Mr. CLARK of Missouri, members of the committee on the part of the House to join a similar committee on the part of the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn.

Mr. CULLOM submitted the following resolution (S. Res. 324), which was considered by unanimous consent and agreed to.

Resolved, That a committee of two Senators be appointed by the Vice-President to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

The VICE-PRESIDENT appointed Mr. CULLOM and Mr. TELLER members of the committee on the part of the Senate.

Subsequently Mr. CULLOM and Mr. TELLER, the committee appointed on the part of the Senate to wait upon the President of the United States, appeared, and

Mr. CULLOM said: Mr. President, the committee appointed on the part of the Senate to wait upon the President in conjunction with a similar committee of the House have performed that duty, and the President stated to the committee that he had no further communication to make.

THANKS TO THE VICE-PRESIDENT.

Mr. CULBERSON. Mr. President, I submit a resolution and ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Texas submits a resolution, which will be read.

The resolution (S. Res. 325) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. CHARLES W. FAIRBANKS, Vice-President of the United States and President of the Senate, for the dignified, impartial, and courteous manner in which he has presided over its deliberations during the present session.

GUESTS OF THE SENATE.

At 11 o'clock and 43 minutes a. m. the ambassadors of and ministers plenipotentiary from foreign countries were announced and occupied the seats provided for them. They were soon followed by the Chief Justice and associate justices and officers of the Supreme Court.

The Members of the House of Representatives, preceded by the Speaker, Clerk, and Sergeant-at-Arms, entered the Senate Chamber. The Speaker was given a seat on the right of the Vice-President, the Clerk occupied a seat at the Secretary's desk, the Sergeant-at-Arms near him, and the Members of the House took the seats on the floor assigned them.

The Vice-President-elect (JAMES S. SHERMAN, of New York) was announced, and was escorted by Mr. LODGE to a seat on the right of the Vice-President.

The President, Theodore Roosevelt, of New York, and the President-elect, William H. Taft, of Ohio, were announced and escorted by Mr. KNOX and Mr. LODGE, of the Joint Committee of Arrangements, to seats in the space in front of the Secretary's desk, the members of the joint committee of the two Houses occupying seats on either side of them.

The heads of the executive departments, the Chief of Staff of the Army and his aid, the Admiral of the Navy and his aid, and the other invited guests of the Senate occupied seats on the floor of the Senate.

ADMINISTRATION OF OATH TO VICE-PRESIDENT-ELECT.

The VICE-PRESIDENT administered the oath of office prescribed by law to the Vice-President-elect.

ADDRESS OF VICE-PRESIDENT FAIRBANKS.

The hour of 12 o'clock meridian having arrived, Vice-President FAIRBANKS said:

Senators: Again a new administration succeeds to the control of national affairs in conformity with the will of the people, expressed in their sovereign capacity, under the orderly processes of the law. We witness the impressive transference of national power in accordance with their will deliberately recorded, with increased respect for our institutions. We indulge the fervent hope that the administration which assumes authority under such agreeable auspices will meet in full measure our national needs; that we may continue in happy accord with the powers of the world; that peace, contentment, and progress may prevail throughout our borders, and that our country may grow in material strength; and more than that and better than that, that education, morality, justice, and patriotism, which are our chief sources of pride, may continue to increase among our people.

It now becomes my duty to take final leave of you; and in doing so I beg to return to you my profoundest thanks for the resolution which you have just adopted, personal to myself. To receive a vote of your approval without division is an honor which I shall carry with me to the end of my days and transmit to my children as a priceless legacy.

In these latter days much severe criticism is heard of the Senate of the United States, but it has always been so since the time of our fathers, and that it will continue I have no doubt. The record of the Senate, to which its present membership has contributed, is made and is beyond recall. I know of none better made by any legislative assembly anywhere. In my judgment it will stand comparison with the record of the Senate in its elder days. It has been written by men learned in the science of government, inspired by as patriotic purposes as actuated their illustrious predecessors.

The Senate of the United States must remain an important part of a thoroughly independent, coordinate branch of the Government, neither arrogating to itself functions not devolved upon it under the Constitution, nor, upon the other hand, subtracting from its legitimate powers. Its legislative duties are vast, while its duties with respect to treaties and appointments to the public service are of very great moment. A servile Senate was not contemplated by its founders. The Senate is to-day as jealous as ever of its proper dignities and its just powers and as worthy as ever of the popular respect and confidence.

It requires no gift of prophecy to foretell that many varied and complex questions will come here for solution in the not very distant future—questions which will have a potential bearing upon the very structure of republican government and an important influence upon our social and industrial systems. To you who shall remain, and to your successors, the country will look, and I believe it will look with confidence, for a solution which will be in harmony with the genius of American institutions and which will comport with our best national interest.

The Senate, it is sometimes said, is not always responsive to the popular will. Such assumption is erroneous, judging by the record of legislation accomplished. The will of the people finds utterance in the public law in due course; not that will which is the unreasoning passionate expression of the moment, but that will which is the fruit of deliberate, intelligent reflection.

The Senate of the United States was designed by our fathers to be a deliberative chamber in the fullest and best sense—a chamber where the passions of the hour might be arrested and where the better judgment of the people would find ultimate expression. Those who in their unreflecting moments would sweep it away would overturn one of the strongest safeguards of our political fabric.

I can not sever the personal ties which have been formed here without deep emotion. I am your grateful debtor for countless courtesies and kindnesses, and to your generous assistance and thoughtful forbearance I am indebted for whatever success may have attended my efforts as President of the Senate.

It gives me pleasure to acknowledge the very great assistance which the Chair has always received from the officers of the Senate and from these efficient, faithful gentlemen at the desk.

For the able and distinguished citizen who has been chosen by the people to succeed me I bespeak that considerate and effective support which you have given to me.

I wish for you each many years of strength and devotion to the interests of our common country, whose welfare and whose honor you have sought to safeguard and advance with ceaseless vigilance and unvarying fidelity.

Under the operation of law we have reached the close of the Sixtieth Congress, and it becomes the duty of the Chair to declare the Senate adjourned without day.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 4, 1909.*

[*Continuation of legislative day of Tuesday, February 23, 1909.*]

The recess having expired, the House (at 10 o'clock a. m.) resumed its session and was called to order by the Speaker.

GRANTING CERTAIN LANDS TO LOS ANGELES, CAL.

Mr. McLACHLAN of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8929) withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, empowered and directed to cause to be issued to the city of Los Angeles, in Los Angeles County, State of California, a patent to all of the land designated "Dry Salt Lake," embraced within the meandered lines thereof and lying within the exterior lines surrounding sections 28, 29, and 33, in township 32 south, range 34 east, Mount Diablo base and meridian containing 251.11 acres, as designated on the plat of survey of said township made in the year 1855 and approved by the surveyor-general of California on May 14, 1856, situate in Kern County, in said State, upon payment by said city to the United States therefor of the sum of $2.50 per acre, which lands have heretofore been withdrawn from entry and sale for the benefit of said city, and which withdrawal shall remain intact pending the entry of the land by said city: *Provided*, That said city shall first procure from all claimants or persons who have filed or made valid claims, locations, or entries on or to said lands, or any part thereof, proper relinquishments of all their claims thereto, and cause the same to be filed in the proper land office: *And provided further*, That said patent shall also contain the provision that all right, title, and interest of the United States in and to any lands in said sections 28, 29, and 33 not heretofore disposed of or conveyed are hereby granted, released, and relinquished to said city.

The SPEAKER. Is there objection?

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California for some explanation of this.

Mr. McLACHLAN of California. The bill in brief is this: The city of Los Angeles is building waterworks; they take the water from about 220 miles north of the city of Los Angeles, and in order to get cement to build the aqueduct it built its own cement works and bought a ranch of about 3,000 acres up in the mountains for that purpose. They supposed that they owned the whole area included in this ranch, but when they came to investigate the title they found that no patent had ever been issued to what is called "Dry Lake," in the center of this tract of land. The bill provides that they shall pay $2.50 an acre for the land contained in this dry lake.

Mr. GOULDEN. What is the real value of it?

Mr. McLACHLAN of California. I do not know that anybody knows.

Mr. GOULDEN. Is it mineral land?

Mr. McLACHLAN of California. There is a cement deposit in the bottom of the lake; that is what they are using it for. The city of Los Angeles has constructed a plant of its own, costing three or four hundred thousand dollars, to manufacture its own cement to be used in the construction of its waterworks.

Mr. SLAYDEN. I do not doubt the enterprise of the people of Los Angeles, and I commend them for it, but what I want to know is whether we are letting them have land at $2.50 an acre that may be worth $250 an acre.

Mr. McLACHLAN of California. It is worth nothing, because it is a dry lake. The city of Los Angeles owns all the territory around it, and it is a grave question whether they do not own that too.

Mr. SLAYDEN. The dry land where the borax deposit is would be utterly worthless except for the borax.

Mr. McLACHLAN of California. There is a question whether or not the city, by virtue of its owning all the land around it, does not own this too. The Interior Department questions whether the city does not own it, but in order to clear up any doubt about it we introduced this bill.

Mr. GOULDEN. How many acres are there in the tract?

Mr. SMITH of California. One hundred and fifty acres.

Mr. GOULDEN. How much in the total?

Mr. McLACHLAN of California. There are about 3,000 acres in the whole ranch that the city purchased.

Mr. SLAYDEN. Does the city of Los Angeles expect to hold this in perpetuity and for the public benefit?

Mr. McLACHLAN of California. I suppose so. It was purchased for that purpose.

Mr. BARTLETT of Georgia. Is there anything in the bill that prevents its sale to private people by the city?

Mr. McLACHLAN of California. I think not.

Mr. SABATH. What you desire is to vest the title in the city?

Mr. McLACHLAN of California. Yes.

Mr. OLLIE M. JAMES. I would like to ask the gentleman a question. Does the Secretary of the Interior approve of this bill?

Mr. McLACHLAN of California. He does.

Mr. MACON. Is it the unanimous report of the committee?

Mr. McLACHLAN of California. Yes; it was passed by the Senate, and is the unanimous report from the Committee on Public Lands.

Mr. SLAYDEN. I withdraw objection.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. McLACHLAN of California, a motion to reconsider the last vote was laid on the table.

THE BOLL WEEVIL.

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter from Dr. S. A. Knapp in regard to the boll weevil, accompanied by some maps and explanatory remarks.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend in the RECORD the matter referred to. Is there objection?

There was no objection.

Mr. RANSDELL of Louisiana. Mr. Speaker, I have received from Dr. S. A. Knapp, director of the Farmers' Cooperative Demonstration Work of the Department of Agriculture, a very interesting letter about the effect of the rainfall upon the boll weevil in Louisiana and Mississippi, accompanied by explanatory charts prepared by the United States Weather Bureau. The information contained in this letter, which seems to be borne out by the charts, is very encouraging to the cotton growers of the valley States. We have been told that our greater rainfall would make cotton raising more difficult than in Texas, but Doctor Knapp shows that, while we have more rain than Texas, a greater percentage of it falls in the winter, when it is very injurious to the weevil, rather than helpful, and that our spring and summer rains and sunshine are about the same as in eastern Texas, where cotton is raised successfully in spite of the boll weevil.

The letter, with accompanying charts, which are self-explanatory, are attached and will repay careful perusal.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., February 27, 1909.

Hon. JOS. E. RANSDELL, M. C.,
Washington, D. C.

DEAR SIR: At our conference day before yesterday you called my attention to the general alarm in Louisiana in regard to the future production of cotton, owing to the boll weevil, and I stated to you frankly my view of the subject. These alarming reports have been based upon one argument, and that is that there is a greater rainfall in Louisiana than in Texas and less sunshine, and this would greatly promote the multiplication of the weevils and decrease the probability of making a successful crop.

With this view I totally disagree and beg to state that it is not sustained by facts. It is true that the winter precipitation in Louisiana and Mississippi is greater than that in Texas, excepting a very small portion, perhaps not larger than one or two counties in east Texas. But winter precipitation has been proven to be deleterious to the survival of the weevil. It will be recalled that in the winter of 1904 and 1905 the boll weevil was practically exterminated in Cameron Parish, and the reason assigned by the crop-pest commission of Louisiana was the great precipitation in that parish. It is also a well-known fact that after wet, cold winters there is very little trouble with the weevil the following year. This also accords with good common sense. If the cotton lands are plowed in the fall or early winter, it is not believable that the boll weevil can lie in water during the winter for three months and then survive to pester the farmer during the following year. And further, it should be recalled that the cotton section of the valleys of Louisiana and Mississippi are mainly free from timber, while the timbered portions are the back lands, where the weevil would find its hibernating place under water a good share of the winter.

Another point should be made that if the history of cotton production in Louisiana be examined for the last fifty years it will be found that just as great variations existed prior to the advent of the weevil as since, but in those former years the smaller crops were charged to other causes, such as the weather, the overflow, the boll worm, caterpillar, etc. Now, for some reasons, every decline in the crop is charged to the boll weevil.

Furthermore, the opinion held by some that cotton can not be made successfully in Louisiana and Mississippi under boll-weevil conditions on account of the greater annual precipitation is not based on good evidence, for the Weather Bureau shows that this greater precipitation is mainly in the winter, and in the crucial months for the crop—April, May, and June—the rainfall in a large portion of the cotton-producing territory of Texas, say from a line about Dallas and the Brazos River on the west, and in Louisiana, and extending to the Atlantic Ocean, is equal, generally ranging from 12 to 15 inches for the three months. Different sections may vary in different years, but in an average of twenty-six years it was practically the same. The Weather Bureau further shows that in the same period of time the rainfall for July, August, and September in almost the entire cotton belt, excepting the Atlantic coast region and the extreme southern portion of Alabama and Georgia, is practically the same.

Another factor in the weevil problem is the amount of sunshine. The same authority quoted shows that for a period of twenty-six years the annual sunshine in the entire cotton-producing territory of the South is practically the same, though it may vary from year to year, but on the average of twenty-six years it is equal. Inasmuch as Louisiana and Mississippi have more rainfall in the winter than Texas, it would appear that it has less sunshine during the winter months, and consequently must have more sunshine in the months of April, May, June, July, August, and September. As far as we have looked over the Weather Bureau statistics this contention seems to be correct, and we are having maps made up to prove or disprove this claim.

It would therefore appear, from all the evidence at our command, that it will be fully as easy to produce a profitable crop of cotton in average years in Louisiana and Mississippi as in Texas. The greatest impediment in the way of future production is the alarm, the withdrawal of capital, and the exodus of labor. Every effort should be put forth by our people to allay this excitement and hold the labor to the lands which they have cultivated.

It is not intended here to minimize in any way the real injury done by the weevil, but I doubt whether it is a more serious pest in average years than others that have attacked the cotton plant in the past. It is, however, more constant.

Respectfully, yours,

S. A. KNAPP,
Special Agent in Charge.

DESCRIPTION OF CHARTS.

CHART 1.—*Showing normal precipitation (inches) for first quarter, January, February, and March, covering the period from 1871 to 1895, inclusive.*

	Inches.
* Zone 1	Over 15
Zone 2	12 to 15
Zone 3	9 to 12
Zone 4	6 to 9
Zone 5	3 to 6

* By zone is meant that the precipitation during the period named is practically the same on an average during the twenty-five years in the zone, but there may be an excess in any location for a given year, or the reverse.

CHART 2.—*Showing normal precipitation (inches) for second quarter, April, May, and June, covering a period from 1871 to 1895, inclusive.*

	Inches.
* Zone 1	Over 15
Zone 2	12 to 15
Zone 3	9 to 12
Zone 4	6 to 9
Zone 5	3 to 6

* By zone is meant that the precipitation during the period named is practically the same on an average during the twenty-five years in the zone, but there may be an excess in any location for a given year, or the reverse.

CHART 3.—*Showing normal precipitation (inches) for third quarter, July, August, and September, covering the period from 1871 to 1895, inclusive.*

	Inches.
* Zone 1	Over 15
Zone 2	12 to 15
Zone 3	9 to 12
Zone 4	6 to 9

* By zone is meant that the precipitation during the period named is practically the same on an average during the twenty-five years in the zone, but there may be an excess in any location for a given year, or the reverse.

CHART 4.—*Showing normal annual sunshine, covering the period from 1871 to 1894, inclusive.*

	Per cent.
* Zone 1	50 to 40
Zone 2	60 to 50
Zone 3	70 to 60

* By zone is meant that the sunshine during the period named is practically the same on an average during the twenty-four years in the zone, but there may be an excess in any location for a given year, or the reverse.

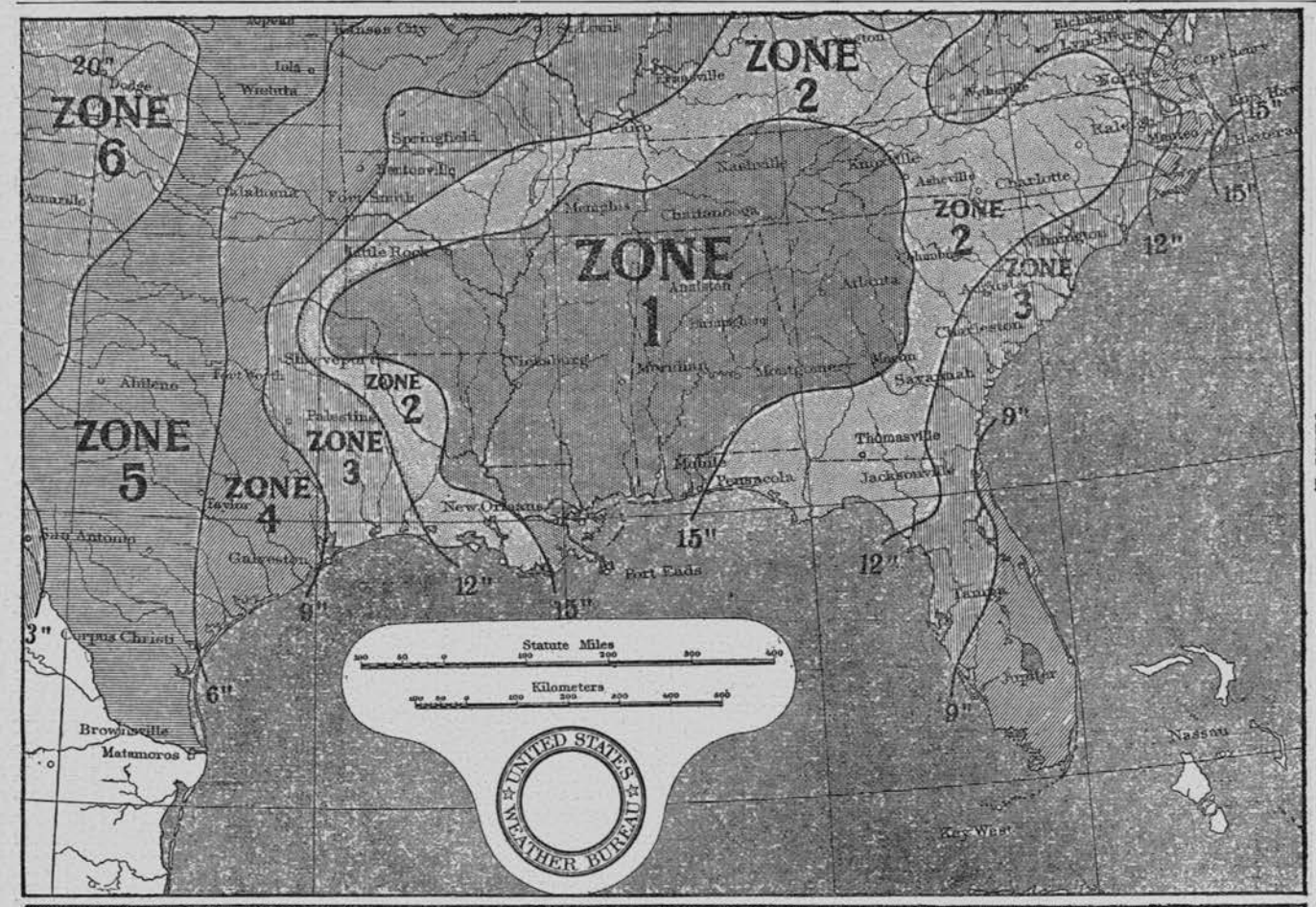
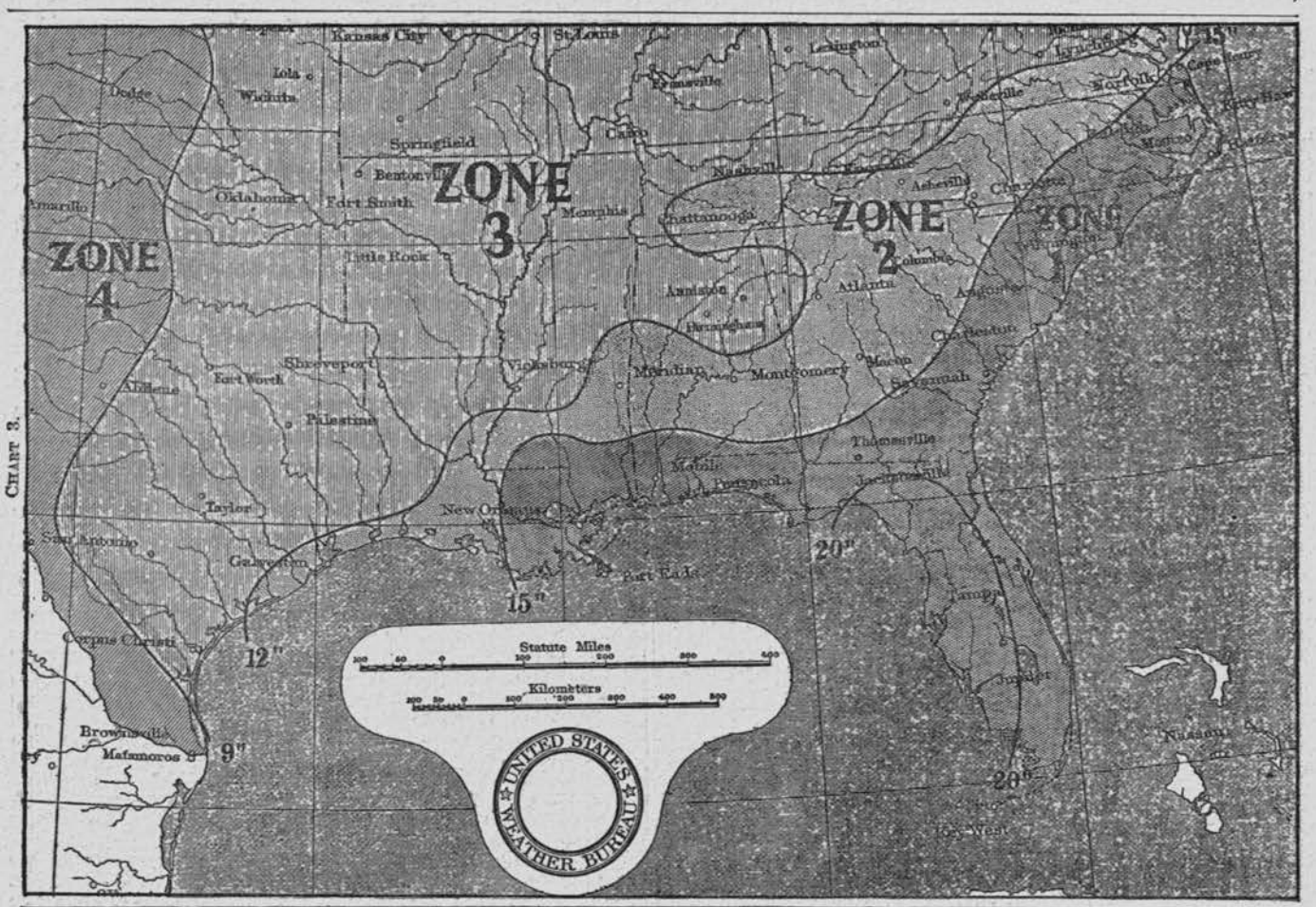
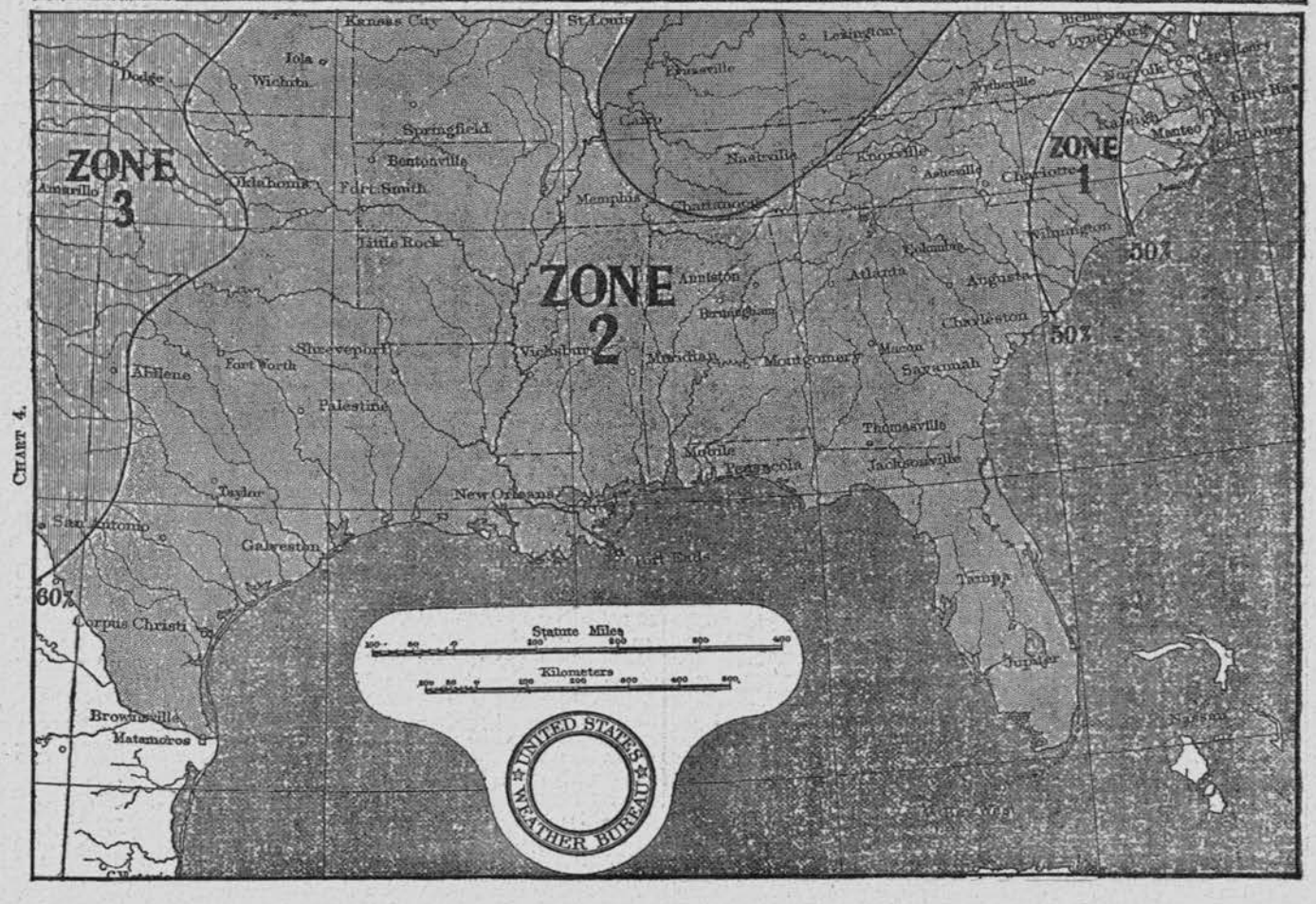


CHART 1.

CHART 2.


CHART 3.
ZONE 4
ZONE 3
ZONE 2
ZONE 1
Kansas City
St. Louis
Lexington
Dodge
Wichita
Springfield
Cairo
Bentonville
Fort Smith
Memphis
Nashville
Knoxville
Asheville
Amarillo
Oklahoma
Little Rock
Chattanooga
Columbia
Atlanta
Augusta
Anniston
Birmingham
Charleston
Shreveport
Vicksburg
Meridian
Montgomery
Macon
Savannah
Abilene
Fort Worth
Palestine
Thomasville
Mobile
Pensacola
Jacksonville
Taylor
New Orleans
San Antonio
Galveston
Port Eads
Tampa
Corpus Christi
Jupiter
Brownsville
Matamoros
Nassau
Key West
20"
15"
12"
9"
Statute Miles
Kilometers
UNITED STATES WEATHER BUREAU


CHART 4.
ZONE 3
ZONE 2
ZONE 1
Kansas City
St. Louis
Lexington
Dodge
Wichita
Springfield
Cairo
Bentonville
Fort Smith
Memphis
Nashville
Knoxville
Asheville
Amarillo
Oklahoma
Little Rock
Chattanooga
Columbia
Atlanta
Augusta
Anniston
Birmingham
Charleston
Shreveport
Vicksburg
Meridian
Montgomery
Macon
Savannah
Abilene
Fort Worth
Palestine
Thomasville
Mobile
Pensacola
Jacksonville
Taylor
New Orleans
San Antonio
Galveston
Port Eads
Tampa
60%
50%
50%
Corpus Christi
Jupiter
Brownsville
Matamoros
Nassau
Key West
Statute Miles
Kilometers
UNITED STATES WEATHER BUREAU

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 19607. An act to authorize the Secretary of Commerce and Labor to cooperate through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law;

H. R. 3674. An act for the relief of Mrs. M. E. West; and

H. R. 6183. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation in Oregon.

LEAVE TO PRINT.

By unanimous consent leave was granted—

To Mr. OLLIE M. JAMES, to extend remarks in the RECORD upon the interstate and foreign commerce law.

To Mr. GRAHAM, on the ship-subsidy bill.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I submit a conference report on the pension appropriation bill (H. R. 26203).

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes, having met, after full and free conference have been unable to agree.

J. WARREN KEIFER,
WASHINGTON GARDNER,
E. J. BOWERS,
Managers on the part of the House.

HENRY E. BURNHAM,
CHARLES CURTIS,
ROBT. L. TAYLOR,
Managers on the part of the Senate.

Mr. KEIFER. Mr. Speaker, it is due to the House, and perhaps due to the conferees on the part of the House, to say that this conclusion of the conferees seemed to be all that could be agreed upon. There was no substantial difference in the conference committee as to two or three amendments. Some of the amendments put on the bill by the Senate are increases of appropriations amounting to about $200,000 over the amount carried in the original House bill, and they are incident to the matter of continuing all the 18 existing pension agencies, and if they are to be continued, those amendments are not objectionable, and there may be a deficiency at the end of the next fiscal year.

There is a small amendment that is of no great importance. It is amendment No. 1, which provides for the continuance of the payment of pensions to widows who have had pensions allowed them on account of helpless children. That does not involve very much, and the conferees agreed to that, so far as it was concerned.

But the main question was upon the matter of appropriating for the continuance of the pension agents. The House bill, as it was reported from the Committee on Appropriations, and as it passed the House, appropriated for but one pension agent's salary, and appropriated in other respects in view of the fact that the agencies would be reduced.

It will be remembered that in February, 1907, Congress authorized the Secretary of the Interior to make an investigation and report to Congress on the subject of the continuance of the agencies as they then existed. There were then 18; there are still 18.

That report was made in favor of discontinuing all of the agencies except one. In the last session we had this controversy. Some of us believed then and believe now that it is inequitable to continue agencies, some of which cost 77 to 80 cents a pensioner, to pay the pensions, whereas in some others the expense of payment is less than 40 cents a pensioner. An investigation shows that if there was a consolidation into large agencies or into one agency the probabilities are that we would save from $350,000 to $500,000 per annum in the matter of paying pensions. This is not a time for useless and unnecessary expenditures, if there is such a time.

Your conferees, representing the vote of the House in the last session and this, adhered to that proposition, but they were willing to accept a proposition that the President should be authorized to make investigations and, wherever it was found to be in the interest of economy, to discontinue an agency. They were willing that should be done.

I will not go into what was said in conference, but it was claimed on the part of the Senate conferees that we ought at least to report a bill that would require the President to discontinue one of the two agencies in the State of Pennsylvania and one of the two agencies in the State of New York.

The conferees on the part of this House thought that was illogical and not reasonable, because each of the agencies that would be discontinued pay about three times as much money out per annum to pensioners and about three times as many pensioners as some other agencies that were not to be touched. Your conferees thought this proposition was unfair and discriminating. So we could not agree upon that.

We did the best we could and failed at the last, after frequent and long conferences by day and by night, and we are compelled to bring the matter up to the House.

The House should understand that these agencies are not, in the opinion of some of us, established with reference to the convenience of pensioners, because there are 31 States in this Union neither of which has a pension agency in it.

The Knoxville agency pays the pensioners of ten States. The Topeka agency pays the pensioners of the States of Colorado, Kansas, Missouri, and Oklahoma and the Territory of New Mexico. The San Francisco agency pays the pensioners of eight States, California, Oregon, and Washington (the Pacific States), and Wyoming, Idaho, Nevada, Montana, Utah, and the Territories of Arizona and Hawaii, the Philippines, Guam, and the Samoan Islands.

So it is not a question of convenience of the pensioner in each of some of the smallest States where small agencies now exist. I wish only to say that upon inquiry we find no complaint in that vast region of the West where the pensioners of many States are paid from one agency and where they live remotely from their paying agencies.

There is no complaint that pensioners are not paid promptly in the States of Wyoming, Montana, and Idaho, and others located 1,500 or 2,000 miles from San Francisco, from which agency they are paid, and as promptly as they are paid in the State of New Hampshire or in the State of Maine, or in San Francisco.

So, not being able to reach any satisfactory conclusion, we come back to the House to let the House act upon the question as it may seem best, and take the responsibility. The conferees of the House have regarded themselves instructed by its previous votes on the agency question involved. I do not think we should assume to defeat the bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. KEIFER. Certainly I will.

Mr. MANN. Are any of the Senate amendments especially objectionable, leaving out of consideration for the moment the consolidation of the pension agencies?

Mr. KEIFER. I think not, if we are to appropriate for all the agencies. If we do not, the amendments appropriate too much money.

Mr. MANN. If we should recede and concur to the Senate amendment as to the agencies, would it be perfectly proper to concur to the other Senate amendments?

Mr. KEIFER. I think so. I think that is right.

Mr. MANN. The gentleman and the conferees have done all the service that can be done in reference to the abolishment of the pension agencies. Is there anything left under the usage of the two bodies except for the House to recede from its proposition to change the law?

Mr. KEIFER. The only other thing that is left is to defeat this bill and allow the matter to come up in the next session—the Sixty-first Congress, soon to assemble.

Mr. MANN. Does the gentleman think that the attitude of the Senate would be any different at the special session than it is at the present time?

Mr. KEIFER. I think so, but at the same time I am not going to urge my objection. I only wanted to state this much in justification of the action of the conferees who were instructed, as we understood by the votes of the House, to stand where they did; but we were willing to concede that there should be no reduction of agencies and to appropriate all the money these amendments proposed, provided the President was authorized—and that was the proposition we had before us and agreed on at one time—to investigate and determine whether it was in the interest of economy to continue these agencies and to abolish such as were found unnecessary and such as, in the interest of economy, should be required to be discontinued.

Mr. MANN. Will the gentleman yield for a suggestion?

Mr. KEIFER. Certainly.

Mr. MANN. I think, Mr. Speaker, the conferees are entitled to the thanks of the House for the work they have done. I have always voted with the gentleman to abolish the agencies, and I think it is time now to pass this pension bill.

Mr. SCOTT. Mr. Speaker——

Mr. KEIFER. Mr. Speaker, I yield to the gentleman from Kansas for the purpose only of allowing him to offer a motion, and then I desire to yield to my colleagues on the conference committee.

Mr. SCOTT. Mr. Speaker, I move to recede and concur in the Senate amendments.

The SPEAKER. The gentleman from Kansas moves that the House do recede from its disagreement to the Senate amendments and concur in the same.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to offer the following amendment, which I send to the desk.

Mr. KEIFER. Mr. Speaker, I do not believe it is proper to offer an amendment at this time with the other motion pending.

The SPEAKER. Does the gentleman from Kansas or the gentleman from Ohio yield? The effect of this amendment of the gentleman from Michigan [Mr. GARDNER], if it is agreed to, would be to send the bill back to the Senate at this hour—a quarter before 11 o'clock.

Mr. SCOTT. Mr. Speaker, I did not yield any of my parliamentary rights in the matter.

Mr. KEIFER. Mr. Speaker, I think the gentleman from Michigan will withdraw his amendment. I yield to him now for five minutes.

The SPEAKER. Does the gentleman insist upon his amendment?

Mr. GARDNER of Michigan. I withdraw the amendment for the present. Mr. Speaker, I think it is due to the House to say that for three years we have gone to the Senate with substantially the same proposition. We have met the members of the conference committees at every point, and they have never successfully met our contentions in the matter. They have said, in substance, "We do not want to and we will not concede anything; we care nothing for economy." They say, "We want these agencies, and we want them all." Now, that is the ultimatum, and I might just as well be plain about it. We have fought the ground over and over and over again with different conferees in three different sessions, and have come back to the House with that ultimatum every time—"We want the agencies and we are going to have them, and you can not help yourselves." That is the situation. To recede and concur means an absolute backdown on what the House has three different times said is the right position to take. The committee, Mr. Speaker, leaves it with the House.

Mr. KEIFER. Mr. Speaker, I think it is proper that the gentleman from Mississippi [Mr. BOWERS] should have an opportunity to say a word, and I yield to him for one minute.

Mr. BOWERS. Mr. Speaker, I merely desire to add my voice and sanction to what has just been said by the gentleman from Michigan [Mr. GARDNER]. The House has put itself on record three times in favor of this proposition. I can not believe that in view of all the circumstances attending this legislation any failure or delay with reference to this bill could be properly chargeable to this end of the legislative body, and I believe that if the House ever expects to impress its will with reference to this particular matter on the statute books of this country it has to be done by standing out, and standing out now. The right, reason, and justice of the case is with us, as all concede, and to these no gentleman on the other side of the conference has even attempted to reply.

The SPEAKER. The question is on the motion of the gentleman from Kansas that the House do recede and concur in the Senate amendment.

The question was taken, and the motion was agreed to.

MATE WILLIAM JENNEY, U. S. NAVY, RETIRED, AND OTHERS.

Mr. BURTON of Delaware. Mr. Speaker, I ask unanimous consent to print in the RECORD some remarks on the bill H. R. 17059.

The SPEAKER. The gentleman from Delaware asks unanimous consent to extend his remarks on the bill suggested. Is there objection? [After a pause.] The Chair hears none.

REPRINTING REPORT ON COPYRIGHT BILL.

Mr. CURRIER. Mr. Speaker, I ask unanimous consent to print as a House document 1,500 copies of House report 2222 on the copyright bill.

The SPEAKER. How many pages are there in the report?

Mr. CURRIER. There are 23 pages in the report.

The SPEAKER. Is it now printed? Why, the report is printed.

Mr. CURRIER. Yes; but the supply is almost exhausted now, and there will certainly be a demand for it.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to print additional copies of the report of the committee. Is that it?

Mr. MANN. Mr. Speaker, reserving the right to object, how many does the gentleman desire to print?

Mr. CURRIER. Fifteen hundred, I stated.

Mr. MANN. The gentleman might ask unanimous consent to have a reprint.

Mr. CURRIER. That might answer—the 900 that would give.

Mr. MANN. That would be within the precedents.

Mr. CURRIER. Very well; I will modify my request.

Mr. SULZER. Mr. Speaker, this is a very important matter, and I trust the request of the gentleman from New Hampshire will be granted.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent for a reprint of the report on the bill indicated. Is there objection?

Mr. SHACKLEFORD. Mr. Speaker, I think this is an unnecessary expense and I shall object—Mr. Speaker, I misunderstood what it was; I withdraw my objection.

The SPEAKER. The gentleman from Missouri withdraws his objection, and it is so ordered.

WITHDRAWAL OF PAPERS.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent of the House to withdraw certain letters and petitions relating to the so-called "volunteer officers' bill" (H. R. 27313 and H. R. 28048), no action having been taken on them by the House.

Mr. MANN. For what purpose is this desired?

Mr. HULL of Iowa. It is at the request of the committee representing the officers.

Mr. MANN. For what purpose do they wish to withdraw them; what is the reason?

Mr. HULL of Iowa. The reason given to me is that they want to keep them. That is the only reason I know of. I can not see any value in them either to the House or to them.

Mr. MADDEN. Has the gentleman copies of them?

Mr. HULL of Iowa. No; there are no copies, but there are quite a number of them that can be given back.

Mr. MANN. I do not see any objection.

Mr. SULZER. Mr. Speaker, I hope the request of the gentleman will be granted.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

REMARKS ON THE LATE HON. DANIEL L. D. GRANGER.

Mr. CHANEY. Mr. Speaker, I desire to submit some remarks on the life of Hon. DANIEL L. D. GRANGER, recently a Member of this House from Rhode Island. I understand the privilege was requested by Mr. CAPRON, of Rhode Island, for Members to submit their remarks upon the life and death to be printed in the RECORD, but in order that I may be sure of it I ask permission to submit my remarks.

The SPEAKER. The Chair is informed permission has already been given.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 24864. An act to provide for the distribution of the CONGRESSIONAL RECORD and public bills, documents, etc., to the governor-general of the Philippine Islands at Manila, P. I.;

H. R. 1072. An act for the relief of the legal representatives of Sewell Coulson, deceased;

H. R. 28192. An act to amend and consolidate the acts respecting copyright;

H. R. 28245. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 28376. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes;

H. R. 23464. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 25980. An act for the relief of Sarah J. Fowler;

H. R. 23468. An act to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to re-

locate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 19607. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law;

H. R. 6183. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon;

H. R. 26203. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 3674. An act for the relief of Mrs. M. E. West; and

H. J. Res. 235. Joint resolution concerning and relating to the treaty between the United States and Russia.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 6373. An act waiving the statute of limitations as to the claim of the Nestler Brewing Company and authorizing the Commissioner of Internal Revenue to adjudicate the same;

S. 8929. An act withdrawing from entry and sale and granting unto the city of Los Angeles, in the State of California, certain lands therein described;

S. 1752. An act to reimburse Garrett R. Bradley, late postmaster at Tonopah, Nev., for money expended for clerical assistance;

S. 8839. An act for the removal of restrictions from the third selection or allotment of lands selected by William J. Scott, a minor member of the Osage tribe of Indians, and for other purposes;

S. 7785. An act relative to outward alien manifests on certain vessels;

S. 8555. An act to relinquish the interest of the United States in and to certain land in Dade County, Fla., to John M. Bryan, jr.;

S. 8518. An act empowering the juvenile court of the District of Columbia to issue execution on forfeited recognizances;

S. 8588. An act to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909;

S. 8429. An act to refund certain tonnage taxes and light dues levied on the steamship *Montara* without register;

S. 7861. An act for the relief of B. D. Crocker;

S. 7782. An act for the relief of James H. Owen;

S. 6852. An act for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, late owner of lot No. 116, square No. 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia;

S. 4035. An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897;

S. 4103. An act authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "For the relief and civilization of the Chippewa Indians;"

S. 2489. An act for the relief of Harry G. Rupp;

S. 1163. An act to correct the naval record of Peter H. Brodie, alias Patrick Torbett;

S. 3952. An act to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson;

S. 3526. An act to amend section 876 of the Revised Statutes;

S. 3452. An act for the relief of Joseph Schrembs;

S. 5349. An act for the relief of Madison County, Ky.;

S. 5510. An act for the relief of the owners of the tug *Juno;* and

S. R. 140. Joint resolution to create a joint committee to consider the revision and codification of the laws of the United States;

S. R. 119. Joint resolution authorizing the Secretary of War to award gold medals to Orville Wright and Wilbur Wright;

S. R. 105. Joint resolution for the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, in reference to the exchange of official journals, etc.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

H. R. 28376. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes;

H. R. 28245. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910; and for other purposes;

H. R. 1072. An act for the relief of the legal representatives of Sewell Coulson, deceased;

H. R. 24864. An act to provide for the distribution of the CONGRESSIONAL RECORD and public bills, documents, etc., to the governor-general of the Philippine Islands, at Manila, P. I.;

H. R. 23468. An act to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 25980. An act for the relief of Sarah J. Fowler;

H. R. 28192. An act to amend and consolidate the acts respecting copyright;

H. R. 23464. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 28411. An act to grant two cannons to Ohio Northern University, at Ada, Ohio;

H. R. 28304. An act granting certain obsolete ordnance for ornamental purposes;

H. R. 28059. An act making appropriations for the support of the Military Academy for the fiscal ending June 30, 1910, and for other purposes;

H. R. 21029. An act for the relief of James W. Sears;

H. R. 3622. An act for the relief of John D. McLain;

H. R. 6183. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon;

H. R. 16696. An act for the relief of the estate of Peter McEnery, deceased;

H. R. 1549. An act granting a pension to Lela L. Ellis;

H. R. 2950. An act for the relief of certain officers of the United States Signal Corps;

H. R. 3674. An act for the relief of Mrs. M. E. West;

H. R. 4168. An act to carry out the finding of the Court of Claims in the case of James A. Paulk;

H. R. 12512. An act for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia;

H. R. 12712. An act for the relief of the estate of Samuel J. Rogers;

H. R. 15603. An act for the relief of John W. Wood;

H. R. 19607. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law;

H. R. 23973. An act for the relief of pensioners of the Metropolitan police fund;

H. J. Res. 261. Joint resolution authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America in the year 1912;

H. J. Res. 225. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C.; and

H. J. Res. 235. Joint resolution concerning and relating to the treaty between the United States and Russia.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President of the United States had approved and signed bills and joint resolutions of the following titles:

On March 2, 1909:

H. R. 27523. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1910;

H. R. 25823. An act to amend an act entitled "An act to extend the time for the completion of the Valdez, Marshall Pass and Northern Railroad, and for other purposes," approved February 21, 1907;

H. J. Res. 265. Joint resolution to rearrange and reconstruct the Hall of the House of Representatives, and for other purposes;

H. J. Res. 263. Joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications;

H. R. 19655. An act providing for an additional judge for the southern district of New York, and for other purposes;

H. R. 15939. An act authorizing the Secretary of Commerce and Labor to exchange property;

H. R. 28175. An act to amend section 4434 of the Revised Statutes of the United States, and for other purposes;

H. R. 27061. An act to provide for the appointment of one additional district judge in and for the western district of Washington, and one additional district judge in and for the district of Oregon; and

H. R. 28305. An act to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State, and to detach it from the Fort Worth division of said court.

On March 3, 1909:

H. R. 8558. An act for the relief of R. J. B. Newcombe;

H. R. 21896. An act to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes;

H. R. 28243. An act to provide for the repair, maintenance, and preservation of public works on rivers and harbors, and for other purposes;

H. J. Res. 262. Joint resolution extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. R. 8661. An act for the relief of Richmond Light Infantry Blues, of Virginia;

H. R. 28055. An act to authorize the Secretary of War to donate one condemned brass or bronze cannon and cannon balls to the soldiers' plot in Forest Hill Cemetery, Scranton, Pa.;

H. R. 24835. An act authorizing the necessary resurvey of public lands;

H. R. 8947. An act for the relief of the Herman Andrae Electrical Company, of Milwaukee, Wis.;

H. R. 24834. An act for the protection of surface rights of entrymen;

H. R. 26916. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910;

H. R. 16743. An act for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes;

H. R. 5728. An act for the relief of James H. De Coster;

H. R. 25392. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 26915. An act making appropriation for the support of the army for the fiscal year ending June 30, 1910;

H. R. 8545. An act for the relief of Jackson Pryor;

H. R. 24995. An act for the relief of Nathaniel Huntley;

H. R. 14290. An act for the relief of Ellis W. Joy;

H. R. 28193. An act to authorize the city of Shreveport to construct a bridge across Red River;

H. R. 27054. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 9755. An act for the relief of Charles Lennig & Co.;

H. R. 21571. An act for the relief of John T. Freeman;

H. R. 7048. An act for the relief of Henry A. Tolbert;

H. R. 2911. An act for the relief of F. S. Jette & Son, of Savannah, Chatham County, Ga., for damage done to their wharf by U. S. dredge *Cumberland;*

H. R. 1622. An act for the relief of the estate of William J. Cussen;

H. R. 26394. An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 27926. An act to authorize the Chicago, Lake Shore and Eastern Railway Company to construct a bridge across the Calumet River, in the State of Indiana;

H. R. 24327. An act to make Corry, Pa., a port of delivery in the district of Erie, Pa., and extending to it the privileges of section 7 of the act of June 10, 1880;

H. R. 27249. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 27049. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 21492. An act to authorize the sale of certain public lands;

H. R. 23717. An act to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska;

H. R. 15755. An act for the relief of J. C. Haggard, of White County, Tenn.;

H. R. 28285. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 28046. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27974. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 27469. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 28047. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 4286. An act for the relief of John Shull.

On March 4, 1909:

H. R. 23464. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 26203. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 28059. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 28245. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes;

H. R. 28376. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1909, and for prior years, and for other purposes;

H. R. 1549. An act granting a pension to Lela L. Ellis;

H. R. 2950. An act for the relief of certain officers of the United States Signal Corps;

H. R. 3622. An act for the relief of John D. McLain;

H. R. 3674. An act for the relief of Mrs. M. E. West;

H. R. 4168. An act to carry out the findings of the Court of Claims in the case of James A. Paulk;

H. R. 12512. An act for the relief of persons who sustained damage by explosion near Frankford Arsenal, Philadelphia;

H. R. 15603. An act for the relief of John W. Wood;

H. R. 19607. An act to authorize the Secretary of Commerce and Labor to cooperate through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries with the fish commissioner of the State of North Carolina in making surveys of the waters of North Carolina where fishing is prohibited by law;

H. R. 23468. An act to amend sections 11 and 12 of an act entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railway Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks and to enable it to relocate parts of its railroad therein, and for other purposes," approved February 12, 1901;

H. R. 12712. An act for the relief of the estate of Samuel J. Rogers;

H. R. 21029. An act for the relief of James W. Sears;

H. R. 23973. An act for the relief of pensioners of the Metropolitan police fund;

H. R. 24864. An act to provide for the distribution of the CONGRESSIONAL RECORD and public bills, documents, etc., to the governor-general of the Philippine Islands at Manila, P. I.;

H. R. 25980. An act for the relief of Sarah J. Fowler;

H. R. 28192. An act to amend and consolidate the acts respecting copyrights;

H. R. 28304. An act granting certain obsolete ordnance for ornamental purposes;

H. R. 28411. An act to grant two cannons to Ohio Northern University, at Ada, Ohio;

H. R. 15681. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico;

H. R. 28167. An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of public building acts, and for other purposes;

H. R. 27053. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910;

H. R. 21003. An act fixing the compensation of certain officials in the customs service, and for other purposes;

H. J. Res. 225. Joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C.;

H. J. Res. 235. Joint resolution concerning and relating to the treaty between the United States and Russia; and

H. J. Res. 261. Joint resolution authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America in the year 1912.

STATEMENT OF APPROPRIATIONS.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to make a brief statement to the House concerning the work of this session of Congress with respect to appropriations, and I also ask that my colleague on the committee, Mr. LIVINGSTON, may also have the same privilege.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, no legislative duty surpasses in importance or responsibility the duty of appropriating the revenues derived from taxes collected from the people to meet governmental expenditures. Never has the discharge of this duty been attended in the Congress of the United States with greater difficulties or more embarrassments than during the past few years. None has felt more keenly or perhaps suffered more, politically, because of the things that occasioned these difficulties and embarrassment in the matter of appropriations than the members of the committees of this House charged with the duty of determining in the first instance the actual money requirements of the public service. Notwithstanding this fact and the opposition of powerful executive and popular influences, these committees have conscientiously endeavored to discharge this most important legislative duty in the interest of the people, and to avoid, if possible, recommending to the House appropriations in excess of the normal revenues of the Government. If they have not at all times succeeded, their failure has not been due to any lack of desire or effort on their part to keep these appropriations within the estimated revenues and within the actual necessities of the public service.

In no period except in time of war have the expenditures of our National Government increased so rapidly, both in the aggregate and per capita, as these expenditures have increased during the past eight years. This fact may well prompt our people not only to pause and consider the cause of this very large increase in the annual expenditures of the Government, but also to consider the necessity of checking this growing tendency toward excess and of aiding their Representatives, who are charged with the duty of imposing no greater burdens of taxation to meet such expenditures than are necessary in order to carry on the legitimate functions of their Federal Government.

Appropriations for public expenditures are made upon estimates submitted by the executive departments of the Government at the beginning of each session of Congress. The aggregate amount of these estimates for appropriations during the past eight years, including the fiscal year 1910, equals the enormous sum of $7,291,341,806.29. Upon these estimates Congress has appropriated during that period the sum of $7,007,839,183.46, being $283,502,622.83 less than the amount estimated. The rapidity with which our national expenditures have been increasing during the period referred to is shown by the total appropriations for the fiscal year 1903, which were $796,633,864.79, and the total appropriations at this session for the fiscal year 1910, $1,044,014,298.23; the difference between the amount required for the public service eight years ago and the amount required now being $247,380,433.44.

The increase in national expenditures may be attributed to several causes, but the two primary causes leading to this result have been, first, the popular and executive demands upon Congress for appropriations from the Federal Treasury for the exercise of rights and functions belonging exclusively to the States, and, second, the abnormal and unnecessary war expenditures in time of peace. This I shall endeavor to prove later on in my remarks.

The fact that the estimates submitted by the executive departments of the Government for appropriations would, if allowed, largely exceed the revenues during this Congress and the preceding Congress was kept constantly before the respective Houses and before the country, but with no appreciable effect.

At the beginning of the first session of this Congress I called attention to the fact that the estimates for appropriations submitted at that session for the fiscal year 1909 exceeded the estimated revenues by $118,000,000, and that unless the House exercised the utmost care in considering the estimates and making appropriations for the public service and in authorizing new appropriations the deficit at the end of the fiscal year 1909 would equal $150,000,000. Notwithstanding the effort on the part of some of the Members of the House and Senate during that session—which effort was unsupported here and received no support from the executive branch of the Government or from the press of this country—the appropriations authorized and the new legislation enacted, necessitating appropriations beyond the amount originally estimated for, far exceed what was then foreseen or admitted by their advocates, and the result is that at the end of this fiscal year we shall have a deficit in the neighborhood of $150,000,000, or just about the amount which we then predicted.

The appropriations made at the last session of Congress were larger than those made in any previous session, and the appropriations carried in the several appropriation bills passed at this session of Congress are very considerably in excess of what they were at the last session. Yet in both sessions of Congress they are far below the amount estimated by the executive departments for public expenditures during both fiscal years.

The responsibility for this can not be charged to the Congress of the United States. If the estimates submitted during the past two or eight years had been appropriated for, and if the amounts proposed in bills introduced and demanded by public sentiment had passed, which amounts carried in bills now pending before this House exceed a half billion dollars, the deficit, instead of being in the neighborhood of $150,000,000, would exceed $500,000,000. Had it not been for the Congress and the conservative element in that body, we would have long since been meeting these enormously increased expenditures from the proceeds of the sale of bonds. That the people have thus far been saved from that unfortunate situation is not due to any effort or recommendation of the executive branch of the Government, but to the Congress of the United States.

The appropriations made at this session amount in all to $1,044,014,298.23. This sum includes $30,000,000 for redemption of national-bank notes out of deposits by banks for that purpose; $60,000,000 that may be applied to the sinking fund out of the Treasury surplus; and $20,262,829.69 deficiencies in appropriations for the current and prior years, expendable before the beginning of the next fiscal year. Deducting these three amounts from the whole sum of appropriations leaves $933,751,468.54 to be considered as a proposed charge against revenues of the ensuing fiscal year 1910.

The estimated requirements of the Government recommended by the executive departments on which the appropriations of this session are based amounted to $1,103,387,508.01, or the sum of $59,373,209.78 more than the appropriations.

As passed by the House the regular annual supply bills were increased by the Senate only $11,786,905.01, a sum considerably less than the increases proposed by that body at any session within ten years past, a fact more surely indicative of the unfavorable conditions of the Treasury than any other sign of the times. Of this total increase proposed by the Senate, the House secured a reduction by discussion in conference of $5,319,242.46.

Compared with the appropriations made at the last session for the current fiscal year, the following results are shown as to each of the regular appropriation acts passed this session:

The agricultural act is increased $1,322,930. Of this sum, $72,000 is for increased service in the Bureau of Animal Industry; $204,060 in the Bureau of Plant Industry; and $750,000 for the Forest Service.

The army act is increased $5,815,222.73, which is chiefly on account of the law enacted a year ago increasing the pay of the officers and enlisted men and because the enlisted strength of the army is more nearly up to its maximum than it has been before in several years.

The diplomatic and consular act shows an inconsiderable increase of only $78,611.16.

The District of Columbia act is increased by $677,256.64, the larger part of which is for the public schools of the capital.

The fortifications act is reduced $1,146,634—a gratfying result—made possible by the fact that the system of modern seacoast defenses of continental United States is practically completed, so that the greater part of the expenditures being made are in the island possessions, including the Philippines and Hawaii.

The naval act is increased by the considerable sum of $14,271,313.58, which is chiefly on account of construction and armament of new battle ships and other vessels and the increase in the pay of officers and enlisted men of the naval service authorized at the last session.

The Indian act is increased $1,381,580.13. The act carries more than $2,000,000 for the industrial education and training

of Indian children. We have the encouraging assurance, as a result of this policy of training, that the Indian problem is rapidly approaching a satisfactory solution, and we are led to look for a considerable reduction in expenditures in the near future.

The legislative, executive, and judicial act, which provides for the great body of salaried officials and employees in the public service at Washington, shows a reduction of $854,429.50.

The Military Academy act is increased $1,685,886.46, which is rendered necessary in order to meet contract obligations for construction of buildings now in progress at West Point.

The pension act is reduced $2,145,000. This act carries the necessary money to meet the Nation's obligations to the veteran surviving soldiers of the Republic and to their widows and dependents, as prescribed by the liberal and just pension laws enacted by Congress, and it includes all that is estimated by the Pension Bureau to be required.

The post-office act carries the large increase of $11,991,478. The total sum carried in this act includes $37,360,000 for the Rural Free-Delivery Service, an increase of $1,787,000 over the service for the current year.

A river and harbor act carrying $9,435,750 has been passed. None was enacted at the last session of Congress. The one passed at the last session of the previous Congress appropriated $37,108,083, or $27,672,333 more than is carried in the act passed this session.

The sundry civil act is increased $25,651,818.70, the largest increase shown by any of the regular appropriation measures. This act provides, in great or less degree, for practically every branch of the public service, and particularly for public works in progress and authorized by law. It appropriates, among other considerable sums, $18,673,646.20 for the construction of post-office and other public buildings in cities and towns throughout the country; $19,754,514 for construction of works on harbors and rivers that have been authorized in previous river and harbor acts; and $33,638,000 for continuing work on the Panama Canal.

The annual appropriation bills prepared by the Committee on Appropriations, as reported to the House at this session, show reductions in the regular and supplemental estimates as follows:

District of Columbia	$6,214,937.00
Fortifications	9,343,140.00
Legislative, executive, and judicial	816,259.75
Pension	149,000.00
Sundry civil	7,937,241.65
Total	24,460,578.40

The reductions or increases in the regular estimates made in the other seven annual appropriation bills, prepared and reported by six other committees of the House, were as follows:

	Reduction.	Increase.
Agriculture	$1,729,700.00	
Army	5,657,158.71	
Diplomatic and consular	287,355.79	
Indian		$120,322.39
Military Academy	74,907.00	
Navy		1,270,821.54
Post-office		555,810.00
Total	7,749,121.50	1,946,953.93
	1,946,953.93	
Net reduction	5,802,167.57	

It should be stated further in behalf of the work of the Committee on Appropriations that the regular annual estimates referred to them at the beginning were augmented during the session by official supplemental estimates on the sundry civil bill alone to the extent of $5,399,300. This sum, added to the amount of the reductions made in the regular estimates for all of the bills, brings the total reductions made by the committee in its work of the session on five annual bills to a total of $29,859,878.40, as against $5,802,167.57 made in the other seven annual bills by six other committees of the House.

Reverting again to the practice indulged in by all administrations, allow me to remark that estimates for appropriations submitted to Congress and recommended with more or less vigor by the executive departments for the conduct of the Government always greatly exceed the amounts actually appropriated. The evil of this practice is manifest. It entails upon Congress the burden, with little, if any, aid from the Executive, of thrashing out the good from the bad, of differentiating between the indispensable, the necessary, and the desirable expenditures that should be provided for. It encourages, if it has not in fact begotten, a disposition in many of the departments to send in estimates for all manner of expenditures that may be pressed upon their attention, without reference to their merit or to the fact that by so doing the sum total of drafts upon the Treasury thus made through Congress enormously exceeds the annual revenues.

As a measure for preventing in the future a continuance of this evil practice with reference to submission of estimates, a provision of law prepared and offered by my colleague on the Committee on Appropriations, Hon. WALTER I. SMITH, of Iowa, has been enacted as a section of the sundry civil appropriation bill, which hereafter will put upon the Executive the onus, when the annual estimates exceed the total of estimated revenues, of either pointing out where the estimates could with least injury to the public service be reduced so as to bring them within the revenues or else, if in his judgment such estimates can not be reduced without undue injury to the public service, to recommend to Congress such loans or new taxes as may be necessary to cover the resulting deficiency.

Another step in this direction of intelligently applying estimates to expenditures, in order that the latter may not exceed resources, is a new rule of the House, that I earnestly hope may be adopted at an early day, requiring every committee of the House to keep a record on its calendar of bills of the amount, actual or estimated, as nearly as may be, of the charge against the Treasury carried by every bill referred to it, and also to convey explicitly the same information in their report on every bill favorably considered and reported to the House.

If the present system, both in the House and the Senate, is to continue, of having many committees charged with the duty of preparing and presenting the annual appropriation bills, then it is absolutely necessary to take these and all other reasonable steps toward constantly keeping the Congress and the public advised as to the relation of total proposed expenditures, as fixed by executive estimates, as well as by measures pending before and reported by committees, to the actual and possible revenues.

The gratifying operation of the so-called "antideficiency law" is again emphasized in the appropriations of this session. Of the whole sum carried in the urgent and regular deficiency acts, $20,262,829.69, there is the amount of $13,704,779.39 that is not deficiency, but rather an additional appropriation, such as $5,299,935.65 for the military establishment, chiefly growing out of legislation enacted at the close of the last session increasing the pay of officers and enlisted men and to meet expenses growing out of the late intervention in Cuba; $2,196,843.74 for the navy, most of which is for the increased pay of officers and enlisted men, also authorized at the last session, some of it representing the expenses incident to our fleet abroad and to complete a dry dock where the contractors had failed; $5,458,000 to continue work on the Panama Canal; and about $750,000 to pay judgments and audited accounts certified as due and unpaid. The remaining sum, $6,558,050.30, is small indeed compared with our total of appropriations of more than a billion dollars, or contrasted with the large deficiencies that were annually forced upon Congress before the passage of the law. The old practice indulged in by so many department officials of conducting the public service on the basis of estimates submitted, instead of according to appropriations made by Congress, is gone forever. The common procedure of spending as they pleased and then regarding it as sufficient argument in behalf of a deficiency to say, "We estimated for so much, and are conducting the service on that basis, and unless you give us now the full measure of our original estimate the service will be crippled or entirely suspended for a portion of the year," has yielded to the wholesome fear of a term in prison. What were then aptly denominated "coercive appropriations" are no longer extorted from Congress.

It is true, as I have endeavored to demonstrate heretofore, that by far the greater part of our national expenditures are for the military side of our Government, on account of wars that have occurred or in preparing for wars that may come. Considering the subject from the standpoint of appropriations made at this session, from which expenditures are to be made, we find that five great annual supply bills are devoted solely to these expenses, as follows:

Army	$101,197,470.34
Fortifications	8,170,111.00
Military Academy	2,531,521.33
Navy	136,935,199.05
Pension	160,908,000.00

In addition, the sundry civil, the legislative, executive, and judicial, and even the District of Columbia bills carry considerable sums chargeable to military expenditures, and under the chapter of "Permanent appropriations" there are also large amounts directly chargeable to war, or the results of war, including interest and sinking-fund charges on account of our civil war debt. These sums, together with the amount for the

army and navy in the general deficiency act, all amounting to about $116,000,000, added to the amount carried by the five bills I have mentioned, bring the total of these appropriations that are chargeable to this session of Congress up to the enormous amount of $525,742,301.72, which, deducted from $1,044,014,298.23, the whole apparent sum of appropriations for the session, leaves only about 50 per cent of our total proposed expenditures to be devoted to civil government.

The growth of appropriations for military purposes, including only those for the military and naval establishments carried in the army and navy acts, and without reference to the large sums for pensions, fortifications, and other incidents of war to which I have referred, for the eight-year period prior to the Spanish war, contrasted with the eight-year period ending with the fiscal year 1910, affords a startling exhibit, and one that I commend to the thoughtful consideration of my countrymen.

Army appropriations.

1891–1898.

1891	$24,206,471.79
1892	24,613,529.19
1893	24,308,499.82
1894	24,225,639.78
1895	23,592,884.68
1896	23,252,608.09
1897	23,278,402.73
1898	23,129,344.30
Total	190,607,380.38

Average annual appropriations, $23,825,922.54.

1903–1910.

1903	$91,730,136.41
1904	77,888,752.83
1905	77,070,300.88
1906	70,396,631.64
1907	71,817,165.08
1908	78,634,582.75
1909	95,382,247.61
1910	101,197,470.34
Total	664,117,287.54

Average annual appropriations, $83,014,660.84.

Naval appropriations.

1891–1898.

1891	$24,136,035.53
1892	32,541,654.78
1893	23,543,385.00
1894	22,104,061.38
1895	25,327,126.72
1896	29,416,245.31
1897	30,562,660.95
1898	33,003,234.19
Total	220,634,403.86

Average annual appropriations, $27,579,300.48.

1903–1910.

1903	$78,856,363.13
1904	81,876,791.43
1905	97,505,140.94
1906	100,336,679.94
1907	102,091,670.27
1908	98,958,507.50
1909	122,663,885.47
1910	136,935,199.05
Total	819,224,237.73

Average annual appropriations, $102,403,029.71.

It will be seen from these figures that the average annual appropriations for the army have leaped from less than $24,000,000 per annum for the eight-year period immediately preceding the Spanish war to an average of more than $83,000,000 for the eight-year period ending with the appropriations made by this Congress, and that during the same periods the annual average for naval appropriations has increased from a little more than $27,500,000 to more than $102,400,000.

The increase in appropriations for the army for the periods named exceeds $473,000,000, a sum sufficient to cover the whole cost of constructing the Panama Canal, on the basis of the latest estimates for that gigantic work, and with nearly $150,000,000 to spare.

The increase in the sums Congress has voted for the navy for these same periods amounts to $598,589,333.87, a sum greatly in excess of the total appropriations for the support of the whole Government for any fiscal year prior to that of 1898.

The combined excess for the army and navy, thus exhibited for the eight-year periods named, amounts to $1,072,099,741.03, a sum exceeding by more than $158,000,000 the total interest-bearing debt of the United States. So immense has this cost of militarism grown in these last eight years over the eight-year period ending scarce ten years ago that the sum of the excess is greater even than the stupendous sum of all of our appropriations made at this session of Congress.

Mr. Speaker, men may study and speculate as to the causes of our rapidly increasing national expenditures. They may attribute this increase to national development and the position which, as a nation, we occupy among the nations of the world. They may seek to justify it upon any ground; but an analysis of our expenditures during the past decade proves conclusively that the primary cause for this increase is the tendency upon the part of our people toward militarism and in favor of the exercise by the Federal Government of rights and functions belonging exclusively to the States.

Let us hope that the enormous excess of our present expenditures over our current revenues may cause our people to stop and reflect, first, upon the necessity for these rapidly increasing war expenditures; and second, the effect upon our dual system of government if the tendency in both directions is not speedily checked.

Let us hope, too, that the coordinate branches of the Federal Government will from this time on turn their attention to the dangers lying in our pathway and do all within their power not alone toward checking the tendency toward militarism, but also to preserving within the limits of our Federal Constitution the respective rights and powers of the State and National Governments and the exercise of these rights in accordance with the principles upon which our Government is founded. [Loud applause.]

For the information of the House I will print in the RECORD, in connection with my remarks, the history of the appropriation bills for the session just closing. It presents accurately the phases through which the great supply measures pass from their submission as estimates to their final enactment as laws.

The table follows:

History of appropriation bills, second session of the Sixtieth Congress; estimates and appropriations for the fiscal year 1909–10, and appropriations for the fiscal year 1908–9.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1910.	Reported to the House.	Passed the House.	Reported to the Senate.	Passed the Senate.	Law, 1909–10.	Law, 1908–9.
Agriculture	$14,610,626.00	$12,880,926.00	$12,883,826.00	$13,773,276.00	$13,075,716.00	$12,995,036.00	$11,672,103.00
Army	104,013,152.55	98,355,993.84	97,724,406.84	102,509,050.34	102,636,050.34	101,197,470.34	95,382,247.61
Diplomatic and consular	3,880,194.72	3,592,838.93	3,593,363.88	3,636,361.67	3,646,586.67	3,617,463.88	3,538,852.72
District of Columbia [a]	16,176,355.52	9,961,418.52	9,955,049.52	11,974,722.16	12,089,872.16	10,679,145.49	10,001,888.85
Fortifications	17,263,251.00	7,920,111.00	8,170,111.00	8,170,111.00	8,320,111.00	8,170,111.00	9,316,745.00
Indian	11,451,576.05	11,571,898.44	11,577,047.44	12,088,128.00	11,439,128.00	10,634,928.00	9,253,347.87
Legislative, etc	32,484,079.75	31,667,820.00	31,662,760.00	32,390,734.00	32,326,984.00	31,978,484.00	32,832,913.50
Military Academy	2,598,728.33	2,523,821.33	2,523,421.33	2,541,421.33	2,541,421.33	2,531,521.33	845,634.87
Navy	134,393,447.99	135,664,269.53	135,766,771.53	136,825,199.05	137,035,199.05	136,935,199.05	122,663,885.47
Pension	161,018,000.00	160,869,000.00	160,769,000.00	160,908,000.00	160,908,000.00	160,908,000.00	163,053,000.00
Post-office [b]	233,978,560.00	234,534,370.00	234,436,370.00	234,458,370.00	234,453,370.00	234,962,370.00	222,970,892.00
River and harbor	[c] 21,464,141.00	9,335,750.00	9,335,750.00	9,697,625.00	9,757,625.00	[d] 9,435,750.00	[e]
Sundry civil	[f] 144,959,312.58	137,022,070.93	136,789,845.93	138,210,064.93	138,744,564.93	[g] 137,609,906.93	[h] 111,958,088.23
Total	898,291,425.49	855,900,288.52	855,187,723.47	867,133,063.48	866,974,628.48	861,655,386.02	793,489,602.12

[a] One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1910 at $131,360), which are payable from the revenues of the water department.

[b] Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

[c] In addition to this amount the sum of $20,479,057 to meet contracts authorized by law for river and harbor improvements is included in the sundry civil estimates for 1910.

[d] In addition to this amount the sum of $19,754,514 to meet contracts for river and harbor improvements is included in the sundry civil act for 1910.

[e] No river and harbor bill passed for 1909, but the sum of $18,092,945 was appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1909, including $125,000 for a dredge for the harbors on the coast of the Mississippi.

[f] This amount includes $20,479,057 to carry out contracts authorized by law for river and harbor improvements, and $35,886,190.58 for construction of the Isthmian Canal for 1910.

[g] This amount includes $19,754,514 to carry out contracts authorized by law for river and harbor improvements, and $33,638,000 for construction of the Isthmian Canal for 1910.

[h] This amount includes $18,092,945 to carry out contracts authorized by law for river and harbor improvements, including $125,000 for a dredge for the harbors on the coast of the Mississippi, and $29,187,000 for the construction of the Isthmian Canal for 1909.

History of appropriation bills, second session of the Sixtieth Congress; estimates and appropriations for the fiscal year 1909–1910, and appropriations for the fiscal year 1908–9—Continued.

Title.	Estimates, 1910.	Reported to the Senate.	Passed the Senate.	Reported to the Senate.	Passed the Senate.	Law, 1909-10.	Law, 1908-9.
Urgent deficiency, 1909 and prior years	[a] $23,000,000.00	$1,126,602.40	$1,126,602.40	$1,151,602.40	$657,102.40	$831,102.40	$56,702,309.06
Deficiency, 1909 and prior years		17,599,984.19	17,621,984.19	19,252,408.30	20,276,390.87	19,431,727.29	
Total	921,291,425.49	874,626,875.11	873,986,310.06	887,537,074.18	887,908,121.75	881,918,215.71	850,191,911.18
Miscellaneous	[a] 22,000,000.00					2,000,000.00	4,011,337.26
Total, regular annual appropriations	943,291,425.49					883,918,215.71	854,203,248.44
Permanent annual appropriations	[b] 160,096,082.52					[b] 160,096,082.52	154,194,295.12
Grand total, regular and permanent annual appropriations	1,103,387,508.01					[c] 1,044,014,298.23	[d] 1,008,397,543.56

Amount of estimated revenues for fiscal year 1910	$602,000,000.00
Amount of estimated postal revenues for fiscal year 1910	223,340,712.00
Total of estimated revenues for fiscal year 1910	825,340,712.00

[a] This amount is approximated.

[b] This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1910, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year. This amount includes estimated amount of $60,000,000 to meet sinking-fund obligations for 1910, and $30,000,000 estimated redemption of national-bank notes in 1910 out of deposits by banks for that purpose.

[c] In addition to this amount, contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the District of Columbia act, $_____; by the naval act, $_____; by the sundry civil act, $_____.

[d] In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the District of Columbia act, $179,000; by the legislative, etc., act, $125,000; by the naval act, $25,700,000; by the sundry civil act, $2,650,000; by the public-buildings act, $20,789,750; in all, $49,443,750.

Mr. LIVINGSTON. Mr. Speaker, the appropriations made at this session of Congress reach the enormous sum of $1,044,014,298.23.

This stupendous amount exceeds the appropriations made last session by $35,616,754.67 and is greater than the appropriations of any two sessions of Congress made prior to 1898.

It is all but inconceivable that the national expenditures should be thus doubled within the comparatively brief period of a decade.

Even after deducting for the requirements of the sinking fund $60,000,000, for the redemption of national-bank notes $30,000,000, and $20,262,829.69 for deficiencies that are provided for, the remaining sum of this session's enormous drafts upon the Treasury is $933,751,468.54, an amount exceeding the total estimated revenues of the next fiscal year by $108,410,756.54.

Four years ago I sought to sound a note of warning with reference to what I then conceived to be the near approach of the time when our rapidly increasing expenditures would overtake and exceed the revenues of the country; when the buckle of expenditures and the tongue of revenues would be so wide asunder that it would strain beyond endurance the possibilities of the ingenuity and devices of the Republican party, with the aid of their unjust and discriminating high protective tariff, to bring them together. That condition is upon us, and it remains to be seen by what devious ways the dominant party will, during the approaching session of Congress, compel further exactions from a patient and overburdened people, in order to afford a pretext for continuing the high protective tariff system of revenue that is demanded by the great monopolistic interests of the country as a price of their long-continued support of the Republican party.

Congress ought not alone be held responsible for these excessive expenditures. On the contrary, it should be commended for the millions it has refused to appropriate, notwithstanding the pressure brought to bear by the Executive and the badgering of innumerable interests on all sides clamoring to get their hands into the Treasury. Had the executive departments prevailed in their efforts at this session, as manifested by the official estimates submitted to Congress, the appropriations would have been swollen beyond the gigantic figures attained by more than $59,000,000.

It should also be borne in mind that we have been living under a new era, introduced into our system of public expenditures by the retiring administration, an era that has established that the public moneys may be expended not alone under authority of law, but also by "executive choice," as illustrated by innumerable commissions, councils, and boards appointed solely by the President. The existence and activities of these bodies have made no inconsiderable drain upon funds appropriated for specific and legitimate functions of government by misapplying the same to expenses of junketing about the country and in diverting the services of department employees from their proper and lawful occupations.

The appropriation made for well-defined contingent objects of expenditure in the mint at Philadelphia was in part illegally used to pay an extravagant sum, without knowledge or consent of Congress, for new designs of gold coins, which act created a deficiency, to meet which and to pay obligations previously incurred by contract we have had to appropriate at this session.

A good and serviceable building has been torn down in Washintgon because its location and design jarred upon the artistic sensibilities of persons in high official station, and now public funds provided for other purposes will doubtless be used to embellish the vacant spot and make it pleasing to the eye, and the Government will continue to pay $500,000 annually for rent of buildings in Washington for office and storage purposes. The well-defined duties of the executive department, legislative department, and the reserved rights of the States, as well as the duties and obligations of the States, have all been evaded and stupendous sums of money spent as the result of such violations of constitutional restrictions and limitations. To such an extent have these abuses been practiced that to-day Congress is being beseiged to spend millions of dollars that is clearly not within the restrictions placed by the Constitution upon the powers of Congress; all of which is fast building up a great centralized government and, of course, minimizing the rights and duties of the States.

I am going to submit, to be inserted in the RECORD, a statement giving the amount of each of the appropriation acts passed at this session and their aggregate, and I want to have it printed in the RECORD in the largest type permissible, in order that the House and the country may have thus graphically set before them the enormous sums of money represented by each of these appropriation acts and in their sum total. Also, for the information of the country, I will print as a part of my remarks a comparative statement showing the appropriations by Congress for the quadrennial period representing the fiscal years 1893 to 1897, which period marks the last Cleveland administration, and in a parallel column the appropriations for the fiscal years 1907 to 1910, which period marks the last four years of Mr. Roosevelt's administration.

Mr. Speaker, I most emphatically concur with the chairman of the committee that not in the history of appropriations by Congress has it been so difficult to hold down the appropriations to the revenues of the Government. I say, without fear of successful contradiction, that your committee has faithfully endeavored to do so. No chairman or Committee on Appropriations has been more faithful or industrious in the discharge of his or their duties, and the chairman of that committee deserves the thanks of this House and the country for his earnest and energetic efforts to discharge his duty as the chairman of that committee.

Statement of appropriations, by acts, for the fiscal year 1910.

Agriculture	$12,995,036.00
Army	101,197,470.34
Diplomatic and consular	3,617,463.88
District of Columbia	10,679,145.49
Fortifications	8,170,111.00
Indian	10,634,928.00
Legislative, executive, and judicial	31,978,484.00
Military Academy	2,531,521.33
Navy	136,935,199.00
Pensions	160,908,000.00

Post-office	$234,962,370.00
River and harbor	9,435,750.00
Sundry civil	137,609,906.93
Urgent deficiency	831,102.40
General deficiency	19,431,727.29
Total	881,918,215.71
Miscellaneous	2,000,000.00
Permanent annual appropriations	160,096,082.52
Grand total	1,044,014,298.23

Comparative statement of the aggregate amount of each appropriation act for the second Cleveland administration, 1894–1897, and the second Roosevelt administration, 1907–1910.

	Fiscal years 1894–1897.	Fiscal years 1907–1910.
Agriculture	$13,106,405.06	$44,044,872.00
Army	94,349,535.28	347,081,465.78
Diplomatic and consular	6,338,381.28	13,339,744.49
District of Columbia	22,604,665.21	41,260,305.13
Fortifications	13,919,504.50	29,438,860.00
Indian	34,667,053.57	39,273,952.00
Legislative, executive, and judicial	86,582,428.89	126,619,650.60
Military Academy	1,752,878.47	6,971,567.29
Navy	107,410,094.36	460,649,262.29
Pensions	614,972,794.85	610,349,500.00
Post-office	353,358,475.85	861,720,453.75
River and harbor	61,915,595.00	46,543,833.00
Sundry civil	118,322,092.29	458,875,976.78
Deficiencies	44,805,651.46	128,503,173.11
Total	1,574,105,556.07	3,214,993,198.97

NOTIFICATION OF THE PRESIDENT.

Mr. TOWNSEND. Mr. Speaker, I move the adoption of the following resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That a committee of three Members be appointed by the Speaker, to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

The resolution was agreed to.

The Chair announced the following committee:

Mr. TOWNSEND, Mr. SCOTT, and Mr. CLARK of Missouri.

NATIONAL WATERWAYS COMMISSION.

The SPEAKER. The Chair would ask the gentleman from New York [Mr. ALEXANDER] what is the official title of the commission that was authorized on the river and harbor bill?

Mr. ALEXANDER of New York. The National Waterways Commission.

The SPEAKER announced the following members of the commission:

Mr. BURTON of Ohio, Mr. ALEXANDER of New York, Mr. LORIMER, Mr. STEVENS of Minnesota, Mr. WANGER, Mr. SPARKMAN, and Mr. MOON of Tennessee.

COMMISSION ON CODIFICATION OF THE LAWS.

Pursuant to Senate joint resolution No. 140, the Chair announced the following commission on the codification of the laws:

Mr. MOON of Pennsylvania, Mr. PARSONS, Mr. DENBY, Mr. SHERLEY, and Mr. HOUSTON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That a committee of two Senators be appointed by the Vice-President to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some other communication to make to them.

And that in compliance with the foregoing the Vice-President had appointed as said committee Mr. CULLOM and Mr. TELLER.

COMMITTEE ON ACCOUNTS.

The SPEAKER, under the provisions of the law, announced the temporary Committee on Accounts, as follows:

Mr. HUGHES of West Virginia, Mr. CURRIER, and Mr. BARTLETT of Georgia.

RESOLUTION OF THANKS TO THE SPEAKER.

Mr. PAYNE. Mr. Speaker, I offer the following resolution and move its adoption.

The SPEAKER pro tempore [Mr. DALZELL]. The Clerk will report the resolution.

The Clerk read as follows.

House resolution 609.

Resolved, That the thanks of this House are presented to Hon. JOSEPH G. CANNON, Speaker of the House of Representatives, for the able, impartial, and dignified manner in which he has presided over its deliberations and performed the arduous and important duties of the Chair during the present Congress.

[Applause.]

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the resolution was unanimously agreed to.

[Applause.]

The SPEAKER again resumed the chair amid general applause.

The SPEAKER. With the consent of the House, as the committee just appointed to wait upon the President has not reported, and following the usual custom, the Chair will return its thanks to the House immediately before the expiration of the Sixtieth Congress. In the meantime, if there is nothing of other business, the Chair will await, if such is the sense of the House, motion for a recess, or for other business, if there is any to present.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 11 o'clock and 45 minutes a. m.

The motion was agreed to.

Accordingly (at 11 o'clock and 33 minutes a. m.) the House was declared in recess until 11.45 a. m.

AFTER RECESS.

The recess having expired,

REPORT OF NOTIFICATION COMMITTEE.

Mr. TOWNSEND. Mr. Speaker, your committee reports that we have waited upon the President according to instructions, and he announces that he has no further communication to make to the Congress.

The SPEAKER. Members of the House of Representatives of the Sixtieth Congress, the time has almost arrived when this Congress, under the law, expires. During the period covered by the Sixtieth Congress and the two preceding Congresses I have had the honor of presiding over this body. At times I have had, without exception, the enthusiastic indorsement of each Member. But the pendulum swings back and forth in the affairs of men. During my service I have seen the House of Representatives, in the Fifty-first Congress, under the previous question, thank Mr. Speaker Reed—every Republican voting for, and every one of the minority voting against, thanking him. Later on I saw Mr. Speaker Reed move the resolution of thanks to Mr. Speaker Crisp, adopted unanimously, within two years of the other incident. After all is said and done in the affairs of parties and of men, what is needed in the public service is virile men—men who favor policies that they believe in and have the courage of their convictions [applause], whether it be the majority or the minority; and a minority, virile and patriotic, is as necessary as is a majority in a government of the people. [Loud applause.]

Strong men, in public life as well as in private life, strike above the belt and tell the truth. [Applause.] As one Member of this House, and under the tongue of good report and evil report, I have performed my duty as a Representative and Speaker to the best of my judgment, without regard to personal consequences to me. [Loud, general applause.] I thank the Members of the House for their cooperation, approval, or criticism, when approval or criticism is not fulsome on the one hand or captious on the other, for the mere purpose of praise or the mere purpose of condemnation. [Applause.] Now, at the close of the Congress, I desire to wish you health and prosperity individually. Some of you are not Members of the incoming Congress. You join the great body of citizenship in private life; you will perform your duties there as well, no doubt. You may return again. I can look in the faces of many of you who depart from public life, on both sides of the House, with sorrow and not joy at your departure. May peace, health, and prosperity attend your footsteps.

And now, at the hour of 12 high noon, under the law, I declare the Sixtieth Congress adjourned without day. [Loud, general applause.]

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of lodges of the United Order of American Mechanics in Clifton and Bridgeport, Ohio, favoring exclusion of Asiatics—to the Committee on Foreign Affairs.

Also, petition of McLaw Brothers, of San Francisco, Cal., and other firms in the United States, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BURNETT: Petition of many business firms in Gadsden, Ala., favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. COCKS of New York: Petition of H. Van Valkenburgh and others, urging the passage of the Burkett-Foelker bill, prohibiting telegraphing of gambling bets—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petition of the Blodgett Milling Company, of Janesville, favoring a maximum and minimum tariff law—to the Committee on Ways and Means.

By Mr. CURRIER: Petitions of residents of the State of Washington and of Richmond (N. H.) Grange, against parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Bartlett Grange, of Salisbury, N. H.; Campton (N. H.) Grange; and Retail Merchants' Association, for a national highways commission and for federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of West Thornton Grange, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Keene, N. H., against passage of the Johnston Sunday-rest bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of the Missouri Valley Horticultural Society, for legislation creating a national highways commission—to the Committee on Agriculture.

Also, petition of certain employees of the Isthmian Canal Commission at the Canal Zone, for six weeks' vacation with pay—to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Petition of Eau Claire (Wis.) Lodge, No. 402, Benevolent and Protective Order of Elks, for creation of American elk reservation in the State of Wyoming (H. R. 21980)—to the Committee on Agriculture.

By Mr. HAYES: Petition of Shipowners' Association and several commercial bodies of the Pacific coast, asking that several revenue cutters be stationed on the Pacific coast—to the Committee on Naval Affairs.

APPENDIX.

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APPENDIX

TO THE

CONGRESSIONAL RECORD.

Conspiracies Against Aliens—The Speaker's Right to Vote.

SPEECH

OF

HON. J. WARREN KEIFER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, December 12, 1908,

On the bill (H. R. 11733) punishing conspiracy to injure or intimidate any person in the exercise of a right under the Constitution or laws of the United States.

Mr. KEIFER said:

Mr. SPEAKER: The question arising on the appeal of the gentleman from Missouri [Mr. DE ARMOND] from the exercise of the right of the Speaker to vote on the passage of a bill (H. R. 11739) called up by the direction of the Committee on the Judiciary by its chairman is an old one, and it is plainly settled by a rule of this House long in continuous existence and by a long line of uniform precedents.

The Speaker has already called attention to the rule of this House and to some of the precedents, but as the question is one of great importance and is now submitted to the House for its decision as a precedent it may not be time lost to briefly discuss the question anew in the light of our legislative history, our rules, the practice thereunder, and the precedents. It will be seen that the question of the right of the Speaker to vote has now arisen in its simplest form.

Briefly stated, the question arose thus: The yeas and nays were taken on the passage of the bill and the clerk reported to the Speaker the vote as tabulated by him. Some pairs were then announced and one Member sought to be recorded as present and another [Mr. HOBSON] sought to be allowed to vote, but was refused, whereupon the Speaker announced the vote so reported to him to be, yeas 100, nays 99, present 4, but he did not announce that the bill had passed, though the reported vote warranted such an announcement. At this stage in the proceedings a recapitulation of the vote was asked for by a Member and granted by the Speaker, the vote being close. Then followed a further fruitless attempt of the gentleman from Alabama to be allowed to vote. The recapitulation was then completed and the clerk reported the vote to the Speaker to be, yeas 100, nays 100, present 3, and thereupon he directed the clerk to call his name, and he then voted "aye."

The gentleman from Missouri made the point that the Speaker had no right to vote at that stage of the procedure and the Speaker, after some debate, overruled the point and voted "aye." From this decision of the Chair the appeal to the House was taken. It will be seen that his vote when thus cast was decisive of the result.

Rule I, paragraph 6, settles the question in precise terms:

He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

This rule required him to vote under the conditions of the vote as finally reported to him. His right to vote was perfect under the rule.

The claim that he should have voted on the regular call is untenable. His name was not on or under our rules required to be on the roll to be called, and it is only called on the Speaker's own direction, which is usually only given, as in the present instance, when the rule requires him to vote. The Speaker's name has never in the whole history of Congress been on the voting roll.

Originally, by a rule adopted April 7, 1789, he did not vote at all, though a Member of the House. A later rule of the House forbade his voting save in case of a vote by ballot or of a tie vote, but it is now settled that he may vote, if he so desires, on any question any other Member of the House is qualified to vote upon, this by virtue of his constitutional right as a Representative.

Speaker Trumbull, of Connecticut, March 16, 1792, and Speaker Macon, of North Carolina, December 9, 1803, each exercised his constitutional right to vote, although a rule of the House forbade it, and this practice has been followed by Speakers ever since.

On December 9, 1833, and again in 1837, Mr. Patton, of Virginia, proposed a rule providing that "in all cases the Speaker shall vote," and each time it was defeated, leaving the rule and practice to stand as now, namely, that his name shall not appear on the roll, but to be called if he so directs after the call ends.

On January 4, 1850, the language of the rule that hitherto existed was changed from "he shall not vote" to "he shall not be required to vote." This was done to take away the appearance of the House attempting to take from a Speaker his constitutional right to vote as a Member of the House. In substance, this language has been continuously kept in our rules up to the present, and the Speaker, regardless of party, has always voted at the end of the regular roll call whenever he desired to do so and on any question before the House.

In the case under consideration he not only had the constitutional right to vote when he did, but there being a tie vote reported to him on which the question would be lost, and his vote would be decisive, the rule already quoted absolutely required him to vote. This he did at the earliest moment the condition appeared, showing his duty under the rule was to vote. The recapitulation to verify the vote must be regarded as a proper part of the taking of the vote, with the right of a Member to change or withdraw his vote, or, in a proper case, to vote and have his vote counted, and of the Clerk to correct errors, and so forth.

But the settled practice does not stop there, however, as to the time the Speaker may exercise his right to vote. He may vote at any time it is discovered that the rule requires him to do so, even though other business has intervened, and even on a later legislative day.

On December 4, 1876, Mr. Hewitt, of New York, moved to suspend the rules and pass a resolution providing for a special committee to investigate the recent presidential elections in Louisiana, Florida, and South Carolina, which required a two-thirds vote to pass it. The vote reported thereon was 156 yeas to 78 nays, precisely enough yeas under suspension of the rules to pass the resolution. On the next day it was represented to the Speaker and to the House that a Member from Maine (Mr. Plaisted) had voted in the negative, and a Member from Indiana (Mr. Fuller) had voted in the affirmative, and the vote in neither case had been recorded or counted, and the Speaker held each was entitled to have his vote recorded and counted, which showed the resolution was lost, whereupon the Speaker (Mr. Randall) voted in the affirmative, producing the required two-thirds majority, and he thereupon declared the resolution adopted. The language used by Speaker Randall in asserting his right to vote after the result of the vote had been announced and on a later day will be found in Volume 5, Hinds Precedents, House of Representatives, page 515, section 5969.

He only followed Speaker Macon, of North Carolina, who (December 9, 1803), notwithstanding a then prohibition in the rules of the House against the right of the Speaker to vote at all, voted to make a two-thirds vote on a proposed amendment to the Constitution of the United States, though in that case a day had not intervened before he exercised his right to vote.

There are a number of decisions all concurring in the view that the Speaker has a right to vote at any time when it is disclosed that his vote would be decisive of the result, and that this right to vote may be exercised after the result of a vote has been announced by the Speaker, and this also where his vote changes the result of the vote previously announced.

Speaker Winthrop, of Massachusetts, on Monday, January 8, 1849, held he had the right to vote on the discovery of an error in the vote as announced on which he had declared on the Saturday before a bill to have passed the House. In disposing of the question he said:

The Chair takes the earliest opportunity to state to the House this morning that upon a reexamination of the yeas and nays the Clerk has ascertained that an error existed in the announcement of the vote on Saturday. The vote actually stood—ayes 89, noes 89. The correction will now accordingly be made on the Journal, and a case is immediately presented, agreeably to the twelfth rule of House, for the interposition of the Speaker's vote.

The vote as finally announced was—yeas 89, nays 90, and the bill was lost. There are other precedents of like effect, and they violate no sound principle of parliamentary procedure, and they are in consonance with each Representative's rights.

In the Forty-seventh Congress (July 19, 1882) the same question arose, in principle, in a contested-election case from South Carolina. A resolution was, by the Speaker, on a reported yea-and-nay vote, announced passed, declaring the sitting Member not entitled to retain his seat. The Democrats refused to vote on the resolution and sought to break a quorum and thereby defeat the resolution. This was before the practice of counting a quorum obtained. A quorum was then 146. Only 145 had actually voted, though 146 were reported to the Chair as voting. Immediately after the resolution was declared passed another one was presented and passed seating a Member instead of the one just unseated, and a motion followed to reconsider the last vote and to lay the last motion on the table, which was agreed to. It was then discovered that a quorum had not voted on the former resolution. The Speaker [Mr. KEIFER] announced to the House the discovery of this fact, and that instead of there being yeas 145 and nay 1, as announced, the correct vote was yeas 144, nay 1, which lacked 1 of a quorum. The Speaker thereupon exercised his right to vote and caused it to be recorded in the affirmative, which healed the error and confirmed the passage of the resolution and showed a quorum present voting. His right to do this was challenged by ex-Speaker Randall, by Mr. Blackburn, of Kentucky, and others, and some debate in the House ensued, during which the practice and precedents were generally cited and reviewed. The succeeding day a resolution was introduced challenging the action of the Speaker, but it was withdrawn after debate and his action was acquiesced in as being sound in principle and in line with the precedents, including the decision of Speaker Randall above referred to.

It was at a little earlier time (May 29, 1882) that the then occupant of the chair [Mr. KEIFER] held that dilatory motions were not in order to prevent the House from adopting rules for its procedure, and he then expressed a willingness to count a quorum where a quorum of Members was present and not voting, but as the Democratic Members then unitedly denied the Speaker enjoyed such right or could enforce it, in which Mr. Reed, of Maine, Mr. Robinson, of Massachusetts, and other Republicans of that (Forty-seventh) Congress concurred, the Speaker was not called on to count a quorum. Mr. Reed later recanted his speeches and opinion then and theretofore made and expressed (RECORD, Vol. XIII, Pt. V, p. 4313) in opposition to the Speaker's right to count a quorum if a quorum was present not voting, and he, as Speaker in the Fifty-first Congress, January 29, 1890, counted a quorum under such circumstances, which action has since been sustained by the Supreme Court of the United States (144 U. S., p. 1), and its wisdom is no longer questioned, but followed, and is now a rule of the House. (Pars. 3 and 4, Rule XV.)

The real question here for decision by the House on this appeal is a plain one under our existing rules, and the Speaker's right and duty to vote as and when he did is also in accordance with the practice and parliamentary precedents from almost the beginning of our constitutional government. I am glad the House has laid the appeal on the table by so decided a vote, which must be taken as constituting another affirmance of the uniform practice in like cases.

Naval Appropriation Bill.

SPEECH

OF

HON. LEMUEL P. PADGETT,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 19, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes—

Mr. PADGETT said:

Mr. CHAIRMAN: I desire to submit for the consideration of the committee some observations upon the pending bill making appropriation for the maintenance of the naval establishment and the programme for the increase of the navy. I think this is a fortunate time and a happy occasion for the consideration, calmly and dispassionately, of the questions involved in this bill. Our fleet is homeward bound from a trip of peace and good fellowship around the world. We have been declaring with emphasis our love for all nations and our determination upon our part to maintain peace with all the world, and all the other nations of the world have in good faith accepted our declarations and professions of peace and good will and with like emphasis have assured us of their peaceful purposes and good intentions. And with all the formalities which a great nation can employ we have assured them that we accept in good faith their declarations and professions of peace and friendship. At a cost of many millions of dollars this voyage of the fleet around the world has been made and is now returning, assuring us of the splendor and magnificence of its receptions and the cordiality of the people of every country it visited. I think it indeed a felicitous occasion and happy environment that we can consider the naval appropriation bill and naval programme under such conditions. I am aware of the publication in the press of the Japanese threatened peril. This we have each year. Of course it is mere coincidence that every year just immediately preceding the consideration of the naval appropriation bill these publications of the Japanese danger and peril make their appearance and as regularly disappear as soon as the naval bill is disposed of. Summer follows winter and harvest follows seeding time, but not with more unfailing regularity and precision than the Japanese scare attends the consideration of the naval appropriation bill. To be sure, it is a mere coincidence. But the regularity and precision of the coincidence awakens our admiration. I remember a few years ago these coincidences, precisely of the same nature and character and threatened danger and peril were with Germany. But after being used for several years and the country becoming thoroughly conversant with them, so as to unerringly expect their coming at the time of the consideration of the naval bill and their unfailing disappearance without harm or disaster after the passage of the naval bill, these German coincidences failed longer to serve any useful purpose and were abandoned and were succeeded by the Japanese coincidences. I may be pardoned for suggesting that the country and the Congress are no longer frightened by them and fully realize that the coincidences of foreign peril, danger, and disaster always attending the consideration of the naval bill are manufactured for a purpose.

And we may be further pardoned for suggesting at this time that when the next naval appropriation bill is approaching consideration in the Congress there will again arise the danger and disaster and peril of the Japanese. We confess that it arouses our unstinted admiration that whether the naval bill is considered early in the session or late, with unfailing precision the Japanese scare makes its appearance just at the psychological moment. Notwithstanding all of which, I deem the present a fortunate time in which to call to the attention of the Congress and the country some important suggestions with reference to the navy.

The time has come and the conditions are such that I think it is the duty of Congress and of the country to call a halt in the extravagance of the naval programme. For the fiscal year ending June 30, 1908, the ordinary disbursements exceeded the ordinary receipts, making a deficit of $58,070,201.15. Since the 1st day of July last to the present time the excess of expenditures of the Government over receipts amount to $73,231,471.38; and the Secretary of the Treasury, in his last annual report to Congress, for the fiscal year ending June 30, 1909, estimates a deficit of revenue to meet the expenditures of the Govern-

ment of $114,000,000. And judging by the present condition of receipts and expenditures it will perhaps exceed this amount. And for the fiscal year ending June 30, 1910, under the present revenue laws, the Secretary of the Treasury states that the estimates of appropriations submitted by the several executive departments exceed the estimated revenues of the Government $143,046,796. These conditions, in my opinion, justify serious consideration and reflection. The total estimates of expenditures submitted by the several departments, exclusive of all postal receipts, aggregate the enormous sum of $824,408,948. Let me call to your attention some figures relating especially to the navy. In the last session of the Congress the naval appropriation bill, as reported by the House Committee on Naval Affairs and substantially as it passed the House, carried in round numbers $103,937,000. In the Senate there were many amendments and large additions, and when it became a law it carried $122,662,485.47. The present bill now before the House carries $135,662,888.25, over $31,000,000 more than the bill as it passed the House in the last session and $13,000,000 more than the bill in the last Congress as it became law. The permanent annual appropriation for the Navy Department, as submitted in the Book of Estimates, makes the additional sum of $2,280,000; and there will be considerable sums as deficiencies to be provided for in the deficiency bills, and if we allow an increase by way of Senate amendments of the same proportion as the bill last year the total appropriations for the naval establishment in the present session of Congress will aggregate the startling figures of not less than $160,000,000. When we remember that in the year 1883 the total expenditures of the Navy Department were less than $15,000,000 per annum, and that from 1883 to 1908, both inclusive, the total appropriations for the navy amounted to the fabulous sum of $1,374,624,001.89, and consider in connection therewith the enormous growth of naval expenditures provided for in the present bill, we believe we are justified in asking the Congress seriously to consider a halt in naval expenditures.

The present bill provides for the increase of the navy two battle ships, costing not less than $10,000,000 each, and various other auxiliaries, making a total cost of nearly $28,000,000. Personally, I preferred and thought sufficient an authorization of one battle ship, but a large majority of the committee were in favor of two, and I joined with them and stand with the committee in its present recommendation of two ships. But in so doing I would not have it understood that in the future I shall feel obligated to stand for so large a naval programme. My candid opinion is that our navy is sufficiently large for all ordinary purposes, and to maintain it in a high state of excellency at its present standard is all that is necessary, and to do so does not require so large a programme for the increase of the navy each year. Especially is this true of battle ships. Let me call to your attention some figures by way of comparison of the navies of the principal nations:

Relative strength of the principal naval powers in battle ships and armored cruisers.

BATTLE SHIPS AND ARMORED CRUISERS BUILT, BUILDING, AND PROVIDED FOR.

	Number.	Tonnage.		Number.	Tonnage.
Great Britain:			Japan:		
Battle ships	61	910,330	Battle ships	15	233,444
Armored cruisers	39	485,600	Armored cruisers	15	175,001
Total tonnage		1,395,930	Total tonnage		408,445
United States:			Russia:		
Battle ships	31	449,796	Battle ships	15	200,969
Armored cruisers	[a]12	[a]157,445	Armored cruisers	6	63,166
Total tonnage		607,241	Total tonnage		264,135
Germany:			Italy:		
Battle ships	31	414,486	Battle ships	15	212,846
Armored cruisers	11	133,768	Armored cruisers	10	78,513
Total tonnage		548,254	Total tonnage		291,359
France:			Austria:		
Battle ships	26	357,132	Battle ships	6	74,300
Armored cruisers	22	216,232	Armored cruisers	3	19,020
Total tonnage		573,364	Total tonnage		93,320

[a] If the *Charleston*, *Milwaukee*, and *St. Louis* are considered as armored cruisers, total tonnage of armored cruisers would be 186,545, and total tonnage of battle ships and armored cruisers, 636,341.

On the question of efficiency, considering age and gun strength, the following tables are collated from the Navy Yearbook, pages 631 to 636, inclusive.

Approximate average age of completed battle ships and armored cruisers of the principal navies of the world.

Countries.	Battle ships.			Armored cruisers.		
	Number.	Combined age.	Average years.	Number.	Combined age.	Average years.
Great Britain	54	444	8¼	35	129	3⅝
United States	25	117	4½	12	45	3¾
Germany	22	145	6½	8	31	4
France	18	174	9⅝	18	114	6⅓
Japan	11	72	6½	11	62	5½

Armament on battle ships.

	11-inch.	12-inch.	13-inch.	Grand total.
Great Britain:				
Built	0	161	40	
Building	0	70	0	
Total	0	232	40	272
United States:				
Built	0	68	32	
Building	0	56	0	
Total	0	124	32	156
Germany:				
Built	56	0	0	
Building	32	60	0	
Total	88	60	0	148
France:				
Built	0	42	13	
Building	0	32	0	
Total	0	74	13	87
Japan:				
Built	0	36	0	
Building	0	32	0	
Total	0	68	0	68

Lord Brassey in his Naval Annual places United States second and Germany next to the United States, and Jane's Fighting Ships does the same.

In addition to the foregoing, let me remind you that the total tonnage, built and building, of Great Britain, the United States, France, Germany, and Japan is as follows:

	Tons.
Great Britain	1,669,005
United States	814,118
France	801,188
Germany	693,599
Japan	444,903

The two battle ships authorized in the present bill will add 52,000 tons to the battle-ship tonnage of the United States and make it very easily the second naval power in the world. And in my humble judgment there is no good reason why it should strive to be more, and I think there is sufficient reason why the ambition of the most strenuous advocate of a great navy should be abundantly satisfied. I think these figures clearly demonstrate that in the future under ordinary conditions there will be no necessity for so large an increase of our navy as is provided in the present bill. It should be remembered that every battle ship added to the navy causes an increase of officers and enlisted men to man her of about 900 men, adding about $1,000,000 each year as the cost for the maintenance of the ship. The construction of every battle ship demands the building of four torpedo boats and also additional cruisers and other auxiliary ships. At the present time we have six large battle ships building, and the two authorized in this bill will make eight. Last year I called attention to the fact that we were at that time, on a war basis, upon the complement of the ships built and building, short 22,701 men necessary to man the ships and were 1,846 officers short.

We are increasing our officers at the rate of about 150 a year. At the last session we authorized an increase of 6,000 enlisted men; and allowing for the two ships authorized in the present bill, we would still be more than 17,000 men short on a war basis and 14,000 short on a peace basis. In his last annual report, Admiral Pillsbury states that it takes, on an average, six years to train a man-of-war's man. With this large shortage of men and officers, both on a war and peace basis, to man our present ships built, building, and authorized, we can see what tremendous additional expenses are going to be imposed in the

near future, as soon as the ships now building are completed. I call the attention of the Congress to these matters at this time not for the purpose, intention, or desire to defeat the programme recommended in the pending bill, but for the purpose of attracting the attention of Members to the importance and necessity of arresting such extensive programmes of naval construction in the future. There is, in my opinion, no necessity for a larger navy than we now have, added to conservatively each year. There are many other demands pressing upon the attention of the Congress and demanded by the people calling for appropriations of large sums of money. The conservation of our natural resources, the preservation of our forests, the improvement of our rivers and waterways, meeting the just demands of our large agricultural interest, are important matters which should not be much longer neglected and which can not be given attention at the present time because of lack of money.

To meet these demands the cry is going up for the issuance of $500,000,000 of bonds. While not advocating a bond issue, I do claim there should be some spirit of economy shown toward the military side of our Government and some savings made, to be used to build up those phases and institutions of our national life and character which are the real and substantial evidences and manifestations of its manhood and civilization.

This Government is now and for several years past has been spending about 65 per cent of its total revenues on the military side of the Government. In my opinion, in a time of unexampled peace no Government can upon any reasonable basis justify such legislation. The revenues of the Government in a sense represent its active and productive energies; and legislation which devotes so large a share of the revenues to the military and so small a share to the civil institutions of the country fails properly to recognize and fully to appreciate the breadth and scope and magnitude of the opportunities offered and the duties resting upon the Government for the nobler and better purposes of the present-day government and humanity.

Eulogy on Hon. Llewellyn Powers.

REMARKS
OF
HON. GEORGE E. WALDO,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 31, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. LLEWELLYN POWERS, late a Member of this House from the State of Maine.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. WALDO said:

Mr. SPEAKER: In the death of our friend LLEWELLYN POWERS this House has met with a distinct loss.

Governor POWERS was not one of the brilliant, showy Members. He seldom took part in debate, and was not himself one of the introducers of great measures. He was, however, one of the constant, laborious, unostentatious workers upon whom the real business of a legislative body rests; a man always present at the meetings of committees to which he belonged, nearly always in his seat at the opening of each daily session of the House, and an attentive listener to the discussions on the floor. During the four years that we sat together in the House Committee on Banking and Currency I came to know him well and to cherish for him a sincere friendship and regard.

He was frank and outspoken in his sentiments and did not hesitate to state strongly and vigorously his views upon measures and questions that came before that committee. His long and successful experience in business and in public life had naturally made him somewhat conservative in regard to measures for the reformation of our banking system. But when his experience and good judgment led him to believe a change in our present system was necessary and for the best interests of the banks and the people, he was strong and unwavering in his support of such change.

He was a man of great poise and self-control, and never let his support or opposition to measures in committee or on the floor of the House become a personal matter. Everyone felt that his support or opposition was only an expression of his honest views upon a public matter, which our colleague would not and did not allow to lessen his regard and esteem for other Members nor to interfere with their friendly relations.

He was a good man, a good friend, a valuable citizen and Member of Congress who will long be missed and his death sincerely regretted by his fellow-Members.

Eulogy on Hon. Llewellyn Powers.

REMARKS
OF
HON. JAMES T. LLOYD,
OF MISSOURI,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 31, 1909.

The House having under consideration the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. LLEWELLYN POWERS, late a Member of this House from the State of Maine.

"*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased"—

Mr. LLOYD said:

Mr. SPEAKER: Governor POWERS was an unusual man in many ways. He possessed a good intellect, a strong will power, and was of affable and courteous manner. He was always pleasant and attractive in conversation and forceful and practical in public speech.

He was decided in his convictions of right and wrong and determined to do right as he saw it. He was considerate of the views of others and recognized the right of another to differ from him. His long connection with public service and varied experiences in official position made him unusually helpful in legislation. Few men had a better grasp on current needs and practical remedies than he. He was a partisan in politics, but an independent thinker on all public questions. A man of wealth, but of the greatest simplicity in manner and dress. He was always approachable and could be reached by the humblest as well as those more fortunate. He gave attention to the details of business and had superior judgment in determining what course to pursue in a given instance.

Governor POWERS gave more attention to his official duties while in Congress than would be expected of one of his age and extensive possessions. He took quite an interest in everything that was assigned to his committee in Congress and passed on every question after careful investigation. Few young men were more painstaking in research than he was.

Governor POWERS was solicitous always of the welfare of his family and the education and the training of his children. He talked to me a number of times about them. He had definite plans for his children. He was methodical and thoughtful about everything pertaining to their future, as he was about the business, official or otherwise, that came to him.

He was a student of public questions and his opinions were worthy of the greatest consideration. While he was a Republican in politics and followed the leadership of his party, he had his own views and did that which in his judgment was best for his country. He said that he believed his party usually right, but if wrong in a given instance he would remonstrate; but unless conscience was involved he followed the final action of his party.

Last year during the consideration of the currency measures he openly announced his views in speeches on the floor and otherwise. He was so conscientious in his actions here that he asserted his differences as to a financial policy from his colleagues and refused to accept what he believed to be a scheme which would fail to bring relief to the people.

He was a man of good habits and lived an upright life. He had some decided views on religion. I remember of two conversations in which the questions of Bible lessons were involved and he expressed himself firmly in favor of the truth.

Governor POWERS has been missed more than most men here who leave us. He was especially helpful in counsel, but was a forceful and effective advocate on this floor as well. Death has claimed him as its victim. He has gone where his colleagues one by one must soon follow, into the beyond. Separa-

tions are sad, heartrending to family and friends; but what of the morn? Shall man survive the grave? Shall the hereafter bring the happy realization of the unity of the family circle?

It is not my purpose to philosophize as to the future, but to express in this presence my good fortune in having the acquaintance and in enjoying the friendship of so good a man as Governor POWERS. I regret his departure—it is a loss to me—but his life was helpful in its influence. Imperfections he may have had, but if so, bury them and rejoice in the good he did in public affairs and in private life. Cherish the good he did, emulate his righteous deeds, and remember always that a faithful public servant has passed away.

Agricultural Appropriation Bill.

SPEECH

OF

HON. EZEKIEL S. CANDLER, JR.,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, February 3, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 27053) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1910—

Mr. CANDLER said:

Mr. CHAIRMAN: I desire to discuss this bill for a short time, because, as is well known, since I have had the honor to be a Representative upon the floor of this House, I have always taken a lively interest in the appropriations made for the Agricultural Department. I have felt this interest because of the fact that I have believed, as I have stated heretofore, that the money expended for this department has accomplished more for the material development of the country than any money spent for any other governmental means which is being used, and that this department has accomplished more for the people than any other department of this Government, although, as I have attempted to show heretofore, and I think we all now agree, that it receives less appropriations in proportion than any of the great departments of the Government.

I am glad to see from the report of the committee, which is unanimous, that this bill carries an appropriation of $12,880,926, and that this is an increase of $1,208,820 over the appropriation for last year. While it is a large sum of money when we consider the amount of $12,000,000 for any purpose, still, when compared with the marvelous benefits which flow from the expenditure of this money, it is a very small amount. Because of the most beneficial results derived from the work of this department, I have insisted each year upon a liberal increase of appropriations to continue its work in proportion to the development of the country, and to keep pace with the many new problems constantly arising and demanding solution. I have made several speeches on this floor urging this policy. When I came to Congress the appropriation for agricultural interests was $3,922,780.51. This bill carries $12,880,926, nearly four times as much. I do not claim all the credit for this, but I do claim I have done my part to bring about this result. [Applause.]

I am proud of my part in this work, because we find upon investigation that the agricultural interest of this country is the interest to which we are compelled to look at all times to take care of the welfare of the country and to bring the balance of trade to our shores. But for the exportation of the agricultural products of the land we would in the past few years have had an enormous balance of trade against us, but because of the agricultural products the balance of trade is in our favor by billions of dollars.

The crop of this past year amounts to the enormous sum of $7,778,000,000. Any industry and enterprise which produces this marvelous sum is certainly entitled to the highest consideration at the hands of the Government, and should command the intense interest and careful study of the Representatives of the people. [Applause.]

I am glad to say that year by year the productions of the country have increased in a marvelous proportion, and, when we take into consideration this great development in considering what appropriation shall be made, it seems to me we might go to any reasonable length in the appropriations—not to be wasteful or extravagant, of course—to furnish sufficient money to carry on the work in all the lines and avenues and departments of this great enterprise.

I am glad to find that the Secretary of Agriculture reports that he has collected the agricultural imports and exports since 1851 down to the present time in five-year periods. I call your attention to his remarkable statement on this subject, which is as follows:

A compilation of the foreign trade of the United States in agricultural products has just been completed as far back as the fiscal year 1851, and for the first time the general results are here made public. Annual averages by five-year periods are used for better understanding.

In 1851–1855 the exported agricultural products of domestic origin were value at $150,000,000, and in the five years just before the civil war at $229,000,000. After that war the amount steadily grew by five-year periods to the great value of $875,000,000 in 1901–1905 and afterwards to $1,054,000,000 in 1907, the highest year of all.

The exports of agricultural products of foreign origin increased from $8,000,000, the annual average for 1851–1855, to $12,000,000 in 1901–1905, an amount that was not equaled in subsequent years.

The value of the imports of agricultural products at the beginning of the period under review was $68,000,000, as the annual average for 1851–1855. The average was progressive, to the last period, with the exception of two five-year periods, and for the five years 1901–1905 it averaged $455,000,000. The highest amount ever reached was $627,000,000 in 1907.

Upon striking a balance of trade the evidence of the most remarkable power of the farmers of this country to produce a national surplus is brought out forcibly. For the first period, 1851–1855, the annual average balance in agricultural products in favor of this country was $89,000,000; the civil war diminished this, but the rise afterwards was fairly steady but firm until the period of 1896–1900, when there was a quick increase in the balance to $387,000,000, after which the amount has been always more than $400,000,000, except in 1905, and in 1901 it was $571,000,000, the highest amount in history.

During the entire period until 1898 the farmer provided this country with a balance of trade in his own products which offset a part or all of the unfavorable balance in the international exchange of commodities other than agricultural. After struggling with the load for a quarter of a century, he was able to overcome the adverse balance in commodities other than his own in 1876, when he began to produce a favorable balance of trade in the total of all commodities, steadily, year after year, with the exceptions of 1888, 1889, and 1893.

The per capita values of the exports of agricultural products expressed in annual averages by five years show that they have more than double during the half century under review. The per capita value during the period 1851–1855 was $5.84, and this average grew with several irregularities to $10.88 for 1901–1905 and to $12.29 for 1907, the highest amount of record.

On the other hand, the per capital value of the imports of agricultural products increased from $2.67 for 1851–1855 to $6.25 for 1871–1875, an amount that was not equaled by any subsequent five-year average. The amount for 1907 was $7.30, which was higher by $1.05 than the great annual average for 1871–1875.

During the last nineteen years the balance of trade has been in our favor by the sum of $7,166,000,000, and we owe this glorious result to the farmers of this country, because, taking out agricultural products, the balance of trade would have been against us by many millions. This year the balance of trade in our favor because of agricultural products is the enormous sum of $488,000,000, while during the same period the balance of trade other than farm products was only $178,000,000. This year the agricultural balance was exceptionally high, and has been equaled only in 1898 and 1901. In discussing this matter the Secretary says:

The magnificent figures of the farmers' contribution to the exports of this country and to the favorable balance of trade are maintained in spite of this country's immense growth in population and extraordinary immigration of nonagricultural peoples, and also in spite of the diminishing fraction of the population that is engaged in agriculture. No analysis could more strongly indicate the progressive efficiency of the farmer's labor and capital and the telling effects of the agricultural sciences.

Of course we know that the great product of this country, the one that amounts to most in the value of production, is corn. Heretofore, up to this year, the next largest in amount of production was hay, remarkable to say; but this year cotton has taken second place in the value of the product and stands next in value to the production of corn.

It is to cotton, largely, however, that we must look to bring to our shores that medium of exchange, gold, that we need as a basis for our currency. This year we have exported in cotton alone, which brought gold to this land, the amount of $438,000,000. This crop amounted to something like $675,000,000, taking it altogether, the cotton seed as well as the fiber itself. Hence it is a great force that helps bring the balance of trade to our shores, and it is the great product which brings from the coffers of the foreigner that precious metal we need to secure prosperity to our land, and has contributed to a greater extent to this end than any other product we produce, because it has brought more gold to us than any other one product.

Now, then, Mr. Chairman, in view of this marvelous development of the great agricultural interest, because it is doing so much for our country and accomplishing so much for the prosperity of the people, I say it deserves the highest consideration at our hands. In considering its future, we should not overlook the fact that everything upon the face of the earth which the farmers are compelled to buy for their use in order to produce these great results is burdened with taxation. They pay more and get less than any other class of our people, and against this I most solemnly and earnestly protest and appeal to the

sense of justice of this House to give them relief. I introduced a bill during the past session of Congress, which is now pending before the Ways and Means Committee, to relieve them from some of these burdens, and I desire to call attention to it for a moment. It is H. R. 18335, and is as follows:

A bill (H. R. 18335) for the relief of the farmers of the United States by repealing the tariff duty on certain articles and placing said articles on the free list.

Be it enacted, etc., That immediately after the passage of this act the following articles, when imported, shall become and continue to be exempt from duty:

First. All kinds of agricultural machines and parts thereof, such as cotton gins, steam plows, and other high-power agricultural machinery, agricultural drills and planters, farm rollers, cultivators, manure spreaders, mowers, reapers, harvesters, hay tedders, potato diggers, fanning mills, thrashing and separating machines, and the like, including those machines dutiable at 20 per cent ad valorem according to paragraph 460 of the present tariff act of July 24, 1897.

Second. All kinds of agricultural tools and implements, such as plows, harrows, rakes, horserakes, hoes, spades, shovels, axes, hatchets, forks, and scythes, including those tools and implements dutiable at 20 per cent ad valorem according to paragraph 460 of the present tariff act; handsaws, now dutiable at 30 per cent ad valorem according to paragraph 168 of the same act; pruning knives, now dutiable at 40 per cent ad valorem and upward according to paragraph 153 of the same act; grindstones, now dutiable at $1.75 per ton according to paragraph 119 of the same act, and crowbars, hammers, sledges, wedges, and the like, now dutiable at 1.5 of 1 per cent per pound according to paragraph 144 of the same act.

Third. Horseshoes, muleshoes, and oxshoes, spikes, nuts, and washers, and nails of all kinds, now dutiable at from six-tenths of 1 cent to 2¼ cents per pound according to paragraphs 160 to 163 of the same act.

Fourth. All kinds of vehicles peculiarly adapted to farm work, such as farm wagons, ox carts, lumber trucks, horse sleds and sledges, wheelbarrows, and the like; also all parts thereof, including axles, wheels, tires, chains, cart and wagon skeins, and the like.

Fifth. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or other preparation, with or without buckles or fastenings, for baling cotton or any other commodity, now dutiable at five-tenths of 1 per cent per pound according to paragraph 129 of the same act.

Sixth. Iron or steel wire rods for making rivets, screws, nails, and fencing, now dutiable at four-tenths of 1 cent per pound and upward according to paragraph 136 of the same act.

Seventh. Harness and parts of harness, suitable for animals engaged in farm work, now dutiable at 45 per cent ad valorem according to paragraph 447 of the same act.

Eighth. Bagging for cotton or for wheat or other grain, gunny cloths, and similar fabrics, suitable for covering cotton or grain, composed of single yarns, made of jute, jute butts, or hemp, not bleached, dyed, colored, stained, painted, or printed, not exceeding 16 threads to the square inch, counting the warp and filling, and weighing not less than 15 ounces per square yard, now dutiable at six-tenths of 1 cent per square yard according to paragraph 344 of the same act.

Ninth. Cloths, knit fabrics, flannels for underwear, and all other manufactures made wholly or in part of wool and valued at not more than 40 cents per pound, and ready-made clothing and wearing apparel of every description composed wholly or in part of wool and valued at less than $1.50 per pound, now dutiable at rates averaging 100 per cent ad valorem according to paragraphs 366, 367, and 370 of the same act.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

This is a bill for the relief of the farmers of the United States and if passed would save them millions of dollars by repealing the tariff duties on the articles therein named. I feel that in justice to the farmers these agricultural implements that are used by them and with which they produce untold wealth should be placed on the free list, so that they might at least have the benefit of having the implements which they use to produce these benefits relieved from taxation in order that they may obtain them at the lowest possible price, and especially is this true when we find these very same implements are sold abroad to foreigners more cheaply than they are sold in our own country to our own people. This is one matter that I present, because I desire at this time it shall receive consideration in view of the fact that it is promised at the coming session of Congress, which will be a special session, to be called by the incoming President, that these schedules will be revised, and we will put upon the statute books a new tariff law that will fix schedules upon these as well as upon everything else upon which the taxes are levied. Therefore in view of the fact that the tariff bill is in course of preparation and will receive the attention of Congress at the coming special session, I desire to call attention especially to this bill at this time and earnestly urge its careful consideration, not only by the Ways and Means Committee but by the membership of the House.

Another question in which the farmers are vitally interested is the question of dealing in futures. I introduced a bill also upon this question. The farmers throughout the land are demanding the consideration of this question, and demand that some law shall be passed that will relieve them from the conditions that exist. This bill is as follows:

A bill (H. R. 14641) to prohibit the receipt, delivery, or transmission of interstate or foreign messages, or other information to be used in connection with, and to prohibit interstate and foreign transactions of every character and description that in any wise depend upon margins as a part thereof, and for other purposes.

Be it enacted, etc., That the term "depend upon margins as a part thereof" as used in this act shall include all transactions which in any wise depend upon or include margins as any part of the making, progress, or settlement thereof, or which do not, in good faith, in all transactions of sale and purchase, contemplate the actual delivery by the seller to the buyer of the thing or things represented or contracted to be sold, and the failure of the seller to make actual delivery to the buyer, or the failure of the buyer to, in good faith, make legal demand of the seller for the thing or things represented or contracted to be sold, shall be sufficient proof to establish the character of the transaction.

SEC. 2. That it shall be unlawful for any telegraph or telephone company, corporation, organization, or association, or any other company, corporation, organization, or association, or any person or persons within the jurisdiction of the United States of America, to receive, deliver, transmit, or convey any interstate or foreign message or other information of any character or description to be used in any manner connected with or in furtherance of any interstate or foreign transaction that depends upon margins as a part thereof. Any telegraph or telephone company, corporation, organization, or association, or any other company, corporation, organization, or association violating any of the provisions of this act shall be deemed guilty of a misdemeanor for each and every violation of the same, and upon conviction thereof shall pay the United States a penalty of not less than $10,000 for each offense, and any person violating any of the provisions of this act shall be deemed guilty of a felony for each and every violation thereof, and upon conviction shall be punished by a fine of not less than $10,000 and imprisonment in the penitentiary for some period of time not less than ten years.

SEC. 3. That interstate or foreign transactions of any kind whatsoever that depend upon margins as any part thereof is hereby declared to be unlawful, and whoever shall engage in or be a party to any transaction of the character herein forbidden, in the United States of America, shall be deemed guilty of a felony, and upon conviction shall be fined in any sum not less than $10,000 and imprisoned in the penitentiary some period of time not less than ten years.

SEC. 4. That no letter, postal card, circular, newspaper, pamphlet, or writing or publication of any other kind, containing money or other representative of value, or information of any character to be used in any manner connected with or in furtherance of any interstate or foreign transaction that depends upon margins as any part thereof, shall be carried in the mails or delivered at or through any post-office or branch thereof, or by any letter carrier or other postal agent or authority. Whoever shall knowingly deposit, or cause to be deposited, or who shall knowingly send, or cause to be sent, anything to be conveyed or delivered in violation of this section, or who shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail shall be deemed guilty of a felony, and upon conviction shall be punished by a fine of not less than $10,000 and be imprisoned in the penitentiary for some period of time not less than ten years.

SEC. 5. That the judges of the district courts of the United States are hereby directed to give this act in charge to the grand juries of their respective courts at each sitting of the court, and the evidence of either party to a transaction prohibited herein shall be deemed to be sufficient proof to warrant an indictment and sustain a conviction hereunder.

SEC. 6. That all laws in conflict with this act be, and they are hereby, repealed.

If passed, this bill would accomplish the result desired and grant one specific act of legislation demanded by the great agricultural interests of this country. It ought to pass. The farmers have a right to demand it, and I appeal to you to consider it. If you refuse to do so, then prepare to render an account to the great mass of the Americans, who are the "bone and sinew" of the land and who produce the wealth of the country on the farm.

Another matter in which the farmer is vitally interested is good roads. He is asking for national aid for this purpose. When he furnishes us a balance of trade in the past few years of $7,000,000,000, why not appropriate forty or fifty millions to begin this great work? Money could not be spent to a better purpose. Improve the roads, make means of communication pleasant in the country and you will stop the flow of population from country to town and city, you will bless humanity and prosper all the people. [Applause.]

Now, in conclusion, Mr. Chairman, let me say if we grant to the agricultural people of this country the relief to which they are entitled at our hands, and which they are demanding, we will bring prosperity not only to them, but to every class and every trade and every avocation and calling in this country [applause], because whenever you help the very foundation upon which everything else stands, whenever you help him who helps everybody else, then you help every other one engaged in every avocation and calling and trade and profession and business throughout this broad land, from one end of it to the other. [Applause.] Hence, when we furnish the prosperity to the farmer we scatter it like the sunshine of gladness from one end of the country to the other, because it goes into the homes, around the firesides, and into the lives and hearts of all the people of all classes and of all callings and professions. We should do this as a matter of duty to him. We owe it to him as his representative. We owe it to him, because of the fact, as shown by the statistics I have quoted, he does more for the prosperity of the country and for the welfare of the Nation than all the others. Whenever we respond to the demands or requests which will give to him these blessings, then we discharge a high duty not only to him but to ourselves, and we discharge a great duty which we owe to the great country in which we live, because through him we not only bless his home and his surroundings, his community and neighborhood, but we bless the whole country by bringing to all prosperity that makes gladness and joy and furnishes peace and happiness.

Mr. SIMS. I would like to ask the gentleman a question. Does the gentleman sympathize with the efforts of the uplift commission to help the farmer along?

Mr. CANDLER. Mr. Chairman, may I ask if the gentleman approves it?

Mr. SIMS. I am asking for information, as I regard the gentleman from Mississippi [Mr. CANDLER] our leader on this side of the House on all such matters.

Mr. CANDLER. I am in favor of anything that will uplift the agricultural interests of this country, and if that commission will do it, I favor it, though I do not, as a rule, favor commissions. The people's Representatives should directly attend to the business affecting the country's interests and render an account to those who send them here. I favor, however, anything on the face of the earth that will uplift the agricultural interests of the country and relieve it of the burdens under which it has labored so long, and I will gladly join hands with anything or anybody to bring about that great result. [Great applause.] To continue the great work of the Agricultural Department, I hope the Hon. James Wilson will remain in the Cabinet of President Taft as Secretary of Agriculture, because he is the farmer's friend, a statesman, and a patriot, a benefactor of the whole country, an American citizen of whom we are all proud. [Tremendous applause.]

Statehood Bill.

SPEECH

OF

HON. WILLIAM C. HOUSTON,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (H. R. 27891) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States.

Mr. HOUSTON said:

Mr. SPEAKER: As a member of the Committee on the Territories, I want to give expression to the strong sentiment that exists in my district in favor of the admission of these States into the Union. Many of the inhabitants of these Territories are the sons and daughters of my constituency, who have wished for and expected statehood for these Territories for years. I am glad that to-day there is no opposition made to this measure admitting New Mexico and Arizona as States in the Union and of adding these two stars to our flag. This long-delayed privilege of becoming States in this great Republic they are entitled to by every condition and right. They have the population, the wealth, and civilization to enter into this Union, strong-handed and able to add glory and strength to the United States.

It is unnecessary now to take up the time of this House or to dwell upon their resources, their strength and power, and their fitness. These have been presented to this House fully and repeatedly, and are admitted by all to-day. They have the will and the desire to come, and have cherished it long. This patriotic desire bespeaks a loyalty and assures a spirit that will make them worthy members of the Republic. They are bone, sinew, and blood Americans, and every patriot should welcome them.

Their right to statehood rises above partisan spirit or party consideration. It is simple justice to them and no more. Their desire to become States has been so long cherished, with a full knowledge of our institutions and the rights and privileges of statehood, that they are prepared for the step. Every true American must applaud this earnest desire and continued effort. And the diligence and patriotism that has inspired their Delegates on the floor of this House must challenge the admiration of the people of America. The distinguished Delegates from Arizona and New Mexico are entitled not only to the approval of their constituency, but the commendation of all who have seen their persistent and untiring efforts in this behalf. I know their constituency will appreciate to the full measure their efforts as do the Members of this House.

To those of us on this side of the House who hold such high esteem and sincere regard for the gentleman from Arizona, familiarly and affectionately called MARK SMITH, it is a matter of great joy that he to-day has the promise of success and reward to his long and industrious work to get Arizona admitted to statehood.

I rejoice, Mr. Speaker, to realize that if New Mexico and Arizona are not made full-fledged States of this Union before this Congress expires on the 4th of March next, it will not be the fault of this House.

Salary of the Secretary of State.

SPEECH

OF

HON. OLLIE M. JAMES,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (S. 9295) in relation to the salary of the Secretary of State.

Mr. OLLIE M. JAMES said:

Mr. SPEAKER: I am opposed to the passage of this bill, because it is not only violative of the letter and the spirit of the Constitution, which we have taken an oath that we will uphold and support, but it is special legislation of the most pronounced character. When the Constitution of our Republic was formed by the fathers, they exhibited exceeding great wisdom in providing a constitutional bar against a Senator or Member of the House voting to create an office or to increase the pay of an office and then become a beneficiary of his own act. In other words, it is made impossible by this constitutional inhibition for a Member of Congress to vote the money of the people out of the Treasury indirectly into his own pocket, and therefore they were made ineligible to either hold office created during the term for which they were elected or to enjoy the increased salary of such office during the time for which they were chosen. The constitutional provision is as follows:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding office under the United States, shall be a Member of either House during his continuance in office.

This is the exact language of our organic law. It did not provide that if he voted for such an increase he should be ineligible, because the framers of that great instrument foresaw that it would be possible for a Member to exert his great influence to create the office or to raise the salary of the office, and after he had procured enough votes to pass it, to refrain from voting for it, or, indeed, to vote against it, in order to relieve himself of the fiercest criticism and yet become the beneficiary of his indirect act. So the Constitution provided that if an office shall have been created or the emoluments thereof increased while he was a Member, irrespective of how he voted, or whether he voted at all, he should be ineligible to hold it. Now, this bill, Mr. Speaker, stripped of all its subterfuge, unmasked of all deception, is a bill for the relief of Senator P. C. KNOX. It is to make him eligible, as the advocates of the bill contend, to hold the office of Secretary of State, which office all gentlemen upon the floor admit he is now ineligible to hold, because he was a Member of the Senate when the salary was increased. In other words, gentlemen are undertaking by this character of sleight of hand, of hocus-pocus, of "now you see it and now you don't," to remove by an act of Congress a constitutional obstacle. I maintain the position that the Constitution can not be amended by an act of Congress, that it can not be evaded by an act of Congress.

This bill, having for its purpose to make him eligible by reducing the salary to $8,000 while it leaves all the other members of the Cabinet drawing $12,000 per year, fixes the highest position in the Cabinet, that of Secretary of State, the first position in the Cabinet, at $8,000. This is so manifest upon its face that we all appreciate the frankness of the chief advocates of the bill when they boldly declare that it has but one purpose, and that is not to reduce the salary, but to put Mr. KNOX in the Cabinet. This is further shown by the fact that the bill is brought in under a parliamentary status where an amendment is out of order—that is, an amendment to reduce the salaries of all Cabinet officers to a like level of $8,000—but it leaves all these salaries at the amount to which they were increased and for which Senator KNOX voted, and merely for the purpose of trying to remove a constitutional obstacle this bill is presented.

The Constitution of our country speaks the same language to all men alike, the great and the small, the rich and the poor. It should fall, like the sunshine, upon all alike. When labor comes, with its sooty hands, begging legislation in its interest, the Constitution is held up to them as a mighty mountain that can not be removed. When the farmers, who labor from early morn till the shades of night, call for relief, that the burden they bear may be made lighter, the Constitution is held up to them as a law of the Medes and the Persians that can not be changed except by the voice of the people. Let this Congress not establish a rule that the Constitution is easily evaded by some and wholly immovable for others.

Let these great men, who are famed as constitutional lawyers, not seek to create distrust of this great instrument by legislation so questionable. Mr. Speaker, Mr. Taft has been elected President of the United States. I resisted to the uttermost his choice by the people, yet I would not throw one obstacle in the way of his selection of any man as a member of his official family. Indeed, this is my country, as well as his, and I hope the Government may be administered in justice and prosperity. Of course I regret that these eminent lawyers—Mr. Taft and Senator KNOX—had not thought of this constitutional objection when Mr. Taft announced the appointment of Senator KNOX as Secretary of State. Yet it would seem that this would have presented itself to such astute and profound gentlemen as they are, because Mr. Taft was a member of the Cabinet when the salary was raised and had been drawing the increase up to the time when he resigned. Yet it escaped him and Senator KNOX alike. But it is too much now to come and ask Congress to be a party in an undertaking to set aside the Constitution in the interest of any man. Certainly in the long line of illustrious men who advocated the election of Mr. Taft and who believed with him in the principles of the Republican party sufficient genius can be found to fill the place of Secretary of State aside from the choice he has made.

If Congress can by such manipulation as this tear down the bulwarks of the Constitution, then what is to be the final result? Offices can be created, innumerable salaries can be raised mountain high, Members of Congress can be appointed to them, and congressional legerdemain can relieve them temporarily from this constitutional objection. The Treasury can be looted; all this can be done when once you destroy the constitutional safeguards thrown around the people's Treasury. I should gladly vote to reduce the salaries of Cabinet officers to $8,000 if I had the opportunity, as I voted against their increase when it became a law; but, in my judgment, if this precedent is to be established, then the unwisdom of it will be many times established and regret for this action often expressed, and the Treasury will suffer in consequence. It is better to stay upon the beaten path the fathers trod, upon the broad highway of the Constitution. This, and this alone, is the way of safety, whether we are dealing with the humblest citizen or the greatest genius.

Salary of the Secretary of State.

SPEECH

OF

HON. WILLIAM G. BRANTLEY,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (S. 9295) in relation to the salary of the Secretary of State.

Mr. BRANTLEY said:

Mr. SPEAKER: It is unquestionably true, as has been stated, that the pending bill, which simply reduces on and after March 4 next the salary of the Secretary of State, does not in and of itself raise any constitutional question, for the power of Congress to reduce this salary is not open to debate. Can any Member of this body, however, vote for this bill without taking into consideration its real purpose, which purpose does involve a constitutional question? It is necessary to bring into view this real purpose in order to find, not a justification, but an excuse for voting for it. The bill on its face proposes a discrimination and an injustice that needs to be defended. Its only declared purpose is to fix the salary of the Secretary of State, who is commonly known as the "premier of the Cabinet," at a less amount than is fixed by law for every other member of the official family who will sit around the Cabinet board with him. The bill not only thus singles out the high and honorable post of Secretary of State for this discrimination, but its effect carries this discrimination yet farther, for when it has become a law the Undersecretary of State, who will then have been created, will have an allowance for his compensation $2,000 a year greater than that provided by this bill for his chief. It is not claimed by anyone that there is any spirit of economy back of the proposed reduction, but on the contrary its real purpose is not only known, but has to be known in order to find any supporters for it. That purpose is to qualify for the office of Secretary of State a distinguished Senator who would otherwise admittedly be disqualified. The constitutional question that is therefore involved in this purpose of the bill is thus directly before the House for each Member to solve for himself.

I have no disposition to find fault with those who have elected to solve it in a manner different from that chosen by me. I am content to stand on my own judgment, leaving to others, uncriticised by me, to do the same thing for themselves. In 1 Ohio State Reports, 83, McCook's New Series, the court says:

> The legislature is of necessity in the first instance to be the judge of its own constitutional powers. Its members act under an oath to support the Constitution and in every way are under responsibilities as great as judicial officers. Their manifest duty is never to exercise a power of doubtful constitutionality. Doubt in their cases, as in that of the courts, should be conclusive against all affirmative action.

Under this rule, which, in my judgment, is the true rule to govern legislative action and is most admirably stated, I can not vote for this bill. I freely concede the great ability and the high character of the distinguished and honorable man for whose advantage the bill is proposed. I also concede the importance to the incoming administration, and as well to the country, to have him fill the office of Secretary of State, but important as these things may be and are, I conceive it to be more important to preserve the Constitution. I am in no sense responsible for the coming into power of the new administration, but I have too much respect for the President-elect and feel too kindly disposed toward the success of his administration to vote for this bill, for I believe that the protests heard here are but the beginning of the storm that will break upon the dawn of his administration should this bill become a law and its purpose be carried into effect.

The immediate and direct effect of this bill, in calling into office an able, courtly, and accomplished gentleman, will not be bad, but its effect in setting a precedent for the evasion of the plain language of the Constitution will be tremendously bad. When we consider only the practical purpose of the bill, it does not appear to be of very great importance, but it is impossible ever to measure the importance of a departure from the Constitution. If it is not important to adhere to the Constitution, then there is nothing under our system of government that is important.

The question presented to us, it seems to me, is a very simple one, and one that, with all due deference to the opinion of others, I do not see any room for differences of opinion upon. Paragraph 2, section 6, Article I of the Constitution reads:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a Member of either House during his continuance in office.

On February 26, 1907, there was approved an act which, among other things, increased the salary of the Secretary of State from $8,000 to $12,000. This act has been in force for nearly two years, and the increased salary provided for has been duly and regularly paid. At the time this act became a law the Senator in question was a Member of the Senate for a term not yet expired, and which will not expire until March 3, 1911. Applying the facts to the law declared in the Constitution, no one can say that Mr. KNOX is now eligible to become Secretary of State. The introduction of the pending bill is an admission of his ineligibility, and everyone, as I understand the situation, admits that he is now ineligible.

The question presented to us is, Will the pending bill remove the ineligibility? It is important to determine first what has caused the ineligibility; for if it be a mere act of Congress, Congress can repeal it, but if it be the Constitution Congress can furnish no relief. The act of February 26, 1907, is the only act that in any way relates to the subject, and that act has no word of disqualification or ineligibility in it, and if it be repealed there will be nothing about disqualification or ineligibility repealed, for the act does not deal with these subjects. The repeal of this act will not and can not repeal the fact that under it the salary of the Secretary of State was actually increased and paid.

The records of the Treasury Department will continue to show after the repeal of the act that for a period of two years, during the time for which Mr. KNOX was elected to serve as a Senator, the emoluments of the office of Secretary of State were increased. Is it this increase of emoluments that has brought about the disqualification? It would not be correct to answer this in the affirmative, for a mere increase of the emoluments, if no more appeared, would not disqualify. The increase of the emoluments, however, is the fact that brought into play the Constitution, and it is the Constitution and not the increase of emoluments that has accomplished the disqualification. Gentlemen on the other side give away their case completely when they admit, as they have to admit, that Mr. KNOX is now disqualified, for if he is disqualified at all he is disqualified for the full constitutional period, which is "during the time for which he was elected." If he is not now disqualified, there is no necessity for this bill, and if he is disqualified it is because the Constitution has disqualified him for a fixed and certain period that is beyond the power of Congress to change. Under the Constitu-

tion he must be disqualified "during the time for which he was elected," or else he is not disqualified at all. For my own part, I can see no escape from this conclusion. The section of the Constitution in question is plain and unambiguous. Chief Justice John Marshall said (9 Wheaton, 4):

> As men whose intentions require no concealment generally employ the words which most directly and aptly express the idea they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they said.

If we must, therefore, assume that the framers of the Constitution meant what they said, and I so assume without regard to their purpose, it necessarily follows that no Senator, during the time for which he was elected, can be appointed to any civil office under the authority of the United States the emoluments whereof shall have been increased during such time. It would have been a very simple matter for the framers of the Constitution to have added a proviso permitting a revocation of the increased emoluments and a consequent removal of the prohibition against appointment, but in their wisdom they did not see fit to do so, and neither this Congress nor any other Congress can supplement their work by doing it for them.

Mr. Chief Justice Marshall also said (4 Wheaton, 370):

> But, if in any case the plain meaning of a provision, not contradicted by any other provision in the same instrument, is to be disregarded because we believe the framers of that instrument could not intend what they say, it must be one in which the absurdity and injustice of applying the provision to the case would be so monstrous that all mankind would without hesitation unite in rejecting the application.

So, Mr. Speaker, those who would disregard the plain meaning of the Constitution in this case, because they can not believe the framers of the Constitution ever intended that Senator KNOX should be kept out of the office of Secretary of State for the short period of two years, simply because he was a Member of the Senate when the emoluments of that office were increased, must be prepared to demonstrate that the application of the constitutional prohibition against him will work an absurdity and injustice so monstrous that all mankind will protest against it. I do not suppose that any gentleman here believes that such a demonstration can be made, and yet it is required to be made under the rule of construction laid down by Judge Marshall in order to disregard the plain meaning of the language of the constitutional provision involved.

Gentlemen say, however, that when this bill is passed and the 4th of March comes around Senator KNOX will not then be disqualified, because at that time the increased salary will not be in operation, and he therefore can not profit by it, and that the time to judge of his qualification for the office is the time when he is appointed to it. They say that at that time the reason for the constitutional prohibition will have ceased and that with the elimination of the reason for it the constitutional prohibition itself will cease. The language of that part of the constitutional provision in question does not, I submit, authorize any such construction. The latter part of the provision does admit of such construction, and in fact no other construction could be placed upon it. This latter part reads:

> And no person holding any office under the United States shall be a Member of either House during his continuance in office.

Under this language a Cabinet officer can not be a Senator, but such Cabinet officer can resign his Cabinet position and ipso facto he is at once eligible for the senatorial toga. The prohibition against him is limited only "during his continuance in office" as a member of the Cabinet, and the moment he ceases to be a Cabinet officer that moment the prohibition ceases. This is the plain meaning of the latter part of the constitutional provision, but no such meaning can be given to the totally different language employed in the first part of it.

A reference to the debates in the Constitutional Convention and to every treatise on the Constitution that I have read shows that the purpose of the latter part of the provision was to prevent a man while under executive influence from being a lawmaker, and that the purpose of the first part of the provision was to prevent executive influence and improper influence of every kind being exerted on the mind of the lawmaker at the time of making laws. The language—

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States or the emoluments whereof shall have been increased during such time—

was not designed primarily to keep Senators and Representatives from holding certain civil offices, but was designed to keep Senators and Representatives from voting to create improper and unnecessary offices and from voting for improper and extravagant emoluments. It was designed to remove from them the temptation or the hope of personal profit by such improper votes. Clearly this could not be accomplished unless the prohibition immediately attached and became effective the moment the new office was created or the emoluments were increased. If there is to be any disqualification, therefore, it is a disqualification that begins immediately upon the happening of either of these things, and once it begins it must by the very letter of the Constitution continue "during the time" for which the Senator "was elected." That this is the true construction of the Constitution it seems to me is made plain by the following quotation from Rawle on the Constitution (chap. 19, p. 188):

> A Member of either House may be appointed to an office existing previously to his being elected if the emoluments of it have not been increased during the time for which he was elected. But if a new office has been created, or the emoluments of an old one increased during that time, the promise or the chance of receiving an appointment to it, may have an undue influence on his mind. Such an appointment is, therefore, forbidden by the Constitution, during the time for which he was elected, and it is only to be regretted that it was not forbidden altogether.

This construction was strikingly upheld in the case of Governor Kirkwood by Attorney-General Brewster. Governor Kirkwood had qualified as a Senator for a term that did not expire until March, 1883, but during his term had resigned to accept the office of Secretary of the Interior, and had subsequently, but within the period of the senatorial term to which he had been elected, resigned this office and retired to private life. After his retirement from the Senate and on May 15, 1882, there was approved an act creating the office of tariff commissioner, and the question submitted to the Attorney-General was as to his eligibility to be appointed to this office before the senatorial term to which he had been elected had expired. Attorney-General Brewster held that he was not eligible. He said:

> The rule is absolute as expressed in the terms of the Constitution, and behind that I can not go.

In this case it will be noted that Governor Kirkwood was not a Senator when the new office was created, and therefore was not and could not have been improperly influenced to create it, and gentlemen who talk about the reason for the constitutional prohibition will do well to inquire as to the "reason" for Governor Kirkwood's ineligibility. There was no "reason" other than the mandate of the Constitution, and, so far as I know and believe, there is no "reason" now for Senator KNOX's ineligibility other than this same mandate. If the rule is absolute when applied to the appointment to an office newly created, is it not just as absolute when applied to the appointment to an office the emoluments of which have been increased?

Attorney-General Brewster thought it was the Constitution that disqualified Governor Kirkwood, and behind that, he said, he could not go. Has Congress any more power to go behind the Constitution than he had? Gentlemen say, however, that Congress will not be going behind the Constitution to pass this bill. That is very true, directly speaking, but when Congress passes this bill, it will be an invitation extended by Congress to the President-elect to go behind it and an invitation coupled with the assurance of the Congress that to go behind the Constitution is an entirely proper and correct thing to do. I am not prepared to extend the invitation or to give the assurance.

The proposed legislation is objectionable aside from any constitutional question, for it seems to me to be unseemly and in violation of the proprieties and of good legislation in many ways.

It proceeds upon the theory that there is only one man in the United States competent and worthy to hold the position of Secretary of State. What a lamentable condition we have fallen into to adopt this theory! It proceeds upon the further theory that the man who occupies the post of Secretary of State must be a man of wealth, for whom salary has no charm. Why should the poorer man be ruled out from this office? The discrimination and inequality created by this bill may cause serious complications.

Suppose after it is passed Senator KNOX does not take advantage of it; then what? Again, is the reduction to be permanent? Nobody believes that. When the increase is made there will follow a new period of disqualification, and again it may become necessary to reduce the salary in order to let some other favored and chosen son occupy a desirable post. What a commentary upon the work of the fathers that Congress can take one of the mandatory provisions of the Constitution they framed and play hide and seek with it!

The travesty on constitutional law that is to-day being prepared for is clearly shown when we note that under this bill it is proposed that Mr. KNOX, while remaining for two years ineligible to every other cabinet office (the salaries of all having been increased at the same time), shall, on March 4 next, be

eligible for the office of Secretary of State. Think of a constitutional provision under which, on March 4 next, Mr. KNOX will be ineligible to hold the office of Attorney-General, an office that he has already ably and creditably filled, but will be eligible to hold the office of Secretary of State!

Mr. Speaker, if this bill becomes a law, which it probably will, and if the purpose of it is executed, which I pray it may not be, then the promise of constitutional government during the next four years will be dim and shadowy, and the hope that has been builded upon the incoming administration will be shattered and destroyed. This bill is the first step toward the establishment of a dangerous precedent, and I must decline to take it.

Salary of the Secretary of State.

SPEECH

OF

HON. WILLIAM P. KIMBALL,

OF KENTUCKY.

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (S. 9295) in relation to the salary of the Secretary of State.

Mr. KIMBALL said:

Mr. SPEAKER: I desire to protest against the enactment of this legislation, the plain purpose of which is to nullify a provision of the Constitution, the wisdom of which has never before been called into question. In so doing I disclaim any partisan feeling or any hostility to the President-elect or to the Senator whom he desires to have serve as the premier of his administration.

Senator PHILANDER C. KNOX is a good lawyer, probably one of the ablest on the majority side of the Senate. William Howard Taft's long service on the bench ought to have thoroughly acquainted him with the principles of our jurisprudence. By all of the traditions of the profession both should be engaged in upholding and preserving the Constitution and the laws of the land instead of encouraging and supporting a measure devised for the purpose of evading a plain provision of the Constitution. How can the masses of the people be expected to respect the law and reverence the Constitution when the great leaders of the profession seem to regard our organic law as a mere village ordinance, to be altered or repealed at the whim or caprice of the village fathers?

Article I, section 6, of the Constitution provides:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

It is admitted that during the present term of the junior Senator from Pennsylvania the salary of the Secretary of State was increased from $8,000 to $12,000 and that he voted for the increase.

The moment the law providing for such increase in salary became operative by executive approval the Senator became ineligible for appointment to the office of Secretary of State until the time for which he was elected had expired. When that ineligibility once attached to him, it could not be removed save by the removal of the prohibitory clause of the Constitution.

I suppose that no one will contend that Congress can repeal the Constitution or any part of it any more than it can enact a valid ex post facto law.

It has been stated here that the debates in the Constitutional Convention on the adoption of the section now sought to be nullified show that it was not the intention of the framers of the Constitution that it should apply to a case like this. I have not had the time to examine the debate, and am therefore unable to say what was spoken in regard to the purposes for which it was made a part of the organic law. But what the framers said on that occasion would have little bearing on the merits of the legal proposition here involved. It is an elementary principle of statutory construction that the expressions of the legislators at the time of the adoption of a statute are not at all conclusive of legislative intent. The intent is to be gathered from the language of the statute itself, the conditions prevailing at the time of its adoption, the evil to be corrected, the right to be protected, or the wrong to be prohibited, as the case might be. The utterances of those enacting the statute possess the least significance of all the factors to be considered in its construction.

I wish the incoming President a happy and successful administration of his great office. I trust that in the discharge of his duties he will substitute sane conservatism for hysteria and practical statesmanship for gallery playing. But for his own reputation, as well as that of the great Senator from Pennsylvania, I hope he will not begin that administration with a Secretary of State in office whose right to hold the office is, to express it in the mildest possible term, questionable.

Rutherford B. Hayes was a man of blameless life, so far as his personal character and manner of living were concerned. But yielding to party emergency he accepted the Presidency, an office to which he was not elected; and, as a result, his memory is only kept alive by that fact and the further fact that a great metropolitan newspaper printed his picture on the first page with the word "Fraud" in large black letters stamped on his forehead.

The passage of this bill and the assumption of the portfolio of state by Senator KNOX will mar his fame as long as his name is remembered among men.

Believing that a strict construction of the Constitution and a faithful observance of its provisions by those in authority under it is the only sure guaranty of the perpetuity of free republican institutions, I trust that the House of Representatives will not put itself on record as saying, in the language of the New York Congressman, "What is the Constitution between friends?"

Salary of the Secretary of State.

SPEECH

OF

HON. COURTNEY W. HAMLIN,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (S. 9295) in relation to the salary of the Secretary of State.

Mr. HAMLIN said:

Mr. SPEAKER: The attempt has been made by some of the proponents of this measure to conceal the real object in its passage by saying it is not an attempt to evade a provision of the Constitution, but simply a bill to reduce the salary of the Secretary of State from $12,000 to $8,000 per annum.

This excuse is entirely too thinly veiled to mislead any intelligent person. If it were only an attempt to reduce the salary, then it is my deliberate judgment that every man now advocating the passage of this bill would be opposing it. You Republicans have not made yourselves famous in the past for reducing salaries, but the exact opposite is true.

If the purpose is simply to reduce the salary, then why only cut down the salary of the chief officer of the Cabinet? Why not include the salaries of all the Cabinet officers?

I a few moments ago submitted a parliamentary inquiry to the Speaker, which was, "Is this bill subject to amendment?"

The Speaker ruled that it was not subject to amendment. If he had ruled otherwise, I had ready and was going to offer an amendment reducing the salaries of all the Cabinet officers from $12,000 to $8,000 per year, so as to make them all equal.

That the real purpose of the bill is not to simply reduce the salary is apparent when you consider the fact that there is now in conference a bill creating a new office, known as "Undersecretary of State," at a salary of $10,000 per year, and another bill pending, and will doubtless pass, increasing the salaries of the Speaker, Vice-President, President, and all the federal judges almost double. It looks to me like a poor way to economize.

Think of the anomaly of a subordinate in the office drawing $2,000 per year more salary than his chief.

No, Mr. Speaker, the real and only purpose of this bill is if possible to render Senator KNOX eligible to hold the office of Secretary of State in the Taft Cabinet. I have no objection to Senator KNOX holding that position; in fact, would like to see him have it if he were eligible; but if, in order for him to take it, the Constitution is to be ignored, evaded, yea, positively violated, then I do not want to see Mr. KNOX Secretary of State.

That his selection under the circumstances would be a violation of the Constitution I have no doubt.

The second subdivision of section 6 of Article I of the Constitution provides:

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time, etc.

Now, Mr. KNOX is a Senator, and his term as Senator will not expire by operation of law for two years yet. The "emolu-

ments" of the office of Secretary of State have been "increased" during the time Mr. KNOX has been Senator. The office to which Mr. Taft proposes to appoint him is a "civil office under the authority of the United States." These facts, all agree, clearly render Mr. KNOX ineligible to this appointment unless some way can be found to circumvent the plain provisions of the Constitution.

Mr. Speaker, the question is simply this: Can you evade this plain provision of the Constitution by simply repealing the statute increasing the salary of the Secretary of State? I think not. You will observe there are two things—just two things—under this provision of the Constitution which render every Senator and Representative ineligible to "be appointed to any civil office under the authority of the United States" during the term for which he is elected:

First. If the office was created during the time he was a Member of Congress.

Second. If the salary of the office was increased during the time he was a Member of Congress.

These two inhibitions stand exactly on the same footings. If you can evade one by legislation you can evade the other.

Instead of increasing the salary, suppose the office of Secretary of State had been created during the time Mr. KNOX was Senator? Then, according to your ideas and logic, the way to make him eligible to hold the office prior to the expiration of his term as a Senator would be to pass a law abolishing the office; then you would find yourselves in this ridiculous position of having a willing "Barkis" but no office for "Barkis" to fill. Yet this provision is no more a bar to his eligibility than is the other, but you propose getting around the other by simply reducing the salary to where it was before Mr. KNOX came to the Senate and to keep it there until the term for which he was elected a Senator shall have expired, and then put the salary back to $12,000 and perhaps more.

A shameless subterfuge—a reckless disregard of the fundamental law of the land.

This mode of procedure, it seems to me, would evoke some surprise and astonishment if advocated by the Roosevelt administration; a fortiori ought it to create surprise when advocated by Judge Taft and Senator KNOX, two of the foremost lawyers of the country and both of whom will take an oath to support the Constitution of the United States. Yet if this bill becomes a law and Senator KNOX accepts this appointment, the Taft administration will start off with an open violation of the Constitution, which, above all things else, ought to be held sacred and inviolable if our beloved country shall continue to exist and the liberties of our people shall be preserved.

Salary of the Secretary of State.

SPEECH

OF

HON. JOHN C. FLOYD,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (S. 9295) in relation to the salary of the Secretary of State.

Mr. FLOYD said:

Mr. SPEAKER: I desire to present my views in opposition to the pending measure. I regard it as unfortunate for the country that at the outset of a new administration a contingency should have arisen which has led those in authority to demand legislation of such a questionable character. The bill under consideration relates wholly to the salary of the Secretary of State, and on its face is a simple proposition to reduce the salary of that officer to $8,000 per annum. That within itself could do no harm, but the real purpose of the bill is to remove the disqualifications of a Senator to hold the position of Secretary of State under the next administration, who, by reason of a former act of Congress passed during his term of office, increasing the emoluments of all Cabinet officers, is rendered ineligible thereto by the Constitution of the United States. In other words, it is an attempt on the part of Congress to annul or evade a plain provision of the Constitution by subsequent legislative enactment which on its face is discriminatory and unjust, and which I regard as a mere legislative subterfuge.

It is well known that Senator KNOX has been selected by President-elect Taft for the position of Secretary of State under his administration. By act of Congress approved February 26, 1907, less than two years ago, the salaries of the heads of the executive departments of the Government were increased from $8,000 to $12,000 per annum. Senator KNOX at the time of the passage of this act was a Senator and the term for which he was elected expires March 3, 1911.

Paragraph 2, section 6, Article I of the Constitution is as follows:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a Member of either House during his continuance in office.

By virtue of this provision of the Constitution, not only Senator KNOX but every other Senator and every Representative in Congress became ineligible during the time for which he was elected to hold any office named in the act of February 26, 1907, the emoluments whereof were increased thereby. This disqualification attached and became operative at the moment the act was approved.

The purpose of the bill under consideration, and the sole purpose of it, is to reduce the salary of the Secretary of State to $8,000 per annum, thereby restoring the original salary, to the end and with the view of evading this plain principle of the fundamental law—a definite provision of the Constitution itself. That such is the object of the bill is not denied; on the contrary, it is openly admitted and avowed. This proposal involves two important inquiries: First, when the constitutional disqualification has once attached and become operative by reason of the passage of a bill increasing the emoluments of an office, can eligibility be restored by a repeal of the act? Second, conceding that the constitutional provision can be thus evaded, what contingency can arise that would justify the policy or warrant the impropriety of such a proceeding?

Let us consider for a moment the first proposition. I have heard no one deny that, under the law as it now stands, Senator KNOX is disqualified from holding the position of Secretary of State. His ineligibility is universally conceded. Then when did he become disqualified, and how? By his own act or vote? Certainly not. It is wholly immaterial whether Senator KNOX was present in the Senate when the bill was passed through that body, and it is equally immaterial whether he voted for it or against it.

He is disqualified by reason of the fact that, having been elected a Senator for a certain term, Congress during the time for which he was elected passed an act which increased the emoluments of the office of the Secretary of State. If disqualified, this disqualification was brought about by the passage of the act increasing the salary of the Secretary of State and attached at the time that the act was approved by the President. From February 26, 1907, the date of the approval of the act, not only Senator KNOX but every other Senator and all the Members of the House have been disqualified from holding any Cabinet position or any other civil office under the United States the emoluments whereof shall have been increased during the time for which they were elected. The disqualification referred to is brought about by the happening of a contingency. The moment that contingency happens the constitutional inhibition applies in full force and vigor. It is therefore absurd to contend that the happening of an event which makes the constitutional provision operative can be repealed or that the effects of its operation can be annulled or evaded by subsequent legislative enactments. The bill, if passed, in my judgment, will be inoperative, null, and void in so far as it seeks to make eligible for office a Senator or Representative who is ineligible therefor.

Let us now consider the second proposition. For the sake of argument, let us concede that it is in the power of Congress to avoid the binding force of the constitutional provision referred to by repealing all or, as in this case, a portion of the law which rendered ineligible the appointment of Senators and Representatives to offices the emoluments whereof have been increased during the time for which they were elected; what about the wisdom or the propriety of so doing?

I fully appreciate the situation that has called for the introduction of this bill and that has enlisted such strong support in behalf of its passage. I have no criticism of the motives, patriotism, or devotion to principle of anyone who votes for it. A generous loyalty toward Mr. Taft, the President-elect, and a high regard for Senator KNOX, whose great abilities and statesmanship are recognized by all, and a desire to relieve the incoming administration from an embarrassing situation, which we all deplore, are no doubt the underlying causes which prompt so many Members to give their support to the passage of a bill which, to my mind, is a legislative absurdity and a monumental blunder. It is an error to suppose that the success of any administration must depend upon any one man. Appointive officers should be selected from the ranks of men who

are able, competent, and eligible to such appointments under the Constitution. Congress having passed a law which rendered its entire membership ineligible for appointment to Cabinet positions for a time should not repeal that law now for a special purpose or to remove the disqualifications of any one individual. The principle involved in the character of legislation proposed in this bill I regard as vicious and bad. The precedent we will establish by its passage I regard as mischievous and dangerous. Legislation should be general and not special or personal. This legislation is sought for a specific purpose, namely, to remove the disqualifications of a particular individual to hold a particular office. In order to do this it is proposed to reduce the salary of the Secretary of State, the highest Cabinet officer, to the sum of $8,000 per annum and leave upon the statute books a law fixing the salaries of all other Cabinet officers at $12,000 per annum. This, on the face of it, is discriminatory and unjust.

If the services of Senator KNOX are so important to the new administration, if he is the one man that even the Constitution must not be allowed to bar from the Cabinet, then Congress in common fairness should repeal the act providing for increased compensation for the heads of the departments and reduce all their salaries to the sum of $8,000 a year, and thus restore the old law. I am afraid we are about to make a bad precedent. This great legislative body should not indulge in favoritism or discrimination or enact laws that give rise to such. We should not do by indirection what we can not do directly. It has been well said in the course of this debate that by this bill we are asked to legislate in the interest of one man. Literally this is true, but in a broader sense we can not legislate in the interest of any one man alone. Whatever we do affects the whole people generally. We are about to inaugurate a new and dangerous innovation. We are about to furnish to the country and to the world an example of lawmakers showing a willingness to evade, or at least to avoid, the provisions of the Constitution, when an emergency arises which in their judgment warrants them in so doing. The legislation proposed is ill advised. Precedents repeated, establish customs. Customs long continued, acquire the binding force of law. Instead of seeking to find means of avoiding the letter or the spirit of the Federal Constitution it should be the aim and pride of all true Americans to uphold it in all its vigor and defend it if need be by our lives, our fortunes, and our sacred honor. Evade the Constitution and you will create in the public mind a disrespect for the Constitution. Evade the law and you will create in the public mind a contempt for the law. Believing that the object sought to be accomplished by this legislation is of questionable propriety and against the spirit and clear meaning of plain provision of the Constitution, I shall vote against the bill.

"What's the Constitution Among Friends?"

SPEECH

OF

HON. J. DAVIS BRODHEAD,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (H. R. 28058) in relation to the salary of the Secretary of State.

Mr. BRODHEAD said:

Mr. CHAIRMAN: Upon the face of this bill its purpose is to reduce the salary of the Secretary of State from $12,000 to $8,000. The bill will probably pass, although the large majority of the Members of this House believe that $12,000 per annum is a very reasonable salary for the great office of Secretary of State of this Nation. Almost all of the Members on the other side, who are now about to vote to reduce this salary, voted to increase it in the second session of the Fifty-ninth Congress when they passed the bill, approved February 26, 1907, by which the salaries of the Cabinet officers were raised.

We are now about to witness the ridiculous exhibition of these same Members voting to reduce the salary of the premier of the Cabinet below that of all the other members, even below that of his own "undersecretary."

What is said in justification of such an apparently absurd action? This: That the learned jurist, the President-elect, some time since decided to appoint the distinguished Senator from Pennsylvania as Secretary of State, and that at the time of such selection neither the President nor the Senator recalled the fact that there was a constitutional prohibition against such appointment. And now they want to get around it the best way they can.

Mr. Chairman, I am proud of Pennsylvania. It is my native State—my home. I have now the honor of being a Representative in this honorable body from that Commonwealth, and my father was a predecessor of the distinguished Senator in question. I therefore would like to see Pennsylvania furnish to the incoming administration the head of the Cabinet in the person of the Secretary of State. But state pride should not lead one to consent to the circumventing of the Constitution.

The situation is this: The honored Senator was elected by the legislature of Pennsylvania in January, 1905, for the term expiring March 3, 1911. The honorable Senator voted for the act, approved February 26, 1907, increasing the salary of the Secretary of State from $8,000 to $12,000. Such are the facts. Now apply the high law of the Constitution to the admitted state of facts. Paragraph 2, section 6, Article I of the Constitution of the United States is as follows:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a Member of either House during his continuance in office.

It does not take much of a constitutional lawyer to conclude that as the facts and the Constitution now stand the honorable Senator can not be appointed Secretary of State. This may not be a question of "The Lady, or the Tiger?", but it is a question of "The man, or the Constitution?"

It is proposed by this bill to repeal so much of the act of February 26, 1907, as applies to the salary of the Secretary of State so as to reduce it back to $8,000; and it is claimed that by so doing the Senator will be eligible, and the fact that the emolument of the office to which he is about to be appointed had been increased during the time for which he had been elected Senator is to be wiped out.

I always thought the Congress of the United States was indeed an august body, but now I am awed at its incomprehensible power, for we are about to witness the changing of an historically established fact by the mere passage of a statute. The fact that during the time for which the Senator had been elected the emoluments of the civil office to which he is about to be appointed had been increased renders it constitutionally impossible to appoint the Senator to the civil office in question.

Now, the proposition is not to change the Constitution, but to change the fact. Wonderful, is it not? Strange that the learned gentlemen involved did not see the constitutional prohibition, or seeing it, insist on getting around it. The Tammany statesman who made the world laugh at his exclamation, "What's the Constitution among friends?" has to-day been vindicated as a constitutional solon. But, the Senator voted to increase the President's salary during the time for which the Senator had been elected, and assuming that this act, if passed, will change the fact as to the office of Secretary of State, what would be the situation if the office of President and Vice-President should become vacant during the next four years and the Senator, as Secretary of State, third in line of succession, should be called upon to assume the duties of the office of President, the emoluments whereof had been increased during the time for which he had been elected Senator? I have often heard of the individual danger of "monkeying" with a buzz saw; I am now convinced of the national danger of "monkeying" with the Constitution.

Mr. Chairman, the ostensible purpose of this bill is to reduce the salary of the Secretary of State below that of all the other members of the Cabinet, even below that of his assistant. To this I am opposed. The people of this mighty Nation do not object to attaching to the great office of Secretary of State a salary commensurate with its dignity and importance. Anyhow, it is but a temporary makeshift, for we all know that the salary will be put back to $12,000, or maybe more, as soon as possible. The declared purpose—declared upon this floor—is to make one certain man eligible for the office. If that be true, then I respectfully submit the following preamble:

> Whereas the President-elect seems limited in his selection of a Secretary of State to United States Senators who voted for the act approved February 26, 1907, increasing the salary of the Secretary of State from $8,000 to $12,000; and
>
> Whereas, under paragraph 2, section 6, Article I, of the Constitution of the United States, such action disqualified all such Senators from holding said office of Secretary of State during the time for which they were elected; Therefore, to get around the Constitution as gracefully as possible, be it enacted, etc.

Then let this proposed act follow. Would not the preamble, although reciting the facts, be ridiculous? Yes, ridiculous, but alas, true.

Wireless Telegraphy on Ocean Steamers.

SPEECH

OF

HON. ANDREW J. PETERS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 16, 1909,

On the bill (H. R. 27672) to require radio-telegraphic installations and radio-telegraphers on certain ocean steamers.

Mr. PETERS said:

Mr. CHAIRMAN: The protection of the traveling public demands that wireless apparatus should be made a part of the equipment of our seagoing vessels. The bill which we are now considering is similar in its application to the bill introduced by myself (H. R. 27318), which the Committee on Interstate and Foreign Commerce has considered. This bill makes necessary the use of wireless apparatus on all ocean-going steamers certified to carry 50 or more passengers and plying between ports 200 or more miles apart by sea, and provides as a penalty for failure to comply with its provisions a fine of $3,000.

The necessity of having this legislation apply to coastwise as well as foreign vessels is obvious, not only on account of the coastwise trade, but also because the coastwise vessels from our Atlantic ports cross the courses of the ocean steamers, and so are a menace both to the trans-Atlantic steamers and to each other. The measure now includes the application of its provisions to coastwise vessels, and therefore I believe it should merit the support of the House.

The matter of wireless communication is now beyond the experimental stage. To-day this system is in actual, regular operation, and a tremendous disaster at sea was only recently averted by its use.

The natural desire to give their passengers the best service is bringing about the use of the wireless apparatus on the higher-class and better-equipped ships. That the mere self-interest of the steamship companies is not sufficient to rely upon to provide its general application must, I think, be admitted. Devices for safety appliances for car couplers and for lifeboats and life-preservers all depend on legislation to provide their equipment.

Last year, of the 244 foreign steamers entering Atlantic ports, 134 were without wireless equipment of any kind, and out of a total of 253 American ships affected by this law, 127 were not equipped. These are the latest figures obtainable, but a slight variance must be allowed for from the slow adoption of this necessary safeguard on steamers already in commission as well as installations on new boats.

The 134 foreign vessels which enter American ports regularly unequipped with wireless carry steerage passengers alone to the number of 128,730 per single voyage. The cabin capacity of the same vessels per single voyage is 60,155.

The cost of equipment amounts in passenger vessels to about $1,000. The contracts of most of the companies provide that the telegraph company shall pay the operator's salary and furnish free of charge to the vessel all messages relative to the running of the ship. The foreign vessels are almost exclusively supplied with the Marconi system, but on the American vessels there are four companies competing with each other—an active competition, which would seem to render the possibility of collusion and the raising of prices to the point of extortion at least remote.

The Boston Chamber of Commerce, the New York Produce Exchange, the Commercial Exchange of Philadelphia, and the Trades League of Philadelphia have all communicated with their Representatives in favor of some such measure. In regard to the cost, which is $1,000 for the apparatus, it should be borne in mind that the presence of the apparatus on ships renders the cost of insurance less, and it is estimated that, considering the decrease in the cost of insurance as credited to the cost of supplying the system, the wireless outfit will cost the companies only about one-half its yearly rental price.

The United States is itself in a particularly fortunate position to commence legislation of this nature, as the Government already has approximately 60 stations equipped and in operation in this country. It is possible that the higher class vessels would provide the apparatus voluntarily on account of the commercial return, but the necessity of this bill is especially to protect the lives of the passengers on the steerage vessels, and it can be seen that the steerage vessels are those not provided with the apparatus. The protection of all passengers, but particularly those traveling in the steerage, demands that the Government of the United States should take the forward step in passing legislation of this nature.

The vital importance of federal action at this time lies in accomplishing immediate and thorough results in the safeguarding of life and property on the high seas. In addition to its effectiveness upon all shipping flying our own flag, the bill has the value of enforcing compliance with its humane provision upon all foreign shipping entering our ports, a restriction to be associated with quarantine regulations, and to be no more resented than the latter.

If left merely to the commercial self-interest of the various steamship companies, the installation of wireless apparatus will gradually be accomplished, no doubt, but the process is certain to be sporadic, and may hang fire several years, according to the occurrence of disaster by sea and the effective force of an easily diverted public opinion. In the meantime the conditions attending the loss of the *Republic* are susceptible of daily or weekly recurrence.

Sundry Civil Appropriation Bill.

SPEECH

OF

HON. MICHAEL E. DRISCOLL,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, February 25, 1909,

On the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

Mr. DRISCOLL said:

Mr. CHAIRMAN: I trust this amendment providing for the continuation of the analyzing and testing of coals, lignites, and other fuel substances during the ensuing year will prevail. I am especially interested in it, so far as it relates to the peat deposits of the country, and the further investigation of the subject of drying and preparing this material for fuel, and so handling it that it may be an economical and commercial success. The people are wide awake now to the need of conserving our natural resources; of not wasting coal or wood, or consuming more than is reasonably necessary. Substitutes for lumber are sought for, and cement and other materials are being substituted for building purposes, and if a substitute for fuel for domestic use can be found the effect will be to save our ordinary wood lots and allow the smaller trees to grow and the forests to develop naturally. If the peat in those deposits throughout the country can be economically treated and used for making producer gas and for ordinary fuel, it will help solve the question of preserving our woods and coal deposits. Those peat bogs are scattered so generally throughout the country, sometimes large and sometimes small, and located so conveniently to the cities and towns where the transportation will be very light, that if the question of drying can be scientifically and economically solved, there is no question but what the handling of this fuel will become a commercial success.

I wish to place in the RECORD in connection with my remarks, a copy of a statement of the peat deposits of the State of New York, which is based on actual location of the various deposits, the measurement in acres of each deposit, and the depth determined by practical tests. This statement may not be exactly correct, but I believe it is approximately so, and shows that in this State peat deposits have already been examined and tested which amount to an equivalent of 182 square miles, of an average depth of about 8 feet, and of sufficient material to yield approximately 205,000,000 tons of fuel fit, if sufficiently dried, to burn.

I trust this information will be of interest to the people of our State, and especially those living in the rural district and in the vicinity of these particular peat deposits, and I hope that by continuing these fuel tests by not large appropriations the question of economically drying this material will be solved, so that those large deposits in our State and throughout the whole country may be converted into useful fuel. When that question is settled it will add immensely to the value of our land.

This statement is as follows:

Peat deposits of New York State.

Name of bog.	Location.	Approximate area.	Depth.	Estimated fuel content.
		Acres.	*Feet.*	*Tons.*
Cicero	1 mile east of Cicero, Onondaga County.	6,000	3-14	10,800,000
Lower Cicero	Near Cicero	2,000	6-10	3,200,000
Hastings No. 1	4 miles north of Central Square, Oswego County.	500	3- 6	450,000
Hastings No. 2	do	300	4- 6	30,000
Palermo	Near East Palermo	2,000	+20	8,000,000
Lily Marsh	7 miles east of Fulton	2,000	+10	4,000,000
West Monroe		1,500	7-15	3,300,000
Toad Harbor		800	3- 5	900,000
Cazenovia	2 miles east of Cazenovia	400	4- 5	450,000
Charlotte		600	10	1,200,000
Warner	3 miles north of Warner	400	4- 6	400,000
Jordan	1 mile west of Jordan	400	2- 8	500,000
Bloomingdale	3 miles north of Saranac Lake	2,000	3-20	4,400,000
Saranac	2 miles north of Saranac Lake	1,500	3- 8	1,650,000
Mountain View	1 mile north of Mountain View	400	3- 5	320,000
Tupper	Near Tupper Lake	2,000	3-10	2,800,000
Oak Orchard	Monroe, Orleans, and Niagara counties.	10,000	3-10	16,250,000
Lacona	Near Lacona, Oswego County	1,000	(?) 10	2,000,000
Black Lake	Near Ogdenburg	10,000	3-11	14,000,000
Montezuma	Along Seneca River	10,000	3- 7	10,000,000
AGRICULTURAL PEATY AREAS.				
Half-way	½ mile east of Half-way station, Onondaga County.	100	1- 3	60,000
Elbridge	½ mile east of Elbridge, Onondaga County.	500	1- 3	300,000
South Lima	Near South Lima	1,000	3- 7	1,250,000
Canastota	North of Canastota	20,000	1- 7	20,000,000
Walkill	Along Walkill River	40,000	3-10	52,000,000
Arkport	Near Arkport	1,000	3- 6	900,000

This area is equivalent to about 182 square miles and the average depth about 8 feet. This would yield approximately 205,000,000 tons of fuel, having a value of about $3 per ton in the vicinity of the places of production. This amount would be reduced by the 74,000,000 tons now under cultivation, if this is considered to be unavailable for fuel purposes, but must be increased by a very considerable amount not yet examined.

I also wish to insert in the RECORD an estimate of the peat resources of the United States, exclusive of Alaska, by Prof. Charles A. Davis, formerly of the University of Michigan, and now in the United States Geological Survey. This is a very thorough, scientific, and comprehensive estimate and statement on this subject, and will, I believe, be of great interest to the people of this country, and ultimately of practical benefit to them. The following is a copy of this estimate:

AN ESTIMATE OF THE PEAT RESOURCES OF THE UNITED STATES, EXCLUSIVE OF ALASKA.

[By Charles A. Davis.]

Peat as a source of fuel and power, as well as the raw material upon which may be based a number of industries, has but recently attracted general attention in this country. It has, however, long been used in northern Europe, where it is estimated in the neighborhood of 10,000,000 tons prepared in various ways are consumed as fuel annually, and smaller amounts are used as stable litter for sanitary purposes and in various trades and arts.

It has been assumed by engineers, economists, economic geologists, and others, because of the abundance and cheapness of good coal and wood in the United States, that peat could not be used profitably in competition with them, at least for a long time to come.

Recent developments in the utilization of low-grade fuels in producer gas engines, and the very considerable successful use of peat for the generation of fuel, illuminating, and producer gas in Sweden, Germany, Russia, and other countries of Europe, have made a marked impression on those in America who have followed the march of events in this direction and have aroused new interest in the possibility of using peat as an auxiliary fuel.

Already preliminary experiments have been made by the technologic branch of the United States Geological Survey with a large gas producer, which confirm the reports of foreign success in this direction and show that some peats of American origin are little inferior to many grades of bituminous coal now on the market, and superior to some in the quantity of producer gas to be derived from them, and in the calorific value of the gas.

Still more recent than this work is the report from Germany that by the investigations of Doctors Frank and Caro, it is possible to recover a large part of the combined nitrogen contained in peat while it is being converted into gas in the gas producer as ammonium sulphate; and that where the nitrogen is present in amounts slightly above 1 per cent of the dry matter of the peat the quantity of ammonium sulphate obtained pays the expenses of maintaining the plant, of gasifying the peat, and a profit besides, leaving the gas as an additional profit. As many American peats have more than 2 per cent of combined nitrogen and a considerable number of analyses show above 3 per cent, it is probable that in the near future peat beds will be profitably utilized for the production of power and ammonium salts in the United States.

This is the more likely when it is considered that the region of most abundant occurrence of peat in large deposits lies along the northern border of the country, and in the eastern coastal plain. There are also other limited areas where it is found, as in the western mountains and in the moister portions of the Pacific slope. The States containing the greatest amount of peat are the eastern Dakotas, Minnesota, Wisconsin, Michigan, northern Iowa, Illinois, Indiana, and Ohio, New York, the New England States, New Jersey, the coastal portions of Virginia, North and South Carolina, Georgia, and practically all of Florida. It is also assumed that there are workable peat beds in the swampy parts of the Gulf States and in those portions of the flood plain of the Mississippi remote from the stream.

It will be noted that these regions of frequent occurrence of peat are practically all outside of the coal fields, with the exception of Michigan, where, as is well known, the coal basin has not been found to be productive except in limited marginal areas, very small in comparison with that of the entire basin.

As a sign of the times it may be stated that work is about to begin in Florida on a plant for generating electric power by producer gas engines using air-dried peat as fuel, the power to be transmitted to Jacksonville. Aside from other phases of the question, it must be considered that peat can be mined and prepared for the gas producer by the simplest and most inexpensive equipment, and with a minimum of danger, since all of the workings are open cuts, made by the use of spades or of ordinary excavating or dredging machinery, so that none of the dangers of underground mining are encountered.

On the other hand, the great drawback in the preparation of peat for fuel, or other uses, has always been, and continues to be, the fact that it contains from 85 to 90 per cent of water as it comes from the beds, and that the greater part of this water can not be pressed out but must be removed by evaporation. Peat which is air dry contains from 15 to 25 per cent of water, and its theoretical efficiency is lowered thereby in nearly direct proportion to the amount of water present.

In gas producers of recent types, however, it is reported that peat with 40 per cent water has been used with success, and for this purpose the question of excess of water has apparently been solved by plowing or digging up the peat and allowing it to dry out by exposure to the wind and sun on the surface from which it is taken. In Florida, even in midwinter, peat taken from below the water level, ground in a pug mill, and afterwards spread over a drying ground in a layer 8 inches thick, dried to the air-dry state in about three weeks and would be ready for use in a gas producer in less time.

The question of artificially drying peat for fuel has received and is now engaging the attention of able engineers and inventors, and, in the opinion of many, the successful solution of this problem is necessary before any considerable increase in the use of peat for ordinary fuel can be expected.

Briefly stated, the matter rests upon the finding of a way to handle peat with about 90 per cent of water rapidly and cheaply enough so that the 25 pounds of salable material obtained from a ton of raw peat which will result when it has reached the air-dry state will pay, not only the cost of the processes of preparation, but also of management, amortization, and selling, and return a profit on the original investment. Attention should be called to the fact that if peat with 90 per cent water has its moisture content reduced to 80 per cent, it loses more than half of its weight of water, and that this amount is readily extracted by very simple and inexpensive processes.

In Europe peat is prepared for fuel in several ways, designed primarily to render it transportable and efficient as a source of energy.

As cut peat, it is used extensively for domestic purposes in the form of air-dried sods, or blocks, cut by hand with specially designed spades. A more compact and efficient fuel is made by more or less thoroughly macerating the peat and pressing it into molds, after which it is dried by spreading the blocks on the ground exposed to sun or wind, or by grinding it in a specially constructed pug mill similar to that used in grinding clay for making bricks. The peat is ground wet as it comes from the beds, and delivered from the mill in the form of wet bricks, which on exposure to the air and sun's heat for some time become dry, firm, tough, and nonabsorbent. This is machine peat, which is rated the most generally successful form of peat fuel for domestic and boiler use on the markets of Europe. As marketed, this product contains from 20 to 25 per cent of moisture, and has, theoretically, about 65 per cent of the fuel value of the same weight of good bituminous coal when burned in stoves or under boilers, but practically, the cause of the lack of waste of the peat, in the form of ash, smoke, clinker, and unconsumed portions, its real value is higher than is indicated by comparison of the possible heat units to be obtained.

As peat briquets, the material is more compact, burns more slowly and persistently, and stands transportation and handling well. To prepare it for the process of briquetting the peat is dried thoroughly, powdered and briquetted, either without or with a binder, or in mixture with coal or lignite.

An increasing amount of peat is manufactured into charcoal or peat coke, especially in Germany, where it is used somewhat extensively as a substitute for wood charcoal in smelting iron and in other metallurgical processes, including refining of copper, steel making, etc. Of the processes so far developed for the manufacture of peat coke, none have proved profitable on a commercial scale, except such as condense the distillates and recover a series of by-products similar to those obtained by the destructive distillation of wood, viz, gases, methyl-alcohol, ascetic acid, lime acetate, ammonium salts, tar and its derivatives. This involves large preliminary investment and the maintenance of costly plants, but where a good market can be found for the by-products this seems to be justified by unbiased and trustworthy reports from Europe. In preparation for coking the peat is treated exactly as if it were to be sold as machine-pressed peat, and is stored in open sheds until needed for the coking retorts.

An increasing amount of peat in the form of powder burned with blast burners is used abroad for firing under boilers, and in brick and cement burning; where properly prepared and firing rightly controlled it approaches theoretical efficiency when used in this way.

The production of gas from peat, as has been stated, has passed beyond the experimental stages, and peat gas is used for metallurgical purposes, boiler firing, making lime, and brick, and, to some extent, in making glass, while a rapidly growing number of producer gas engines for using peat are being installed for generating electric power for transmission directly from the larger peat deposits to centers of use.

In view of all of these considerations, the following estimates of the peat resources of the United States have been perpared with the view of at least directing attention to the very considerable source of wealth to the Nation, which is now lying entirely undeveloped in the swamps

and bogs of the country. It will also be noted in considering the possibilities of the peat deposits that they furnish potential substitutes for wood in various departments of industry and in some considerable degree in these directions may relieve the drain upon the vanishing forests.

In making the estimates given below it has been the aim of the writer to be conservative in every detail, and it is believed that in no case will it be found to be too optimistic.

The total swamp area of the United States, exclusive of Alaska, is estimated to be (60th Cong., 1st sess., S. Doc. 151) 139,855 square miles. Of this 8 per cent is assumed to have peat beds of good quality, or 11,188 square miles. The depth of peat in this area is assumed to average at least 9 feet, and to contain 300 tons of dry fuel per acre for each foot in depth, or a total of 12,888,500,000 tons. Value if converted into machine peat bricks at $3 per ton, $38,665,700,000.

Value if coked and the by-products of distillation saved.

	Product in tons.	Value.
Peat coke	3,608,800,000	[a] $26,005,300,000 [b] 9,924,200,000
Illuminating oils	257,800,000	4,474,200,000
Lubricating oils	90,200,000	
Paraffin wax	38,700,000	3,479,900,000
Phenol	167,500,000	66,345,100,000
Asphalt	25,800,000	824,900,000
Wood alcohol	43,800,000	7,844,000,000
Acetic acid	56,700,000	
Ammonium sulphate	39,900,000	2,777,400,000
Combustible gases	738,400,000	6,501,300,000

[a] Charcoal prices. [b] Coke prices.

The better grades of peat coke are nearly free from sulphur and phosphorus, and may be used wherever hard-wood charcoal is required. The quantity of wood required to make charcoal equivalent to the amount of the peat coke given in the estimate would be approximately 8,019,800,000 cords. The uncondensable gas given off from the retorts while the peat is being converted to coke has good fuel value, the maximum being about 300 British thermal units per cubic foot, and has been successfully used for heating the retorts and for other fuel purposes.

If converted into producer gas by the most recently developed processes, so that the combined nitrogen of the peat is converted into ammonia and fixed as ammonium sulphate, there would be possibly available 619,257,511,000,000 cubic feet of producer gas, with a calorific value of 145 b. t. u. per cubic foot. Assuming 1.5 per cent of nitrogen as an average content of the peat—which is low, since many analyses show more than 3 per cent—100 pounds of ammonium sulphate to the ton of peat treated in the gas producer could be obtained.

On this assumption, there is stored up nitrogen enough in the peat to supply at least 644,400,000 tons of ammonium sulphate, having a value of $36,732,400,000, in addition to the gas produced.

Recent tests reported from Europe show that from 2 to 2.5 pounds of peat will produce an effective horsepower per hour, if reduced to gas in a properly designed gas producer and used in the gas engine. Taking the larger amount, to be conservative, it is evident that there is stored up in the peat beds of the country, as estimated above, energy sufficient to develop 10,310,860,800,000 effective horsepower hours.

In Europe great quantities of the more fibrous types of peat are manufactured into stable litter for bedding live stock, and peat mull, or powder, for absorbent and sanitary uses. Of this class of material it is estimated that there are at least 2,578,000,000 tons available. This class of material is superior to straw and other substances now generally used for the purpose and would readily bring $10 per ton, or the whole amount has a prospective value of $25,780,000,000.

The only factory (located in Indiana) now making a product of this class in the United States sells its entire output of several hundred tons at about $12 per ton.

A single plant for making paper from peat is in operation in Michigan. Possibly 5 per cent of the total amount of the peat of the country is suitable for this purpose, or 644,400,000 tons. The use of this material would reduce the consumption of wood for the purpose of making coarse papers and pasteboard by whatever amount it displaced wood pulp in the manufacture of such materials.

In the United States peat is being somewhat extensively manufactured into fertilizer filler, material used in making various grades of artificial fertilizers in which slaughterhouse and other refuse animal matter rich in nitrogen are ingredients, or in which hygroscopic mineral compounds are used. Peat in the form of dry powder is especially adapted to this use, since it absorbs water and ammonia readily, is a deodorizer, and, to a considerable extent, prevents fermentation and decomposition. At the prices now obtained for peat suitable for this purpose, in the form of dry powder, and considering one-half of the total amount suitable for the purpose, its value is estimated to be $38,666,000,000, or about the same as the valuation of the whole for ordinary fuel.

Ethyl, or "grain" alcohol, has been made from the less thoroughly decomposed peats in Denmark and Sweden at a cost estimated at about 47 cents per gallon.

If 10 per cent of the entire body of peat in the country can be used in this way, about 70,900,000 tons of alcohol can be obtained from peat. It must be said in passing that this process is as yet hardly past the experimental phases.

Artificial wood, a fireproof or slow-burning composition, or 1,288,800,000 tons, the use of which would release an equivalent amount of sawed lumber for other uses or to be held in reserve against future need.

Fibrous peat, properly cleansed of the finer material associated with it, is finding a constantly growing use in Europe as packing material for fragile or perishable articles and for protecting and insulating water and other pipes subjected to the liability of freezing. The peat best adapted to this use is too light in weight and too loose in texture for fuel manufacture, and may be estimated to occur to the amount of 500,000,000 tons, with a market value of $3,000,000,000 displacing excelsior, hay, straw, paper, and other similar materials which are now used.

Fabrics of various qualities and kinds, mattresses for hospitals, fiber for surgical and other aseptic dressings, and as a substitute for silk in cloth weaving have been made from certain grades of peat, but the market is so well supplied with other products for the same purpose, which are of as good or better quality, that the use of the peat products has never reached any extensive commercial scale, and does not seem likely to do so in the near future.

It is clearly apparent, however, that in the peat beds of the United States there lies undeveloped, even entirely untouched, a vast amount of raw material from which may be derived by intelligent and conservative exploitation fuel, power, fertilizing material, and the raw material from which may be made a number of valuable products, all of which will serve to supplement other resources which are now known to be limited in quantity. By utilizing these resources also the wealth of the Nation will be possibly increased by the not inconsiderable sums which represent the potential cash value of the peat beds and their products, and an equivalent amount of other material will be rendered free for other purposes.

Government of the Canal Zone.

SPEECH

OF

HON. OLLIE M. JAMES,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, February 9, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 27250) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes—

Mr. OLLIE M. JAMES said:

Mr. CHAIRMAN: The object of this amendment is to give to any person who has been convicted in a court of the Canal Zone the right of appeal to the Supreme Court of the United States when the punishment is by imprisonment. Under another section of this bill, section 6, you deny the defendant the right of trial by jury, except where it is a felony. I introduced an amendment to this section providing that the defendant should have the right of trial by jury in every criminal case where the punishment is by imprisonment or where the fine exceeded $20. The language of section 6 of this bill is as follows:

That in all criminal prosecutions in the Canal Zone for felonies the accused shall enjoy the right of trial by an impartial jury.

Who knows what this official, this one man appointed by the President, who is not only a legislator with authority to make the law combining the legislative and executive functions in one, but is also the judge who executes the law which he himself has made, is going to say constitutes a felony? This is the first time in the history of our Government that any legislative body has undertaken to establish a precedent of this character. Think of what an anomalous situation this presents. One man appointed by the President proclaims what the law is; that is, he enacts the law, and then, as judge, he tries offenders for violation of the law he himself has enacted. He denies the right of trial by jury to all defendants except where it is a felony. But the mighty question arises, "What is a felony?"

He may provide that a felony only is an offense which is punishable by death, and he may try under this bill citizens of every State in this Union who have gone to Panama for offenses and deprive them of their liberty and deny them the right of a trial by jury and imprison them for an indeterminate time, and that citizen has no right of appeal to the Supreme Court of the United States unless his imprisonment is for life or the sentence is death. Now, in this country we elect our legislators, who make our laws; we elect our President, who approves them; our judges are appointed by the President, subject to the approval of the Senate, and they are always subject to impeachment by the House and trial by the Senate; and yet we give to the humblest citizen in this Republic the right of trial by jury in any case where he is charged with a crime. Why do you deny the right of trial by jury to those people down there, who neither have a voice in making the laws nor in selecting the officials to execute them, and then after having denied all these rights so dear to freemen you go further and deny them the right of appeal unless the punishment is death or life imprisonment? A single man under this bill may declare what a misdemeanor is, and may make its violation punishable by imprisonment for fifty years, or for any time short of life, try the defendant without a jury, imprison him, and close the doors of the dungeon upon him, and deny him the right of an appeal to the Supreme Court. This is so intensely un-American, so strangely undemocratic, so antirepublican that to characterize it as destructive of two of liberty's strongest bulwarks—the right of trial by jury and the right of an appeal—is to use the mildest term. [Applause.]

Mr. MANN. Will the gentleman yield for a question?

Mr. OLLIE M. JAMES. Certainly.

Mr. MANN. Will the gentleman inform us whether there is any appeal in a similar case from a federal court to the Supreme Court?

Mr. OLLIE M. JAMES. In a federal court here the right of trial by jury exists, but it does not exist in the Canal Zone, according to this bill.

Mr. MANN. We have given a broader privilege here than you give in the United States.

Mr. OLLIE M. JAMES. The right of trial by jury exists for "any crime" under our Constitution.

Mr. Chairman, I am anxious to see the canal constructed. I hope the day is not distant when our commerce will be enabled to pass through the canal. But let us not while we are building this destroy the rights for which armies have been marshaled and for which men have died in all ages of the world—the sacred right of trial by our peers. Let us not in our anxiety to aid commerce destroy the liberty of the citizen, deny rights without which commerce would be impossible.

This Republic rests upon the granite pillars of the right of life, liberty, and the pursuit of happiness, and it can only remain secure by preserving these palladiums to all our people—whether here or in Panama. Let us not inflict upon others that against which we would ourselves rebel. [Applause.]

Statehood Bill.

SPEECH

OF

HON. MARCUS A. SMITH,

OF ARIZONA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909.

The House having under consideration the bill (H. R. 27891) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States—

Mr. SMITH of Arizona said:

Mr. SPEAKER: At the present end of a long service in this House this applause from both sides of the Chamber is particularly sweet and gratifying to me. I deem it a double compliment, as I feel that it is inspired by your kind affection, and also by your recognition of the constant fidelity with which I have served the interests of the people in Arizona.

Twenty-two years ago I first came into this House as Delegate from the Territory of Arizona, and have served, with the exception of a few terms, continuously since. What fidelity I have given to that service all the older Members of this body well know. Why Arizona and New Mexico should have been selected as the victims of the Republican party's injustice I am unable to conjecture. Why they have so long remained the objects of your fear or hate I am equally unable to explain. Since my advent here I have seen Washington, Montana, North Dakota, South Dakota, Wyoming, Idaho, Utah, and Oklahoma admitted to the Union, and every one save Oklahoma had at the time of its admission neither qualifications or resources superior to ours.

Nay, more! At the time of the admission of the majority of these States Arizona and New Mexico had every advantage enjoyed by these objects of your favor. At the time of the admission of Idaho and Wyoming Arizona exceeded either in population, wealth, and developed resources, while New Mexico's population was greater than the two combined; yet of the four grinding at the mill two were taken and two were left, and this without reason, justice, or common sense. The impetus given these new States by the right to control their own affairs has richly justified your action as to them. The delayed development of their naturally more prosperous sisters occasioned by your injustice is a shame against your brothers living there and a disgrace to this policy of delay.

The leaders of this House on the Republican side favored the admission of all the States recently admitted, as I find not one of their votes cast against either, while they have persistently fought the equal right of Arizona and the right of New Mexico, guaranteed to her by the solemn promise of the treaty made with Mexico when we acquired that territory. In honor you are estopped from questioning the character of the population. It is as good as when the treaty was made, and your persistent injustice to that Territory is simply shameful. But I am not here to speak for New Mexico, and reviewing our history it seems strange that anyone should need to speak for her at this late day. It can not be said that politics has kept her out of her very birthright.

Has she not constantly sent a Republican to this body for years and years? Has she not been obsequious enough to the Republican demands on her? Did she not, against her own interest, surrender all but honor, and seemed even willing, if need be, to give that, to the raging waters of the Ganges that she might appease the wrath of the vengeful gods sitting in judgment on her destiny here? Did she not swallow the awful dose of joint statehood at your request? Whatever you may now think of her judgment in that matter, you must admit that she gave full measure of obsequious obedience to your party's demand. Arizona, thank God, stood steadfast by her altars and her homes, and comes again making on you the just claim for what is due her—single, individual, immediate statehood.

You are in law and equity, and especially in the greater forum of honor, estopped from disputing her claim; nay, you are ordered to give her immediate statehood by the best plank in your national platform and by far the most direct and unequivocal. For the Republican national platform, on which everyone of you ran for office, and on which Mr. Taft was elected, and which he has fully indorsed, says (I read from the platform):

We favor the immediate admission of the Territories of New Mexico and Arizona as separate States in the Union.

This is the first time in national convention the Republican party has directly promised statehood to these two Territories. I never doubted once that it would keep this promise, and so declared in every speech made by me in the last campaign.

I said then, as I feel still, that the great party so audaciously dominating for good or ill the affairs of this country could not afford to lie to the whole country through its only legal mouthpiece, the national convention, and that the great men composing that party had no wish to lie about the matter. The present Executive in his first message to us called attention to that plank and advised favorable action on these two statehood bills. The incoming Executive, Mr. Taft, was elected on that platform, and if he had said nothing about statehood we know his adhesion to the proclaimed promises on which he received the votes of the people for the greatest office in the world. His high character for uprightness, justice, honesty, for fidelity to his word, should guarantee his hearty acquiescence in the passage of these bills at this session. Who is here on your side or on our side to cast a vote against this measure? How can you excuse such a vote? Can you say your party platform does not bind you? If that is your plea, your renunciation comes too late to be honest. Is your platform a lie? You will not say that without stultifying both yourself and your party. Granting, then, as I am sure you will not deny, that your platform spoke the truth and meant what it said, and that you accepted it and ran for office on it and did not deny then its binding effect on your political conscience, what is left for you to do now except to carry it out?

I will not use short, harsh words, but from my viewpoint the man who, under these circumstances, casts his vote against this measure is running a hot-footed race for a high seat in the Ananias Club. Does it not look that way to you? I know it will look that way to the people of Arizona. You can not even plead for delay, far away back in the good old summer time you officially, as a party, declared our fitness and promised immediate action. You yourselves have taken the question from the field of debate. There is nothing left but to act, and act now.

Both sides of this House and both sides of the Senate have had months to consider the question of statehood with a view to immediate action when Congress met.

You have too long delayed already. A suspicious mind would suspect that this long delay had a dire purpose at its back. Some folks will think that if this bill, getting out of this House at so late a day, dies in the Senate the purpose will stand revealed. This bill could have been passed before the 10th of January as easily as it can be passed now. The House has had ample time. If one-tenth the zeal had been used for this bill that was put forth in the joint state measure it would have been in the Senate before the Christmas holidays and would long since have passed that body.

I see no reason why these bills could not have been reported a month ago, and I know of no reason why the long-delayed report could not have been acted on the next day after it came into the House. The time of the House has been consumed in the delivery of speeches, able enough, on every conceivable question, and the promise of immediate statehood has been ignored. You got a rule easy enough, setting a day for the joint statehood bill, which nobody wanted except the powers that be, but under exactly similar conditions you could not get a day for the sepa-

rate statehood bill, which everybody wants except a few of the powers that be.

Mr. Speaker, if this delay shall, as I fear it will, prove fatal to these statehood bills at this session, then the purpose here will become manifest to the world and will again accentuate the necessity of less autocratic rule in this Chamber. I pray God my fears are unfounded, and that your party, sir, will keep in good faith the promise made to the people in the most solemn, binding way known to our politics. Hoping almost against hope that these Territories may be admitted at this session, and trusting, against some evidence, that no Member of either House or Senate may be justly accused of circumventing by deceit and fraud the promise on which our people have relied, I leave this feature of the case for further development. If the Senate, or any one Member of it, wants to defeat the bill, failure to act sooner here has afforded ample excuse for the success of such opposition.

That certain members of a coordinate branch of government do want to defeat the bill is as well known to the Speaker of this House and to the House itself as it is to me. I have attempted to make our defeat impossible. The Speaker, by refusing to allow consideration at an earlier day, has made our defeat very easy indeed. If this bill is to pass the House only to be defeated by postponement in the Senate, then it were far better and decenter to defeat it here in the first place and make no false pretense about it. I know, and every man in my hearing knows, that the politics of the proposed States cut no figure in this case, except in the minds of a very few so narrow that no appeal outside of party success can touch them. The opposition here and elsewhere to the admission of these States is not that they are Democratic or Republican, but solely and alone because they are western. Why should Rhode Island object to the admission of either of these Territories, except that Rhode Island, being small and eastern, objects to them because they are big and western? Why should any other Eastern State object when it knows that it had less population than ours when it was admitted and vastly less known resources?

I can not for the life of me understand why certain great men of the East have so constantly opposed the admission of Western States. We in the West have never been a menace to our country. On the contrary, we furnished the means that made resumption of specie payments possible. We furnished more than our quota of men and money to the East in every hour of its need.

Far removed from the maelstrom of your eastern frenzied finance, where honor, fortune, virtue, and even our country and all its interests would sometimes be readily bartered for a dirty dollar by the worshipers of Mammon, we have produced. We build; you too often tear down or destroy. We have made homes for patriotic, broad-minded, poor, but worthy men. We have built up the waste places. We have tied patriotism to the soil, and man for man, home for home, we of the West can furnish more men ready to give their lives for their country than any other people on the earth. And all this love they give in spite of all the wrong Congress has so long done them. Search history in vain for a parallel. What has the West ever done to forfeit your confidence or excite your fear? Have not the western representatives in Senate and House stood well abreast with the eastern contingent? I forbear to cite instances. History answers the question, and the West is not ashamed of that answer.

Do you all forget that we are bone of your bone, flesh of your flesh, impelled by every high motive that actuates you with just a little less fear than the East has in proclaiming those motives and in defending them? The West is made up of the best blood of the East. Those brave enough to break the tender apron strings that hold so close to home, and knowing that before them spread a life of danger and hardship, yet sought the West to do for their children more than they had received, and like Enoch Arden giving them "a better bringing up than he had had," are to-day the very best, bravest, truest men on whom our country can rely in any hour of peril.

Instead of your doubting them, you should take them to your breast as the very best product of your loins. We are no strangers, seeking a place to hide our cold hearts, and we resent as we should resent the self-assumed superiority of our eastern brothers who were too prudent or too timid to act with us in the mighty drama of the building of a State. The authentic history of all time reveals no heroes more worthy of renown than the pioneers, the state builders of the West. And among the unknown and unsung names of this valiant host, too many of whom have passed to silence, none deserve a greater tribute of our praise—none can claim a deeper sense of our obligation to their fortitude and courage and accomplishment—than the pioneers of Arizona.

Summon from the heroic ranks of all time your brightest ornaments, and I will place beside the white plume of every Henry of Navarre the equally white hair of an unsung hero of the western plains, who has no need to do obeisance even in the presence of the honor roll of history. With these early heroes of Arizona and with those who have followed them, patriotism is not a mere catchword. It is a living, pulsing, burning principle. They love their country as few others love it. They worship at Arizona's shrine with more than an eastern idolatry. The Almighty, in calling for man's devotion, said, "The earth is the Lord's, for He made it." We cry out to you with greater pathos, that Arizona is ours, for we made it; made it for us and for you; made it for our country and ourselves; made it for your children and ours; made it for all that might enjoy under it the common rights and benefits of a great State of our National Union. [Applause.]

In conclusion, Mr. Speaker, I can not repress the utterance of my great disappointment in the delay this bill has met in the House. I fear it means defeat in the Senate, and if it does meet defeat there—simply by inaction or otherwise—on some heads will rest a most awful responsibility. It not only means the violation of a public sacred promise, but visits injury, injustice, hardship, and humiliation on a people who have too long been forced to bear burdens never before imposed on any State or Territory since the Declaration of Independence, whose essence and sacred spirit you have violated daily in your dealings with us for the last long twenty years. I, in common with all the patriotic people of Arizona, have felt deeply this injustice and wrong. You are witnesses to the number of times I have cried out on this floor against it. You have witnessed the struggle I have made to secure the blessings of liberty to my people. From early manhood my life has been dedicated to this holy cause, and I find myself now in poverty, with hair as white as the snows on her mountain tops, still pleading the cause of Arizona.

The House will pass this bill. My fear is it will die in the Senate.

In my campaign at home it was urged that I, being a Democrat, could not get justice from a Republican Congress. It was reported generally, and the highest possible authority was given, that if a Republican was elected in my place we would get statehood at this session. It was alleged, yes, confidently stated, that the President and the Republican nominee for President were dead sure to use their influence to that end if Arizona would elect a Republican to Congress. I find now that such election, if it had any effect on statehood at all, was only to delay statehood. But these are dead issues now. It must be understood that I stand now, as I have always stood, ready to make any personal sacrifice, ready to forego any personal ambition, ready to bear the cross up any hill, if by this devotion I can be the means of securing the ends of a lifelong purpose—equality, justice, statehood for the Territory of Arizona.

Statehood Bill.

SPEECH
OF
HON. J. THOMAS HEFLIN,
OF ALABAMA,
IN THE HOUSE OF REPRESENTATIVES,

Monday, February 15, 1909,

On the bill (H. R. 27891) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States.

Mr. HEFLIN said:

Mr. SPEAKER: I shall cheerfully vote to admit Arizona into the Union as a State.

In spite of the opposition to her admission, and all the efforts to befog the issue and to keep the truth from the country, MARK SMITH, the able and honored Delegate from the Territory of Arizona, has stood here earnestly and ably pleading the cause of his people, and he has convinced the Congress and the country that his beloved Arizona is justly entitled to a place in the household of sovereign States.

I rejoice, Mr. Speaker, that this big-hearted, able, and eloquent representative of the people of Arizona can now carry back to the Territory that he has so faithfully represented the declaration that the House, of which he is an honored Member, has granted statehood to the Territory of Arizona, and I now predict that when that Territory puts on the robes of sovereignty that she will do the preeminently proper thing and send MARK SMITH to the Senate. [Applause.]

Eulogy on the Late Hon. Asbury C. Latimer.

REMARKS

OF

HON. J. EDWIN ELLERBE,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 21, 1909,

On the following resolution:

"Resolved, That the House has heard with profound sorrow of the death of Hon. ASBURY CHURCHWELL LATIMER, late a Member of the Senate of the United States from the State of South Carolina, which occurred at Providence Hospital in the city of Washington February 20, 1908.

"Resolved, That the business of the House is now suspended that opportunity may be given to pay tribute to his memory.

"Resolved, That as a particular mark of respect to the deceased, and in recognition of his distinguished public services, the House at the conclusion of the memorial exercises of the day shall stand adjourned.

"Resolved, That the Clerk communicate these resolutions to the Senate.

"Resolved, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. ELLERBE said:

Mr. SPEAKER: To the soldier who, drunk with excitement and the lust of battle, goes forth to fight, and dies facing the foe, we give the name of hero.

Yet the narrow confines of the hospital ward is often the scene of far braver struggles than those of warfare. In February, 1908, at Providence Hospital in this city, Senator ASBURY LATIMER made a last heroic resistance to the great enemy—Death.

With no martial music to inspire him, with no cheering army to make him forget the danger, he fought for life steadfastly, silently, heroically, and when vanquished he died like a hero, with a smile for those who loved him.

And Senator LATIMER longed to live. Life had meant to him successful achievement of ambitions which had grown with his growth.

It is hardly possible that as a youth even imagination whispered to him of the honors he would win in the future, for ASBURY LATIMER as a boy had only one claim to fortune—he was an American!

That, and that alone, made possible his wonderful progress.

In another land even his indefatigable energy, his receptive mind, and his ready grasp of conditions could never have met with the acknowledgment that was given to them in this great Republic—this Government "of the people, by the people, and for the people."

Year by year, as one by one obstacles in his pathway were overcome, his ideals grew higher and another step was taken toward the honored position which he held at the time of his death.

It is not my purpose to review the life and work of Senator LATIMER. That has been already fully and ably done by my colleagues. I would simply add my tribute of admiration and respect for those qualities of heart and brain which made Senator ASBURY LATIMER a true and worthy Representative of the proud old State of South Carolina.

Sundry Civil Appropriation Bill.

SPEECH

OF

HON. GEORGE C. STURGISS,

OF WEST VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 26, 1909,

On the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

Mr. STURGISS said:

Mr. CHAIRMAN: I am heartily in favor of the proposed amendment to increase the appropriation for continuing the investigations as to the causes of mine explosions, with a view to increasing safety in mining. The amount reported by the committee for this purpose is only $100,000, and the amendment will increase it to $150,000.

We are appropriating large sums of money for creating and caring for forest reserves, for irrigation and reclamation of arid lands, for extension of mail service, for fish hatcheries, for building battle ships and supporting the navy and the army, for fortifications, to support the diplomatic and consular service, for our agricultural colleges, and for promoting the prosperity of our farmers, all necessary and proper purposes for the exercises of government activity. Congresses and conventions to conserve our great natural resources in forests, mines, soils, water, and many other things are important, no doubt, but is it not high time to do something to conserve the richest asset the Nation possesses, the men whose lives are more valuable than all material resources and assets? They are the creators of all wealth. Machinery, labor-saving devices, and intellectual power can never dispense with manual labor in some form, which must supplement and keep in motion these artificial aids to human labor.

These expenditures just enumerated do not have for their object the saving of human life, but only the development of the material and physical resources of our country.

Health congresses to fight tuberculosis, the creation of hospitals and sanitaria, the employment of medical experts, and the myriad forms of help to assure the general health of our people to suppress contagious and infectious diseases are certainly just and proper forms of government aid for promoting the general welfare. In the midst of every great calamity our hearts are touched, our purse strings loosened, and we generously vie with each other to afford immediate relief to the sufferers. San Francisco, calling from her ashes and her desolation, was helped most lavishly. Ere Italy, stunned by the most appalling disaster of modern time, could voice her misery and her needs, millions of treasure and thousands of helping hands were tendered. When in December, 1907, four great explosions in the mines of three States brought sudden and horrible death to many hundred miners, made half a thousand widows and more than a thousand orphans, the hearts of all men and women were touched, and material aid was most abundantly tendered. But this could not bring to life the breadwinners in these homes, to care for the loved ones whose lives must henceforth be marked by harder toil, with greater self-denial, and with perpetual sadness over the tragic death of father, son, or brother. How much wiser and better to have prevented the loss of property, of wages, of human lives, and the consequent misery by precautionary and preventive measures.

It is folly to say that much of this fearful slaughter could not have been prevented. It is a reflection upon the intelligence and capacity and humanity of the people of the United States that the proportion of deaths and injuries in our mines to each 1,000 of men employed underground is much greater than in the deeper mines of England, or of France, Belgium, or Prussia; and it is the saddest part of the whole history of mining in this country that the percentage of deaths and injuries is steadily increasing.

We employ in the mines and quarries of this country over 1,000,000 persons, and the percentage of deaths is annually greater than among railway employees. In the last eighteen years over 25,000 lives have been sacrificed in the mines of this country. The percentage as compared with the principal mining countries of the Old World is as follows:

Number of men killed for each 1,000 employed—averages for five years.

France (1901–1905)	0.91
Belgium (1902–1906)	1
Great Britain (1902–1906)	1.28
Prussia (1900–1904)	2.06
United States (1902–1906)	3.39

Is it any wonder public sentiment has been greatly aroused to the absolute necessity of a thorough study of the causes that have produced these fearful losses of life, with a view of preventing their recurrence or greatly reducing their number and consequent losses?

Three principal measures have been proposed, each of which should be enacted into law, and all plainly within the scope of federal power.

First. The creation of a bureau of mines in the Department of the Interior. Many hearings have been held by the Senate and House committees on this subject and a mass of evidence taken showing the necessity of such a bureau. In this opinion miners, mine owners, and experts all concur. The House has passed a bill, now on the Senate calendar, which can and should be enacted before the close of this Congress.

It is as follows:

A bill (H. R. 20883) to establish in the Department of the Interior a bureau of mines.

Be it enacted, etc., That there is hereby established in the Department of the Interior a bureau, to be called the bureau of mines, and a commissioner of said bureau, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $6,000 per annum; and there shall also be in the said bureau such clerks, agents, experts, and other employees as may be necessary to carry out the provisions of this act.

SEC. 2. That it shall be the province and duty of said bureau and its commissioner, under the direction of the Secretary of said department,

to foster, promote, and develop the mining industries of the United States; to make diligent investigation of the methods of mining, the safety of miners, the possible improvement of conditions under which mining operations are carried on, the treatment of ores, the use of explosives and electricity, the prevention of accidents, the values of mineral products and markets for the same, and of other matters pertinent to said industries, and from time to time to make such public reports of the work, investigations, and information obtained as the Secretary of said department may direct, with the recommendations of such bureau.

SEC. 3. That the Secretary of the Interior shall provide the said bureau with furnished offices within the city of Washington, with such books, records, stationery, and appliances, and such assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this act upon such bureau, fixing the compensation of such clerks and employees within appropriations made for that purpose.

Second. The establishing in each State of schools of mines and mining engineering, in which should be taught a scientific and practical knowledge of all that pertains to mining operations, with a study of the conditions peculiar to the mines of the State in which the school of mines and mining engineering is located, and with an exchange of bulletins and reports of all research and investigation work done in each year. These schools should furnish skilled miners, fire bosses, engineers, and superintendents, with a knowledge up to date as to explosives, gases, safety devices, ventilation, and all that tends to economy and conservation of products, safety and sanitary conditions as related to employees and rescue work.

Such a bill has passed the Senate, and a substitute for it practically along the same lines has been approved and recommended by the House Committee on Mines and Mining.

It is as follows:

That there shall be appropriated from the sale of public lands, not otherwise appropriated, the sum of $5,000 for the fiscal year beginning July 1, 1909; the sum of $10,000 for the fiscal year beginning July 1, 1910; the sum of $15,000 for the fiscal year beginning July 1, 1911; the sum of $20,000 for the fiscal year beginning July 1, 1912; the sum of $25,000 for the fiscal year beginning July 1, 1913; and $25,000 for each succeeding year thereafter, to each State and Territory in the United States, for the establishment and maintenance, under the control of the Secretary of the Interior of the United States, of a school or department of instruction in mines and mining.

SEC. 2. That if there be already established in any State or Territory a school of mines and mining under the control of said State or Territory, or a department of instruction in mining connected with any institution of learning controlled by said State or Territory, then the moneys appropriated in section 1 of this act shall go to said school or department of instruction already established.

That if there are two schools or departments of mines and mining in any State of Territory under the control of said State or Territory, then the money so appropriated shall be equally divided between such schools or departments.

That if there be no school or department of instruction in mines and mining already established in any State or Territory, the school or department of instruction in mines and mining herein provided for shall be established in connection with an agricultural college, if there be such, controlled by said State or Territory. In States and Territories having no school or department of instruction in mines and mining already established, or agricultural college, then the Secretary of the Interior shall designate some other institution of learning controlled by said State or Territory, in connection with which said school or department of instruction in mines and mining shall be established: *Provided*, That if any State or Territory have no school or department of instruction in mines and mining, or agricultural college, or other institution of learning controlled by said State or Territory, then the Secretary of the Interior shall designate some accessible and convenient place in said State or Territory where the school of mines and mining herein provided for shall be located.

SEC. 3. That the moneys appropriated in section 1 hereof shall be expended only for instruction, research, and experiment (including the employment of instructors and experts, the purchasing of apparatus, supplies, and books, and the equipping of laboratories) in mining, mining machinery (with the application of electricity thereto), mining engineering, ore treatment, metallurgy, assaying, and chemistry and geology, so far as these sciences relate to minerals and mining, with a view to teaching a practical and scientific knowledge of the best and safest methods of mining and carrying on the business of mining and of producing gold, silver, coal, and other minerals, oil, gas, and medicinal waters, and also the concentrating, smelting, refining, and other preparation of the same for marketing, so far as the same may be necessary and appropriate to the mineral resources of the State or Territory in which said school or department of instruction in mines and mining shall be located, and especially for the study and prevention of explosions, fires, and other dangers incident to the carrying on of mining and the mining industry, in order to secure the most intelligent conservation, use, and development of the mining and mineral resources of the country, to make the lives of miners more safe, property in mines more secure, and to promote the general welfare of miners and operators of mines.

SEC. 4. That the head of each school or department of instruction in mines and mining established according to this act shall report in writing annually, on or before the 1st day of July, to the governor of the State or Territory in which said school or department of instruction is located, the condition, progress, and work of the school or department of instruction during the year past, together with such recommendations as he may deem best for accomplishing the purposes of this act as set forth in section 3 hereof; and that a copy of said report shall be also sent to the Secretary of the Interior.

SEC. 5. That if at any time, in the discretion of the Secretary of the Interior, any school or department of instruction in mines and mining provided for in this act shall not be faithfully carrying out the purposes of said act as set forth in section 3 hereof, then all moneys herein appropriated for said school or department of instruction shall be withdrawn from said school or department of instruction until the same shall have produced evidence satisfactory to the Secretary of the Interior that said school or department of instruction is faithfully carrying out the provisions of section 3 of this act.

SEC. 6. That the sums hereby appropriated to the several States and Territories for the purpose herein specified shall be annually paid, on or before the 31st of July of each year, by the Secretary of the Treasury, upon the warrant of the Secretary of the Interior, out of the Treasury of the United States, to the state or territorial treasurer or to such officer of each State or Territory as shall be designated by law to receive the same, who shall, upon the order of the trustees or other board of control of said college or university or separate school of mines, immediately pay over said sum to the respective treasurers of such institutions or to such other officers as may be duly authorized by said trustees or board of control to receive the same.

Third. The investigations as to the causes of mine explosions, with a view to increasing safety in mining, being the item in the sundry civil appropriation bill now under consideration. This is the only one of the three measures for promoting a greater knowledge and safety in mining operations that has yet received congressional sanction, and it is but a beggarly concession to the demands of the public, the miner, and mine owner. The subject is too large, too diverse, the difficulties too great, and the want of exact knowledge such that no miners' organization, no mine owner, and no individual or group of individuals can successfully grapple with it and solve the difficulties. Hence the necessity of government aid.

The work of the testing and experiment station at Pittsburg, for which this appropriation is asked, may be briefly set forth as follows:

MINE-ACCIDENTS INVESTIGATIONS, UNITED STATES GEOLOGICAL SURVEY.

These investigations, conducted under an appropriation provided in the legislative, executive, and judicial appropriation bill, carried an appropriation for the fiscal year 1909 of $150,000. The act was approved May 22.

By the 1st of July, the beginning of the fiscal year, a location for the testing work had been secured by transfer of certain buildings under the direction of the Quartermaster-General of the Army at the old arsenal grounds, Pittsburg, Pa. As many as 50 detailed drawings had been made, specifications prepared, contracts entered into, and work started on the repair and rearrangement of these buildings to fit them for their new uses. An equal amount of designing and drafting, specification writing, and so forth, had been completed on the many special detailed instruments and appliances requisite to the work. By the end of August preliminary tests in the steel mine gallery and in the lamp gallery and the rescue apparatus were in progress.

The plan of the work included a *section of mine-accidents and mine-explosions investigations; a section of tests and analyses of explosives used in coal mining; and a section of mine-rescue and mine-lighting apparatus and appliances for the testing thereof.*

By midsummer civil-service examinations had been held and a corps of the most skilled mining and mechanical engineers procurable had been assembled. Mr. George S. Rice, having perhaps the largest experience in actual coal-mining operations and consultation regarding coal-mining methods, was procured as head of the field investigations into mine accidents and explosions. A number of mining engineers familiar with mining conditions in the various coal fields have been secured and have been at work in the field for months past investigating the methods of mining, visiting scenes of explosions and fires, and examining into the conditions which lead to these disasters, with a view to the procurement of information for their future amelioration. By turns these men have been stationed at Pittsburg, familiarizing themselves with testing explosives, testing safety lamps, and the use of mine-rescue apparatus and artificial respiratory helmets, etc.

These preliminary investigations having made good progress, and the training having been completed, arrangements are now being perfected for establishing substations as headquarters for mine-accident investigations and for instruction and assistance in mine-rescue operations. Arrangements have been perfected for the establishment of one such station at Urbana, Ill., in cooperation with the state geological survey of Illinois, under conditions whereby the State will furnsh the building and accessories and the United States will take charge of the technical work of training miners and others in the use of rescue apparatus and in the direction of rescue operations when called upon, in addition to conducting their field work from this central location. Negotiations are making good progress toward the establishment of similar stations in the other important coal-mining regions.

Mr. J. W. Paul, formerly chief of the department of mines of West Virginia, one of the most experienced mining engineers in the country in inspection of mines and in the investigation of explosions and disasters, is at the head of the section of mine rescue and mine lighting, with headquarters in Pittsburg, and assisted by a corps of mining engineers specially fitted for this work. Under Mr. Paul's direction, instruction is given the mine engineering force in the testing and use of this apparatus. A number of miners provided by the coal operators within

easy reach of Pittsburg have already been trained in the use of rescue apparatus at the expense of the mine owners, who have provided at their own expense all necessary instruments and appliances for use at their mines. Whenever a disaster occurs in this region, telegraphic information reaches the Pittsburg testing station, and Mr. Paul and his assistants proceed to the scene after wiring the miners they have trained to join them with their apparatus, and in this manner it is possible to rapidly assemble a large force of men who have had previous experience in mine-rescue work and who are familiar with improved methods of assisting in life saving under such circumstances. The rescue apparatus includes helmets for the protection of the head, and accessories whereby it is possible to artificially breathe air, even when in mines in which the quantity of deadly gas is so abundant that life could not be sustained more than a few minutes without this artificial respiratory arrangement. On a number of occasions, notably at the Hazel mine disaster, near Pittsburg; the Washington mine disaster; Marianna mine; Ziegler mines, Illinois, and so forth, this corps has rendered efficient service in rescuing persons, in removing bodies of the dead, and in directing operations necessary to clearing the mines and placing them in condition to resume operations, whereby those miners who would otherwise have been thrown out of employment for many weeks are enabled to resume work within a few days. Such assistance, however, can only be rendered within a limited radius, as exceedingly prompt arrival on the spot is essential to any successful results. It is for this reason that Mr. Paul and his force is training the mining engineers and force in the use of this apparatus and methods with a view to the establishment of substations locally accessible.

The section for testing and making analyses of explosives used in coal-mining operations is under the general direction of J. C. Roberts, an experienced mining engineer, with Clarence Hall, one of the best-qualified explosives experts in the country, in charge of physical tests, and W. O. Snelling, a skilled chemist, in charge of analyses of explosives.

At the request of the Illinois powder commission, composed of representative mine owners and mine operators, which samples all the powders being used in the mines in that State, complete analyses and grading of the sizes of powder grains have been finished. Routine analyses of the enormous purchases of explosives for use on the Isthmus of Panama, and by the Reclamation Service in blasting operations in which life is endangered owing to the frequent receipt of unsafe explosives, have been completed and 43 made, involving several hundred chemical determinations. Over 100 analyses of powders and dynamites in use in mining operations have been made, involving about 800 chemical determinations. These powders are undergoing various tests as to size of grain, durability, safety from spontaneous combusion, and so forth. At least two explosives on the market found to be dangerous have been quietly withdrawn by the manufacturers at the instance of the Geological Survey. Analyses of gases resulting from explosives to the number of 336, involving a thousand determinations, have been completed.

Over 700 physical tests have been made of the various explosives collected by the government mine engineering force and state mine inspectors, furnished by coal operators and miners, to determine their behavior under various conditions. For two months continuously the mine gallery has been in operation day and night with three eight-hour shifts, standardizing and calibrating instruments for this gallery, in order that official tests might be commenced at the earliest possible date relative to the behavior of various explosives in the presence of various mixtures of coal gas and coal dust. Many of these demonstrations have been public, and have been most beneficial already in directing attention of those engaged in mining operations to conditions under which use of explosives are dangerous. These standardizing tests have been completed, and the accompanying notification has been issued manufacturers of explosives inviting official tests of the same, which are in progress.

A large number of tests have been completed of the various safety lamps to determine conditions under which they may or may not remain lighted or cause explosions. Similar tests have been completed to determine the danger of denatured explosives by dropping or jarring them in handling and to determine the safety of electric lighting of various voltages, electric hauling or hoisting apparatus, and so forth, in the presence of dangerous mixtures of coal gas or coal dust.

What is wanted is not hysterical, crude, and ill-considered legislation to correct admitted evils, but whose origin and cause are as yet unknown or little understood, but a careful study by and through a bureau of mines, with its experts working and investigating everywhere, under all conditions, in all the mining regions of the country, and publishing the results of their studies and investigations; the continuation of the carefully conducted tests and experiments at the experiment and testing station at Pittsburg and elsewhere; and the creation and support of the schools of mines in the several States. All these, cooperating in harmony, should soon be able to gather much accurate knowledge and disseminate it and educate in the highest degree expert and practical students in all that pertains to the mining industry, who should find lucrative employment in manning and managing the second largest producing industry in the country.

Scarcely more than a year ago there was much diversity of opinion whether coal dust was explosive, or in what degree; and to what extent, mingled with mine gases, it was responsible for these explosions. New tests at the station at Pittsburg have demonstrated beyond all doubt that, mingled with a small per cent of the inflammable gases usually found in the bituminous mines, it becomes a force of terrible explosive power. Until greater and more exact knowledge has been accumulated, it will be impossible to legislate intelligently with the purpose of securing greater safety or immunity from danger.

Doctor Holmes, in charge of the technological branch of the United States Geological Survey, has officially expressed the opinion that, with all the investigations of this and other countries up to date, sufficient information had not yet been obtained to justify any changes in present mining methods, and that the causes of these disastrous explosions had not yet been sufficiently determined.

The coroner's jury investigating the mine explosion at Monongah, in my State, on January 15, 1908, stated:

There are many unsolved questions connected with coal-mine explosions. We recommend that Congress make an appropriation for the establishment of a bureau of investigation to aid in the study of the various conditions under which the explosions occurred and as to how they may be prevented.

I am just in receipt of the following telegram from Governor Dawson, of West Virginia:

CHARLESTON, W. VA., *February 24, 1909.*

Hon. GEORGE C. STURGISS,
Care of House of Representatives, Washington, D. C.:

Legislature has adopted joint resolution which has been approved by me urging you to aid in securing prompt passage of pending bill for establishment of national bureau of mines.

W. M. O. DAWSON, *Governor.*

Mining engineers, mine owners and operators, all the organized miners, United Mine Workers, the technical press, and the public press are practically unanimous and most urgent in declaring it the duty of Congress to create a bureau of mines, establish schools of mines and mining engineering in the land-grant colleges and universities, one at least in each State, and to carry on the work of the stations investigating the causes of mine explosions, with a view to increasing safety in mining.

Sentiments of humanity, public policy, increased efficiency, economy of production, and conservation of our mineral resources all demand immediate and affirmative action on all three of these measures. If I can be instrumental in bringing these to a successful issue, I shall regard that as honor enough for half a dozen terms in Congress.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. JOHN A. KELIHER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of the House from the State of Rhode Island.

"Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"Resolved, That the Clerk communicate these resolutions to the Senate.

"Resolved, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. KELIHER said:

Mr. SPEAKER: It was my good fortune upon entering Congress, six years ago, to draw a seat beside that of the late Member from Rhode Island, Hon. DANIEL L. D. GRANGER.

Sitting together upon this side of the House as Democrats from New England, we naturally formed an early acquaintance, for the company of New England Democrats in Congress has been discouragingly limited of late. This acquaintance gradually developed into an intimate friendship which I prized as

one of the most valuable of my life. Mr. GRANGER was magnificently fitted for service in Congress. He was gifted by nature with a fine mind, which was fully equipped by thorough education and extensive travel; possessed of a high sense of honor; and was in perfect sympathy with the highest traditions of our history. He approached the consideration of every public question with rare intelligence and courage. The public welfare was his sole guide in public life. With the demagogue he had neither sympathy nor patience, and when his conscience and political expediency did not harmonize, all thought of the political effect of his action vanished from his mind, and his vote answered the command of conscience. He was a model citizen, and the discerning people of his State appreciated the fact, for they chose him almost continuously to represent them in administrative capacities, and their confidence was repaid in the perfect character of his service.

His assignment to the Ways and Means Committee, the most important of the House of Representatives, indicated his high standing in this body. He was personally popular with the membership of the House, which recognized and respected in him a manly man and courtly gentleman as well as wise counsellor, whose sound advice was available to all who would but ask it. He approached very near to my ideal of statesmanship.

Mr. Speaker, the cause of good government in Rhode Island lost a stalwart champion in the demise of Representative GRANGER that it can ill-afford. Let us hope that the great record which he established in public life will attract to his methods the young men of that State entering public life.

Mr. Speaker, while in his death I lose a dear friend to whose sound advice I owe more than words at my present command will indicate, I am still the beneficiary of profitable precepts which came to me through years of association with the distinguished gentleman to whom I pay this modest and inadequate tribute—DANIEL L. D. GRANGER.

Ship Subsidy.

SPEECH

OF

HON. WILLIAM H. GRAHAM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GRAHAM said:

Mr. SPEAKER: This great question of merchant marine, the most important, in my estimation, that faces the Nation at present, is not a legal question for lawmakers, but purely a business proposition. For this reason I, as a business man, call upon you lawyers to consider it from a business standpoint.

There are 264 lawyers in this Sixtieth Congress. This includes the Speaker, of whom, however, it has been said that, like the Gentiles of old, "having not the law, he is a law unto himself." It ill becomes me, a plain business man, to split legal hairs with these bright lawyers, but when it comes to a question like this, involving the shipping industry of this country, the only industry, by the way, that has never been protected, I feel it my duty to at least say a word in favor of it.

I wonder if President Roosevelt, while he was reviewing our fleet last week upon its return from the round-the-world cruise, was reminded of the fact that this great country of ours had such an insignificant merchant marine that it was necessary for us to send the coal which was consumed by that fleet in foreign bottoms.

We are all proud of our navy, but of what use is it if we are dependent upon the merchant marine of foreign countries to transport and furnish it with the coal necessary to propel our war vessels and operate our turrets and our guns?

But what is of still more vital importance is our foreign trade, our trade with the Orient and with our South American neighbors especially. We believe in competition. We have been enacting laws against the trusts because they would not permit of competition, yet we paralyze our own shipping industry and force our merchants and manufacturers to submit to all sorts of boycotting at the hands of the owners of foreign ships because we refuse absolutely to encourage—or, I should say, substantially encourage—the building up of a merchant marine of our own. Our commercial competitors pay nearly $30,000,000 annually to their steamship lines. We employ our consular officers in all parts of the world to promote our business relations with the peoples of the various countries. For this alone we expended over $1,800,000 for the fiscal year ending June 30, 1908, and this amount is increasing every year. If we are willing to make these expenditures for the purpose of promoting our commercial relations, we certainly should make some provision by which we can assist in the promotion of a merchant marine for the transportation of our products.

We are pledged to "encourage the upbuilding of a merchant marine," and I hope the House will do so substantially by the passage of this bill.

Passports of Jewish Citizens.

SPEECH

OF

HON. GILBERT M. HITCHCOCK,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 1, 1909,

On House joint resolution 235, requesting the President to renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection to American citizens holding passports duly issued by the authorities of the United States.

Mr. HITCHCOCK said:

Mr. SPEAKER: I am glad of the opportunity to say a few words in support of this resolution introduced by my friend, Judge GOLDFOGLE, of New York. The only regret I have is that the Committee on Foreign Affairs has not seen fit to report the resolution in stronger, clearer, and more emphatic terms. In its present form the resolution requests the President of the United States to renew negotiations with the Government of Russia to secure, by treaty or otherwise, uniformity of treatment and protection of American citizens holding passports issued by our authorities, so that Jewish-American citizens may receive the same protection and immunity in Russia which other Americans receive when carrying a passport and visiting that country.

Five years ago this House passed a similar resolution, requesting the President to renew negotiations with such governments as discriminated against Jewish Americans, and as that request and those negotiations have been of no effect so far in the case of Russia, it seems to me that the time is approaching when the House of Representatives and other departments of the Government might very properly adopt more effective measures and speak more emphatically. This is not a new question in America. For many years the matter has been agitated. Year after year and session after session Judge GOLDFOGLE, of New York, and others have demanded that Russia should accord to Jewish-American citizens the same privileges of travel in Russia that Russia accords to other American citizens and to other citizens of other countries. These privileges are no more than America accords to all the citizens of all countries. They are no more than all nations of the world except Russia accord to Jewish Americans. No argument is made, on this floor or elsewhere, so far as I know, which presents any substantial reason why Jewish-American citizens should not have the right to travel in Russia the same as other American citizens have. No argument is presented here or elsewhere, as far as I know, which indicates that there would be any possible danger which could come to the people of Russia or to the Government of Russia by reason of permitting Jewish-American citizens to travel there and to enjoy the protection of American passports.

Why, then, is this discrimination against the American Jew? It is a discrimination based wholly upon prejudice, a prejudice which either has its foundation in race hatred or religious intolerance. In either case the American people have the right to resent it. An American passport ought to be good in all countries of the world when in the possession of a law-abiding American citizen. This country can not afford to allow its dignity to be affronted by further indifference to this arbitrary stand taken by the Russian Government without reason and without apology.

Mr. Speaker, I commend my friend Judge GOLDFOGLE for the persistence and the ability with which he has pressed this issue upon the floor of the House of Representatives. I only wish that I might also extend my congratulations to our Department of State. It seems to me remarkable that while the United States of America, affording to the citizens of Russia all the privileges and immunities, all the friendship and the consideration which are due to the people of a friendly nation—I say it seems to me strange that in extending these privileges to Russia

this country has been willing to tolerate this unjust discrimination against a large number of our American citizens. It was an American who secured freedom of the press for the newspapers of Russia. America has furnished the example to inspire all the reform elements of Russia to attain self-government. America shielded Russia and assisted that broken empire to conclude an honorable peace with Japan, and further aided her after the war. Surely America ought to be able to secure from the Emperor of Russia recognition and honor for American passports in the hands of peaceful, law-abiding, and reputable American citizens, whether they be Jews or Gentiles.

Mr. Speaker, I have said that I regret that the resolutions now before the House are not stronger. I regret that they do not have much of the vigor and vitality which they had as originally drawn by Judge GOLDFOGLE. I regret that the Committee on Foreign Affairs has found it necessary to moderate these resolutions so much and to make them so mild and inoffensive. Nevertheless, as this seems to be the best that we can procure at the present session, I shall take pleasure in voting for the passage of these resolutions requesting the President to renew negotiations with Russia, and I trust the Department of State, under the direction of the President, will insist firmly, even though it be politely, upon the American demand that a passport from the United States shall be honored when presented by a Jew as well as when presented by a Gentile. If these negotiations fail, as other negotiations have heretofore failed, then I hope the House of Representatives will inspire the Department of State to take stronger measures to bring about justice to the Jews of the United States and honor to American passports.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS
OF
HON. AUGUSTUS P. GARDNER,
OF MASSACHUSETTS,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"Resolved, That the Clerk communicate these resolutions to the Senate.

"Resolved, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. GARDNER of Massachusetts said:

Mr. SPEAKER: Gentlemen may make merry in these days when claim is made as to the especial merit of the "stock of the Puritan." Gentlemen are welcome to their merriment so long as their acts continue to belie their mirth. So long as men choose the Puritan as their leader and their representative, so long as men show themselves willing to trust their Puritan leader's judgment and his decision, whether or not it coincides with their own, just so long will the world believe that the doctrine of austere honesty has proved its case.

GRANGER was a Puritan of Puritan beliefs, Puritan uprightness, Puritan singleness of purpose. Yes, of Puritan prejudice, if you will have it so. Sprung from my own people, from my own town of Ipswich, in Massachusetts, from my own kinsfolk, he inherited the virtues of his forefathers and he inherited their shortcomings. Yes, but their virtues were enhanced in his character, while their shortcomings were reduced to that minimum which nature exacts from all men.

To those of us who love the lime light of publicity, GRANGER'S successful career may serve as a notice that the buskin and the mask are not the only effective accessories in progress through the world. His part in the comedy or the tragedy of life, call it whichever you will, bore no relation to the applause of the emotional beings in front of the footlights. Of them he never sought the acclaim. He never received their applause; but from the thinking multitude who act but never applaud he wrested the appreciation due to him who had been faithful over a few things, and so had shown his capacity to be a ruler over many things.

To those of us who are struggling for the appreciation of our constituents, as well as for that of our fellow-Members of the House of Representatives, there are two guerdons of success which each one of us longs to wear as a medal on our breast. There are two committees in which membership invariably signifies one of two things.

If a Member of this House is selected for a place on the Committee on Appropriations or on the Committee on Ways and Means each one of us knows, even if the country does not know, that the Member selected is a man who stands above his fellows. GRANGER was a member of the Committee on Ways and Means. Are there many of you who would decline that great honor if it were offered you? I venture to say there is not a Member of this House who would not give much to attain that prize. Yet GRANGER did not attain it either by an unbecoming straining toward the glory of the journalistic headline nor by the unworthy ranting of the demagogue or the visionary. By the solid, substantial, unostentatious performance of his work he won his opportunity for greater work and greater influence. Let those of us who seek reward by the meretricious short cut of notoriety take heed from his example.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS
OF
HON. JOSEPH F. O'CONNELL,
OF MASSACHUSETTS,
IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"Resolved, That the Clerk communicate these resolutions to the Senate.

"Resolved, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. O'CONNELL said:

Mr. SPEAKER: As a New England Democrat, my position today, participating in these memorial exercises to the memory of my late colleague, has a doubly sad significance. It is painful to comment on the loss of one who has been a colleague, with whom relations have been most pleasant and cordial, but it is even more so when it is realized that his departure removes from Congress one of the small handful of Democrats who represent the great group of New England States.

In the political economy of this Nation it may, perhaps, be generally accepted that an uneven division of political responsibility is to be regretted. New England with her almost solid representation of Republicans, and the South with its even more solid Democratic representation, afford two striking examples of this policy. Many leaders of highest thought in New England have believed that this policy has injured the interests of New England in many instances in the last two decades. Rhode Island, however, was wise enough to dissent from her sister New England States and divided her representation, giving to Mr. GRANGER, as a Democrat, the honor of representing her for three successive terms in the National Halls of Congress, along with his colleague, Mr. CAPRON, of the opposite political faith.

This policy proved a happy one, and in the choice of Mr. GRANGER splendid discernment was shown and just recognition paid to meritorious and honorable service rendered by him in prior years, when, as reading clerk of the Rhode Island legislature and treasurer and mayor of Providence, he won the esteem and respect of all those who knew him of both political faiths. That the policy of the citizens of Rhode Island was not a mistaken one was clearly shown when Mr. GRANGER was elevated to the very important position of membership on the Ways and Means Committee, the most important committee in Congress. This place on the committee gave to the State of Rhode Island a position in the councils of the Nation which her very large industrial interests and her splendid traditions justly entitled her to and was an impressive vindication of the policy of her citizens in sending a Democratic Representative to Washington.

The Democracy of the Nation mourns the loss of Mr. GRANGER and to-day joins the citizens of the First Rhode Island District in paying due and merited respect to his memory.

It was, indeed, unfortunate that in the last year of his life his health was poor, but his patience, good nature, and courage

in fighting off the malady which finally proved fatal won for him the admiration and love of his friends, and his gallant fight will always be regarded with the warmest respect by all who knew him.

Mr. GRANGER was courteous, considerate, and polite, thus splendidly combining those elements which distinguish a gentleman and won for him the love and esteem of his fellow-men. As a university graduate, he carried into the vital affairs of this Nation those ideals which had come to him from a line of ancestors who believed in the undying principles of Jefferson and Jackson. He early recognized that this Government, in order to be a success, must continue along the lines of its founders, and a continuation along that line meant that it must be governed by one of the big parties. He believed the Democratic party better equipped in principle, as his fathers had before him. As a strict party man, Mr. GRANGER had the confidence of his party associates; as a Member of Congress, he had the respect of his political opponents because of his loyalty, fealty, and strict adherence to Democratic doctrine.

The most regrettable part of his career was the fact that the last six months found him physically unable to meet the demands imposed upon him as a Member of Congress from a district with large, varied, and important interests. His friends and close associates believe that had his health continued as it was in prior years he would unquestionably have been reelected. As it was, Mr. GRANGER felt that he had been reelected. With this thought firmly impressed in his soul, he was preparing to contest the seat of his opponent at the polls. Unquestionably this belief on his part was sincere. I know nothing about the merits of the case, nor do I care at this time to in any way discuss them, other than to say that, believing as he did, he certainly acted as a man in carrying the fight to the highest tribunal. To die fighting a just cause is glorious to men. DANIEL L. D. GRANGER died fighting for what he felt to be a just cause.

In his death Democracy loses a loyal, illustrious, and deservedly honored son; the Nation mourns the departure of a wise counselor; the State of Rhode Island, with reverence, places his name among those of her sons who, born on her soil and educated in her schools and university, continued through life to remember the ideals and the traditions which from the days of Roger Williams have placed Rhode Island high in the galaxy of States forming the American Union.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. JOSEPH A. GOULDEN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909.

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. GOULDEN said:

Mr. SPEAKER: On Sunday, February 14, 1909, our colleague DANIEL L. D. GRANGER, of Rhode Island, departed this life. He died in Washington, at the post of duty, though unable to attend the sessions for some time prior to his death.

For two years he suffered with an incurable disease, which he bore with Christian fortitude and resignation. It was my good fortune to know our late colleague quite well, and the relations existing between us were always of the most friendly character.

To know him was to respect and love him. He was a man of deep feelings and great sympathy. It was his invariable custom to bid everyone a cheerful "Good morning!" and in a pleasant manner inquire about your health. His disposition was a jovial one, and he was fond of telling a good story. His companions loved to hear him, no matter what his subject might be.

As a Member of Congress he was faithful and earnest in the discharge of his duties. He rarely missed a committee meeting or a session of the House. In his action on important matters he was disposed to be independent and nonpartisan. He measured up to the full standard as a man and as a statesman. His life is an inspiration for the young men of the Nation. It shows what a poor boy can accomplish in this favored land. Beginning at the bottom of the ladder he worked his way up to the top, becoming one of the leading men, not alone of his State but of the Nation. His loss will be seriously felt by all who had the honor of his acquaintance.

Our consolation is that he did not live in vain—that his example is left us for the inspiration and conduct of those who follow him.

We mourn him dead, but "his deeds do live after him."

Now is the stately column broke,
The beacon light is quenched in smoke;
The trumpet's silver voice is still,
The warder silent on the hill.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. WILLIAM H. RYAN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. RYAN said:

Mr. SPEAKER: My acquaintance with our late colleague, to commemorate whose memory we have met to-day, began when he entered the Fifty-eighth Congress. As time passed our acquaintance ripened into a warm friendship.

Mr. GRANGER having friends and business interests in Buffalo, my home city, he frequently visited there, and on those visits I often had the pleasure of his company. He was a typical New England gentleman. It was always a pleasure to meet him.

He was a lineal descendant of Launcelot Granger, who with his wife came from England and settled in Ipswich, Mass.

Capt. Abner Granger, a descendant of this common ancestor, served with distinction in the war of the Revolution and was with Washington at Valley Forge.

His grandfather, Erastus Granger, was a warm supporter of Thomas Jefferson. He and Gideon Granger, his brother, were residents of the State of Connecticut and were surveyors and civil engineers, and were engaged by many New Englanders who had invested in Virginia lands to go to Virginia and survey them.

During their stay in Virginia they visited Monticello and there met Thomas Jefferson and became very much attached to him. On their return to their home in Connecticut they were enthusiastic in their praise of Jefferson and the policies he advocated.

When Jefferson was a candidate for the Presidency of the United States those sturdy New Englanders traveled through their State advocating his election. Afterwards President Jefferson, in appreciation of the services rendered, appointed Gideon Granger Postmaster-General in his Cabinet and Erastus Granger was named as the first postmaster of the then village of Buffalo, N. Y.

Both rendered distinguished services to their country. Erastus Granger, representing the United States, after much negotiation with the famous Indian chief, Red Jacket, of the Iroquois or Six Nations of New York State Indians, succeeded in keeping that powerful tribe neutral during the war of 1812.

Mr. Erastus Granger was for years one of the leading citizens of Buffalo, and there are many landmarks to-day in that city that recall the family name.

DANIEL L. D. GRANGER'S father, Rev. James N. Granger, was a clergyman, and settled in Providence, R. I., where our late colleague was born in May, 1852. Mr. GRANGER gradu-

ated from Brown University in 1874; was admitted to the Rhode Island bar in 1877. He practiced his profession in his home city; was twice elected reading clerk of the Rhode Island House of Representatives; was for eleven years after 1890 city treasurer of Providence, and for two terms elected mayor of that city, and when death called him was completing his third term as a Member of this body. He was of the old school of New England Democracy.

To know Mr. GRANGER was to love him. He was a man of good habits, an exemplary citizen, and lived an upright life. He was a conscientious Representative and an able legislator.

His kind manner endeared him to all, and by his death this House has suffered a great loss.

It was my privilege to be one of the committee appointed by the Speaker to pay the last tribute of respect to our departed colleague. The services were held in St. John's Church, Providence, and that magnificent church was filled with mourners, including state and city officials and hundreds of sorrowing friends. The burial was at Swan Point Cemetery, where all that was earthly of DANIEL L. D. GRANGER is laid at rest.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. ADIN B. CAPRON,

OF RHODE ISLAND,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. CAPRON said:

Mr. SPEAKER:

Who misses or who wins the prize
Go lose or conquer as ye can,
But if ye win or if ye lose,
Be each, pray God, a gentleman.

The actuating impulse of the life and the character of DANIEL LARNED DAVIS GRANGER, who recently passed from our midst to the great beyond, was in his instincts habitually of the quality of a gentleman in every relation in life. Born in the city of Providence May 30, 1852, and reared in the atmosphere of a religious home, his youth and young manhood promised the fruition which his later life fulfilled. He gave constant and consistent effort to the promotion of his high ideals of religious life and living. A graduate of Brown University, in 1874, he chose the law as his profession in his native city of Providence, and my personal acquaintance with him began with his acceptance of the position of clerk in the Rhode Island house of representatives. Soon thereafter he was chosen by his fellow-citizens to the responsible office of city treasurer of Providence. His incumbency of that position was characterized by a high degree of ability and probity, and resulted in the commendation of his people. His success in keeping the credit of his city upon a high and honorable financial plane was duly appreciated and commended. Continuing in the service of his city, the second in size in New England, he was called to the high office of chief executive thereof. His service as mayor was characterized by an able, honest, and progressive administration, and after serving two terms he voluntarily declined to accept renomination to the mayoralty. But he was not permitted to retire from public life, and was nominated and elected to represent his—the first district of Rhode Island—in the Congress of the United States. His quiet and unostentatious manner as a new Member of this body won him the friendship of the Members of the House in a conspicuous degree.

In the second Congress to which he had been again chosen, he was appointed to membership upon our most important Committee on Ways and Means. The insidious and often distressing and painful disease to which he at last succumbed had deprived him of the opportunity to devote himself to the important work of his committee to the extent which his ambition impelled, but he bravely fought back his increasing suffering and took part in the work of the House and committee when at times prudence might have counseled him to give first attention to his health.

From the human view point it seems hard that this life should be cut short while one is still in his prime with so much to attain which seems approaching fruition; yet who can measure the real value of human accomplishment and its limitations? A single act may justify a whole life, even from the earthly point of view. Only the Supreme Intelligence can correctly appraise the worth of any one of us in His great scheme of the true value of our existence. The full value of man's service to his fellowmen, and as measured by our Creator, is not for finite minds to know.

Our friend has gone from the place in our midst which knew him so well. His memory will long remain to cheer us in our efforts to carry out each his little part in the infinite plan of life. It seems a pity sometimes that "the kindly things said of us after we have passed to our reward could not have been said while the subject was still upon the active field of life to cheer and sustain us in our efforts to aid in the uplift of humanity."

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. ANDREW J. PETERS,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. PETERS said:

Mr. SPEAKER: My duty as a colleague and my desire as a friend alike stimulate me to pay to Mr. DANIEL L. D. GRANGER, of Rhode Island, that respect which is his due and the utterance of which is to a friend a privilege.

Our Government exists by the will of its people, and the carrying out of that will is one of the highest duties of democracy. This duty the people of his city and State imposed on Mr. GRANGER, and that such trust was well placed no one with whom he came in contact ever questioned.

A public servant in many capacities, he for years served in the important office of treasurer and later as mayor of Providence, the second city of New England. To the public and to the country as a whole his most useful service, however, was rendered in the Congress of the United States. Respected and trusted, he received the support alike of those most truly interested in our country's welfare, and for three terms was sent by a constituency in which his party was in the minority to Congress. The confidence so placed in him was not misplaced, and his personality and talents earned for him a position on what is regarded generally as the most important committee of Congress—Ways and Means. That his labors are ended before the full measure of accomplishment of his life had come can bring but regret to all. That his life's work has in no small manner helped the welfare of his country and mankind does not need my statement.

Straightforward and upright, he stimulated by his example the best impulses of all with whom he came in contact. His unselfish and sympathetic nature drew naturally to him friends, and their loyalty and sorrow testify to-day more than words can tell to his memory.

Our country, to safely guard its treasures of liberty, needs the services of its citizens of the highest character. To-day we mourn one who has served his country in the noble work of peace with his highest effort, and as friends we will treasure always the memory of that man of character, simple and direct, and who gave of his best to our Republic—DANIEL L. D. GRANGER.

Treaty Between the United States and Russia.

SPEECH

OF

HON. HERBERT PARSONS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 1, 1909,

On the resolution (H. J. Res. 235) concerning and relating to the treaty between the United States and Russia.

Mr. PARSONS said:

Mr. SPEAKER: The passage of the resolution, with the object of which I am in hearty sympathy, is, however, entirely unnecessary, in view of the very determined attitude of the incoming President on this matter. In a speech made at the Thalia Theater, in New York City, on October 28, 1908, the Hon. William H. Taft said in regard to this subject:

Our fighting the Spanish war, our disposition of the Spanish dependencies, has given us a national prestige that our Nation never had before. The sending of the navy around the world has had an effect most useful when exercised by a government anxious for peace and determined to have it. But that national prestige must be used not only for the benefit of the world at large, but for the benefit of our own citizenship, and therefore as we gain in international prestige we ought to assert our insistence that our passports certifying our citizenship should secure to every man, without regard to creed or race, the same treatment, the same equality of opportunity, in every nation on the globe. Now, this is not a matter with respect to which promises of immediate accomplishment can be made, but of this you can be certain that if you commend the administration of Theodore Roosevelt by electing a Republican administration to succeed his, that administration will continue to press that question until the certificate contained in an American passport shall have the effect that it ought to have.

On October 26, 1908, at the Metropolitan Sänger Hall, in Brooklyn, N. Y., he had spoken to the same effect, saying:

It is a pleasure to be here, for nowhere in America is there a greater spirit of freedom and a greater appreciation of American institutions than right here among the people who owe so much to our immigration laws. * * * People have asked what is the use of a great navy or a great army or of establishing wide foreign relations. That has been the Roosevelt policy. After the Spanish-American war we established foreign relations on behalf of the dependencies, and Mr. Roosevelt has since been able to exercise a greater power for peace than any other President or monarch. It seems to me we ought to give the term "American citizen" the proud significance that "Roman citizen" gave in the days of Rome.

Therefore we should progress to the point where no matter in what part of the world an American citizen may be found his certificate of citizenship shall be all that is required to insure his respect and good treatment. Nothing, if I am elected President, will give me greater pleasure than to devise ways and means to make the American passport respected the world over. Do not misunderstand me. What I am promising is that every effort shall be made to this end.

Eulogy on Hon. Daniel L. D. Granger,

REMARKS

OF

HON. FRANCIS B. HARRISON,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved,* That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved,* That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved,* That the Clerk communicate these resolutions to the Senate.

"*Resolved,* That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. HARRISON said:

Mr. SPEAKER: It is my privilege to pay tribute to the memory of our friend and late colleague, DANIEL L. D. GRANGER.

In his death the State of Rhode Island has lost a representative worthy of her highest traditions and noblest memories, the House of Representatives is deprived of a figure of commanding influence and highest integrity, and we, his friends, have lost the treasure of his companionship. There has passed out of our lives the abiding presence of a character in which tenderness and strength were of equal balance, in which rare cultivation of mind and manner served but to emphasize the vigor and power of the man himself.

It is not possible to gauge the profound effect of such a character upon his associates. Each one of us has gained something from our acquaintance with him. When a man of the highest character and deep learning consents to leave the seclusion of home and study to venture into the rough turmoil of the public service his influence must always be for the betterment of his fellow-man. Especially so when he treads his way fearlessly and without hesitation, standing with sturdiness for what he feels to be the right and for the ultimate uplifting of his generation. Such a man was DANIEL L. D. GRANGER.

But, Mr. Speaker, the blow has fallen most heavily upon the many of us who were his personal friends. The charm of his manner and his personality were a source of daily pleasure to us all. He has left his mark graven deep upon our affections. Personally, I shall always treasure my friendship with him as one of the most precious recollections of my life in Congress.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. CHARLES G. WASHBURN,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved,* That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved,* That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved,* That the Clerk communicate these resolutions to the Senate.

"*Resolved,* That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. WASHBURN said:

Mr. SPEAKER: My personal acquaintance with Mr. GRANGER was confined to very pleasant relations with him during the last session of Congress. We had, however, many friends in common who had long known him, from whom I have learned much that is interesting. Others will speak of his work here. I shall confine myself to a side of his life perhaps little known here.

He had for many years been deeply interested in the Protestant Episcopal Church, with the practical work of which he had long been closely identified. He was superintendent of the Sunday school connected with St. John's Church, Providence, for twenty-five years, during which time he took a keen personal interest in the welfare of the boys and girls under his charge. His relation with them was more than perfunctory; he was their intimate and trusted friend. Whenever any member of the school was ill he was a constant visitor, and his ministrations were often those ordinarily performed by the clergy. He was always most solicitous for the spiritual and physical welfare of all the young people brought within the zone of his influence, and was always active in securing places for such of them as were obliged to earn their own living and in aiding them to secure an education. A friend who is intimately acquainted with this side of Mr. GRANGER'S life recently told me that he knew of three boys whom he had helped, one of whom is now a rector in the West, another a rector in the East, and another a physician in a village in Rhode Island, none of whom, it might truthfully be said, would have had an education had it not been for the personal interest which Mr. GRANGER had in them. His house was always open to those who needed his advice and assistance. I remember that in one of the last conversations I had with him he asked if I could aid him in securing a pardon for a young man in whom he was interested, then confined in the state's prison in Massachusetts. The young man upon the expiration of his term went directly from the prison to Mr. GRANGER'S house, where he was warmly received and hospitably entertained. I think I am safe in saying that the church stood first in Mr. GRANGER'S affection; and then, looking beyond his immediate family circle, the weak, the helpless, and the unfortunate whom he had been able to help in their advance to better things.

His ear was ever open to their cry; his time was always theirs; of him it may be truly said—

He has kept that committed to his trust. He has fought the good fight, and laid hold on eternal life.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. CHARLES G. EDWARDS,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved,* That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved,* That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved,* That the Clerk communicate these resolutions to the Senate.

"*Resolved,* That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. EDWARDS of Georgia said:

Mr. SPEAKER: I would feel that I had failed to perform a duty that I owe to the memory of my dead friend, Mr. DANIEL LARNED DAVIS GRANGER, were I not to add a respectful tribute to the many splendid eulogies that have already been offered on this memorial occasion.

My acquaintance with him began with the first session of this Congress. Both being Democrats, we were frequently thrown together upon matters of legislation, and the more I saw of Mr. GRANGER the better opinion I entertained of him. His manly qualities appealed to me and I appreciated him as a well fitted and able legislator.

By reference to the biographical sketch of his life, as found in the Congressional Directory, we will see that he was born in Providence, R. I., May 30, 1852; graduated from Brown University in 1874. He was admitted to the Rhode Island bar in 1877; practiced law in Providence; twice elected reading clerk of the house of representatives. In 1890 he was elected city treasurer of Providence, and for eleven years served in that capacity. He was twice elected mayor of that city. He was elected to the Fifty-eighth, Fifty-ninth, and Sixtieth Congresses, and was a Member of this Congress at the time of his death.

The many high positions of trust to which he was elected and in which he served his city, State, and Nation testify to the high esteem in which he was held by the people of his native city and State. At the time of his death he was a member of the Ways and Means Committee of the House of Representatives, showing that his merit was duly appreciated in Congress, and as a recognition of which he had been given this high committee place.

His death has removed one of our ablest and most popular Members of the House of Representatives, and in his death Congress and the Nation have sustained a great loss.

It fell to my sad lot to be one of the congressional funeral party. St. John's Episcopal Church, from which the funeral took place, was literally crowded beyond its capacity by his relatives and friends, who gathered to pay their last sad tribute of respect. The ceremonies were simple, beautiful, and impressive. The remains were taken from the church to Swan Point Cemetery, followed by a throng of sad hearts, where our departed friend was laid to rest under the sod of his native State. Nature, too, seemed to weep. The day was cold, and the rain drops that had fallen early in the morning were frozen as they hung to the limbs of the trees and bushes and to the blades of grass; and as the sun came out at midday, when the interment was being made, the frozen raindrops hanging from thousands of places glistened in the sunshine and scintillated the beauty of myriad gems that seemed to me melting into tears over the death of this distinguished and lovable man. There, in that surpassingly beautiful cemetery, under a perfect mound of floral offerings, tenderly placed on his grave by sorrowing relatives and friends, we left him to see him no more on this earth.

The thousands, from every walk of life, who turned out to attend his funeral attested the love that the people of the city of Providence and the State of Rhode Island had for this faithful servant, who had served them so long and in so many high places of trust and honor.

Death is always sad. In this case it left its full measure of sadness and sorrow, but also a very consoling hope, for he was a Christian. I talked with many who had known him intimately for years, and while he had held many high offices, and at his death was a member of the highest and greatest legislative body in the world, in speaking of him they stressed not the fact that he had held high offices, but that he was a Christian and a good man.

What greater tribute could man desire? Coming from the hearts and lips of those with whom he had been reared, with whom he had walked and lived, coming from those who knew him best, it was the greatest tribute that human tongue could pay to his memory, and gives a sweet hope of a meeting again in that beautiful and great beyond, if we can have the same said of us when we die.

The loss of such a man is of great consequence to this nation. We need Christian statesmen to-day more than ever in the history of our country. We need men who fear God and walk with Him, as our departed friend did. In this day of greed for gold, when men are in a mad rush for wealth, position, and power, I fear God is too often forgotten. I fear, too, that it is often the case that men who do not fear God are elevated to positions of honor and trust, to rule over and direct the policies and laws of our country. Such is a sad misfortune. This is a God-fearing country and a God-favored country. His blessings to us as a nation are countless, and in recognition of his numberless blessings we owe it to Him to see to it that His holy name is not profaned by the elevation to these positions of power and honor characters that are not builded upon a faith and belief in God.

History will record that the crowning glory of the life of the great President William McKinley was the fact that he was a Christian statesman. The same can be said of our departed friend for whom these memorial eulogies are offered. The crowning glory of his simple life, and the one to be prized most highly by his kindred and his friends, is that DANIEL LARNED DAVIS GRANGER was a Christian statesman.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. CHAMP CLARK,

OF MISSOURI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved,* That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved,* That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved,* That the Clerk communicate these resolutions to the Senate.

"*Resolved,* That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. CLARK of Missouri said:

Mr. SPEAKER: Another Member of this House has gone to join the vast majority. When we consider the fact that most men are in good health and not past the prime of life when elected as Members of the House, the mortality is astonishingly large. When the membership was only 357, in one term since I have been here 17 died. Hard work and close confinement are largely responsible for this condition of affairs. Let us hope that the step which we took on Saturday looking toward a remodeling of the Hall of the House so as to let in the sunshine and air may tend to lengthen the lives of the Members.

The latest of our Congressional brethren to depart was DANIEL LARNED DAVIS GRANGER, a Representative from Rhode Island. In three Congresses he ably and faithfully represented the capital district of that ancient Commonwealth. Having graduated from Brown University—one of our finest institutions of learning—and having been in due time admitted to the bar, he practiced successfully his profession in his native city of Providence until circumstances led him to enter public life, where he had a long and honorable career. Twice he was elected reading clerk of the state house of representatives; elected city treasurer, which position he held eleven years; twice he was elected mayor of Providence, and twice to this House. His public record is above criticism. In every position to which the voice of his fellow-citizens called him he discharged his duties so well that at the first opportunity they promoted him. In every contest in which he engaged the poll proved that he was stronger than his party.

We all know that he was an honest, modest, straightforward, industrious, dependable man. Soon after he came to Congress he was placed upon the great Committee on Ways and Means—an unusual honor for a Member of so short service. Having served with him on that committee, I cheerfully bear testimony to the value of his services thereon. During two years of our joint service the fact that I was the ranking Democrat forced me to a closer communion and more intimate acquaintance with my party fellows on that committee than would otherwise have been the case. Thus I came to know our Brother GRANGER thoroughly, and I know that his every impulse was honorable and patriotic. He had very decided views—old-fashioned views—as to public policies, which he advocated with courage and to which he adhered with consistency. Though mild in manner, he was firm as a rock.

His fidelity to duty was signally illustrated in his last months. As soon as Hon. SERENO E. PAYNE, chairman of the Committee on Ways and Means, issued his call for a meeting of that committee in this city on November 10 to conduct the tariff hearings, Mr. GRANGER wrote me that he was sick, but that if we really needed his services he would come on anyway. I at once both wrote and telegraphed him to rest at home, recuperate, and get well, while we would do our best with the tariff hearings; but, nevertheless, after a few days, he did come to Washington with the seal of death upon his face and wanted to join us in conducting the hearings. I had some difficulty in dissuading him from essaying a task for which his physical power was inadequate.

Some years ago he induced me to journey to Providence for the purpose of making a speech. I was never more generously received or more bountifully entertained. Before I left Providence I made three speeches instead of the one I had intended to make. Rhode Island hospitality is a thing never to be forgotten when once experienced. I have visited many Representatives in Congress in their home towns and have witnessed divers manifestations of regard for them, but for none of them more than for Mr. GRANGER. He appeared to know everybody, and all of his constituents, without regard to political affiliations, appeared to entertain personal affection for him.

His closing days were peaceful as a summer's eve, and he sleeps the sleep of the faithful in the beloved city of his birth among those who loved him well and for whom he wrought with fidelity and success.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. HERBERT PARSONS,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. PARSONS said:

Mr. SPEAKER: The evidences of respect and sorrow that were manifest at the time of the death of DANIEL LARNED DAVIS GRANGER betokened the high and enviable position that he had in his community. He was an excellent type of American. He came from old New England stock. He was well trained in things fundamental in life and was well educated so far as schooling was concerned. Of the advantages that came to him by heredity and environment he made good use. His services in both public and private life were very considerable and proved him a worthy man and a fitting representative of his people. No doubt the inspiration that prompted him to service was that expressed in the poet's lines:

> Do noble things, not dream them, all day long;
> And so make life, death, and that vast forever
> One grand sweet song.

Man's allotted portion in life varies. To some it is given to do one kind of service; to another a different kind. Some are called upon for an active life; others "also serve who only stand and wait." To Representative GRANGER it was allotted to be active in service, and those who knew him know that in the performance of that high obligation he was faithful unto death.

His position in this House was a notable one. He had received high consideration as one of the representatives of his party on a great committee. Illness prevented him, to his bitter sorrow, from doing his share of the labor on that committee, but, though in that respect he was deprived of doing the thing that he would have regarded as counting, the will to do was there, and that was the real measure of the man.

His useful and faithful life is over. He rests from his labors. His record here is an honor to himself and to his people.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. JAMES L. SLAYDEN,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. SLAYDEN said:

Mr. SPEAKER: With the name of England's great naval hero, Nelson, is forever associated the word "duty." With equal permanence it is allied to that of Robert Edward Lee, who said it was the sublimest word in our language. Now, by reason of the inherent elements of his nature and the remarkable appreciation of those qualities that were so eloquently voiced by Charles Francis Adams, of Massachusetts, in his wonderful centennial address, we can never think of Lee except as typical of character. That great son of Massachusetts admired the genius of the Virginian, but he admired his character more. While Lee was serving his country in a subordinate place on the frontier, or with unmatched skill conducting military campaigns against an enemy of superior force, he was building character, and perhaps Mr. Adams is right when he suggests that character in a man or a people is more to be esteemed than skill in war or statecraft. It was this quality in the early Americans that made the rock-bound coast of New England the seat of a high civilization; that gave us the glory of Lexington, Bunker Hill, Kings Mountain, and Yorktown, and planted on the continent of North America 46 great, independent, sovereign States, dedicated to the preservation of the liberties of the people.

Typical of the people who did those things was DANIEL LARNED DAVIS GRANGER. He was of their blood and bone.

I was first drawn to him by an appreciation of the fact that he was a twentieth-century edition of the men of the Revolutionary period. At that time I did not even know that he was sprung from the loins of men who had done service for the country on the field of battle as early as 1758, nor that his grandfather, Abner Granger, had served with Washington throughout the American Revolution. I can only say that after I knew him I accepted such ancestry as a matter of course. He had the same qualities; he only needed the same opportunities to manifest them.

Being fellow-partisans, and to some extent of like tastes, I was thrown into his company in an intimate way. I came to love him as a man as much as I had admired him as a faithful Representative of his people.

In his political views, as in his personal traits, he was a wonderful reflection of his heroic forbears. His grandfather, Erastus Granger, learned political wisdom at the feet of Thomas Jefferson. The grandson was grounded in the fundamentals of democracy, and until the day of his death never wavered in the faith.

Every sketch of his life that I have seen has referred to his active work for the public good as an officer of his city, his

State, or the Nation, or as a private citizen. In all these places he measured fully up to the expectations of his friends. Those who knew him best appreciated him most. He was as conspicuous in church work as in politics, and for more than twenty-five years was superintendent of the Sunday school at St. John's Episcopal Church, of Providence. Jealous for the truths of history, he was a working member of the Rhode Island Historical Society. Preferring reason to force, humanity to brutality, he earnestly supported the cause of international arbitration.

As learned as he was modest, he commanded the respect and received honors from the scholarly classes with whom he was associated. He received the honorary degree of master of arts from his alma mater in 1902. President Faunce presented the degree in the following terms:

A. M.—DANIEL LARNED DAVIS GRANGER, of 1874, for some time treasurer of the city of Providence, now its chief magistrator, in both offices showing sturdy honesty, unflinching courage, teaching us to love city more than party and righteousness more than all.

That beautiful tribute from his neighbor and friend, the distinguished head of a great university, leaves little to be said.

But because it shows the estimate of him that was held by men nearer the field of political contests and less influenced by the charitable perspective of the closet scholar, I shall quote from an editorial in the Bulletin, a newspaper published in Providence:

Congressman GRANGER, who died in Washington yesterday, was one of the most valuable citizens of Providence. The welfare of the public appealed to him as an end that he should seek, and he sought it as many men seek their own private interests. It seemed to be continually in his thoughts, and he worked for it earnestly and fearlessly, without counting the cost to himself, and apparently without caring how strong the opposition might be. The public came to understand the singleness of his purpose. They trusted him. This is the secret of that remarkable power to win votes that made Mr. GRANGER one of the most influential Democrats that have ever held office in Rhode Island.

He was at the same time a practical politician and an idealist, a reformer and a partisan.

As long as the people choose such men for their servants representative government is safe. He took his mission seriously. He sought no mere honors. He only wanted an opportunity to serve. I shall always think of him as one whose central idea was—

Not only to keep down the base in man,
But teach high thought and amiable words
And courtesy and love of truth,
And all that makes a man.

On his monument, in addition to the high praise of—

Well done, good and faithful servant,

May well be carved the words—

Here lies a man.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. JOHN S. WILLIAMS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. WILLIAMS said:

Mr. SPEAKER: I first knew Mr. GRANGER when he came on to Washington after his election to the Fifty-eighth Congress. I had heard of him before as mayor of Providence on account of his remarkable campaign, resulting in unexpected victory for him and for the Democracy and on account of the probity and excellence of his administration of that important office. The fact that he had been previously to his induction into the mayoralty for eleven years treasurer of his city had also gained him golden opinions and demonstrated his reliability and capacity.

I liked him immediately because of his strong traits as a man and the characteristics of courtesy, dignity, and poise, which marked him a gentleman at the same time.

Pope says, "An honest man is the noblest work of God." Not so—an honest man who is well bred, courteous, considerate, and tactful is the noblest work of God. Mr. GRANGER was all of these, and added to their possession an ability of a very high order. These virtues soon won him his way to men's hearts here and to the forefront in the House organization of the minority side.

He became a member of the Ways and Means Committee and did good, intelligent, and tactful services there, until his health became such that it was physically impossible.

He regretted his later inability to be much at his post with deep anguish and often expressed it.

His interest was not confined to national legislation. Social, sociological, and international questions claimed a large share of his earnest and intelligent consideration, especially the great question of peace among the great nations of the world. He was one of the most earnest students of that great problem, and while he did not push himself to the front, self-assertingly, as some do, he was to the highest degree useful in bearing his share of the work as a member of the American group of the Interparliamentary Union for the maintenance of the world's peace, and as a delegate more than once to represent that group in peace congresses. He was sympathetic in heart as well as in mind, with all movements looking to the uplift of humanity and the betterment physically and morally of the poor and the ignorant and the vicious, who are the morally poor.

For years a vestryman of that historic church of which Hooker and Taylor and Ridley and Farrar and Stanley were priests or bishops in England and George Washington and Robert E. Lee and Jefferson Davis were laymen in America, he taught its Sunday schools and added practical religion and its sweet lessons of goodness to his achievements as a man, a statesman, a student, and a gentleman.

He was a clean man—clean in person, heart, and thought. He was affectionate to his immediate family and kindly to all the world.

As a lawyer I never knew him, and leave others to speak of him in that capacity. His religion was neither cant nor emotionalism.

He so lived that when his summons came to join
The innumerable caravan which moves
To that mysterious realm where each shall take
His chamber in the silent halls of death,
He went not like the quarry slave at night,
Scourged to his dungeon, but sustained and soothed
By an unfaltering trust.

Man is the only animal, Mr. Speaker, that honors his dead by ceremonious observance. The more civilized men are, the more reasonable and optimistic and hopeful they are, the less fearsome and superstitious are these observances.

The reason is that as men progress in the understanding of nature and of themselves they come more and more to think of time and eternity as being a continuity of duration in which immortal souls dwell in what ought to be kindly fellowship, under the wise eye and friendly guardianship of a God who is not only powerful, but good, and who, in the words of Jefferson, "desires not only the happiness of man here and hereafter, but that he shall be free also." One whose "kingdom" is on earth as well as in heaven, and whose "will is done" throughout all duration as well as throughout all space.

But for death and the sight and consideration of it, what the poet wrote would be always true:

The world is too much with us: late and soon,
Getting and spending, we lay waste our power;
Little we see in nature that is ours;
We have given our hearts away,—a sordid boon!
This sea that bares her bosom to the moon,
The winds that will be howling at all hours,
And are up-gather'd now like sleeping flowers,—
For this, for every thing, we are out of tune:
It moves us not.

Religion and philosophy may each be defined to be a study or "contemplation of death" and of what flows as conclusions from that contemplation—the belief in a sentient, supreme rule by beneficent law; a knowledge concerning immortality, sin, and its problems; a faith in righteousness and charity and in their ultimate supremacy.

It is death and pain and sin that at times, crushing out the purely material and secondary things, bring us to the realization of the higher and ideal and primary things—the true, the beautiful, and the good. Then it is that it can no longer be said of the higher and sentimental life that "it moves us not." Then are we, with "broken and contrite hearts," at the beginning of both wisdom and righteousness, and the mad rivalry for money and place being temporarily extinguished we can each exclaim, with fervent thanks to God, in the full presence and realization of the "eternal verities," "I am captain of my soul."

Being with the verities, the verisimilitudes no longer deceive, nor mislead, nor overmaster.

Thomas Carlyle well said:

Kindle the inner life, and you have a flame that burns up all lower considerations.

How shriveled in the presence of death and pain, which "kindle the inner life," are they all—these "lower considerations," the appetites of the flesh and the world, the allurement of place, the striving for wealth; in short, all secondary things.

Through the portals opened to our vision by death, how God and eternity and our own immortality and our real selves loom up until they exclude from the sight all other things. How the new view and the new life tear the tawdry disguise from mere material pursuit and petty self, and how pitiable they seem in their loathsome nakedness.

It is death only that can make us realize what real life is.

An orator in a public address recently said:

In the presence of the helpless dignity of the dead shall we not gather some knowledge of the dignity of life, some courage to meet the problems of the day, some hope for the future?

Yes; we can learn to meet them worthily with self-realization.

Death is ever, or ever may be, in our survey of life, a point of new departure.

This is eminently true when a good man's death brings its lesson with its shock.

Of the subject of this sketch it may be said, without cant or affectation, that he was a good man—one of the few.

Ship Subsidy.

SPEECH

OF

HON. LINCOLN DIXON,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. DIXON said:

Mr. SPEAKER: This bill, ostensibly for the purpose of promoting the ocean mail service, is in fact the granting of subsidies to certain shipowners engaged in carrying our mail.

A subsidy is defined by Webster's Dictionary as "A grant from the Government to a private person or corporation to assist in the establishment or support of an enterprise deemed advantageous to the public." This bill grants to American mail steamships of 16 knots or over, and of not less than 5,000 gross tons, $4 per statute mile for services performed now for $2 per statute mile, a grant of 100 per cent. This grant is to be made to a private person or corporation to be designated by the Postmaster-General, and the purpose of the same is alleged to be for the promotion of our ocean mail service. These provisions clearly place this bill within the definition of subsidy.

The carrying of our mails in our own ships and the providing of auxiliaries for our navy in case of war is proposed and advocated on the ground of patriotism, but behind this mask is the true motive—greed and monopoly. It is not commerce, but money, that is wanted. This bill requires the Government to take the money of the whole people and donate it to a favored few in order to make profitable the shipping business, to furnish a bounty to induce men to engage in an unprofitable occupation.

This bill does not seek to remedy the causes of the decline of our merchant marine. It simply recognizes the pitiable condition of our shipping industry and confesses the inability of Republican statesmanship to rehabilitate the same except by a clear gift of profit to those who can be induced to engage in the business. It is palliative and not remedial. In no way does it meet the great problem to be dealt with.

This bill can only benefit our merchant marine, if at all, to the extent of the ships directly subsidized. Can you expect the people, already overburdened by taxation, and the Treasury bankrupt by extravagant appropriations, to approve the payment of subsidies that promise to be indefinite, and when it is not even claimed that anything short of indefinite payment will be of benefit to our merchant marine as a whole? This policy must be continued and enlarged, and the ultimate expense no man can tell or imagine. This subsidy will be but a tempting bait to lure on the greedy interests that always follow in the wake of grants of money from the Public Treasury.

Our former experience in ocean mail subsidies did not result in benefit to our shipping business or to our country and was abandoned. No nation ever succeeded in building up a permanent marine by subsidizing. The two nations possessing by far the largest foreign trade have never granted general subsidies, and are unhampered by certain unnatural and artificial conditions created by party legislation, which now exist in this country. It is a curious and significant fact that the decline of our merchant marine has been almost exactly contemporaneous and coincident with the administration of the Republican party.

Under the leadership of Madison and Jefferson our shipping became our most prosperous industry. Under the Democratic policy our foreign commerce carried in American vessels increased to over 90 per cent. From the foundation of our Government until 1860 an average of over 75 per cent of our entire foreign commerce was carried in American vessels. In 1860 over 70 per cent was thus carried, and to-day only about 10 per cent February 24, 1909:

This decline is not due to the decrease of commerce, as our foreign trade is many times larger to-day than at that time. Between 1850 and 1860 was the greatest growth of American shipping. During that time the American shipping in foreign trade was able to compete both profitably and successfully with foreign shipping. Then our ships were better and more cheaply built than the foreign vessels. Their speed was greater and their management so skilled that insurance upon their cargoes was less than upon foreign vessels. The American flag was seen in those days in every port and upon every part of the ocean.

One cause of this decline has been the tariff upon materials used in the building of ships. Evidence before the Merchant Marine Commission shows that an English shipbuilder could buy American-made plates delivered in England for over $8 less per ton than they could be purchased here, where manufactured. Charles H. Cramp stated that in the construction of a large vessel this item alone made a handicap to the American builder of over $150,000. It will not do to say that under the Dingley tariff iron and steel materials bear no duty if they are to be used in the manufacture of ships for foreign trade, and that consequently these materials may be imported by American shipbuilders from abroad, where they are sold more cheaply, and the return freight paid and thus cost less than the same plates manufactured and sold here. Even this avenue is cut off, for the reason that under our laws a vessel made from materials imported from abroad can never engage in the coastwise trade. So important an element is the possibility of a vessel being used in the coastwise trade, in the commercial value of the vessel, that builders will not construct ships for foreign trade which are forever restricted from engaging in this profitable service, and this prohibition effectually prevents foreign materials being used in our vessels and operates to make the tariff exclusion absolutely complete.

Not only ship materials, but ships themselves should be free. No good reason can be given for refusing to allow Americans to buy their ships in the cheapest market for use in foreign trade. The shipping industry is not employed to any considerable extent in building American ships for foreign trade, and no benefit is thus taken from the shipbuilder if our people should buy their ships abroad. It is impossible for our shipbuilders to lose a trade which they do not have.

I contend that our registry law, which does not permit a foreign-made vessel, even if owned, manned, and officered by American officers, to fly the American flag, and thus engage in our foreign trade, should be repealed. Years ago the British navigation laws were restricted, as ours are to-day, but these laws were repealed and freedom was given her citizens to buy ships anywhere and have them registered under the British flag. From that time her flag was seen upon every sea and her commerce upon every ocean. Germany later followed her example, and to-day her merchant marine is second only to the English. This policy should be followed by our Government.

The party that initiates the policy of granting aid from the Public Treasury in the form recommended by this bill assumes a fearful responsibility. With the deficit in our Treasury growing by leaps and bounds by the extravagance of a Republican majority, with the inland waterways of our country calling for legitimate appropriations for needed improvements, is it wise to enter upon a policy which must ultimately involve the expenditures of millions upon millions? The inland waterways are peculiarly the field of American enterprise. No foreign competition will enter this field, and if you provide the proper navigation facilities for the Ohio and Mississippi rivers, you will not have to pay bounties to our steamboat companies to engage in transportation. The Republican party pretends to believe in a home market, but neglects the question of home transportation. If money is to be appropriated out of the Treasury, it should be devoted to the development of our internal transpor-

tation facilities rather than to our foreign merchant marine, which, if freed from the artificial trammels of a high tariff and barbarous registry laws, and left to the operation of natural laws, will fully take care of itself.

I append an editorial from the Indianapolis News of date February 24, 1909:

THE SIMPLE STORY OF SHIP SUBSIDY.

The ship subsidy bill, which has passed the Senate—its natural home and hotbed—is before the House, and, it is said, with prospects of passage. It will subsidize ships to Brazilian and oriental ports. This, however, is a detail. The purpose of a ship subsidy is to furnish a bounty to induce men to engage in an unprofitable business. American capitalists can make far more money doing other things than running steamship lines; so the Government says: "If you will engage in this unprofitable business we will furnish subsidy enough to make it pay you handsomely. We shall tax the people millions of dollars a year and make you a present of clear profits for engaging in this business." But why should the Government do this? Because American capitalists can not make money on a business basis in the steamship business and the Government wants what is called a merchant marine, which, in case of war, would aid our navy. But why can not American capitalists make money in the steamship business? Capitalists of other countries do; and certainly our reputation in the world of money-making is not that of being slow or stupid when going after a dollar is the object.

Here is the reason: We have a system of protection in this country which must be maintained as a principle at all hazards. Therefore everything that enters into shipbuilding is taxed by the tariff, which increases its price. Besides, in order to be entirely protective, we have a law forbidding an American to buy a ship and sail it under our flag; he must have it built in this country. With the price of materials enhanced by the tariff and wages high as they are, we can not build a ship so as to make the running of it pay, compared with ships of other countries; hence we do not build ships and have no merchant marine, making more money by hiring foreign ships to carry our goods. But if we so greatly desire a merchant marine, why do we not allow our citizens to buy ships and sail them as the people of all other countries do? Protection. It would be a breach of the "principle" that we shall not buy anything abroad—after the manner of China. This plain, unvarnished tale is fittingly illustrated by the Portland Oregonian in the following recital of facts:

"Among the 27 colliers and supply vessels (that attended the battleship fleet) is the British steamer *Agapanthus*, a 7,000-ton carrier in A1 condition. The world-wide depression in freights left the *Agapanthus* without any employment after she arrived on the Pacific coast with supplies for the fleet, and she has since been laid up at Victoria. Last week she was sold for the insignificant sum of $45,000—less than one-tenth the price paid for the steamer *Tremont*, a slightly larger and newer vessel flying the American flag.

"If this country should get into a strained position where it was necessary for it to have a fleet of vessels flying the American flag, a single call for offerings of tonnage would bring colliers of all sizes and descriptions—not 27, but 27 times 27, and then some.

"Why in the name of the Star-Spangled Banner should the British, the Germans, the Japanese, the Norwegians, and all other maritime people be privileged to buy such steamers as the *Agapanthus* for $45,000, while we are forced to pay $500,000 for one merely because she already flies the American flag? If the Government had purchased or permitted American citizens to purchase these 27 colliers, they would to-day be spending thousands in our shipyards for repairs, supplies, etc."

This is the state of affairs which makes the advocates of ship subsidy try to take millions of dollars from the taxpayers of this country to build $500,000 ships when as good ones could be bought so much cheaper. Is that businesslike? Is it fair? And when we consider that this is the only country in the world which thus forbids its citizens from buying ships where they will, is it not more than unbusinesslike and unfair?

Eulogy on Hon. Charles T. Dunwell.

REMARKS
OF
HON. JOSEPH A. GOULDEN,
OF NEW YORK,
IN THE HOUSE OF REPRESENTATIVES,

Sunday, January 24, 1909,

On the following resolutions:

"*Resolved*, That in pursuance of the special order heretofore adopted, the House proceed to pay tribute to the memory of Hon. CHARLES T. DUNWELL, late a Member of the House of Representatives from the State of New York.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, in recognition of his eminent abilities, and as a faithful and distinguished public servant, the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased."

Mr. GOULDEN said:

Mr. SPEAKER: It was my privilege to have known the late CHARLES TAPPAN DUNWELL, of the third district, Brooklyn, N. Y., for twenty years.

Our relations were always of a pleasant character. We came to Congress at the same time, and were interested in legislation affecting the city of New York.

He was an untiring worker, always willing to help a friend.

In business, as in all his relations of life, he was courteous, kind, and considerate. He not only made friends readily, but what is better, retained them through life. To know him was to love, cherish, and respect him.

I recall a long, arduous fight on a bill in which a constituent of his was a beneficiary, that I had introduced. We succeeded in getting it through the House in the Fifty-eighth Congress, and after months of labor finally secured its passage in the Fifty-ninth Congress. It was his energy and tact that won the victory, and his modesty that led him to disclaim all credit for the result. This is but one instance of many others that fell to my notice.

He was especially happy in his family relations. A devoted wife and loving children made his home an earthly paradise. He often spoke of them in the kindest and most endearing terms.

When the malady that finally carried him off afflicted him, his one great sorrow, causing him the severest pain and anguish, was the thought of leaving his loved ones.

He has left us, but his kind, generous, lovable deeds remain to comfort and console his bereaved family and his many friends.

Of him it may well be said:

The weary sun hath made a golden set,
And, by the bright track of his fiery car,
Gives signal of a goodly day to-morrow.

Penal Code.

SPEECH
OF
HON. WILLIAM B. CRAIG,
OF ALABAMA,
IN THE HOUSE OF REPRESENTATIVES,

Wednesday, December 16, 1908.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 11701) to codify, revise, and amend the penal laws of the United States—

Mr. CRAIG said:

Mr. CHAIRMAN: We have heard a good deal about the New York end of this proposition, but I think it is time that we looked at the other end of it, to see what the effect is upon the producer. The question I asked about this amendment yesterday will, I think, probably bring out just what I propose to stand for. I asked whether or not a contract made by a spinner with the New York exchange to procure and deliver cotton in the future would be prohibited from being carried through the mail provided that contract was not contemplated to be carried out by both parties, and the author of the bill said he thought it would be prohibited. If that is so, I am for the amendment, because I know of instance after instance, down South, where a bill of goods is ordered from a spinner. The spinner does not go into the open market and buy that cotton, but he goes into the cotton exchange, or he wires to his broker in New York or New Orleans, and buys futures against that order. That takes that man out of the local market. It keeps the farmer from selling the cotton that he has on hand at that time, and pospones the sale of the actual cotton possibly for six months.

In other words, it takes purchasers out of the home market who ought to be in the market at the time the cotton is brought in by allowing them to purchase fictitious cotton in New York, while the owner of the actual cotton gets no chance to put his product on the market at a fair price. By its present operation, it does away with the law of supply and demand to a very great extent, and it puts the farmer at the mercy of the cotton exchange, in that it postpones any sales that he might be able to make. I think this amendment ought to be incorporated in this bill. I do not think we ought to hesitate because of the argument that this penal-code bill ought not to be amended. Why, the very purpose of bringing the bill into the House is to perfect it, to amend it if it needs perfecting and amendment. I think we should come up and do our duty in regard to this amendment, just the same as we have done our duty in regard to other amendments pertaining to other things. For if there is any one thing in which the producers are interested, it is this matter of stock and produce gambling; more in the produce gambling than in the stock gambling by far, because, as has been well said by my colleague [Mr. HEFLIN], you can not go on the stock exchange, as I understand it, and sell the stock of a corporation unless you have the stock there to sell, and if a broker wishes to sell the stock of a corporation he must borrow the shares if he happens not to have them; but they do go upon the cotton exchange and in the wheat pit and sell millions of bales of cotton and millions of bushels of wheat which they never saw and never expect to see and never expect to have to

deliver. They sell to people who would not know a bale of cotton if they saw it, and who would never think of buying if they had the slightest idea or intimation that they were actually purchasing a real commodity. One hundred million bales of phantom cotton have been sold in one year upon the New York exchange alone, nearly ten times the amount of the entire product of the world. It is a crying shame and an outrage upon the good name of our people that our laws are such as to allow these fictitious sales and force the producers of the country to compete, in the sale of their product, with a commodity which has its origin in the brain of speculating and gambling brokers, which has no existence in fact, and the volume of which is limited only by the desires and greed of the gambling public. [Applause.]

The price of cotton is fixed by the amount bid in exchanges for this make-believe commodity called "futures," and the man who has toiled by day and by night for a whole season to produce the staple which clothes the world and makes the balance of trade for the Nation, must sell his honest product for the price paid for the "futures" and fixed by the gamblers or he must leave it in the field to rot.

If this bill will go even a little way toward stopping such practices, it ought to pass. It is true that possibly not more than 1 per cent of this business is done through the mails. We all know that most of it is done over leased wire; but it will show the sentiment of this House as to whether or not we are for or against these illegal contracts. I say it is very important that, this measure being before us as it is, every man should come up and do his duty and say whether he is for the delivery in the future of the things that neither party possesses and neither party intends at the time the contract was made will ever be delivered. It is the rarest thing, Mr. Chairman, that the spinner ever takes from the Cotton Exchange in New York the cotton he buys. He takes there his profit or pockets his loss, and when the contract is out then he goes to the market and buys the product. The healthy competition which is the life of trade is thereby destroyed and the honest avocation of farming is made dependent, for the price of its product, upon exchanges which could not live thirty days if the support of the gambling public were withdrawn from them. Surely such contracts as contemplated by this amendment should not be allowed to be carried through the mails. We prohibit the carrying of lottery tickets; let us now prohibit the carrying of gambling contracts. [Applause.]

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. JOHN C. CHANEY,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. CHANEY said:

Mr. SPEAKER: In this House we come to know each other best when we come in contact in committee work. With those who meet merely on the House floor we are not so intimate. I did not serve with Mr. GRANGER on any committee, and, therefore, in the House we knew each other at a distance. He faced me from the Democratic side, and being of a quiet nature, not given to bombast or display, attracted such attention only as required by his duties here.

It is not, however, by the man whose voice sounds oftenest in the House that legislation is framed and passed, but rather by the steady hand which works out the details, searches for the facts, and builds from the ground.

The architect of a building is rarely ever the orator who paints the picture in eloquence. He is always on hand, but his works speak for him.

On the trip to Panama to see the greatest of the enterprises of men, I became really acquainted with Mr. GRANGER. I found him to be a genial gentleman, entertaining in conversation, worthy in judgment.

From his biography it appears that he was possessed of a good education, having graduated from Brown University in 1874, and admitted to the bar in 1877. He was qualified, therefore, for the active duties of a statesman.

He was not limited by the routine of the college and the bar, however. He was reading clerk of the house of representatives of his State, and thereby made acquainted with the forms of law. He was acquainted with business also, having been treasurer of his home city for eleven years. He came to Congress, therefore, with fitness for his duties here. Although a Democrat and bound by party ties, he yet maintained an independence which made his influence felt in this House. He was not of the school of pessimism and class discontent. He was broad minded and patriotic.

He is missed in the councils of the Nation, and friends will long remember him for his many good qualities of head and heart.

I am glad to testify to the esteem in which he was held by his friends on this side of the Chamber, and to extend to his family that consolation which crowns a well-spent life.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. WILLIAM M. HOWARD,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. HOWARD said:

Mr. SPEAKER: DANIEL LARNED DAVIS GRANGER was born in the city of Providence, R. I., May 30, 1852, and was a son of Rev. Dr. James Nathaniel and Anna Brown (Davis) Granger.

His father was the pastor of the First Baptist Church in Providence, founded by Roger Williams, 1638–39.

He was a lineal descendant of Launcelot Granger, who settled in Ipswich, Mass., in 1648, coming from England.

Capt. Abner Granger, in the fourth generation, served in the Revolution and was with Washington at Valley Forge. He also served in the French and Indian wars. Erastus Granger, in the fifth generation, and grandfather of Mr. GRANGER, a resident of Connecticut, together with his cousin, Gideon Granger, were early adherents of Jeffersonian views of public and domestic affairs. Connecticut was a strong Federalist State, and these two young men stumped the State for Jefferson in 1800.

Gideon became Postmaster-General, while Erastus was sent to Buffalo, N. Y., then a hamlet and the frontier, as Indian agent for the Six Nations. He was the last full agent, as Sir William Johnson was the first.

Erastus Granger's most valuable service was his influence to keep the Six Nations neutral during the war of 1812.

News of the declaration of war reached Buffalo June 27, 1812. On July 6–8 he held counsel with representatives of the nations and entered into a treaty of neutrality. Circumstances forced the Indians to take up arms. He was commissioned a lieutenant-colonel, New York Volunteers, and commanded these Indians in several engagements.

Janus N. Granger, jr., brother of DANIEL, was a lieutenant, Second Rhode Island Volunteers, and served in the civil war.

On his mother's side he was descended from Roger Williams in the ninth generation. His great-grandfather, Daniel Larned, was a captain in the Revolution. His grandfather, Simon Davis, jr., was for many years postmaster of Thompson, Conn., and pension agent for Revolutionary soldiers and those of the war of 1812.

Mr. GRANGER prepared for college in the Providence schools, and was graduated from Brown University in the class of 1874 with the degree of A. B. He received the degree of master of arts from his alma mater in 1902.

President Faunce presented the degree in the following terms:

A. M., DANIEL LARNED DAVIS GRANGER, of 1874, for some time treasurer of the city of Providence, now its chief magistrate. In both offices showing sturdy honesty, unflinching courage, teaching us to love the city more than party, and righteousness more than all.

Mr. GRANGER studied law in the office of Brown & Van Slyck, of Providence, and spent two years at the Boston University Law School, graduating in 1877.

He was admitted to the Rhode Island bar in the same year, and later to the United States courts. He was twice clerk of the Rhode Island house of representatives. In 1889 he was elected city treasurer of Providence and held that office for eleven years. He was mayor of Providence, 1901 and 1902, two terms. He was a Member of the Fifty-eighth, Fifty-ninth, and Sixtieth Congresses, and during the last two terms was a member of the Ways and Means Committee.

Mr. GRANGER'S nonpolitical activities were wide. He was a member of the University Club, of Providence; the Manhattan Club, of New York; the Cosmos Club, of Washington; and of the Psi Upsilon Fraternity of Brown University.

He was a member of the Rhode Island Historical Society; a trustee of the Providence Public Library; for years a member of the managing board of the Young Men's Christian Association; former president of the Churchmen's Club of Providence; a member of the standing committee of the Episcopal diocese of Rhode Island; a delegate to the Episcopal triennial convention held in Richmond, Va., in 1907; a member of the vestry of St. John's Episcopal Church, Providence; twenty-five years the superintendent of the Sunday school; vice-president of the American group of the Interparliamentary Union for the Promotion of International Arbitration; and American vice-president of the union.

Mr. GRANGER died in Washington, D. C., at the Hotel Richmond, Sunday, February 14, 1908.

The funeral service was held at St. John's Episcopal Church, Providence, February 17; the burial in the family lot, Swan Point Cemetery, Providence.

Mr. GRANGER was unmarried. He is survived by Miss Grace Granger, a sister, with whom he lived, and a brother, Dr. William D. Granger, of Bronxville, N. Y.

Eulogy on the Late Hon. William B. Allison.

REMARKS

OF

HON. JOSEPH G. CANNON,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

Sunday, February 21, 1909.

The House having under consideration the following resolutions:

"*Resolved*, That the House has heard with profound sorrow of the death of Hon. WILLIAM B. ALLISON, late a Member of the United States Senate from the State of Iowa, which occurred at his home in the city of Dubuque, August 4, 1908.

"*Resolved*, That the business of the House be now suspended that opportunity may be given to pay tribute to his memory.

"*Resolved*, That as a particular mark of respect to the deceased and in recognition of his distinguished public service the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased"—

Mr. CANNON said:

Mr. SPEAKER: In the hurry and press of business incident to the closing hours of the short session of Congress I have had no opportunity to prepare, as I should like to have done, a fitting eulogy on the life, work, and character of Senator ALLISON; and yet I can not allow the occasion to pass without paying some tribute, however feeble and inadequate it may be, to his memory.

I became a Member of the House of Representatives about the time when Senator ALLISON was transferred from service in the House to the Senate of the United States. Before I had the honor of serving in the House I knew him by reputation, as the people generally in the Republic knew him. It was eight years after the commencement of my service in the House before I came in contact with him in the consideration of the details of legislation. That contact came in the conference room, in the process of settling disagreements between the House and the Senate in connection with the enactment of the great appropriation bills, as well as legislation of a general character. Thus for twenty-eight years, I may say, during every session of Congress I met him and grew to be very well acquainted with him.

During a period of service somewhat more extended than the usual length of service of a Member of the House of Representatives, I have found no man better equipped as a legislator than Senator ALLISON, and few so well equipped. He brought to the discharge of the duties of his high office the best kind of sense—great common sense.

We hear a great deal about common sense. Sometimes out in Missouri and Illinois we use the term "horse sense" when we mean common sense. Then we talk about men of extraordinary ability—geniuses. The man of uncommon sense is very uncommon, and we all know that men of uncommon sense sometimes have not much of common sense. The common sense with which Senator ALLISON was endowed might well be called "uncommon common sense," an attribute which, in my judgment, is better than genius.

A man of good, sound judgment, and possessing a well-balanced mind, I think Senator ALLISON rendered to the Republic more valuable service than perhaps any other man who served in either House or Senate during his long career.

Most people are born and live and die without making themselves amenable to the penal code. A great many men are called honest because they do not go outside the letter of the law, because they are not grafters, because they do not use their positions in public or private life for getting something without rendering an equivalent. But there is a higher grade of honesty than mere material honesty, and that is intellectual honesty, and when you say that a man is intellectually honest, in my judgment, you give him the highest possible praise. Senator ALLISON not only had integrity in the ordinary sense of the word, but he was intellectually honest.

Men in public life who do valuable work in many instances do not receive credit for it. I have known many cases where men as members of commissions and committees have spent days, weeks, and months working with great industry and with rare ripe judgment for the public weal, contributing from their knowledge and experience toward correct legislation, without 1 in 10,000 of the people of the great Republic knowing or appreciating their labors.

Perchance some man with far less equipment for the public service, without knowledge as to what he is talking about, may by accident or design coin a catchy phrase; it goes into the RECORD, gets a headline in the daily press, and lo and behold, for the day that man attracts attention; whereas the men who are, in fact, responsible for legislation and the shaping of policies destined to affect every hearthstone in the country frequently are never heard of.

Senator ALLISON, of course, was heard of and was well known; but I have no hesitation in saying that the full value of the service he contributed to the Republic, compared with that which brought him into public notice, is not known by 1 per cent of the people.

After all, I do not complain that such is often the case. He, if living, would not complain of it. You recollect that the Master, when calling for disciples said unto a certain man, "Follow me," who replied, "Lord, suffer me first to go and bury my father." But Jesus said unto him, "Follow me, and let the dead bury their dead." So it has been through the history of the race.

Now and then a man, perhaps a great warrior, sometimes a great statesman, attracts the attention of the historian, and may dwell in history according to his real or supposed merit for a generation or two generations or possibly a hundred years; whereas hundreds of his colaborers may be forgotten long before one generation has passed by. I do not complain of this. History can not record the acts of every citizen who performs service for the Republic. There would be no place to store the books that would have to be written to make such a record. Therefore, in my judgment, the men who in private life or in public life, by industry and fidelity and the exercise of good judgment in the public service, have made their contributions to the welfare of the Nation and the civilization must understand that, save in the rarely exceptional cases, when they cross over, they will be forgotten. So be it. Such men have the gratification of their own approval and that of their immediate friends, and the gratification of knowing that they have labored to bring

about better conditions; and they must be content with the consciousness that they have wrought to the best of their ability, and made their contributions to the present and the future good.

To this class of men belonged Senator ALLISON. In a long association with him in the conference room and elsewhere, I have never known him to try to play to the galleries. I have known him when there had been conference after conference over contested points and disagreement after disagreement quietly to smooth away the differences and effect a compromise.

He rarely wore the lion's skin; and yet upon occasions he demonstrated that he had red corpuscles in his blood, and could fight if necessary. With the lion's skin ready to be donned, as it rarely was with him, for he was not the type of man to employ brute strength, he would use the arts of diplomacy to work out results.

Several times the State of Senator ALLISON presented his name to the national conventions of his party for President. All the efforts made by his friends to that end failed; but I doubt if their success would have contributed anything to Senator ALLISON's reputation as a statesman.

One of his friends years ago complained that ALLISON did not help himself in his ambition by a show of fight by some dramatic episode that would have appealed to the hero-worshipping instinct in humanity. He said:

If ALLISON had only knocked some man down and kicked him sometime, he would have been President.

Perhaps that is so, but I am glad such an incident was never recorded. It would not have been in harmony with ALLISON's character. He was not that kind of a man. He did not suffer his passion to get the better of his judgment. He was ever master of himself, and in that way became the leader of men of judgment and character, and it requires a great man to lead by judgment rather than by appeals to the imagination. His strength was not in passion, nor even in the semblance of passion. He was not an actor, and had no histrionic power. He was a quiet worker, a counselor, and he was ever ready to aid and put forward others for the dramatic work, while he remained in the background, giving the quiet influence that aided the actors to make the best appearance on the stage.

As President, ALLISON would have been wise, and his administration would have represented the best spirit of the times; but he could not, even in that great place, have accomplished so much for the country as he did in the Senate, where he worked quietly and effectively to shape legislation to the best interests of the whole people.

He had little of that pride of opinion which make men insistent upon their own way of doing things and fearful of what is called "inconsistency." He came into public life called a "free trader," but for many years was one of the stanch defenders of protection. He was a gold-standard man, and yet introduced the Bland-Allison silver-purchase bill. He was opposed to expansion, and yet was one of the ablest defenders of the Philippine policy of President McKinley and President Roosevelt. He saw his first duty as a patriotic servant of the people and accepted the will of the majority as the voice of command, and he was ever ready to do the most patriotic service of the time of action, regardless as to whether it fitted into his preconceived ideas on the particular phase of a great question. He was not an opportunist, seeking to ride the waves of public opinion; but when conditions were created, he was ready to do the most patriotic service required to bring about results.

Senator ALLISON did not compromise; he harmonized. He did not surrender principles. He looked at both sides of a question to find the best part of both contentions. He did not care for technicalities or names, but held to great principles with tenacity and a discriminating intelligence rare in political debate, where great questions are so often discussed in passion rather than with sober judgment. He never took the position that he alone could be right and all his associates wrong; that is the attribute of the barbarian.

ALLISON represented the highest type of civilization, the harmonizing of differences among men to make possible a government where the will of the majority is the highest law of the land.

He has crossed over, and another whom I have in mind has crossed over, and therefore there can be nothing improper in what I am about to relate: On one occasion, after he had struggled in bringing his brother Senators to assent to a certain important provision which the House was insisting on, one of his colleagues on the conference committee said:

Senator, do you believe that so-and-so will obstruct an agreement on this conference report? It is now the last night of the session, and he has the power to defeat it.

Oh, no—

Said Senator ALLISON, in his quiet way—

I have already fixed that; I have yielded to his request, and he is to have time to show the wisdom of the compromise.

The compromise was made and the legislation was had.

I have already spoken longer than I anticipated, though there is much more I could say. He gave the best that was in him to the perpetuation of sound policies for the welfare of the Nation, and devotedly and faithfully represented his State. Iowa is fortunate to-day in the Representatives she has in Congress, as the gentleman from Missouri has well said, and she will be indeed fortunate if, in the future, she can be as well represented in both House and Senate as she has been in the past and is to-day.

Sundry Civil Appropriation Bill—Enforcement of the Anti-trust Laws Against the "Steel Trust."

SPEECH

OF

HON. CHARLES L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Friday, February 26, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes—

When an amendment was offered, as follows:

"Page 181, line 23, after the word 'purposes,' insert:

"'*Provided*, That not more than $50,000 of said additional $100,000 herein appropriated shall be used for prosecutions under the antitrust laws other than the prosecution of the United States Steel Company and its officers for the violation of said laws by the purchase of the stock of the Tennessee Coal and Iron Company.'"

Mr. BARTLETT of Georgia said:

Mr. CHAIRMAN: Whilst this amendment is in effect the same as the one offered by myself, its present form, presented in the shape of a mere limitation, has enabled the House to vote upon the question, and we must take the responsibility of either approving or disapproving this violation of the law.

Mr. Chairman, I did not expect this amendment to be brought up in this shape, but under the ruling of the Chair, to which I am bound to submit as correct, it is the only opportunity at which the question can be voted on.

Of all the associations and corporations known as "great monopolies" and "trusts," we know that the most oppressive and powerful existing in the United States is the steel trust, known as "the United States Steel Corporation." Therefore, when it was known that by some means they were authorized to absorb the most powerful rival they had in the business in which they were engaged in the United States, viz, the Tennessee Coal and Iron Company, the country was concerned, and it has become so much concerned that it has been given an investigation in the Senate of the United States.

Now, it is well known and understood that the excuse or pretext given for that act is that the President of the United States, by direction to the Attorney-General, or to the Bureau of Corporations, or to the Department of Commerce and Labor, exercising in this instance the supreme power of Congress, of the courts, and of the Executive, has directed that this combination should be permitted to be made.

Now, the reason given for that by the Executive was that he was appealed to by certain officials of the United States Steel Company, who said that unless something of this kind was done to permit them to absorb the Tennessee Coal and Iron Company there would be a panic in the land; that certain brokers in Wall street were so loaded up with the Tennessee Coal and Iron Company stock that it would create a panic. I have no doubt that they said this to the President of the United States. I do not doubt but that the President of the United States believed it; but the development of the facts tends strongly to show that the President of the United States himself was imposed upon and deceived by those who procured his assent; and the evidence given before the committee investigating the matter, which appears in the newspapers of the day, and which I apprehend is correct, shows that no such panic would have followed, and that no such dire results would have happened.

It has been shown to Congress and to the people that this open violation of the law has been committed, even though under a void sanction of the Executive, and it is proper that Congress should provide means and direct the Attorney-General to prosecute them.

Now, we have seen something in the last day or two of the result of this campaign. There is being played on Wall street a freeze-out game—to freeze out of business every competitor of the steel trust; and they have put prices down to such an extent that another panic in Wall street a day or two ago was almost caused by reason of the action of the steel trust, which we are now proposing to have the law enforced against. Therefore, Mr. Chairman, I felt called upon to present the amendment I did, and if it had not been objected to and ruled out on a point of order made by that side it would have meant something. In order to get before the country this proposition, we have been compelled to submit this amendment. It is all we can do under the rules of the House, and we challenge the other side to vote it down, and thus align themselves with the friends of this great monopoly.

Thus it is that the only great and powerful rival of the steel trust has been absorbed, and that, too, by the consent and approval of the President, who has written and spoken so much in recent years against combinations and trusts.

To show somewhat the extent of the properties and their great value, I call attention to the following facts quoted from the hearings:

The New York Press of November 7, 1907, said: "The Tennessee is one of the two steel companies in the United States which manufactures open-hearth rails, now so greatly in favor with the railroads. When Harriman bought 160,000 tons of rails of the Tennessee company a few months ago, it brought the steel company to a realization that it had a strong competitor in the steel-rail field."

The New York Sun of November 7, 1907, said: "The acquisition of the (Tennessee) company is particularly advantageous to the Steel Corporation, because of the iron ore and coal properties that go with it. With the Great Northern and Northern Pacific ore lands acquired last year, together with the previous holdings, the Steel Corporation now has iron-ore deposits estimated at approximately 2,400,000,000 tons, of which approximately 700,000,000 tons come with T. C. & I."

John Moody, in an article in Moody's Magazine for January, 1909, said:

"But the most fortunate business stroke of the Steel Corporation, from the view point of its owners, since its organization in 1901, was the acquisition last year of the Tennessee Coal, Iron and Railroad property. The acquisition of this organization has added great potential value to the steel organization and has increased the tangible equity of its common-stock issue to a far greater extent than is commonly realized. The Tennessee Coal and Iron properties embrace, besides important manufacturing plants, nearly 450,000 acres of mineral lands in the Birmingham section of Alabama. As shown in the report of the Tennessee company in 1904, when an appraisal was made by outside parties, these lands contain approximately 400,000,000 tons of first-class low-grade ore, and more than 1,200,000,000 tons of coal, of which about one-half is coking coal. This estimate indicates that the deposits embraced are even in excess of those of the great Lake Superior properties controlled by the corporation, including the Great Northern ore bodies. This entire property was acquired, as is well known, on very favorable terms for the Steel Corporation, and of course puts it in a position where now it need have no concern regarding a possible future shortage of supply of either iron ore, coal, or coke. Added to this is the fact that the deposits are more favorably located than those of the Lake Superior district and will enable the company to carry on in the years to come a vast economic development of production and manufacture in this section of the country. The Tennessee ore is of a grade which is better for the making of ordinary pig iron than that of any other known deposits in this country."

The same writer, in The Public, October 16, 1908, said (p. 10):

"This Tennessee Coal and Iron property embraces not only about 450,000 acres of mineral lands, but includes 41 developed and active iron-ore and coal mines, 16 large blast furnaces, the ownership of several land companies holding extensive tracts of land adjoining the several developed properties of the company, and also the Birmingham Southern Railroad Company, a terminal property of great value connecting the various mines and plants in the Birmingham district with all the diverging trunk lines.

"The capacity of the company's blast furnaces a year ago was about 850,000 tons per annum, and that of the developed coal and ore mines, about 20,000 tons per day. If we compare this capacity with that of the actual production of all the other properties owned by the Steel Corporation, outside of the Tennessee Coal and Iron Company, for the year 1907, we will get the following results: 'Blast-furnace products, 10,819,968 tons; ore and coal mined and limestone quarried, 39,576,161 tons.' In other words, the capacity of the new properties acquired, according to the figures above, is about 15 per cent of the total production of mining products of the entire corporation for last year, and about 8 per cent of the blast-furnace products.

"Based on those figures alone, therefore, the purchase was an exceedingly advantageous one for the Steel Corporation, as the purchase price was only about 3 per cent of the entire present capitalization of the Steel Corporation; or, if we regard all the common stock of the Steel Corporation as water, it was but 4½ per cent of the balance of capitalization.

"But that would be only a superficial comparison.

"The possibilities of the Tennessee property and the value of its raw materials are so gigantic that even if it were producing nothing at the present time it would have been the best bargain at $45,000,000 that the Steel Corporation or any other concern or individual ever made in the purchase of a piece of property.

"The Steel Corporation, fifteen months ago, entered into a lease with the Great Northern Railway interests whereby it has the right to mine at so much per ton the vast ore deposits of the Great Northern properties. The Steel Corporation agreed to pay to the Great Northern people $1.65 per ton for this ore, and transport a portion of the ore over the Great Northern tracks at a specified rate. The Great Northern ore bodies are estimated to contain about 500,000,000 tons of good ore, which, if all mined and taken by the Steel Corporation at $1.65 per ton, would make an ultimate cost to the Steel Corporation of about $850,000,000, without considering cost of transportation, etc. As stated in the Steel Corporation report for the year 1906, this contract was looked upon as a good one from the standpoint of the Steel Corporation.

"The object in giving the foregoing details is to bring out a vivid comparison of this Great Northern deal with that made last winter in the acquisition of the Tennessee Coal and Iron Company. The Great Northern properties, containing probably 500,000,000 tons of ore, will ultimately cost the Steel Corporation about $850,000,000; but the Tennessee Coal and Iron properties, which are of far more value than the Great Northern properties probably ever can be, cost the Steel Corporation only $45,000,000.

"To demonstrate the foregoing statements, let reference be had to the following from the annual report of the Tennessee Coal and Iron Company for the year ending December 31, 1904. In that report Mr. Bacon, the chairman of the board, said:

"'Early in the summer of 1904 a committee of appraisers was appointed, representing the Sloss-Sheffield Steel and Iron Company, the Republic Iron and Steel Company, and this company, to estimate the amount and quality of the coal and iron ore owned by each company. An examination covering several months was conducted, as the result of which a report signed by every member of the committee was submitted, showing that this company owns in fee over 395,000,000 tons of red ore, of which 381,000,000 tons are graded as first class, 10,177,000 tons of brown ore, and over 1,623,000,000 tons of coal, of which 809,112,000 tons are coking coal. In the coking coal is included 300,000,000 tons of Cahaba coal, which is unexcelled in the South for steam and domestic purposes, and commands the highest market price of any grade of coal in the district. The men in charge of our iron mines estimate the holdings of iron ore of the company to be still larger, viz, of first-class red ore, over 450,000,000 tons; of second-class red ore, over 95,000,000 tons; and of brown ore, 16,900,000 tons.'

"From the above it will be seen, figuring the first-class ore at as low an amount as $1 per ton, that the valuation for that alone is $395,000,000. If we disregard the aggregate estimate of coal, and simply take the estimate for coking coal at as low a figure as 50 cents per ton, we get a valuation of $400,000,000 more. A very conservative estimate of the values of the ore and coal deposits of the Tennessee Coal and Iron Company at the present time is hardly less, in all probability, than $1,000,000,000.

"Now, as far back as 1901, Mr. Schwab made the statement that the coking-coal deposits of the Steel Corporation were of vast value, because of the fact that coking coal of the kind needed for blast furnaces was rapidly growing scarce, and that in a few years there would probably be no more. He disregarded the Tennessee properties undoubtedly, but by this great acquisition the Steel Corporation has been put in a position where it need have no concern for the future as far as coking coal is concerned. In fact, the acquisition of the Tennessee Coal and Iron Company, aside from being a business stroke of enormous direct profit, has had the effect of rounding out and completing the control by the corporation of the ore and coking-coal supplies of the country.

"That acquisition is of more value to the steel trust, and will be in the future in many ways, than its holdings of Lake Superior ores, both because of location and because of general character and quality of the deposits.

"It is known that the Tennessee iron-ore deposits are the best in the world for making pig iron; and the cost of production and manufacture of iron products in that section is considerably less than is the case in the Great Northern ore bodies. Therefore, it can be easily demonstrated that the acquisition of this property for $45,000,000 added an almost unheard-of value to the equity back of the Steel Corporation stocks.

"Many people have wondered and are still wondering why, in the face of temporarily poor earnings and in the face of tariff agitation, the Steel Corporation stocks, both common and preferred, have been steadily rising since last December, and are now almost at the highest figures of their history. The foregoing demonstration certainly accounts for it.

"If it were not for the danger involved in tariff agitation, the Steel Corporation common stock would probably be selling to-day at nearly double its present value. In other words, instead of having a market price of $45 per share, a total market value of about $220,000,000, it would be selling in the neighborhood of $90 per share, with a total market value of $450,000,000. It could easily reach this point in spite of the fact that the corporation may not pay any larger dividends for several years to come.

"The appraised value in 1904 of the Tennessee company's properties, as quoted above, was that of a thoroughly impartial and unanimous board. This appraisal must have been known to Mr. Morgan and the rest of his party when the property was taken over by the steel trust at the absurdly low price they paid. If they checked the panic by this transaction, they did it by taking a few dollars out of one pocket and putting millions into another."

Frank A. Munsey, in an article in Munsey's Magazine for June, 1908, who stated that the inventory was compiled through the courtesy and with the assistance of the Steel Corporation, said:

"The Tennessee Coal and Iron Company is entered as a separate item in this inventory. Its ore and coal and mills and furnaces and other properties are not included in the other classifications. This company is put in at an estimated value of $50,000,000, which is somewhat more than the Steel Corporation paid for it, but probably a much smaller sum than it is worth to the Steel Corporation. Its chief value lies in its coal and ore properties. Its ore is estimated at 700,000,000 tons. It is not as high-grade ore as the northern ores; but assuming that it is worth 15 cents per ton, it alone would amount to $105,000,000. Its coal is estimated at about a billion tons, which at 10 cents a ton would be $100,000,000. From the fact that the known supply of ore in the country is limited, it may be worth two or three times this price. There is no way of telling just what it is worth. But as a guide to the value of ores we may take the price fixed upon for the Great Northern ores between James J. Hill and the Steel Corporation. The Great Northern Railroad and the Northern Pacific had vast holdings of iron ore in the Messabe Range, and after many months of negotiation the Steel Corporation entered into a contract a year ago to take all this ore at a certain price per ton, the price to be advanced each year over the preceding year 3.4 cents. The first year's price, which covered the year 1907, was 85 cents a ton. This year it is 88.4 cents a ton. On this basis the price will soon be over a dollar a ton, and the average cost for the entire supply will be considerably in excess of that figure. And this ore is supposed to be of a lower grade, as a whole, than the ore owned by the United States Steel Corporation, which in this inventory has been conservatively—ultraconservatively—figured at 60 cents a ton. If the Hill ore is worth over a dollar a ton, the ore of the Steel Corporation is worth quite as much, and even more, as it is of a better grade. And these prices of this Northern Pacific ore have an important bearing on the ore

properties of the Tennessee Coal and Iron Company. I should think that Mr. Charles M. Schwab is as good an authority as there is in the world on the value of iron ore. He said to me two or three days ago that the ore holdings of the Steel Corporation were easily worth a dollar a ton; and, in fact, might safely and conservatively be regarded as worth still more, for the reason that they can not be duplicated."

Judge E. H. Gary, of the Steel Corporation, in his testimony before the Ways and Means Committee of the House of Representatives in 1908, thus referred to this Munsey article:

"This is the result of an independent examination by Mr. Munsey concerning the value of our properties. He gives the properties in detail and his valuation; and if anything, I would say that it is a little too high, but it is not very much too high, and certainly properties could not be reproduced for anything like that; in fact, it would be impossible to reproduce them at any price, perhaps, some of them." (Tariff Hearings, p. 5496.)

But the Steel Corporation, in its corporate capacity, is on record as to this property. In the Sixth Annual Report of the United States Steel Corporation, for the year ending December 31, 1907, the holdings of the Tennessee company which were acquired are given as follows (pp. 26, 27):

"Surface and mineral rights acreage of iron ore, coal, and limestone property, owned in fee, 447,423, distributed as follows: In Alabama, 340,263 acres; in Tennessee, 105,740 acres; in Georgia, 1,420 acres. Upon this property there were in operation in the State of Alabama, near Birmingham, 13 active iron-ore mines, with 2 under construction, and at Greeley 3 active iron-ore mines. In Georgia there were 2 active iron-ore mines in operation.

"In Alabama there were in operation 22 active coal mines and 2,800 coke ovens; in Tennessee, 1 coal mine and 174 coke ovens.

"There were 2 active quarries, 1 inactive, and 1 in course of development, all in Alabama.

"There were 14 active blast furnaces in Alabama; 2 in Tennessee.

"All mills, foundries, machine shops, etc., were located at Ensley and Bessemer, Ala., near Birmingham.

"The Tennessee company owned the capital stock of the Birmingham Southern Railway Company, a terminal railroad connecting the various mines and plants of the company in the Birmingham district, consisting of 31.16 miles of main and branch lines, 1 mile second track, 67.78 miles yard and siding tracks, 35 locomotives, and 725 cars of all descriptions.

"The Tennessee company owned the entire issued capital stock of the Tennessee Land Company, the Booker Land Company, and a controlling interest in the stock of the Ensley Land Company—these companies owning various tracts of land adjoining the several properties of the Tennessee company.

"The net profits of the Tennessee company for the year 1907, after charging off $437,666.84 for depreciation and extraordinary replacements, and $885,552.31 for net interest charge on bonded and floating debt, were $1,426,684.58 (a little more than 4½ per cent on the capital stock).

"The company spent during 1907, for extensions, additions, and betterments, the sum of $6,589,116.99."

At page 29 of this report the following is found:

"In November, 1907, the corporation acquired a majority of the common stock of the Tennessee Coal, Iron and Railroad Company, as is set forth in detail on page 25 of this report. The purchase was made during the financial panic of October, 1907. The parties owning or controlling a majority of the Tennessee company's stock offered the same to the corporation on terms which were satisfactory, both as to price and manner of payment. The purchase of the property promises benefit to the corporation and also aided promptly and materially in relieving the financial stress at the time existing. The Tennessee property is very valuable. Its mineral resources are large. The location of the iron-ore and coal deposits in the immediate proximity of the manufacturing plants enables the production of iron at reasonable cost. It is believed the lines of business of the Tennessee company can be materially extended. During the last two years about $6,250,000 were expended in rehabilitating, modernizing, and enlarging the furnaces and steel plant. Additional expenditures of considerable magnitude in 1908 are contemplated to complete the plans for improvements which were under way when the corporation acquired the property. It is believed that when these improvements and extensions shall have been completed and the operating management perfected the business of the company will be profitable."

Improvement of Our Waterways.

SPEECH

OF

HON. JOSEPH E. RANSDELL,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 1, 1909,

On the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains.

Mr. RANSDELL of Louisiana said:

Mr. SPEAKER AND GENTLEMEN OF THE COMMITTEE: I propose to discuss this afternoon the question of a bond issue for the improvement of our waterways. At a convention of the National Rivers and Harbors Congress held in this city on December 9, 10, and 11, 1908, a resolution was adopted that—

The Congress of the United States should at its present session authorize the issuance of bonds of the Government to an amount of *$500,000,000, to be sold from time to time in such quantities as may be necessary*, the proceeds of same to be used in payment exclusively of such river and harbor work as shall be authorized by Congress, the provisions for the issuance of said bonds to be similar to those authorizing the bonds for the construction of the Panama Canal.

In accordance with authority delegated by that convention, and to carry out the aforesaid resolution, a committee composed of Representatives J. HAMPTON MOORE, of Pennsylvania; SWAGAR SHERLEY, of Kentucky; RICHARD BARTHOLDT, of Missouri; and myself introduced H. R. 27151, a bill which authorizes the Secretary of the Treasury—

To borrow on the credit of the United States from time to time as the proceeds may be required to defray expenditures hereafter to be authorized by Congress for waterway improvements in the United States and Territories (such proceeds when received to be used only for the purpose of meeting such expenditures) the sum of $500,000,000, or so much thereof as may be necessary, *and not to exceed $50,000,000 in any one fiscal year*—

And so forth.

It will be seen from a perusal of this resolution and bill that the National Rivers and Harbors Congress and its friends do not contemplate an immediate issue of $500,000,000 of waterway-improvement bonds, but that same shall be emitted from time to time, as work on waterway projects progresses, *and not to exceed $50,000,000 in any one year.*

I wish this matter to be clearly understood, because some of our prominent papers seem to have had a mild attack of nightmare at the danger of our country being flooded with $500,000,000 of waterway bonds. We have never contemplated any such step as that, but all of our aims and endeavors have been to improve the waterways of the Nation in a comprehensive, businesslike manner, carefully and deliberately; and to provide funds therefor we came to the conclusion that it was necessary to issue bonds to the extent of $50,000,000 a year for the next ten years, aggregating a total of $500,000,000.

It has been contended that we should first adopt a general plan of waterway improvement before providing money to carry it out, and that it is unnecessary and unwise to authorize a bond issue in advance of the adoption of the plan.

This argument is plausible, but it is not borne out by the facts. While that broad, far-reaching plan for improving all the Nation's waterways for which the National Rivers and Harbors Congress has labored so faithfully during the past four years has not yet been adopted, we have before us now a number of waterway projects which have been carefully surveyed by the army engineers and favorably reported upon, and which will fit into and become a part of any general plan; and, pending its adoption, there is no reason why work should not begin and be prosecuted on a number of these projects, which, as stated, will form a part of the general plan when adopted. There has been so much delay in improving our waterways that we are anxious to have the work go forward as rapidly as possible on those portions which have been surveyed and are now ready. It would require between $200,000,000 and $300,000,000 to complete the projects of river and harbor work which are already under construction or now ready for adoption after final surveys, and it is to carry these forward to prompt completion that we urge a bond issue of $50,000,000 a year.

We have been insisting for several years that a comprehensive plan for all the waterways be adopted and the work be carried on at the rate of at least $50,000,000 a year, but no legislative step has been taken to secure that end until the present session, when a commission was created by the river and harbor bill now pending which has for its object the working out of such a plan and securing its adoption by Congress. I sincerely hope it may succeed, and I earnestly trust that in the meantime Congress will not delay the prosecution of those great waterway projects which have already been studied, which are understood in all their details, and which will prove of the highest benefit to our citizens.

When we legislated for the construction of the Panama Canal we did not leave financial provision for that colossal work to succeeding Congresses, but empowered the Secretary of the Treasury to issue bonds to the amount of $130,000,000 for the prosecution thereof, and authorized the President to carry it forward in the most expeditious manner. And now, as this sum is about exhausted and the canal still far from completion, we expect to provide an additional bond issue of nearly $200,000,000, making a total for the Panama Canal, when completed, of over $300,000,000 of bonds, in addition to large sums paid out of current revenues.

When the people of New York wished to enlarge and deepen the great Erie Canal they did not rely upon uncertain appropriations from their legislature, but voted a bond issue of $101,000,000 to complete it and placed the work at once upon a sane, safe basis, on which it is now progressing steadily and is sure to result in success.

Why not imitate in the improvement of our waterways the wise example pursued by us toward the Panama Canal and by the Empire State in regard to the Erie Canal? In both instances the large bond issues were approved by a vast majority of the people, because there was no better or more feasible method; and the friends of waterways now advocate a bond

issue because, in their judgment, there is no other method which is likely to produce quick and good results.

If any other means can be devised for carrying out the comprehensive waterway plan we advocate, it will have our cheerful support; and we certainly would not ask for bonds if current revenues sufficed. We stand for bonds because we are firmly convinced that without them no great advance can be expected over present methods, and the mighty interests at stake should no longer be permitted to suffer.

The friends of waterways are neither theorists nor visionaries. They have watched for many years the unsatisfactory, unbusinesslike, and desultory manner in which appropriations for most of our rivers have been made, and how slowly the work has progressed thereon; they have seen that in the majority of cases the money appropriated was so inadequate and scattered through such long intervals of time that the results were bad in the extreme and in many instances large sums were practically wasted; they have seen river and harbor bills passed every three years while the other great appropriation bills were passed annually; they have seen river and harbor bills forced to wait until everything else was provided for and then receive only the crumbs from the national table; and they have become fully convinced that the only way to bring about definite, final, and really beneficial results is to have a comprehensive plan for all our waterways and full provision made in advance for carrying it out without danger from lack of funds or otherwise in subsequent sessions of the National Legislature.

In determining the question of issuing bonds to improve our waterways we must decide: First, whether they need improvement and what will be the cost thereof; second, are they worth improving and what benefits would be derived therefrom; and third, is there any other or better way than by a bond issue?

It is admitted by all, and for the purpose of this argument it may be taken as granted, that many of our most valuable rivers, such as the Columbia, the Missouri, the upper Mississippi, the Ohio, the Red, and the Tennessee, are practically worthless during several months of each year because of shallow water, which impedes and often prevents navigation thereon. The same is true of nearly every river in the country and also of the intercoastal waters along both oceans and the Gulf, which must be connected by artificial canals. We can not give the exact cost of improving all these waters, including our harbors, as surveys and estimates are incomplete in several important instances, but from the reports of the United States army engineers, who have charge of all such work, and a number of careful estimates in other cases, we are safe in assuming that it will be about $500,000,000 for the projects now being urged before Congress.

The total cost of all expenditures by the National Government for waterways during our history, including all our canals and rivers, as well as the lakes and ocean harbors, and excluding the Panama Canal, is about $600,000,000, and a careful examination of the benefits derived therefrom will give us some idea of the results to be expected from a like additional expenditure.

It is impossible to say just how much commerce is carried by our waterways, as no accurate statistics are kept, except as to that portion passing through the "Soo" Ste. Marie Canal between Lakes Huron and Superior. We are enabled, however, to form a fairly correct estimate from the reports of the United States Engineers, and after a careful examination thereof, I have reached the conclusion that the commerce on our internal waters, including the Great Lakes and excluding all coastwise business, was about one-third as great as the total commerce of all the railroads of the country in 1907. In arriving at this amount I take for my unit a ton of freight carried 1 mile, as that is the unit of the Interstate Commerce Commission in making its estimates of the amounts of freight carried by rail.

The commerce through the Sault Ste. Marie Canal during the season of 1907, according to accurate statistics of the United States Engineers in charge, was 58,217,214 tons, which was carried an average distance of 828.3 miles, at a freight charge of 0.80 of 1 mill per ton per mile, equal to $38,457,345.

The commerce through the Detroit River is given as 71,226,895 tons, but the freight charge is not stated, and no figures are given for other parts of the Great Lakes where there is also a heavy traffic.

In order to get some idea of this lake-water rate of 0.80 of 1 mill, let us compare it with the average rail rate of the entire Union for the fiscal year ending June 30, 1907, which, according to the Interstate Commerce Commission, was 7.59 mills per ton per mile—just 9.48 times the water rate—say, 9½ times as much by rail as by water. Bear in mind, too, that these are official figures. If this immense commerce of 58,217,214 tons carried 828 miles through the "Soo" in 1907 for $38,457,545 had been conveyed the same distance at the average rail rate of 7.59 mills, it would have cost $364,844,832, which is $325,387,487 more than was actually paid; hence, this waterway saved the Nation in 1907 the princely sum of over three hundred and twenty-five millions.

According to the report of the board of engineers recently appointed to survey the Ohio River, the commerce on that stream in 1905 was about 13,000,000 tons. Its exact cost of carriage was not stated, but one of the members of the board, Maj. William L. Sibert, a very accomplished engineer, now a member of the Panama Canal Commission, estimated that the cost of conveying coal on the Ohio between Pittsburg and Louisville, in the very unsatisfactory condition of the river that year (1905), was 0.76 of 1 mill per ton per mile, and from Louisville to New Orleans, 0.67 of 1 mill, which were, respectively, one-tenth and one-eleventh of the average rail rate.

I have no means of arriving at the cost of conveying ordinary freights on our rivers, and for the purpose of this computation have assumed that the average charge thereon is about three times as high as for general freight on the Lakes, and four times as much as for coal on the Ohio and Mississippi; say about 2.5 mills per ton per mile, or about one-third of the average railroad rate.

A striking instance of water transportation is furnished by the great coal fleets on the Mississippi. Mr. J. A. Ockerson, member of the Mississippi River Commission, in a speech at St. Louis last February (1908), cited the case of the steamer *Sprague*, which recently carried in one tow 67,000 tons of coal. He said that a late report of the Frisco road gave 16.9 tons as an average carload for the year 1907, and 224.4 tons as an average train load, on which basis it would require 3,965 cars, or 298 trains to carry this cargo. Even if you compare this great steamer's load with the giant trains of our western prairies, it will be seen that 67 trains of 1,000 tons each are required to move it.

From a careful study of this subject, I am convinced that water transportation in the United States costs about one-sixth the average rate by rail.

The Report of the Interstate Commerce Commission for 1908 shows that for the year ended June 30, 1907, the number of tons of freight carried 1 mile by rail were 236,601,390,103, and the revenue per ton mile was 7.59 mills. This gives a total freight charge of $1,795,804,550.88.

The commerce through the Sault Ste. Marie Canal during the season of 1907, as shown above, was 58,217,214 tons, carried an average of 828.3 miles, at eighty one-hundredths of 1 mill per ton per mile. Let us reduce this to tons carried 1 mile for the purpose of comparison with rail and we have: Tons of freight carried during 1907 1 mile through the Lakes and the Sault Ste. Marie Canal, 48,221,318,356; total freight charge, $38,457,345.

As above stated, we have no accurate statistics as to commerce on our internal waters other than that passing through the Sault Ste. Marie and the Detroit River, but from the best information obtainable I make the approximate estimate that on other portions of the Great Lakes, exclusive of the Sault Ste. Marie Canal, and on all our other lakes, rivers, and canals, excluding all coastwise business, the amount of freight carried 1 mile by water during 1907 was about 25,000,000,000 tons. The freight charge is even more difficult to obtain than the amount of freight carried, but it is certainly not more than twice as much as that on the Ste. Marie Canal. I have shown that the charge on the large coal traffic on the Ohio and the Mississippi rivers was about one-tenth to one-eleventh of the rail rate, according to Major Sibert, and that general freight by water was about 2½ mills. Hence, I adopt 1.60 mills, or double the Sault Ste. Marie rate, as my unit of cost on this 25,000,000,000 tons, and it gives a total freight charge of $40,000,000. Therefore we have a total *water carriage* in 1907 of 48,221,318,356, plus 25,000,000,000, equal *73,221,318,356* tons, at a cost of $38,457,345, plus $40,000,000, equal *$78,457,345*.

Compare this with 236,601,390,103 tons by rail at a cost of $1,795,804,550.88 and the figures are very striking. The traffic carried by water was nearly one-third as much as that by rail, *and the freight cost, instead of being about one-third to place it on a par with rail, was about one twenty-third of that by rail.* Had this 73,221,318,356 tons of water-borne freight been carried at the average rail rate, 7.59 mills, the charge thereon would have been $555,749,810.22, or an excess of $477,292,471 above the rate actually paid. Hence by the use of the waters this vast sum of $477,000,000 was saved in 1907 to the American people.

Moreover, our coastwise and across-sea commerce is much larger than that borne on our internal waters. Costly improvements made in our ocean harbors and in the mouths of great rivers like the Columbia and the Mississippi have reduced ocean rates from 200 per cent to 300 per cent as compared with

the rates of thirty years ago, when vessels drew 22 to 24 feet and carried 2,500 to 4,000 tons; whereas they now draw 28 to 35 feet and carry 8,000 to 15,000 tons. The saving in reduced rates on this vast ocean commerce resulting from improving and deepening harbors and their inlets is probably as great every year as that on the internal waters; certainly it is a very large sum.

For a further evidence of the cheapness of water transportation let us cross the Atlantic for a moment. In England a waterway policy similar to ours has been pursued. Many canals have fallen into disuse and rivers are neglected. But in spite of this, Mr. E. R. Conder, an English authority, recently stated that rail rates in England cost about three and one-half times as much as those by canal, and he includes in his estimate interest on the cost of the canal.

In Germany, France, Holland, and Belgium a totally different policy has been pursued. Rivers and harbors have been widened and deepened and connected by many transverse canals, so there is complete connection by water between every part of those countries. Paris, the capital of France, is connected with Antwerp, the great seaport of Belgium, by seven water routes; and Berlin, the famed metropolis of Prussia, though an inland city, has excellent connection by water with the sea and is joined to every part of Germany by a perfect network of canals.

Mr. O. Eltsbacher, in a recent work called "Modern Germany," gives the freight cost on the Oder at about 3⅛ mills per ton per mile, on the Elbe about 2½ mills, and on the Rhine about 1.8 mills; hence, as the commerce on the Rhine is much the largest, the average is about 2¼ mills. This is much higher than with us, but the rail rate is also higher, being 11.7 mills for Germany in 1905, as compared with 7.6 mills here. *It would appear, therefore, that in Germany the rate by rail is about five times as high as by water.*

And Prof. J. Paul Goode, of the University of Chicago, in his very able report of November 10, 1908, to the Chicago Port Commission, says, in speaking of the German waterways:

> That so much of the traffic of the country is done by water is not surprising when we learn how freight rates compare between rail and water. From Hamburg to Berlin is 158 miles. It costs 1.38 marks to send 100 kilos (220 pounds) of grain this distance by rail, and but 0.3 mark by water, or about five times as much by rail as by water. On general merchandise by rail the rate is 2.96 marks per 100 kilos, and by water 0.45 mark, or about six times as much by rail as by boat. Coal, ore, and lumber do not go up these valleys by rail at all, the rate by water being comparable to that of grain.
>
> From Hamburg to Dresden is 250 miles in a direct line. On grain the rate by rail is 2.2 marks per 100 kilos, by water 0.37, or about seven times as high by rail. On general merchandise the water rate is 0.4 mark per 100 kilos, the rail rate is 4.38 marks, or almost eleven times as much by rail as by water.

These facts from home and foreign lands demonstrate that waterway improvements heretofore made have been very profitable, and it is reasonable to assume that we will get similar benefits from continuing such improvements.

Shall we do this work in a broad, comprehensive way, taking up great projects, such as the Ohio River or the Lakes-to-the-Gulf deep waterway, for example, and finish them within a definite period of eight or ten years, or shall we proceed in the unbusinesslike manner that has been followed in regard to most of these improvements? Work on the Ohio began thirty-two years ago on a plan to secure a minimum depth of 6 feet at all stages, and only about one-tenth of the project is now completed. If past methods continue, it will require over one hundred years to finish the present project of 9 feet. I mention this river simply as an illustration of the very many cases like it. If we intend to improve our waterways, we should at once adopt a definite plan and provide at least $50,000,000 a year for that purpose, so that the work may be commenced and prosecuted to completion on all such projects as are admitted worthy without unreasonable delays or change of plans. In order to accomplish this, I believe it necessary to authorize a bond issue of fifty millions a year for the next ten years, or so much thereof as may be necessary, in addition to appropriations for maintenance out of the current revenues, and I fail to see any reasonable objection to such a bond issue.

Are not railways built by bonds? Do not state, county, and municipal authorities issue bonds for permanent improvements of every character? The Panama Canal is being built by bonds. Why should not our harbors and inland waterways be built for this and coming generations by bonds?

There is a vast difference between incurring debt for current expenses and for permanent investments, and most of our proposed waterway improvements would become investments that would pay a large annual dividend on their cost in reduced freight rates. If the annual saving on past improvements be adopted as a guide, this dividend would amount to over 100 per cent per annum; but even if we go to the other extreme and say that the saving would only be one-tenth as much, or 10 per cent, it would certainly pay for the Government to borrow money at 2 or 3 per cent and invest it at an annual profit of 10 per cent.

I wish it understood that in my judgment every dollar wisely invested in permanent waterway improvements, under the plans of the United States Engineers, would return an annual profit of fully 100 per cent in lessened freights; and I am fully convinced that the profits arising every year from past expenditures are largely more than 100 per cent.

It seems unreasonable to suppose that we can expect $50,000,000 to $60,000,000 a year for waterways out of ordinary revenues of Government, unless there be a speedy change in our fiscal policy, for the deficit last year was $58,070,202.50, and the estimated expenditures for the current year in excess of the estimated revenues are $114,000,000. Moreover, the estimated excess of expenses over revenues for the fiscal year ending June, 1910, is $143,000,000.

It would seem that if any class of expenditures can be provided for by a bond issue it should be those which result in something permanent and beneficial, such as public buildings and waterway improvements, which pay a large annual interest on their cost in benefits to the present and succeeding generations. Posterity is to reap the reward quite as much as ourselves and should bear its share of the burden.

We have three great transportation agencies—highways, railways, and waterways. Vast sums have been expended by local communities, counties, and States to improve highways, and in many instances the amounts necessary were raised by an issue of bonds. The State of New York is authorized to raise $50,000,000 by bond issue to build good roads, and each local community receiving state aid for its roads must contribute a similar amount; hence, in New York the people not only have to pay a hundred and one millions of Erie Canal bonds, but nearly as much additional for highways, and yet the New Yorkers are the most prosperous and progressive citizens of the Republic. Moreover, in many other States there have been large bond issues for good roads.

Whenever a railroad is to be constructed the nearly universal practice is to provide for its cost by issuing bonds secured by mortgage on the road, and I doubt if there be an instance in the Union where a railroad of much importance was ever built without a bonded indebtedness. I have endeavored in vain to ascertain the total cost or valuation of the 227,678 miles of steam railroads of the United States. Mr. James J. Hill, in a recent speech at Chicago, estimated their cost at over $14,000,000,000. Bulletin 21 of the Census Bureau says:

> The commercial value of railway operating property in the United States, computed for the year 1904, was $11,244,852,000.

The capital stock and debt of these roads at the close of the fiscal year, June 30, 1907, as reported by the Interstate Commerce Commission, was:

Total railway capital		$16,082,146,683
Stock, common	$5,932,948,772	
Stock, preferred	1,423,912,919	
		7,356,861,691
Funded debt, bonds	6,472,839,323	
Miscellaneous obligations	1,616,427,904	
Income bonds	306,244,476	
Equipment trust obligations	329,773,289	
		8,725,284,992

Some interesting facts in this connection are that the interest-bearing indebtedness of the railroads in 1896 was $30,126 per mile of line and amounted to a total of $5,340,338,502. In 1906 the interest-bearing indebtedness was $36,213 per mile of line and amounted to a total of $7,766,661,385, an increase in the interest-bearing obligations of the railroads during the decade of $2,426,322,883, or nearly five times the amount proposed for the expenditures for waterways. In 1902, the latest date for which figures are available, the total public debt of all the States of the Union was $234,908,873; the total public debt of all the counties, cities, and towns in the United States was $1,630,069,610, which, added to the state debt above noted, makes the total public debt of all the people of the United States, exclusive of the national debt, $1,864,978,483, only about 75 per cent of the increase in the interest-bearing debt of the railroads during the last decade.

And the people of the Union pay interest on all this railway stock and debt—upward of $16,000,000,000—a sum so large it baffles imagination and is almost inconceivable.

Mr. Hill also said it will require over $5,000,000,000 to make the necessary additions and terminals now required by our railroad systems, and his statement is corroborated by Mr. Brown, president of the New York Central lines. Hence we must expect a further bonded indebtedness of five billions within the next decade.

Most of these colossal expenditures for railroads were wise and beneficial. Without them our mighty Republic could never

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have reached its present magnificent proportions. I hope and believe that our financiers will advance the required sums to extend this system, as suggested by Messrs. Hill and Brown, for I believe it to be necessary in working out our great industrial destiny.

Striking instances of incurring debt for waterways are the recent issue by the State of New York of bonds aggregating $101,000,000 to enlarge and deepen the Erie Canal; by the State of Illinois of $20,000,000 for the Lakes-to-the-Gulf deep waterway; and by the National Government of $130,000,000 for the Panama Canal, to be increased hereafter by nearly $200,000,000 additional, as before stated.

But if bonds are necessary for highways and railways—and not small sums, such as the proposed issue of $50,000,000 a year for the next ten years for waterways; $500,000,000 in all—but more than seventeen times that amount of actual outstanding railway bonds, and ten times as much of proposed new railway bonds, and over three-fifths as much for a single waterway, the Panama Canal—then what is the objection to issuing bonds for the improvement of our waterways if there be no current revenues out of which to improve them?

If the people of New York by a large majority approved the big bond issue for the Erie Canal, as did the people of Illinois for their project also, and the people of the Union with complete unanimity approved the Panama bond issue, and will undoubtedly approve a much larger additional issue for the same purpose, there is no doubt they would sanction and welcome a wise, carefully guarded bond issue for improving our waterways on comprehensive lines, according to a well-conceived plan just to every portion of the country.

Since I became interested in this subject a few years ago, the first important utterance in favor of a bond issue brought to my attention was made by Hon. Charles S. Fairchild, of New York, late Secretary of the Treasury in President Cleveland's Cabinet, when arguing for the improvement of the Mississippi River before the Rivers and Harbors Committee February 2, 1904. He said:

Mr. Chairman, as you have been talking it has seemed to me that questions of this nature we make a great mistake in not treating as a whole; we make a mistake in treating them as merely annual affairs.

Now, you are going to build this canal—Panama—and you are going to issue bonds to provide for the whole enterprise. Here is a thing which is not like others that you have suggested, but which will last for all time in its importance. It is not like the question of keeping a harbor clear, of dredging the annual accretion of deposits in a harbor, but is doing something such as the building of a canal, such as we are doing in the State of New York in making the barge canal through that State, which is for all time, as that is there.

Now, it seems to me that wise statesmanship would take that in view, and if need be issue bonds, do that which does the work most effectively and economically and expeditiously. It seems to me that the time has come when these great questions, and particularly a question like this—the improvement of the Mississippi River—which is of such vast importance to us and of such a permanent nature, ought to be considered in some such way, and not made to fit into the annual revenue of the Government.

The CHAIRMAN. Then do I understand you that you would advocate the issue of bonds for this purpose?

Mr. FAIRCHILD. I would.

The CHAIRMAN. For river and harbor improvements?

Mr. FAIRCHILD. I would, where they are of this permanent nature, like the building of a canal, like the doing of that sort of thing. I think economy and wise finance would treat the subject in that way and provide for the funds as they can be wisely expended, irrespective of annual revenue. That is the way I would do it if I was an individual doing it, and if I was the United States and had these things on hand I would do it in that way.

A number of the most prominent men of the Republic have spoken within the past twelve months in favor of a bond issue, notably our colleague, Mr. DAVIDSON of Wisconsin, Senator KNOX, Mr. Andrew Carnegie, Vice-President Fairbanks, President-elect Taft, and President Roosevelt.

Mr. Andrew Carnegie, in the course of his address at the great National Rivers and Harbors Congress at Washington, December 9–11, said:

I was delighted to hear the President of the United States say yesterday, in which the President-elect concurred, and I am delighted to have heard this morning a man occupying the proud position that Mr. Fairbanks does in this country indorse this policy, that we should issue bonds. It is right for this reason: It has been proved, and it needs no more proof, no more contest; we are as certain as that the sun shall shine to-morrow that the improvement of our waterways will give back to this country tenfold the expenditure.

Mr. DAVIDSON, chairman of the Committee on Railways and Canals, speaking before the same convention, said:

Shall appropriations for waterways continue to be made at irregular intervals or annually, as other appropriations are made? Shall the work be done by piecemeal, haphazard, or under some well-defined system?

That current revenues will not permit of extensive appropriations for the improvement of waterways is plainly apparent, especially if large appropriations for other purposes are to be given first consideration. Much has been said at this convention concerning the advisability of a bond issue. There is much merit in the suggestion that, as future generations are to benefit from these expenditures, the long-time obligation to pay for the same might properly be authorized.

On February 12, 1908, Senator KNOX, soon to be the Secretary of State, in an address delivered before the Chamber of Commerce of Pittsburg on the "Natural highways of the Nation—its rivers, lakes, and harbors," advocated that the work of developing these resources be done comprehensively from the proceeds of bonds. He mentioned figures as high as $750,000,000 for this purpose and justified the expenditure of so vast a sum both from the standpoint of national necessity and the ease with which, considering increase in population and wealth, an additional debt of this size could be carried.

Vice-President Fairbanks also, in his address before the recent rivers and harbors convention in this city, favored the issuance of bonds, and spoke in part as follows:

It is good policy for the Government to be liberal in meeting the cost of permanent work, such as public buildings and the ordinary improvements to rivers and harbors, out of its current income, but the present accumulated needs of commerce and the necessities which may reasonably be anticipated to arise in the immediate future require an unusual expenditure. Such increased outlay may well be provided for by an issue of bonds so measured as to volume and date of maturity as justly and equitably to distribute the burden among the beneficiaries of the expenditure.

President-elect Taft has, in repeated utterances, advocated the issue of bonds for the improvement of waterways. In his address before the convention of the Lakes-to-the-Gulf Deep Waterway Association, October 21, 1908, he said:

My own judgment is that every improvement like that of the Lakes to the Gulf, like that of the Ohio River, like that of the Missouri River, like the Atlantic seaboard inland waterways, should be treated by itself as one great enterprise, just as we have treated the Panama Canal, and that provision should be made by bonds or otherwise for the setting aside of a fund sufficient to complete it as rapidly as possible.

To leave progress in these matters to the fitful and partisan consideration of appropriation committees in Congress, influenced by a desire to reduce the appearance of total expenditures each year as much as possible, is to impair the necessary financial support of every one of these great enterprises, and to drag them along from year to year, and greatly delay their ultimate completion.

At the governors' conference, Washington, D. C., December 8, on the subject of bonds, the President-elect said:

I have no compunctions on the subject of issuing bonds if the debt to be contracted ought to be met by bonds. I think that men sometimes overdo the business of meeting what ought to be distributed expenses out of current income. I think there is good reason for issuing bonds for these improvements that are to be permanent, and not to spend current income for them. Sometimes it takes as much courage and involves as much real public interest to issue bonds for a purpose for which bonds ought to be used as it is to pay as we go. In other words, it is a mere question of economic policy, and the mere fear of criticism because an administration has issued bonds should not prevent us from doing justice to ourselves and posterity.

President Roosevelt in his annual message, on the subject of inland waterways, says, in part:

Until the work of river improvement is undertaken in a modern way, it can not have the results that will meet the needs of this modern Nation.

These needs should be met without further dillydallying or delay.

Funds should be provided from current revenues if it is deemed wise, otherwise from the sale of bonds. The essential thing is that the work should go forward under the best possible plan and with the least possible delay. The time for playing with our waterways is past. The country demands results.

Moreover, the National City Bank of New York, the most powerful financial institution in the Union, in its circular of January 1, 1908, seems to regard a bond issue for public improvements with much favor. It says:

In any discussion of the possibilities even of further large issues of Government bonds during, say, the next ten years, it is of interest to note that the high point of the national interest-bearing debt was reached in August, 1865, when it stood at roundly $2,800,000,000 and the population was 34,000,000. To-day it is $910,000,000 and the population 87,000,000.

During the period 1880 to 1890 the interest-bearing public debt was reduced one thousand millions, a reduction by voluntary taxation in a single decade, as declared by the authorities in charge of the census of 1890, without parallel in the world's history. It is the opinion of those now living who have had most to do with government issues since the civil war that this country could support with ease a public debt of five thousand millions. It is also believed that in view of the limited use which banks in the future will be able to make of government bonds—and they are the only market for the 2 per cent issues, because of the advantage which the latter possess as security for national-bank circulation—the people of the country, the investing public, must be looked to as the purchasers to any great extent of government bonds. This being true, it may fairly be predicted that the government bond of the future, if any general plan of providing funds for permanent undertakings is adopted, must be treated on an investment basis and must bear a rate of interest not less than 3 per cent per annum.

And let me again repeat that while the friends of waterways are advocating an authorized bond issue of $500,000,000 they do not ask the immediate issuance of these bonds, but specifically state that they should be sold from time to time, in such quantities as may be necessary, and they suggest that $50,000,000 a year is as much as could be wisely expended at the present time.

So many comparisons between railroads and waterways have been made in this speech that I deem it proper before closing to offer some general suggestions on the subject of transportation.

In my judgment, there should be no rivalry or animosity between water and rail. The three systems—highways, railways, and waterways—should be complements and helpers each of the other. The more perfect a country's highways the denser becomes its population, the greater its general prosperity, the cheaper its transportation charges, the larger its volume of internal and foreign commerce, and consequently the better business for steam cars and steamboats. In like manner, where waterways are well improved and much used to carry the heavy low-class, bulky articles, such as ore, coal, steel, iron, stone, brick, agricultural products, logs, and lumber, the more prosperous are the adjacent railroads.

These articles are too low priced to stand a heavy freight charge, and in many cases they are hauled by the railroads without profit and to the serious detriment of high-class freight on which there is a good profit. This is well illustrated by the roads paralleling Long Island Sound, the Hudson River and Erie Canal, and the Great Lakes. On these water courses there is an enormous commerce, and yet the adjacent railroads do a large and very profitable business, being among the very best roads in the Union. Railroads often haul crude material without profit, and sometimes at a loss, in order to get the return haul of manufactured articles. Waterways can handle the raw material at a good profit, and the result is a benefit to both. I believe that the proper improvement of any river or water course in the Union, while it will greatly cheapen the carriage of low-class freights in its vicinity, will result in such an increase of population and general business as to benefit rather than injure the railroad; and, in my judgment, it would be a shortsighted policy for railroads to oppose the improvement of our waterways.

I do not know what position is taken on this subject by average railroad men, but some of their most progressive and enlightened thinkers, among whom I may mention Messrs. Shonts, Stevens, Yoakum, Finley, and Hill, have within the past year in public utterances declared themselves in favor of a liberal, comprehensive waterway policy, especially for the improvement of great trunk lines, such as would be provided if the Mississippi River and its principal tributaries were made to do their full duty and the Lakes were connected with the Gulf.

I strongly advocate active cooperation instead of unfriendly competition between railways and waterways. Let them work earnestly together for the complete and thorough development of our country along the broadest, most unselfish lines, and the result is bound to be very beneficial to both. In my judgment, any other policy on the part of the railroads will be fraught with disaster to them and danger to the Republic. They are mighty forces, and some of their friends regard them as irresistible, but I wish to remind these enthusiasts that nothing can stem the torrent of aroused public opinion. For several years loud mutterings have been heard throughout the land, and in some States antirail legislation has become so repressive as to make railroad investments unattractive, to say the least.

If most traffic is driven from the waters by railroad rates so low at river points as to involve loss to the boats and also to the railroads, which the latter recoup by heavy charges at interior points away from the water, and if practically all the terminal facilities along our water courses are acquired and operated by the railroads in their own selfish interest and against that of the waterways, as is said to be true of very many places, who can foretell what the future will bring forth. In Germany, which is thought by some to be the wisest nation on the globe, most railroads are owned by the Government, and discriminating rates against river traffic are prohibited. I would regret to see such a state of things in our great free Republic. I am a strong believer in a fair field and no special favors. I believe firmly in reasonable, necessary regulation and control of all transportation agencies, water as well as rail, but I deprecate unwarranted interference with either, and sincerely hope that the day is yet far distant when our Government will assume either actual or practical ownership of our railroads.

In my judgment, the strongest weapon of defense against this undesirable situation is the best possible transportation system for the entire Union of combined, corelated, interdependent, and friendly highways, railways, and waterways; and again I urge the friends of these three great agencies to unite their forces and secure in the near future this end, so devoutly wished by every citizen of the Republic.

Ocean Mail.

SPEECH

OF

HON. EDMUND H. HINSHAW,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. HINSHAW said:

Mr. SPEAKER: This measure which we have before us to-day is the latest of a series of unsuccessful efforts at appropriating from the Treasury sums of money to be donated to certain lines of steamships with a view to encouraging shipping under the American flag. Let the contentions of the advocates of this legislation be granted; let it be admitted that our merchant marine has fallen into a decline; that, outside of our coastwise trade, the American flag is but seldom seen upon the waters of the world, and still we can find no logical reason why this particular remedy should be devised. If, after all the thought and effort that has been spent upon this subject, no remedy other than a direct gift of the public money to a private business can be found, then indeed are we in a bad way.

There were years when our shipping went into far places and the natives of alien lands looked upon our flag, floating from many masts. Those were small days, when capital was not concentrated into great accumulations and only a moderate return was expected from its investment. They were the days of the wooden ship and hand labor. Individual initiative and personal effort were large factors in the equation. Our unexhausted forests stretched over uncounted miles of virgin land, affording a cheap material of construction, and the virile strength and indefatigable ingenuity of the American made the most of the opportunity that then offered. Then the age of steel and steam came, and the trade of seafaring required a constantly decreasing degree of personal skill. The personal ingenuity of the Yankee became less necessary and the cheaply bought muscle of the Italian took its place. Machinery played a larger part in the manufacture of ships than before and such labor as was necessary was to be had at a lower price in Europe than America. Europe became able to build ships cheaper than America.

Still, the operation of American-built ships was not unprofitable, but a great era of industrial development came over the country. Railroads were threaded across the continent and the results from the investment of capital ascended from comparative to superlative. To supply the wants of a growing people factories came into being all over the land, and their success was tremendous, both through the proper returns of industry and through the less commendable realizations of stock inflation and manipulation. Shipping was unprofitable only in a comparative degree, and capital sought the region of greatest return. Shipping declined, while other lines of industry advanced to a degree before unequaled. Those who still remained in the shipping business, dissatisfied with their moderate profits, esteemed that the National Treasury afforded an easy relief from a situation which had been forced upon them by economic conditions. So they came before the National Congress, holding out begging hands, asking for alms.

I do not believe in paying the public money out for the idle pleasure of having alien peoples gaze upon our flag as it flies from tramp steamers or ocean liners. I do not believe in foisting upon our posterity industrial invalids that will require their constant maintenance and care. I do not believe that we can look into the past and stay the operation of industrial laws by act of Congress. I do not believe in giving away the public money to private individuals in order that they may embark in an unprofitable business. I believe in each man fighting his own battle and each industry doing the same. I believe that when the exploitation of our undeveloped resources is completed, and no new fields await idle capital, it will revert to the moderate and safe return that international shipping affords.

They have said that our flag is vanishing from the seas, and it is true. But that flag does not honor the breeze in which it floats when it must be paid to appear there. The flag should be carried for honor and not for hire.

They have said that the splendid fleet that we saw steam into Hampton Roads the other day from its tour around the world was supplied with coal from colliers carrying foreign standards, and sentimentalists have lifed eyes to heaven, wept

pious tears, and held out hands supplicating for dole. But no one denies that our Treasury is the more prosperous because of it and our prestige abroad increased in spite of it.

To-day the demands upon the public funds are appalling. We have passed the time of the billion-dollar Congress and reached that of the billion-dollar session. In the session just ending we have expended more than one thousand millions for public purposes, and it has taken heroic self-restraint to keep from spending more. The pressure upon us from all quarters is constant and increasing. The public revenues are falling behind the expenditures and a deficit faces us. We must reduce rather than increase our expenditures. But where can we do it? Can we cut down the millions that we have spent this year for the Panama Canal when its construction is demanded by the united voice of our people? Can we eliminate the $101,000,000 that we have spent this year for the army and the $136,000,000 for the navy and leave ourselves and our possessions at the mercy of raider nations? Or cripple or abolish the postal service by saving the $235,000,000 that have been spent for its maintenance? Or shall we keep in the Treasury the $161,000,000 that we have appropriated for pensions and leave the brave defenders of our country to die in want? Or yet cripple the Indian, Public Land, and Forest services, or destroy the irrigation work in arid lands by decreasing expenditure?

Nor will anyone suggest that we abolish the Department of Justice and leave the criminal to go unintimidated. And who would be so lacking in discernment as to desire to limit the activity of the Department of Agriculture, upon which we have spent twelve millions, and have it cease its splendid work for the increased productivity of agricultural lands? Nor can we recall our ambassadors and consuls and restrain the work of our State Department without serious injury to our political and industrial standing. The demands upon us are so great and the activities of the Government are so many that this great expenditure can scarcely be avoided.

We have now pressing upon us the demand for the establishment of the great Appalachian forest reserve, which will require twenty millions in the course of a few years, and which, by reason of the great benefits to be derived from it, we would establish immediately were the money to be had. Also the inland waterways will require five hundred millions, and possibly much more, for which bonds are urged, to be brought to a proper state of operation. This would be a worthy work if the money could be spared. Where shall we go for more money? Our revenues are decreasing from internal revenue by reason of the spread of prohibition territory. We are about to revise and reduce the tariff schedules, which may further diminish the public income. We must seek new fields of revenue, such as inheritance and income taxes, and until these are established as constitutional and their degree of productivity shown projects such as these must wait.

The subsidizing of these particular vessels would not materially increase our merchant marine. It certainly would not induce other vessels not subsidized to run. It is a bad precedent and practice. It is but an entering wedge for larger appropriations, as its advocates admit. It has upon it the taint of fraud.

The hand is the hand of Esau, but the voice is the voice of Jacob.

In case of war, how could we get our navy from the Atlantic to the Pacific? Foreign ships could not in time of war carry coal for our battle-ship fleet. Sufficient American vessels for this purpose do not exist.

SPEECH

OF

HON. WILLIAM E. HUMPHREY,

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the bill (S. 28) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. HUMPHREY of Washington said:

Mr. SPEAKER: In the short time I shall speak it is impossible for me to enter into a general discussion of this subject. I shall therefore discuss briefly two propositions:

1. Our condition on the Pacific Ocean in case of war.
2. The policy of free ships.

To-day not a single American vessel goes regularly to the Philippine Islands. Our mails, our supplies, our ammunition, and even our troops are now being sent to those islands in Japanese ships.

We have a naval station at Samoa. We can communicate with that station only by foreign vessels. Within three years the number of American vessels on the Pacific has decreased from 15 to 6.

A few days ago our fleet, after encircling the globe, once more reached the home port. That trip marks an epoch in our history. In many respects it has been a great achievement. It has demonstrated the fitness of our naval vessels, the efficiency of our crews, the ability of our officers. The American people welcomed it with enthusiasm and patriotic demonstrations. It is not my purpose to criticise or to play the part of the prophet of evil, but it seems to me that it is especially fitting at this time to call to the attention of the American people some facts and to ask them this question: Of what real value is this great navy, of which we are so proud and which has cost us so much? What would it accomplish in time of war? Behind and before and with this great battle-ship fleet on its trip around the world was a great squadron of merchant vessels furnishing it with its vital force—coal.

In this collection of vessels was seen the flag of every naval power upon earth, of every nation beneath the sun that pretends to be a first-class power except the one represented by the Stars and Stripes. Without the use of these foreign ships to carry the coal, the trip of our battle-ship fleet could never have been made. Yet every one of these vessels at the very moment of a declaration of hostilities must have left our fleet where it was. Then this mighty squadron could not have proceeded on its way nor returned home. We do not have sufficient American vessels that we could have sent to its relief.

We talk of this trip of our navy as showing our power. It only demonstrated our weakness. Instead of displaying our glory, it advertised our shame. There is not a naval official nor an American citizen who has given this matter attention but feels just a little easier that our fleet is once more within the shadow of our own shores. If it ever makes this trip again, as we trust it may, let us hope that Congress, by its criminal stupidity, will not place its safety in the keeping of other nations.

As one man from the Pacific coast, I do not believe that we are threatened with war from Japan. [Applause.] Not 10 per cent of the people of the Pacific coast approve of the actions of some of the members of the legislatures of California and Nevada. Most of this agitation is the sensational mouthing of irresponsible demagogues. Everyone on the Pacific coast recognizes the fact that the coming of Japanese into this country must be regulated, controlled, and restricted. Japan herself recognizes this fact. She says she is attempting to restrict their coming into this country. We believe that she is acting in good faith. We believe that the number of Japanese in this country is less than it was a year ago. I see no cause for war. I see every reason for peace. I believe and hope that the friendship that has existed between this country and Japan from the time she first entered upon her wonderful career as a nation will endure. While I can see no indication of war, yet if, unhappily, it should come, then I want my country to be prepared. [Applause.] Those who think that Japan would not declare war if she received what she considered sufficient provocation or who think she has not the financial ability to carry on a war, have read the history of that marvelous nation to little purpose.

In what condition would we be to-day in case of war on the Pacific, with our battle-ship fleet on the Atlantic? If that war was with Japan, she could within thirty days place 250,000 troops in the Philippines, 100,000 in Hawaii. In that time we could not get 10,000 troops ready to be embarked on the Pacific coast. If we had the troops, we have no transports to carry them. If we had the transports to carry them, we would not dare attempt to take them to our island possessions, having nothing but cruisers to meet the battle ships of the Japanese. Japan has 560 vessels fit for transports. We have only 6 merchant vessels running on the Pacific and 4 or 5 old, antiquated government transports. Japan has under construction more than 50 ocean-going vessels. In all the United States there is not one, and has not been for more than six years. Japan can easily carry 200,000 troops at one time. On the Pacific we could not carry more than 10,000. We could not place 50,000 troops in the Philippines in two years. After seizing the Philippines and Hawaii, Japan could strike the Pacific coast. She could convoy with her entire squadron of battle ships a fleet of transports carrying soldiers and supplies to the very wharves of Bellingham without coming within 15 miles of one of our guns. She could then seize the great transcontinental railway lines, the cities of Bellingham, Everett, Seattle, Tacoma, and Portland. She would then possess the entire Northwest, an empire in extent and one of the most productive portions of the

earth upon which to live. We are told with great assurance that Japan would never come to the Pacific coast, but no reason for such statement has ever been discovered outside of the imaginations of those giving it.

After doing all this Japan would still have at least two months in which to ravage the Pacific coast and to prepare to meet our battle-ship fleet from the Atlantic before it could arrive. That our army would be utterly useless in such a conflict is admitted by all, except possibly to repel an attack on our Pacific coast. In such a war our only hope would be our navy now on the Atlantic. Could this squadron of battle ships come to our relief? If so, how? In time of peace it had to employ foreign ships to carry the coal before it could come from the Atlantic. In time of war this could not be done. We could not secure foreign ships for this purpose—international law and the rules of war do not permit it. A sufficient number of American ships do not exist. How is our fleet to be supplied with coal?

So I ask again this question: Of what real value is the magnificent navy except for show and parade? If war was declared to-day on the Pacific, of what real value would our navy be? How could it leave the port where a few days ago it received the homage of the American people? If you think this a sensational statement, talk with the Secretary of the Navy, talk with Admiral Dewey, talk with our naval officers, talk with those who know the facts. Yet, it would not cost annually half the sum sufficient to build a modern battle ship to supply us with an efficient auxiliary for our navy. How can we, the representatives of the American people, explain to the country our stupidity, our criminal negligence, in this matter? Ask those gentlemen who are willing to spend more than $130,000,000 annually for a navy and yet refuse to give anything for an auxiliary, the lack of which renders our magnificent navy utterly useless.

Russia and the United States are the only nations on the earth that have committed the colossal folly of building a great navy without at the same time building a merchant marine as an auxiliary from which colliers could be had and crews for the naval vessels furnished. The sunken and captured vessels of Russia tell in graphic story her irretrievable mistake. Shall it take the terrible experience of war to teach us the same lesson?

FREE SHIPS.

Every time the question of doing something to assist our merchant marine comes up for consideration in Congress some one, either through ignorance of existing conditions or in order to help foreign shipping interests, advocates what is known as "free ships." I make this statement advisedly, for no friend of American shipping who knows the facts as they exist now believes that free ships would have any tendency to build up our merchant marine. This policy of free ships, I repeat, is to-day urged only by the enemies of American shipping or by those who have not studied the question and acquainted themselves with the facts. From this conclusion there can be no escape, because the whole free-ship argument, as favored by its advocates themselves, is that if you will permit American citizens they will buy foreign-built ships and run them under the American flag in the foreign trade. Nothing can be farther from the truth. Recent events have most forcibly demonstrated this. On the Pacific Ocean the three great vessels of the Oceanic Line, although receiving a small subsidy from the Government, were discontinued. They were losing money every day. The Boston Tow Boat Company vessels were compelled to stop running. The vessels of the Boston Steamship Company were driven out of business a few weeks ago, and have been sold to the Government. Within the last few days the *Kroonland* and the *Finland*, on the Atlantic Ocean, have pulled down the Stars and Stripes and taken the flag of Belgium. Do you suppose that any of these vessels would have stopped running if it had been profitable for them to continue? Does anyone suppose that it was other than necessity that caused the *Kroonland* and *Finland* to take down the flag of a great country like ours and adopt the flag of a third-class power like Belgium? All these American vessels that have just recently been driven out of business were on regular lines. They had established business. That there was business to be done by these lines is demonstrated by the fact that each of them has been replaced by foreign lines.

Now, if the American shipowners could not run these ships which they already had, which they already owned on established lines with established business, would they buy foreign ships if given the opportunity and attempt to run them? It seems to me beyond comprehension how even the most stupid can contend that any American citizen would purchase a ship abroad, whatever the price might be, and run it at a profit, when he can not run the vessel which he already owns. If ships were given to the American owner, he could not run them. The advocates of free ships can not give the name of a single responsible man, of a single responsible firm in America that will agree to purchase a foreign ship and run it in the foreign trade under the American flag if given the opportunity; not one. No man can name a single American who owns or who has an interest in a foreign ship that if given the opportunity would place that ship under the American flag and run it in the deep-sea trade; not one. This challenge has been made publicly in every important port of the United States repeatedly during the last five years, and no man has dared deny it and no man will contradict it to-day. On the contrary, practically every shipping firm of importance in America has been asked this direct question by the Merchant Marine Commission, of which I had the honor of being a member: "If given the opportunity, would you purchase a foreign ship and run it in the foreign trade under the American flag?" And every one of them has answered "No." In view of these indisputable facts it is hard to treat with patience the attempt to revive the old theory of free ships. It can have but one effect, and that is a tendency to defeat any legislation of real advantage to our merchant marine. The theory of free ships was fathered by the foreign steamship lobby in this country, and foreign steamship interests have spent millions to promulgate it throughout this Nation. They have been so anxious to impress upon Congress this theory that they have their agents here in the Capitol advocating it to-day. This theory is so dear to foreign interests that their representatives have repeatedly had the insulting audacity to appear before the committees of Congress to urge its adoption.

Remember this, that no American shipowners and no man representing American shipping interests has ever appeared before Congress or before any of its committees and advocated free ships—not one. And no American shipowner, and no man interested in American shipping, and no man who has gven this question even superficial study that is a friend of American shipping interests to-day advocates free ships as a remedy for our present condition. This may sound like a strong statement, but it is absolutely true and is said advisedly after a careful study of this question for more than five years. If those who really believe that a free-ship policy would have any effect to change present conditions would look at the action of Congress within the last year they would be undeceived. We have practically "free ships" in this country to-day. Any reputable citizen can, without cost and without price and without difficulty, get the American flag to-day to place on any ship, wherever built, to run in the foreign trade. Every man in America interested in shipping knows this to be true. Last year a friend of mine desired to get the flag for this purpose. I introduced a bill giving it to him. It was reported unanimously by the committee, passed the House unanimously, passed the Senate unanimously, and is now a law. It was H. R. 25437, Fifty-ninth Congress, second session, and is now act 231 of that Congress. I repeat, we have practically "free ships" in this country now, as any man can get the flag for a foreign-built ship now without difficulty and without expense to run in the foreign trade. If he will not do it now, upon what theory can it be urged that he would take advantage of a free-ship law? The gentleman from Ohio [Mr. BURTON] a few minutes ago spoke in favor of the free-ship policy and advocated a change of our navigation laws. The difficulty with many who talk free ships is that they are not entirely frank. What they mean is not "free ships," but "free labor." What they mean is that they want the right to employ the cheap pauper labor of Europe and Asia in the running of our ships. The cost of the ship is but one handicap, and not by any means the greatest, under which the American ship labors. The greatest disadvantage of the American ship is the cost of operating it. This cost is from 25 to 75 per cent more than that of the foreign ship, and this additional cost is almost exactly measured by the difference in the wage scale and the bill of fare on the American ship and the foreign ship.

Do the free-ship advocates who talk so clamorously of changing our navigation laws wish to reduce the wages of the American sailor? Do they want him to have poorer food? If not, do they want his quarters reduced? If not, then, do they want American ships officered by foreigners? These changes, and these alone, are the only ones that would remedy what the free-ship advocates call our "antiquated navigation laws." But instead of coming out in the open and admitting these facts, the free-ship advocates simply devote themselves to a general denunciation of our navigation laws. Their denunciation "is full of sound and fury, signifying nothing" The other handicap of American ships, besides first cost and the cost of operation, is the subsidies paid by other nations. Even a free-ship advocate would hardly argue that this handicap can be remedied by an adoption of their theory.

But suppose by removing the restrictions now imposed by our navigation law we could place upon the ocean a great fleet of ships flying the American flag, of what benefit would it be? It would not build up a single shipyard. It would not give employment to a single American. It would not give a dollar to American labor. Being bought abroad, these vessels would of course be repaired abroad. They would employ in all things foreign cheap labor. They would be officered by foreigners trained in foreign countries; manned by half-fed sailors born in foreign lands. We would have a ship American in nothing but the gold that represented its first cost. In time of war we could not use such ships, and the men and officers we had paid and trained would probably be with the enemy. Of what use would such a fleet of vessels be? Here is a picture to arouse the enthusiasm, to appeal to American pride and patriotism. It would be just as useful to the country, and much cheaper and more creditable to us as a country, to hire foreign ships to display the American flag as a paid advertisement in the different ports of the world, in order that the people of the earth might know that it existed. But if foreign-built ships would answer every purpose for carrying our trade in peace and protecting us in war, the purchase of them would be most objectionable. The labor of America should do America's work. It is one of the highest purposes of the Government to give its work and its wages to its own. Our ships should be built in American yards by American labor and paid American wages. They should be commanded by American officers and manned by American seamen.

A few days ago my distinguished friend from Wisconsin [Mr. KÜSTERMANN] gave utterance to a remarkable misstatement of facts which he has labeled "A speech for free ships." The falsity of the arguments made in his speech is only equaled by the serene assurance with which they were uttered. He repeated them again to-day. The most astonishing thing about the gentleman's performance was that he actually seemed to believe his own statements. He said a few moments ago that he had given this question much study. With all due deference to the gentleman, one would never suspect it from reading his speech. His speech has caused an exclamation of delight from every foreign shipowner in America. Foreign shipping interests are striving to give wide publicity to the fact that a Congressman has favored "free ships," but they show a wise precaution about quoting his figures and statements. For an utter disregard for facts, for misstatements of history, for the lack of knowledge of our navigation laws, this speech certainly was a masterpiece. If any evidence was needed to convince this House or the country that my "fresh-water" friend, or rather, to be more accurate, my "no-water" friend, from the State of Wisconsin was upon unfamiliar "ground," when he talks about any matter relating to water, this speech has demonstrated it. In fact, my friend from Wisconsin would not have been more at a loss, or less familiar with the facts, or more reckless in his statements, or more absurd in his conclusions if he had made an attempt to speak in favor of prohibition. Let me advise my friend that he should be as cautious about taking to water as he is in taking water. It is hard to answer a joke, especially when it is perpetrated seriously as a sermon. A few samples of the real funny things in this speech, however, might be worthy of remembrance. For instance, he names a number of companies that he believes would place their vessels under the American flag if they could get an American register and run them in the foreign trade. It may interest the gentleman to know that these identical firms which he named had already been asked by the Merchant Marine Commission this very question, and each one of them has stated that they would not take the American flag if offered to them and place it upon their vessels and continue to run them in the deep-sea trade. This is the answer of the men who know, who own the ships, against the man who does not know. The answer of these men to this identical question can be found in the published hearings of the Merchant Marine Commission, which is easily accessible to anyone.

Again, he says that from the time of the adoption by Great Britain of the free-ship policy dates the restoration of the British flag to the command of the seas. Yet at the date Great Britain adopted the free-ship policy she commanded the seas more thoroughly than she does to-day. In years prior to that time, when America was her dangerous rival, she refused to permit her subjects to buy an American ship. When England adopted the free-ship policy she stood first in tonnage of all the nations of the world, and we stood second. She then had 5,710,000 tons, practically all in foreign trade. We had only 1,585,000 tons in the deep-sea trade. This shows how the free-ship policy placed the British flag on the seas. Britain was at the time of its adoption three times stronger than any other nation. She no longer desired to buy ships; she could afford to adopt the free-ship policy. She desired to be consistent in appearance; she had ships to sell, and not until then did she adopt the policy. The statement of the gentleman from Wisconsin as to the effect of the free-ship policy of Germany is equally erroneous. It seems to me that the gentleman should have made no mistake, especially in stating the history of Germany. Subsidies adopted under the direction of the great Bismarck are what have built up the merchant marine of Germany. Under the free-ship policy the German merchant marine increased in the eight years immediately prior to the adoption of the subsidy plan only 145,000 tons. Her shipbuilding during that period was practically dead. Under the system of subsidies as advocated and established by Bismarck her merchant marine has grown from less than 1,250,000 tons to more than 4,000,000 tons, while her shipyards are in a most prosperous condition.

Again, the gentleman says that the French merchant marine under a heavy system of subsidy is every year losing ground. This is a most amazing piece of history that will certainly astonish the people of that Republic. According to official figures, the merchant marine of France has doubled within the last twenty-five years. In 1881 France had 914,000 tons. To-day she has 1,952,000 tons. This shows her increase under subsidy. Under a free-ship policy her tonnage for the eleven years immediately prior to the adoption of the subsidy system decreased 158,000 tons. This illustrates how subsidy has destroyed and free ships built up the French merchant marine. You would have thought that the gentleman would at least occasionally have hit the facts, but not so. In not a single illustration that he gives do figures or history bear out his assertions.

Take one more case. He says that Italy under a system of subsidy is finding great trouble to hold her own even on her own ground—the Mediterranean. Here again he must have consulted the same source of information that he did in regard to England, to Germany, and to France. The merchant marine of Italy is increasing with rapid strides. It now has a tonnage of 1,340,000 tons. Not only is Italy holding her own on the Mediterranean, but recently she has established lines across the North Atlantic to this country. Italy, like every other nation on earth that has ever tried it, made a costly failure under the free-ship policy.

Just one more misstatement, for if I contradict them all I would have to contradict every material fact in his entire speech. He says that—

> Not one dollar extra, however, is paid to the British ships to and from South America. Therefore, American ships wishing to engage in commerce with the South American countries are at no disadvantage, for there are no British ships enjoying subsidies to compete with.

It is hard to find excuse for this statement. It is hard to believe that it was not intentionally misleading. It is well known to-day that our mails in order to reach South America must first go to Europe; from Europe to South American destinations; that the American merchant to-day who wishes to send an article to South America, if he wishes prompt delivery, must send it twice across the Atlantic Ocean in the same way in a foreign ship. It is also within the knowledge of everyone who has cared to inform himself that the two principal British lines to South America receive a heavy subsidy, as do all other mail subsidies under the British flag. Every British mail line is now and always has been subsidized. A little inquiry at the office of the Commissioner of Navigation would have shown the gentleman from Wisconsin how utterly without foundation are all these many statements which he has made.

Such perversion of the facts, however, are absolutely necessary to sustain an argument in favor of free ships. Of course I will not undertake to say where the gentleman from Wisconsin got his vast fund of misinformation, but his statements have a most familiar sound. They are the same that the foreign steamship combines have made in this country for many years. I have heard them repeatedly made many times before my committee and before the Merchant Marine Commission by agents of foreign steamship companies. Herr Ballin, the director-general of the Hamburg-American Company, and the head of the great combine of vessels upon the Atlantic Ocean that is preying upon our commerce between this country and Europe and between this country and South America, could not have been better pleased with the statement of the gentleman from Wisconsin [Mr. KÜSTERMANN] if he had written his speech for him. As I have stated, I have heard the statements of the gentleman from Wisconsin given many times by men representing foreign ships, but to him belongs the distinction of being the only American citizen, so far as my knowledge goes, that has ever made them.

In order to show in detail the errors, the misstatements, the total disregard of the facts, and the absurdity of his conclusion, I will insert in the RECORD an answer to the speech of the gentleman from Wisconsin [Mr. KÜSTERMANN], written by Mr. W. L. Marvin, who was the secretary of the Merchant Marine Commission, and who has as wide and as accurate information upon this question as any man in America. I will also insert an editorial from the Chicago Inter Ocean. The facts are that every nation in the world to-day that has a merchant marine worthy of the name has built it up by a system of subsidies. No nation has ever tried the free-ship policy but what it has failed. If the United States is to build up its merchant marine, she must do it in the way that every other nation has done it. She must adopt the method that every other nation has used to achieve success. We are the greatest Nation in the world; we have the greatest commerce in the world. We are the wealthiest Nation in the world. We can afford to pay the greatest subsidy of any nation of the world. It is certainly worth as much to this Nation to keep our flag upon the ocean as it is to other nations to keep it off of the ocean. And I know that I voice the sentiment of the vast majority of the American people when I say that they are willing to pay a subsidy, however great it may be, sufficient to once more place our flag upon the ocean.

The American people are willing to pay a subsidy, however great, sufficient to furnish us with a naval auxiliary and to build American ships in American yards, by American labor, to carry American commerce. [Applause.]

Mr. Marvin's statement is as follows:

On January 26 last the gentleman from Wisconsin [Mr. KÜSTERMANN] spoke in the House in advocacy of what is known as the "free-ship bill," introduced by him in the previous month and referred to the Committee on the Merchant Marine and Fisheries. The main provision of this bill was an offer of free registry under the American flag to foreign-built ships owned to a proportion of at least 60 per cent by American citizens and employed in the foreign trade of the United States.

This bill involves a departure from an old and prudent American policy, a departure which, though often advocated, has never yet been approved by Congress. It may be said in all truth and without discourtesy that for several years past when a free-ship policy has been advocated it has usually been by a gentleman from the far interior of the country and new to the business of the House.

The gentleman from Wisconsin, in advocating his bill, appealed to the example of Great Britain and Germany, saying:

"Fifty years ago the British navigation laws were as restricted as those of the United States to-day. A few years later the laws were repealed and freedom was given her citizens to buy ships anywhere and have them registered under the British flag. From that time dates the restoration of the British flag to the command of the seas.

"Some thirty years ago Germany followed the example of Great Britain and gave her citizens the right to buy ships anywhere in the world and place them under the German flag, and this continues to be Germany's policy to-day.

"It has resulted in Germany having the second largest merchant marine in the world."

Now, the gentleman from Wisconsin is very seriously and fundamentally mistaken in both of these historical statements. Great Britain owes nothing and Germany relatively little to the policy of free ships.

All through the years of the first half of the last century, when American wooden-ship building under the influence of the protection of our discriminating and tonnage taxes was at its highest fame, Great Britain refused to allow her subjects to buy the celebrated American ships. She insisted upon building her ships at home even under many disadvantages, but she did protect and encourage her ocean-carrying trade by elaborate and rigid laws, some of them dating back to the days of Cromwell.

In 1839 the British Government, despairing of success in wooden-ship building and sail-ship building as against America, resolved to create a steam merchant fleet, and sent the first subsidized steamship of the Cunard Line across the Atlantic Ocean. At that time every packet line in the Atlantic service flew the American flag. The original British Cunard subsidy of $425,000 was gradually increased to $850,000 a year, and step by step the subsidized British steamships—subsidized for carrying the mails—began to drive the American packets and clippers from the Atlantic Ocean.

Seeing her success, Great Britain granted other subsidies. She gave the Royal Mail Company $1,350,000 a year for a regular service to the West Indies and South America. She created another South American line, the Pacific Steam Navigation Company, to the west coast by the grant of another subsidy. She gave $1,200,000 a year to the Peninsular and Oriental for a line to the Far East. She granted even more subsidies and extended her steamship lines in all directions. At this period nearly every ocean steamship under the British flag was receiving the mail pay or bounty of the Government.

Steamship-building yards, engine-building yards, iron-ship building yards, under the stimulus of these lavish subsidies, were rising up all around the coasts of the United Kingdom. These subsidies, amounting to $300,000,000 in fifty or sixty years, gave Great Britain a long lead in steamship building and iron-ship building over all of her competitors. These subsidies practically killed ocean-ship building on the continent of Europe.

It was under these conditions, with the steamship coming forward, the iron ship coming forward, that the British Government in 1849 repealed that navigation law that forbade British subjects to own foreign-built vessels. It was a perfectly safe procedure, because British yards, under the fostering of subsidies, were then constructing the steamships and iron ships that everybody knew were destined to be the ocean shipping of the future. But, as a matter of fact, the powerful British insurance monopoly of Lloyds nullified this free-ship act of Parliament and did not allow it to take effect until 1854.

By that time the British mastery of steamship building and of iron-ship building was even more complete than in 1849. And in 1849 Great Britain was quite as distinctively as she is now the undisputed mistress of the ocean. The gentleman from Wisconsin apparently believes that when this British free-ship law was passed the British mercantile marine held an inferior position, for he declares that "from that time dates the restoration of the British flag to the command of the seas." The gentleman is absolutely mistaken. In 1850 there were 5,710,000 tons of shipping beneath the British flag, nearly all of it engaged in foreign commerce, while in that same year the United States, which held second place, had only 1,585,000 tons registered for foreign trade and a tonnage of 1,899,000 in the coastwise service. That is, in ocean shipping, in over-seas shipping, in 1850 Great Britain, instead of being inferior to us, exceeded us by more than 3 to 1.

The growth of British ocean shipping did not begin under a free-ship law in 1849 or in 1854, as the gentleman from Wisconsin declares. He is apparently unfamiliar with the main facts of maritime history. The growth of British shipping began centuries before under the Cromwellian navigation act, the most vigorous and merciless kind of protective enactment. When Great Britain in 1849 passed her free-ship law, she had been for two hundred years the empress of the ocean in trade as well as war, and this belated free-ship law had no more to do with that fact than the recent old-age pension acts of the British Parliament. Neither in 1849 nor afterwards did British merchants buy any considerable amount of ocean shipping abroad, except in the four years of our civil war, when many American-built ships were transferred to British colors for protection against the British-built and British-manned cruisers of the southern confederacy. At no time since 1849 has foreign competition seriously menaced British shipbuilding, fostered and developed as that has been by $300,000,000 of British mail subsidies and the enormous construction of the British navy.

From 1849 for thirty or forty years afterwards, British shipyards were so supreme in Europe, thanks to the subsidies that originally created them, that the continental governments were compelled to come to Great Britain even for their men-of-war. This was the condition of Germany in 1870, when the German Empire was founded. Then, and for a number of years afterwards, the German armor clads were British built, and even their repairs had to be made in British shipyards. Germany in those years followed a free-ship policy, not because she wished to but because she had to. Her people had to go to Great Britain for their ocean vessels, because they had no facilities for building these vessels or their own men-of-war at home. The gentleman from Wisconsin apparently regards this as an admirable policy, but it is significant that the German Government tried something else just as quickly as it could.

In 1881 Bismarck, greatest of German statesmen, came out in an eloquent declaration for a policy of subsidies and other forms of national aid to German shipping. At that time Germany had given full and faithful trial to the free-ship policy of the gentleman from Wisconsin. Under this free-ship policy German merchant tonnage had miserably languished, showing only a nominal increase from 1,098,000 in 1873 to 1,243,000 in 1881, and German shipbuilding was practically dead. Bismarck sounded a vigorous note of self-reliance. He urged that Germans should learn to build their own ships and should be encouraged to build them, and that the whole power of the Empire be exerted to increase the German mercantile marine. A great subsidy of more than a million dollars was promptly granted by the Reichstag to create the North German Lloyd Line to the East Indies. Other subsidies were given to establish German lines elsewhere. Above all, the Reichstag required that the mail-carrying ships of these new lines should be built in German yards, as far as possible of German materials. It was thus by sheer subsidy that Bismarck and his Government created the German shipyards that have built the *Deutschland* and other famous German Atlantic flyers, and are constructing the monster *Dreadnoughts* for the imperial navy. The whole power of the Imperial Government has been and is exerted in every possible way to favor and expand the great German steamship companies. The German state railways haul at nominal rates all material for German shipyards—a virtual bounty on shipbuilding—and these same state railways grant favoring rates on goods exported in German ships. Under a free-ship policy the German merchant marine, as has been said, increased only from 1,098,000 tons in 1873 to 1,243,000 tons in 1881. But under the present imperial policy of subsidy to some lines, bounty and assistance to shipyards, discriminating rail rates on exports by German ships and imperial aid in many other ways too numerous and complex to be noted here, the German mercantile marine, one of the most elaborately protected industries in the world, has grown to a tonnage of upward of 4,000,000. For many years the North German Lloyd has built no ships abroad, and a few months ago it was announced that the other great German company, the Hamburg-American, was no longer dependent upon foreign shipyards. To hold up Germany as an example of the benefits of a free-ship policy is a good deal like exalting America as an example in foreign commerce of the ancient Democratic policy of free trade.

German statesmen know far better than the gentleman from Wisconsin what maritime policy is wisest and most effective. Just about the time that the gentleman was delivering his free-ship speech in the American Congress the Reichstag was granting still another large subsidy, given exclusively to German-built ships, to extend the trade and influence of the Empire among the islands of the Pacific Ocean, where American ships and American trade were once supreme.

Manifestly, the gentleman from Wisconsin has been very seriously misled by those on whom he has depended for his information in regard to the maritime policies of Europe. He is fundamentally wrong, not only as to Great Britain and Germany, but as to France and Italy, for he says:

"The only two European countries that pay a subvention to their mail ships far in excess of a fair remuneration for services rendered are France and Italy.

"The French merchant marine, in spite of its subsidies, is losing ground every year, and the subsidized Italian lines find great difficulty in even holding their own on the Mediterranean, their own ground, in competition with nonsubsidized German ships."

The gentleman from Wisconsin has been grievously imposed on by his informant. What he is made to say here is the very reverse of the actual facts. Instead of "losing ground every year," the French merchant marine is rapidly advancing. Its tonnage has increased from 914,000 tons in 1881 to 1,952,000 in 1908, or more than doubled. At the same time the merchant marine of Italy has been making enormous strides, reaching last year a tonnage of 1,340,000. Not only do Italian ships hold their own and more in the Mediterranean, but within two years two new and excellent Italian steamship services have been established across the north Atlantic to the port of New York.

Both France and Italy, like Germany, long depended on a free-ship policy—the policy advocated for the United States by the gentleman from Wisconsin. What was the result? The French merchant marine under free ships alone actually fell off from 1,072,000 in 1870 to 914,000 tons in 1881, when the present French subsidy system was adopted. Italy had the same experience, her merchant tonnage stand-

ing at only 860,000 in 1894. Free ships practically killed merchant-ship building in both France and Italy, and at the same time smothered the natural increase of the merchant marine. These are facts of historical record, set forth year by year in the annual reports of the United States Commissioner of Navigation and in the reports of every government of Europe. It is difficult to understand how facts like these have been kept from the knowledge of the gentleman from Wisconsin.

The policy of free ships which he is advocating is a policy that, tried by itself alone, has everywhere failed, while everywhere that it has been tried the policy of subsidy or subvention has succeeded. Take, for example, the experience of Japan. She tried free ships persistently, with the result that as late as 1894 she had only 200,000 tons of ocean shipping, and was practically unable to build any vessels more ambitious than an ancient junk. Then Japan, disheartened by the free-ship policy, began to give subsidies to her ocean ships and bounties to develop native shipyards, with the result that Japan has now created a magnificent merchant marine of 1,242,000 tons, the largest and best ships of which are of Japanese construction. In advocating the antiquated and delusive policy of free ships the gentleman from Wisconsin is facing backward toward the night and not forward toward the morning.

The gentleman is very seriously wrong in his declaration that "the American shipbuilding industry would not suffer by allowing American registry of ships in the foreign trade built or purchased in foreign countries." American shipbuilding would suffer, and would presently be destroyed, so that we should be without facilities to construct in this country the battle ships needed to defend our flag against foreign aggression. Does the gentleman from Wisconsin know that all but one of the present first-class battle ships of the United States were built in the private shipyards of America, only one of our naval stations having the machinery to undertake this work? The relatively small demands of the coastwise service will not keep alive the great and costly shipyards requisite for the construction of *Dreadnoughts;* and of these great ships we are authorizing only two a year, not enough in themselves to give the shipyards adequate employment. Our American shipyards have constructed not only the best battle ships in the world, but the best mail liners and naval auxiliaries, running on the route to Europe, to the West Indies, and Mexico under the ocean mail law of 1891, of which the pending ocean mail bill is an amendment. Under our law as it now stands these mail liners, these naval auxiliaries, one and all must be American built. Under the policy proposed by the gentleman from Wisconsin every one of them would be built in Europe or Japan, and built there not because materials are costlier here, for all materials for such ships for foreign trade are on our free list, but simply because a skilled mechanic is compelled to work in Great Britain or Germany for about one-half and in Japan for about one-third of the wages of an American mechanic. A free-ship policy like that championed by the gentleman from Wisconsin would strike a terrible blow at American labor; and worse than that, by destroying our greatest ocean shipyards, would rob our Nation of the essential resources of defense. The free-ship policy of the gentleman from Wisconsin goes much further in the direction of free trade than any policy that has even been tried by the German Empire, further even than the policy of free-trade England herself.

"Our American law requires rightfully that American mail ships of our national line, built under the inspection of our Navy Department for auxiliary naval use in war, shall be built in American shipyards by American mechanics. That also is the law of Germany in regard to the mail ships of her imperial subsidized lines, resembling the lines which the ocean mail bill now pending before this House would establish from our ports to South America and across the Pacific Ocean. This is also the policy of the British Government, which has stipulated in its recent mail contracts that mail-carrying British ships shall be 'built in the United Kingdom.' Here is another fact of large significance which is apparently unknown to the gentleman from Wisconsin.

"It is difficult to understand his attitude; difficult to understand his assertion that the mail ships of this country are already overpaid by the United States. He cites the fact that the ships of the fast American line to Europe receive $1.60 per pound for carrying the mails, while our Government pays the German steamers 44 cents. But does not the gentleman know that neither the German Government nor the British Government will pay our fast American mail ships a single penny if it can be prevented, and that our American ships in trans-Atlantic commerce are virtually without any revenue whatever from the European mails? The gentleman from Wisconsin goes a very long way, a very long way indeed, to make out a case against the ships of his own flag, the ships of his own country. In nearly every specific statement of his speech he is most surprisingly wrong. He declares, for instance:

"Not one dollar extra, however, is paid to the British ships to and from South America. Therefore American ships wishing to engage in commerce with the South American countries are at no disadvantage, for there are no British ships enjoying subsidies to compete with."

The fact is that the 2 principal British mail lines to South America, like the rest of the 30 British mail lines to all parts of the world, are and always have been generously subsidized. The Royal Mail Company, as has been stated, was created in 1840 with a subsidy of $1,350,000 a year. This subsidy has of recent years been reduced as the line became firmly established in its service, exactly as our American protective duty on steel rails has been reduced from $28 to less than $8 a ton as the industry became firmly established in this country. But the British mail lines to South America, with which American lines will have to compete, are still adequately supported out of the imperial treasury and backed by all the powers of influence of the British Government. But these British mail lines run direct to South America from British ports. No ships comparable with them under the British or any other flag run from our ports to South America. The purpose of the present ocean mail bill is to carry the United States mails on routes where no adequate facilities exist and where no first-class steamship service can be maintained without sufficient mail compensation from the Government. This bill applies to the long and costly routes, more than 4,000 miles in length, to South America and the great countries beyond the Pacific Ocean. The conditions are exactly similar to those which confronted Germany when Bismarck, in 1881, advocated and secured a great subsidy, now $1,340,000 a year, to enable the North German Lloyd to create an imperial German mail steamship service to the East Indies and Australia. Cost and all other conditions considered, these German ships receive a higher rate of mail pay than the maximum of $4 per mile proposed for 16-knot vessels in the pending bill. The gentleman from Wisconsin insists that the German mail rates are no more than adequate—and in the same speech he contends that American proposed rates of less than the German rates are excessive. Is the gentleman for his own country or against it?

And what is true of our proposed American mail lines to South America is true of the proposed lines across the Pacific Ocean. The rates of compensation in the pending bill are slightly more than the rates paid to British trans-Pacific steamers by their Government, but considerably less than the rates paid by the Government of Japan to the Japanese steamship lines, whose avowed purpose is to make the American flag a stranger on the Pacific Ocean.

Finally, there is another point in which the gentleman from Wisconsin has manifestly spoken without sufficient information. He presents a list of foreign-built steamships in which American citizens have a partial ownership, apparently believing that if his free-ship plan were adopted these foreign-built vessels would be brought under the American flag. The gentleman apparently does not know that a very few years ago a commission of Congress, the Merchant Marine Commission, made up of five Senators and five Representatives, members of both political parties, conducted a long and patient investigation into the condition of American shipping in the foreign trade. This commission put the question squarely to the very companies and firms named by the gentleman from Wisconsin as owning foreign-built ships whether they would bring their foreign-built ships beneath our flag if a free-ship law were recommended to and passed by Congress.

Of all these concerns only one in its response to the inquiry of the commission expressed even a qualified willingness to put its foreign ships under the American flag. Mr. John A. Donald, of New York, described in the list of the gentleman from Wisconsin as operating three small steamers under Norwegian colors, said in specific answer to the inquiry of the commission, "Whether you would, if so authorized by Congress, transfer your foreign-built ships to American registry to engage exclusively in the foreign trade, but to remain without subsidy, differential duty, or any other government encouragement?"

"I beg to state on my own behalf as official president of this company, without consulting my directors, that I would not feel inclined to transfer our foreign-built ships to American registry without some inducement for doing so."

Mr. Donald added in his letter that he thought that a free-ship policy might be of some help in developing the merchant marine, but it is significant that he answered "No" to the specific question.

The same reply was returned by every other firm or company, without exception. Thus the gentleman from Wisconsin names in his list of American ownership under foreign flags the Leyland, Red Star, and International Navigation companies. The American vice-president of these companies, now combined in the International Mercantile Marine, Mr. P. A. S. Franklin, of New York City, declared, in answering the commission:

"We could not afford to transfer any of our foreign-built ships to American register, as the increased cost of operating steamers under the American flag compared with the ships under foreign flags in the same trade would be too great to warrant the transfer."

The Leyland Line owns 44 British steamers, of 277,379 tons, and the Red Star and International companies 15 Belgian and British steamers, of 100,219 tons.

The Atlantic Transport Line is named by the gentleman from Wisconsin in his list as operating under British colors 17 steamers, of 123,593 tons. Mr. B. N. Baker, of Baltimore, to the inquiry of the Merchant Marine Commission whether he would put these ships under the American flag if a free-ship law was passed, answered with a simple and emphatic "No."

The Standard Oil Company is mentioned as owning 14 steamers, of 50,296 tons, under British and German flags. Mr. Philip Ruprecht, agent of this company (its shipholding company is the Anglo-American Oil), replied, like Mr. Baker, with an unqualified "No" to the inquiry of the commission.

Another American concern included in the list of the gentleman from Wisconsin is the North Atlantic Steamship Company, represented by C. & J. Hogan, of New York, operating under British colors 11 steamers, of 41,441 tons. This firm also answered in the negative, as did William R. Grace & Co., of New York, operating 9 British steamships, of 20,758 tons, and the Chesapeake and Ohio Steamship Company, operating 6 British steamers, of 20,277 tons. No formal reply was received from the United Fruit Company, of Boston, operating 5 foreign steamers, of 5,913 tons; but an informal answer was given verbally by the company's officers that they would not dream for a moment of transferring their foreign-built steamers to the American flag for the foreign trade, and that a free-ship law would be entirely ineffective so far as they were concerned.

The facts in the case will be found set forth on pages 70 to 73 of the report of the Merchant Marine Commission in 1905.

As foreign ships these vessels enjoy the low rates of foreign wages, the low cost of foreign maintenance, the protection of powerful foreign navies, and in some cases the advantage of foreign subsidies besides. For these reasons the owners find it profitable to keep their foreign-built ships under foreign flags, and they would keep them there if Congress adopted to the letter the free-ship suggestion of the gentleman from Wisconsin. He is following a will-o'-the-wisp in following a free-ship policy for the upbuilding of the American merchant marine.

A signal proof of this has just developed in the transfer from American to Belgian registry of two of the largest of American-built trans-Atlantic steamships, the *Finland* and *Kroonland* of the Red Star Line, plying between Antwerp and New York. These are not mail-carrying vessels; they are not operated under the law of 1891; they receive no subsidy from our Government. They are not compelled to carry American crews, except only their leading officers; but they are bound by act of Congress to provide a reasonable food scale for their officers and men and to have roomy and comfortable forecastles. These requirements are not made of competing ships under foreign flags, and for that reason the International Mercantile Marine Company, owning these two ships, has quietly transferred them to foreign colors, thereby saving some money in salaries of the officers and in the feeding and housing of the crews. This episode is sharp proof of the utter futility of the free-ship policy advocated by the gentleman from Wisconsin. If the few American ships we have are being transferred to foreign flags, what possible inducement would a free-ship law give to foreign ships to hoist the American flag, unless, indeed, they were eligible to carry our mails or engage in our protected coastwise service?

[From Chicago Inter Ocean, February 15, 1909.]

SUBSIDIES AND OUR MERCHANT FLEET.

"I have, after careful study," says the Hon. GUSTAV KÜSTERMANN, of Wisconsin, in a recent speech in the Lower House of Congress, "thought up a plan that will build up our merchant marine and eventually give us American ships in which to carry our mail to foreign countries."

After reading this naive admission that he has solved one of our most difficult national problems, one turns over the leaves of Mr. KÜSTERMANN'S speech in feverish haste to find how he did it. It is needless to describe one's disappointment on discovering merely the old proposal to repeal the navigation laws which forbid American registry to foreign-built ships.

According to the Hon. GUSTAV KÜSTERMANN, this is the way all merchant marines have become great—by repealing navigation restrictions. He says, for instance:

"Fifty years ago the British navigation laws were as restrictive as those of the United States to-day. A few years later the laws were repealed and freedom was given her citizens to buy ships anywhere and have them registered under the British flag. From that time dates the restoration of the British flag to the command of the seas."

It is true that Great Britain did repeal her navigation laws, as stated. But it is equally true that the permission to Britishers to buy their ships anywhere meant absolutely nothing; it was simply the removal of a superfluous statute. The age of steel ships had come, and Great Britain had the facilities for producing them better and cheaper than any other country. These facilities, supplemented by subsidies, caused the British merchant marine to outstrip the world. The gracious permission to the Britisher to buy ships anywhere else, when he could get them more cheaply at home, could hardly have stimulated its growth.

The Wisconsin statesman further remarks:

"Some thirty years ago Germany followed the example of Great Britain and gave her citizens the right to buy ships anywhere in the world and place them under the German flag, and this continues to be Germany's policy to-day. It has resulted in Germany having the second largest merchant marine in the world."

Thirty years ago the German steel industry was in its infancy, and if Germany wanted a merchant marine of steel ships in a hurry she naturally had to make some concessions. But now that her steel is rivaling England, the repeal of old restrictions is without significance. The German merchant marine is still encouraged by the policy which created it—the policy of granting government subsidies.

The assumption that permission to Americans to buy foreign ships and fly over them the American flag would settle the entire question naturally causes the Wisconsin Representative to attack the idea of subsidies. He denies that they are of much aid to steamship lines after all. Here is a sample of his argument:

"That the subsidies paid by the German Government * * * do not particularly add to the success of the steamship lines is seen from the fact that the North German Lloyd, which, on account of its line to the Far East, enjoys the greatest subsidy, declared in 1907 to their stockholders a dividend of only 4 per cent, while the Hamburg-American Line, which practically receives no subsidies, paid 7 per cent during the same period."

To an unprejudiced mind it would seem that if the North German Lloyd with the largest subsidy was able to pay only 4 per cent, the subsidy, in all probability, meant the difference between the failure and success of the line. The fact that another "practically" unsubsidized line paid 7 per cent does not alter the situation in the least. It simply illustrates the fact that subsidies may not be uniform, but must be determined with reference to all the business conditions surrounding each enterprise.

He attempts to prove his argument by saying that "the French merchant marine, in spite of its subsidies, is losing ground every year." To which the answer is that subsidies are not everything; there must be aptness and efficiency in the management and execution of the enterprise also. The French merchant marine, like the French navy, has never had the sure foundation of a national disposition toward sea adventure. Morevore, the export trade of France deals largely in objects of luxury, is comparatively small in bulk, and probably unremunerative as freight. This is a distinct handicap.

All of which leaves us with the old and well-understood fact staring us in the face—though the Hon. GUSTAV KÜSTERMANN declines to see it—that the problem of an American merchant marine is to be solved only by dealing with at least three factors of expense instead of one—the added cost of production of ships built in America, the added cost of labor to man the ships, and the amount of money required to counterbalance the subsidies which great European nations still give their important lines.

The first could be treated, as Mr. KÜSTERMANN suggests, by permitting Americans to buy ships elsewhere and register them under the American flag; but this would sound the death knell of any revival of shipbuilding in this country. The second could be treated by granting permission to employ entirely foreign crews; but this would not only banish the hope of training American sailors in foreign trade for the Nation's needs, but it would actualy result in presenting foreign nations, our possible enemies in war, with a valuable corps of men.

The third could only be treated by the Government's furnishing a sum of money at least equal to that given by foreign nations to lines likely to compete with our own. So, when all is said, we find a subsidy of some sort is necessary. Even if we are willing to sacrifice the future of American shipbuilding and the hope of American sailors in foreign seas, we must have subsidies.

The country will eventually come around to this point. We should not be surprised if even the Hon. GUSTAV KÜSTERMANN, after some more "careful study," should find himself persuaded that this is about the only way in which the country can rehabilitate the American merchant marine.

Mate William Jenney.

SPEECH

OF

HON. HIRAM R. BURTON,

OF DELAWARE,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 3, 1909.

On the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Mr. BURTON of Delaware said:

Mr. SPEAKER: On February 13, 1908, I introduced a bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other mates who had been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Said bill reads as follows:

A bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Be it enacted, etc., That Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list of the navy with the rank and pay of one grade above that actually held by them at the time of retirement by reason of their creditable civil war service under the provisions of the acts of Congress approved March 3, 1899, and June 29, 1906, shall be credited with all their prior actual service either as officers or enlisted men in the Army, Navy, and Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said acts.

The necessity for this bill grew out of the attitude of the Bureau of Navigation, Navy Department, as set forth in a letter dated January 9, 1907, and addressed to Mate Thomas W. Bonsall, U. S. Navy, retired, in which the bureau stated as follows:

The bureau regrets that those mates on the retired list who served as such during the civil war are not entitled to the benefits of the act of Congress approved June 29, 1906.

And to the position of the Navy Department, as stated in a letter, dated July 10, 1907, and addressed to Hon. THOMAS S. BUTLER, in which the department said:

The department concurs with the Bureau of Navigation in its conclusion that it is without power to advance mates to a higher grade under the provisions of the statutes cited.

These mates had employed a prominent law firm in Washington, experienced in naval matters, concerning their claim for increase in rank and pay on the retired list.

But this law firm, after fully considering the matter, informed Mate Jenney and his fellow-officers that it did not believe they were entitled to increased rank and pay under any act of Congress.

The matter rested in this shape until it was brought to the attention of Mr. Clarence W. DeKnight, a lawyer of this city, who advised Mate Jenney and others that, in his opinion, they were entitled.

Accordingly these mates employed Mr. DeKnight in support of their contention. He took the matter up with the Navy Department, which again adhered to its position that these mates were not entitled. Furthermore, the department refused to refer the matter to the Attorney-General for opinion, on the ground that the department entertained no doubt that it was correct in its position, and that it was only where the department entertained a doubt that it felt called upon to request the Attorney-General for an opinion. The act in regard to requesting opinions of the Attorney-General is as follows:

The head of an executive department may require the opinion of the Attorney-General on any questions of law arising in the administration of his department. (Sec. 356, Rev. Stats.)

After considerable effort on the part of Mr. DeKnight, the Secretary of the Navy, acting on the request of Hon. THOMAS S. BUTLER, contained in a letter dated June 12, 1907, was induced to entertain a doubt as to the position of the department in relation to the status of these mates, and the matter was on October 1, 1908, referred to the Attorney-General, with request for an opinion.

When it reached the Attorney-General's office, Mr. DeKnight made an extended argument in the matter, with the result that the Attorney-General sustained Mr. DeKnight's position and rendered an opinoin on October 15, 1907 (26 Op., 434), which appears later on in my remarks.

In accordance with this opinion, Mates William W. Beck, William Boyd, John Griffin, Joseph Hill, Silas T. C. Smith, Frank Holler, and Robert Robinson were nominated to and confirmed by the Senate as mates on the retired list with the rank and pay of the lowest grade of warrant officers. (See CONGRESSIONAL RECORD, 60th Cong., 1st sess., pp. 256, 354, 1031.)

It was not necessary that Mate William Jenney should be nominated and confirmed, for the reason that he was given the rank and pay of the next higher grade under the provisions of section 11 of the act of March 3, 1899 (30 Stat., 1007).

But notwithstanding this advancement, the comptroller held that these mates were not entitled to the pay of the next higher grade, evidently intended by the act. Hence, at the request of Mr. DeKnight, I introduced the bill already quoted.

The nomination and confirmation of these mates is the first in history where an officer not holding a commission in the navy was nominated by the President and confirmed by the Senate to have the rank and pay of an officer in the navy not holding a commission and whose appointment to such grade is not required to be confirmed by the Senate.

However, it was clearly shown in the brief of Mr. DeKnight, as submitted to the Attorney-General, that the words "by and with the advice and consent of the Senate," as contained in the act of June 29, 1906, did not preclude these mates.

On this subject Mr. DeKnight contended as follows:

The words "by and with the advice and consent of the Senate" can not be construed as barring these mates. These words are copied into the act of June 29, 1906, from the Constitution of the United States, which requires that a person appointed to an office, within the meaning of the Constitution, or an officer receiving a promotion to a higher grade shall receive the same only "by and with the advice and consent of the Senate." No officer takes a new grade under the act of June 29, 1906, and it was therefore entirely unnecessary that he should be nominated to the Senate and be confirmed by that body to meet any constitutional requirement. Hence it follows that this requirement is merely statutory and arbitrary. The name of this officer, a mate, is to be sent to the Senate merely as a statutory and not as a constitutional requirement; that is to say, under the requirement of this act of June 29, 1906, merely because Congress had seen fit to so enact.

This is an arbitrary requirement, but it is in keeping with other such arbitrary requirements on the part of Congress.

By way of illustration: Congress has arbitrarily required that the mere increase in pay of an officer on the retired list from furlough pay to half pay, shall be "by and with the advice and consent of the Senate," when it could have been accomplished by giving authority to the President, or the Secretary of the Navy, in his discretion, to grant such increase.

Section 1594, Revised Statutes, reads:

"The President, by and with the advice and consent of the Senate, may transfer any officer on the retired list from the furlough to the retired pay list."

The increase contemplated by the section does not constitute a new grade or office, and the consent of the Senate was merely statutory and arbitrary.

Under the provisions of section 1594, Revised Statutes, supra, Assistant Engineer Henry E. Rhodes, U. S. Navy, retired, was on April 25, 1879, transferred by the President to the retired-pay list "by and with the advice and consent of the Senate," while by the act approved June 26, 1906, he was transferred from the half-pay list to the 75-per cent list of retired officers not by the President, not "by and with the advice and consent of the Senate," but merely by the Secretary of the Navy. The act for his transfer reads as follows:

"Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to transfer Assistant Engineer Henry E. Rhodes upon the retired list of the United States Navy, from the half-pay list to the 75-per cent-pay list of retired officers under section 1589 of the Revised Statutes of the United States, to take effect from the date of his retirement."

The foregoing shows conclusively that it is not a departure from the arbitrary requirements of Congress to require that the name of officers shall be sent to the Senate when unnecessary as a constitutional requirement.

This bill which I introduced was referred to the Committee on Naval Affairs, and on March 6, 1908, was reported favorably from that committee by Mr. ELLIS of Oregon, the report being as follows:

[House Report No. 1178, Sixtieth Congress first session.]

WILLIAM JENNEY AND EIGHT OTHER RETIRED MATES OF NAVY.

Mr. ELLIS of Oregon, from the Committee on Naval Affairs, submitted the following report, to accompany H. R. 17059:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, submit the following report:

It appears from the Official Register of the Navy that William Jenney was a mate in the navy March 19, 1861; acting ensign, November 27, 1863; honorably discharged January 11, 1866; appointed a mate in the navy December 6, 1869, and retired on account of reaching the age of 62 years on September 26, 1899, under section 1444 of the Revised Statutes.

Mate Jenney was one of the 28 mates in the navy August 1, 1894, to whom the act approved on that date (28 Stat. L., 212) applies.

Section 11 of the act of March 3, 1899 (30 Stat. L., 1007), provides:

"That any officer of the navy with a creditable record who served during civil war shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

On September 14, 1899, Mate Jenney was notified of his retirement by the Secretary of the Navy in accordance with the provisions of section 1444 of the Revised Statutes of the United States. The act of June 29, 1906 (34 Stat. L., 554), gave a similar advancement for like reasons.

The Comptroller of the Treasury in his construction of these statutes held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service; and while it was the undoubted intention of the acts referred to to advance the retired pay of these officers, they will under this holding, as a matter of fact, get no greater pay than they previously received.

Your committee is of the opinion that the passage of this bill is necessary if these officers are to receive the relief it was intended to give them in previous legislation.

In support of this view the following letter from the Secretary of the Navy is submitted herewith and made a part of this report:

NAVY DEPARTMENT,
Washington, February 21, 1908.

SIR: I have the honor to acknowledge receipt of your letter of the 14th instant, requesting the department's views with reference to a bill (H. R. 17059) "For the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement."

Inasmuch as the Comptroller of the Treasury has held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service, the effect of the advancement provided for by the acts of March 3, 1899, and June 29, 1906, will be to give these officers no greater pay than that they previously received.

Favorable consideration of the bill (H. R. 17059) is therefore recommended, for the purpose of extending to these mates the benefits of increased compensation on advance in rank, as was obviously intended by the acts of March 3, 1899, and June 29, 1906.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

In view of the foregoing, your committee is of the opinion that H. R. 17059 should pass. We therefore submit it with a favorable recommendation.

The bill was reached on the calendar of the House on March 7, 1908, when it was discussed and went over because of the objection of Mr. MANN.

The debate which occurred at that time is as follows:

MATE WILLIAM JENNEY, U. S. NAVY, AND OTHERS, RETIRED.

The next business was the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

The bill was read, as follows:

"Be it enacted, etc., That Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list of the navy with the rank and pay of one grade above that actually held by them at the time of retirement by reason of their creditable civil war service under the provisions of the acts of Congress approved March 3, 1899, and June 29, 1906, shall be credited with all their prior actual service either as officers or enlisted men in the Army, Navy, and Marine Corps in computing their pay on the retired list from the date of their advancement under the provisions of said acts."

Mr. MANN. Mr. Speaker, reserving the right to object, I think there ought to be a pretty full explanation of this bill from the Naval Committee.

Mr. BURTON of Delaware. Mr. Speaker, it seems that this legislation is necessary in order to set aside an arbitrary decision of the Comptroller of the Treasury that really seems to be contrary to the act of March 3, 1899. That act provides that any officer of the navy with a creditable record who served during the civil war shall, when retired, be retired with the rank and three-fourths of the sea pay of the next higher grade. That seems to me to be mandatory. Yet the Comptroller of the Treasury decided that they were to receive only the smallest pay.

Mr. MANN. Is the gentleman able to say how many men have been retired in the navy and the army who are subject to the same ruling of the comptroller?

Mr. BURTON of Delaware. In this service there were twenty-eight originally——

Mr. MANN. Does the gentleman mean in this service or in this class?

Mr. BURTON of Delaware. The others have all got it, except eight men.

Mr. MANN. No one has got it under the original law, under this decision of the comptroller. Mates are not the only men on the retired list of the navy, as I understand it, under this law, and this decision of the comptroller was not made as to this mate or these particular mates. It was a general ruling. Now, is the gentleman able to tell us how many men on the retired list of the navy and the army are affected by the same decision of the comptroller?

Mr. BURTON of Delaware. I am not able to answer that question, but the passage of this act will grant relief to the eight men who are now living.

Mr. MANN. Or nine, to be more accurate; one and eight others make nine, I believe, if my arithmetic is correct. But the gentleman proposes to take a decision of the comptroller and wipe it out as to nine men. My opinion is that it more likely applies to 900.

Mr. BURTON of Delaware. I do not think so. Has the gentleman's attention been called to a letter of the Secretary of the Navy on this subject?

Mr. MANN. I have read the report.

Mr. BURTON of Delaware. You will find that in the report, which I ask the Clerk to read.

Mr. HOLLIDAY. Pending that, I should like to ask the gentleman what is the purpose of this bill?

Mr. BURTON of Delaware. The report will give the gentleman the purpose.

The Clerk read as follows:

"The Committee on Naval Affairs, to whom was referred the bill (H. R. 17059) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, submit the following report:

"It appears from the Official Register of the Navy that William Jenney was a mate in the navy March 19, 1861; acting ensign, November 27, 1863; honorably discharged January 11, 1866; appointed a mate in the navy December 6, 1869; and retired on account of reaching the age of 62 years on September 26, 1899, under section 1444 of the Revised Statutes.

"Mate Jenney was one of the 28 mates in the navy August 1, 1894, to whom the act approved on that date (28 Stat. L., 212) applies.

"Section 11 of the act of March 3, 1899 (30 Stat. L., 1007), provides:

"'That any officer of the navy, with a creditable record, who served during the civil war shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade.'

"On September 14, 1899, Mate Jenney was notified of his retirement by the Secretary of the Navy in accordance with the provisions of section 1444 of the Revised Statutes of the United States. The act of June 29, 1906 (34 Stat. L., 554), gave a similar advancement for like reasons.

"The Comptroller of the Treasury, in his construction of these statutes, held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service; and while it was the undoubted intention of the acts referred to to advance the retired pay of these officers, they will under this holding, as a matter of fact, get no greater pay than they previously received.

"Your committee is of the opinion that the passage of this bill is necessary if these officers are to receive the relief it was intended to give them in previous legislation.

"In support of this view the following letter from the Secretary of the Navy is submitted herewith and made a part of this report:

NAVY DEPARTMENT,
Washington, February 21, 1908.

SIR: I have the honor to acknowledge receipt of your letter of the 14th instant, requesting the department's view with reference to a bill (H. R. 17059) "for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement."

Inasmuch as the Comptroller of the Treasury has held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service, the effect of the advancement provided for by the acts of March 3, 1899, and June 29, 1906, will be to give these officers no greater pay than that they previously received.

Favorable consideration of the bill (H. R. 17059) is therefore recommended, for the purpose of extending to these mates the benefits of increased compensation on advance in rank, as was obviously intended by the acts of March 3, 1899, and June 29, 1906.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

"In view of the foregoing, your committee is of the opinion that H. R. 17059 should pass. We therefore submit it with a favorable recommendation."

Mr. HOLLIDAY. Mr. Speaker, I take it the purpose of this bill is to increase the pay that these men get on the retired list. Does the gentleman know how much they are getting now?

Mr. BURTON of Delaware. Nine hundred dollars.

Mr. HOLLIDAY. Nine hundred a year?

Mr. BURTON of Delaware. Yes.

Mr. HOLLIDAY. Are they officers or enlisted men?

Mr. BURTON of Delaware. I understand they were all officers, and one of them is as much as 80 years old.

Mr. HOLLIDAY. How much will their retired pay be increased if the bill passes?

Mr. BURTON of Delaware. As I understand, their pay will be three-fourths of $1,800 a year. That was their sea pay for the length of service rendered, and, as I understand this act, it would give them three-fourths of their sea pay.

Mr. BUTLER. It is just to equalize it as to the officers of the army and the navy.

Mr. BURTON of Delaware. Yes; that is the object of the bill.

Mr. HOLLIDAY. They served in the navy until they came to their retirement?

Mr. BURTON of Delaware. Yes.

Mr. HOLLIDAY. And this simply puts them on a par with other officers who had similar service?

Mr. BURTON of Delaware. That is all.

Mr. ELLIS of Oregon. Mr. Speaker, this bill, as I understand it, is to correct what was obviously intended to be done by statute. The statute of 1899 is mandatory in character and says that this shall be done.

A subsequent statute, passed in 1905, had the same end in view, but by a holding of the comptroller when this matter came up for consideration these nine men were excluded from the provisions of those acts; they were old soldiers who had served through the war, and by virtue of their retirement coming at a particular time the comptroller held that they were excluded, and they are not receiving the benefit that others of their class are receiving. I think there are only nine—this man and eight others. They served with distinction through the war, and the statute intended to give them the benefit that it gave the other officers of like character. They gave them the advance in rank, but no corresponding advance in pay, as was intended by the act, for the reason that the comptroller held that they did not come within the act. The committee, after investigating it and examining the report of the comptroller, reached the conclusion that such a holding worked a great injustice. The report is unanimous, and is backed by a letter from the Secretary of the Navy, who says that the legislation referred to was obviously intended to benefit these men, but under the ruling they are excluded, and we only desire to correct that oversight or inequality existing under that ruling and to put these men in a position to receive what it was intended they should have.

Mr. MANN. Will the gentleman yield?

Mr. ELLIS of Oregon. I am speaking in the time of the gentleman from Delaware.

Mr. BURTON of Delaware. I will yield to the gentleman.

Mr. MANN. Just what will be accomplished by this bill?

Mr. ELLIS of Oregon. Under the statute at the present time these men are getting three-fourths of the pay which the comptroller held they should receive—that is, three-fourths of $1,200. Under the bill, if it becomes a law, they will get three-quarters of the pay of the rank which they retired on, which would be three-fourths of $1,800.

Mr. MANN. They were mates; they were retired with the rank and pay of what grade, warrant officers?

Mr. ELLIS of Oregon. Yes.

Mr. MANN. What is the pay of warrant officers?

Mr. ELLIS of Oregon. Eighteen hundred dollars.

Mr. MANN. Is that the lowest pay of a warrant officer?

Mr. ELLIS of Oregon. The lowest pay of the class in which they were placed.

Mr. MANN. What is the class in which they were placed? What is the lowest pay of a warrant officer? The gentleman says $1,800.

Mr. ELLIS of Oregon. Twelve hundred dollars is the lowest.

Mr. MANN. That is what I thought. That is what the law provides for, and that is what they are getting.

Mr. ELLIS of Oregon. Their rank was above that.

Mr. MANN. What does the gentleman mean by saying that "their rank was above that?" Does the gentleman mean that their rank would have been above that if they had served as warrant officers twenty or thirty years? This bill apparently proposes to give to these officers the rank and retired pay of a warrant officer if they had served as warrant officers for a great many years, which they never served at all.

Mr. BURTON of Delaware. But they did.

Mr. MANN. I beg the gentleman's pardon, they were never warrant officers. They never had the rank or pay of warrant officers until retired.

Mr. BURTON of Delaware. The act clearly says "shall when retired be retired with the rank and three-quarters pay of the next higher grade."

Mr. MANN. They were retired with that rank, but never served with that rank.

Mr. ELLIS of Oregon. Because they reached the retiring age.

Mr. MANN. They were mates; that is what the bill shows. They reached the age of retirement, and thereupon they were retired with the rank of warrant officers, but they had never served as warrant officers. Now, the proposition is not only to give them that advantage, but to give them the additional advantage of having served as warrant officers for many years. The same case arises in the army. We have had the same proposition in other committees of the House.

Mr. BURTON of Delaware. I want the gentleman to understand that I have no special interest in this bill. This is simply a matter of justice to the men.

Mr. MANN. I understand that.

Mr. BURTON of Delaware. I believe these men have done good service, and they are entitled to more than three-quarters of $1,200 pay.

Mr. MANN. They are now getting $75 a month, which would be considered an extremely large pension to any enlisted man in the army or in the navy.

Mr. HOLLIDAY. I would like to ask the gentleman another question. How long did these men serve after they went into the navy?

Mr. BURTON of Delaware. In the case of Mr. Jenney, this report shows that he was enlisted March 19, 1861, and was given notice of his retirement on September 14, 1899. Now, he was discharged in 1866, and then reenlisted, and was retired in 1899. That shows a long service.

Mr. HOLLIDAY. I am not inclined to be captious about that, but the Committee on Military Affairs is fairly flooded with applications to increase the pay of men on the retired list—that is, to give them a higher rating—and it is sometimes complained to us that the Naval Committee is much more liberal than the Committee on Military Affairs. I shall not object, however.

Mr. ELLIS of Oregon. Mr. Speaker, it will be found by reference to this act of March 3, 1899, known as the "personnel act," which is mandatory, that any officer of the navy with a creditable record shall, when retired, be retired with the rank and three-quarters of the sea pay of the next higher grade. On September 14, 1899, the same year this act was passed, Mr. Jenney was retired by the Secretary of the Navy in accordance with the provisions of law, but under the holding of the comptroller he could not have this pay which the personnel act, in express terms, said he should have. He was not retired until after the passage of that act giving him the right to that pay, and then under that ruling he could not receive the pay.

Mr. MANN. I do not understand the gentleman is correct in his statement of the facts. I understand these officers had received and have received from the date of their retirement three-quarters of the sea pay of the next higher grade than mates. They were mates, and they have received three-quarters of the sea pay of a warrant officer, which is $100 a month. Now, the gentleman proposes not only to give them an increase of pay more than is provided by the act, but to date that back to 1899. There has not been such a bill reported into this House from any other committee of the House. The Committee on Military Affairs has constantly, as I am informed, turned down these bills. The committee of which I have the honor to be one of the members has refused to recommend the passage of such a bill, and I do not believe that it receives, in the hurry of making up an appropriation bill, that due consideration which the Committee on Naval Affairs usually gives to everything which comes before it.

Mr. BURTON of Delaware. Does not the gentleman understand that these officers were getting $900 before the passage of this act?

Mr. MANN. Oh, I presume very likely. I presume they were getting $1,200.

Mr. WEEKS. I would like to ask the gentleman from Oregon a question: Are there not certain retired rear-admirals who bear the same relation to other admirals retired since the personnel act that these mates do to other mates retired since the personnel act, and is there not a bill pending in the Naval Committee for their relief at this time?

Mr. ELLIS of Oregon. I am not certain, but I think there is. I did not quite catch the question of the gentleman.

Mr. WEEKS. Are there not certain retired rear-admirals who were retired before the passage of the personnel act who bear the same relation to those retired since the personnel act that these mates do to mates who have been retired since the personnel act?

Mr. BUTLER. Yes; and, if I recollect correctly, I believe that bill was ordered yesterday to be reported favorably.

Mr. WEEKS. The case is exactly the same, is it not?

Mr. BUTLER. Yes. There are a few of these mates that have not been provided for under the personnel act of 1899, and the reason for that is stated in this report from the department. The bill referred to by the gentleman, I believe, was ordered yesterday to be reported favorably.

Mr. WEEKS. The fact is that any mate retired since the personnel act is receiving three-quarters of $1,800.

Mr. BUTLER. Yes.

Mr. WEEKS. And these mates who were retired before the passage of the act are receiving three-quarters of $1,200, and their civil-war service was the same.

Mr. BUTLER. Their civil-war service was the same, and the personnel act of 1899, section 11, directs that they shall receive three-quarters of the sea pay of one grade above that at which they were retired.

Mr. BURTON of Delaware. Mr. Speaker, I believe this to be a just and fair measure. These mates are entitled to the advance asked for, and I hope the gentleman from Illinois [Mr. MANN] will not object.

Mr. LAWRENCE. As I understand it, the law provides that an officer going upon the retired list shall be retired at three-quarters pay of the rank above that which he holds at the time of the retirement where he had civil-war service.

Mr. BURTON of Delaware. Yes.

Mr. LAWRENCE. These parties for whose relief this bill is proposed were not, as a matter of fact, retired at the next grade above that which they held at the time of the retirement.

Mr. BURTON of Delaware. No; they were not.

Mr. LAWRENCE. And so you seek simply to place them upon a par with mates who would to-day be retired?

Mr. BURTON of Delaware. Yes.

Mr. LAWRENCE. And who would receive three-quarters of $1,800?

Mr. BURTON of Delaware. To $1,800.

Mr. LAWRENCE. So all you seek to do for these nine men is to place them on a par with other men of equal grade.

Mr. MANN. Is it the intent of the committee, of which the gentleman is a distinguished member, to bring into the House from time to time bills to equalize the pay of all officers and enlisted men who were placed on the retired list, every time an advance in pay is made; that the officers already on the retired list shall have the benefit of the increase of pay so as to equalize their salaries?

Mr. BURTON of Delaware. This only applies to civil-war veterans.

Mr. MANN. Oh, but the gentleman talks about equalizing pay and putting men on the same plane. Now, we passed an item for the increased pay of the enlisted men of the army the other day. If I remember rightly, the Military Affairs Committee, in reporting that proposition, were very careful that the increase in pay should not apply to men already on the retired list, taking the position that when a man is lucky enough to get on the retired list of the army or navy, and he is luckier than anyone else who serves the Government, that he ought to be satisfied with what he gets and not make him up into part of a lobby to constantly urge an increase of any salaries, he probably having nothing else to do.

Mr. BURTON of Delaware. Well, Mr. Speaker, I think that that is hardly applicable to this case. We only ask to have these men placed on the same plane they would have if they were retired to-day, veterans of the civil war.

Mr. BUTLER. Mr. Speaker, I will reply to the gentleman if he will listen. I will not, as a member of the Committee on Naval Affairs or as a Member of this House, vote to increase the pay of any man upon the retired list unless he served creditably and well in the civil war. We reported this bill that the pay of these eight or nine old sailors might be the same upon the retired list which their brothers who served in the civil war are now receiving. If they had not served in the civil war, I would not ask my friend to vote for their relief.

Mr. MANN. I supposed the gentleman was in favor of that proposition, possibly to put men on retired pay, but upon a much higher salary than he would have otherwise received, because he served two or three days in a clerk's office or something corresponding to that in the civil war.

Mr. BUTLER. No.

Mr. MANN. Such a man is now on the retired list, and it is a shame and disgrace to this Government that it ever put him there for that reason——

Mr. BUTLER. I do not know to whom the gentleman refers, but I am sorry to have assisted in the passage of such a measure if I did so. This man, William Jenney, was honorably discharged from the service in 1866. He enlisted March 19, 1861. He had a long and faithful as well as honorable war service, and for that reason, I assure my friend, we reported this bill favorably. We think he and the other men here provided for should have the same pay that other mates have who were more fortunate to be retired a short time after the passage of the personnel act of 1899.

Mr. MANN. Can the gentleman inform me what this means in this bill:

"Shall be credited with all their prior actual service, either as officers or enlisted men in the Army, Navy, or Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said act."

What does that mean?

Mr. BUTLER. Mr. Speaker, I can not answer the question. I know it is the intention of the Committee on Naval Affairs that they shall not receive what is commonly known as "back pay," and inasmuch as there seems to me—I am not authorized; the gentleman from Delaware introduced the bill and the gentleman from Oregon [Mr. ELLIS] reported it, after having passed the committee unanimously—but with the consent of the two gentlemen I will ask that the bill be laid aside until the Private Calendar is reached in regular order.

The SPEAKER. The bill is under consideration now, as the Chair understands. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The opinion of the Attorney-General referred to in the report on the bill and in the debate is as follows:

DEPARTMENT OF JUSTICE,
October 15, 1907.

SIR: I have the honor to acknowledge the receipt of your letter of October 1, 1907, in which you ask my opinion as to whether certain mates, whose names are borne on the retired list of officers of the navy, having been placed there in accordance with the statute approved August 1, 1894 (28 Stat., 212), are entitled to advancement in accordance with the provisions of the act of June 29, 1906 (34 Stat., 554); and if so, to what grade they should be advanced. Sections 1408, 1409, and 1410 of the Revised Statutes are as follows:

"SEC. 1408. Mates may be rated, under authority of the Secretary of the Navy, from seamen and ordinary seamen who have enlisted in the naval service for not less than two years.

"SEC. 1409. The rating of an enlisted man as a mate, or his appointment as a warrant officer, shall not discharge him from his enlistment.

"SEC. 1410. All officers not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, and except secretaries and clerks, shall be deemed petty officers, and shall be entitled to obedience, in the execution of their offices, from persons of inferior ratings."

In the case of The United States *v.* Fuller (160 U. S., 593, 595) the court says:

"The personnel of the navy is divided generally into commissioned officers, noncommissioned or warrant officers, petty officers, and seamen of various grades and denominations."

After review of the foregoing and certain other provisions of the Revised Statutes, the court further says (p. 596):

"From this summary of the Revised Statutes it appears reasonably clear:

"1. That boatswains, gunners, sailmakers, and carpenters are warrant officers to be appointed by the President, and that they are the only ones specifically mentioned as such.

"2. That mates and officers not holding commissions or warrants and not entitled to them, but are petty officers promoted by the Secretary of the Navy from seamen of inferior grades who have enlisted for not less than two years, and that they are distinguished from other petty officers only in the fact that their pay is fixed by statute instead of by the President."

The act of August 1, 1894, mentioned in your letter, contains the language which follows:

"That the law regulating the retirement of warrant officers in the navy shall be construed to apply to the 28 officers now serving as mates in the navy."

It seems, therefore, to be clear (1) that the mates in question are officers of the navy; (2) that they are neither commissioned nor warrant officers, but, with respect to the law regulating retirements, they are placed, by special statute, upon the same footing as warrant officers. I understand from your letter that they have the other qualifications required by the act approved June 29, 1906, for advancement in grade. That act provided—

"That any officer of the navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the Official Register of the Navy, and who has heretofore been or may hereafter be retired, * * * may, in the discretion of the President, * * * be placed on the retired list of the navy with the rank and retired pay of one grade above that actually held by him at the time of retirement."

The only question appears to be whether they are officers in the sense contemplated by that act. From your letter and the accompanying papers I further understand that doubts are entertained as to whether they are such officers, because (1), as stated in the indorsement of the Bureau of Navigation, "mates have always been considered as enlisted men," and (2) in an opinion rendered July 22, 1907, I held, in the case of Mate Richard J. Keating, that he was an enlisted man for the purpose of being permitted to reenlist with the benefit of continuous service under article 839 of the Navy Regulations.

There is no doubt, I think, in view of the provisions of sections 1409 and 1410 of the Revised Statutes, that a person can be at the same time an officer of the navy and an enlisted man. The distinction in this respect is between commissioned officers and the enlisted force. Not only is it expressly provided in section 1409 that when an enlisted man becomes a mate his duties and rights as an enlisted man remain unaffected, but the same provision is made with respect to warrant officers; and, if the fact of enlistment should be held a bar to securing the benefits of the act of 1906 in the case of mates, this might be equally true with respect to warrant officers as well. By Article II, section 2, clause 2, of the Constitution "officers of the United States" can be appointed legally (1) by the President, by and with the advice and consent of the Senate; (2) by the President alone; (3) by the courts of law; or (4) by the heads of departments. Commissioned officers of the navy are appointed in accordance with the first method, warrant officers in accordance with the second, and mates in accordance with the fourth. All are alike officers of the United States, and, in accordance with the provisions of the acts of 1894 and 1906, above quoted, all are alike entitled to the benefits of the advancement provided for in the last-mentioned act whenever otherwise qualified. The suggestion that there is no higher grade to which mates can be advanced appears to arise from some misunderstanding as to the purpose of the law. The act of 1906 does not say that the officers in question shall be advanced to another grade, but that they shall be placed on the retired list with the rank and retired pay of one grade above that actually held at the time of retirement. On April 8, 1899, Attorney-General Griggs gave an opinion (22 Op., 433) to your predecessor with regard to the construction of section 11 of the act approved March 3, 1899, and generally known as the "personnel act." In this opinion he held that, while officers of the Medical or Pay Corps could not be given a higher position in the service than that of medical director or pay director, respectively, they might have conferred upon them a higher rank and higher pay than those of the officers bearing such titles. In his words (p. 436):

"The highest officer in the Medical Corps is a 'medical director,' having the 'relative rank of captain.' It would not be possible to promote a medical director to a higher place in the Medical Corps, but it would be possible to confer upon him a higher rank than that of captain. And in my opinion that is what section 11 is intended to do. The two officers whose cases are now under discussion will be retired, respectively, as medical director and pay director, but with a higher relative rank on the retired list than that which they are entitled to in the active service—namely, rear-admiral. I see no difficulty in giving to section 11 such a construction, nor do I see any inconsistency or embarrassment that will arise in its operation."

I see no reason why this ruling should not cover the case under consideration. The mates in question will not obtain the grade of warrant officers, but they will have the rank and retired pay appurtenant to the lowest grade of such officers.

I therefore advise you that, in my opinion, the mates mentioned in your letter are entitled, in the discretion of the President, by and with the advice and consent of the Senate, to the benefit of the advancement provided in the case of retired officers under the circumstances enumerated in the act approved June 29, 1906; and, secondly, that, while the effect of such advancement may not be to place them in a different grade from that which they now hold, they will obtain the rank and retired pay belonging to the next higher grade in the service—namely, that of the lowest grade of warrant officers.

I remain, very respectfully, CHARLES J. BONAPARTE.

The SECRETARY OF THE NAVY.

The decision of the comptroller, based upon the foregoing opinion of the Attorney-General, and which necessitated the introduction of the bill, is as follows:

Mates: Retired; advanced on retired list, pay.

A mate with civil-war service was retired for age on September 26, 1899; following the reasoning of the Attorney-General in his opinion of October 15, 1907, all of which applies with equal force to section 11 of the personnel act as to the act of June 29, 1906, he is entitled, under said section 11, to "three-fourths the sea pay of the next higher grade," viz, that of the lowest grade of warrant officers, three-fourths of $1,200, the sea pay of a warrant officer during the first three years.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, January 29, 1908.

CECIL S. BAKER,
Paymaster, U. S. Navy, U. S. Navy-Yard, Boston, Mass.

SIR: I have received your letter of the 13th ultimo requesting a decision, as follows:

"In consideration of the decision of the Attorney-General of the United States of October 15, 1907, that mates retired in accordance with the statute approved August 1, 1894, and enjoying the benefits of the act approved June 29, 1906, are entitled to the rank and retired pay belonging to the next higher grade, namely, that of the lowest grade of warrant officers, I have the honor to request that a decision be rendered on the following question, viz: To what rate of pay is William Jenney,

mate, United States Navy, retired and transferred to the retired list September 14, 1899, entitled under the Attorney-General's decision and the provisions of the following letter:

"'NAVY DEPARTMENT,
"'*Washington, D. C., November 26, 1907.*

"'SIR: The Department's order to you, dated September 14, 1899, notifying you that you would be transferred to the retired list of officers of the navy from the 26th day of September, 1899, in accordance with the provisions of section 1444 of the Revised Statutes, is so far modified that you will be regarded as having been retired from that date with the rank and three-fourths of the sea pay of the lowest grade of warrant officers, in accordance with the provisions of section 11 of the act of Congress approved March 3, 1899.'"

It appears from the Official Register of the Navy that William Jenney was a mate in the navy March 19, 1861; acting ensign November 27, 1863; honorably discharged January 11, 1866; appointed a mate in the navy December 6, 1869, and retired on account of reaching the age of 62 years on September 26, 1899, under section 1444 of the Revised Statutes.

Mate Jenney was one of the 28 mates in the navy August 1, 1894, to whom the act approved on that date (28 Stat., 212) applies. It is as follows:

"That the law regulating the retirement of warrant officers in the navy shall be construed to apply to the 28 officers now serving as mates in the navy, and the said mates shall be entitled to receive annual pay at the rates following: When at sea, $1,200; on shore duty, $900; on leave or waiting orders, $700: *Provided*, That nothing herein contained shall be construed to authorize any increase of pay for any time prior to the passage of this act."

Section 11 of the act of March 3, 1899 (30 Stat., 1007), provides:

"That any officer of the navy, with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

Mr. Jenney was notified of his retirement by the Secretary of the Navy by letter of September 14, 1899, as follows:

"Sir: On September 26, 1899, you will regard yourself transferred to the retired list of officers of the United States Navy, in accordance with the provisions of section 1444 of the Revised Statutes of the United States."

If Jenney is entitled to the benefit of the provisions of section 11 of the act of March, 1899, supra, for advanced rank and pay, he became so entitled upon his retirement, as no selection or discretion as to the matter is reposed by this statute in any person, unlike, in that respect, a provision in the act of June 29, 1906 (34 Stat., 554), giving a similar advancement for like reasons, as follows:

"That any officer of the navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the Official Register of the Navy, and who has heretofore been, or may hereafter be, retired * * * may, in the discretion of the President, * * * be placed on the retired list of the navy with the rank and retired pay of one grade above that actually held by him at the time of retirement."

The Attorney-General rendered an opinion October 15, 1907, upon a request of the Secretary of the Navy to be advised as to whether mates who were among the 28 in the navy at the passage of the act of August 1, 1894, supra, are entitled to advancement under the last quoted law. (34 Stat., 554.) In his opinion the Attorney-General says, among other things:

"The act of August 1, 1894, mentioned in your letter, contains the language which follows:

"'That the law regulating the retirement of warrant officers in the navy shall be construed to apply to the 28 officers now serving as mates in the navy.'

"It seems, therefore, to be clear (1) that the mates in question are officers of the navy; (2) that they are neither commissioned nor warrant officers, but, with respect to the law regulating retirements, they are placed, by special statute, upon the same footing as warrant officers. * * *

"There is no doubt, I think, in view of the provisions of sections 1409 and 1410 of the United States Revised Statutes, that a person can be, at the same time, an officer of the navy and an enlisted man. * * * By article 2, section 2, clause 2, of the Constitution, 'officers of the United States' can be appointed legally (1) by the President, by and with the advice and consent of the Senate; (2) by the President alone; (3) by the courts of law; or (4) by the heads of departments. Commissioned officers of the navy are appointed in the first method, warrant officers in accordance with the second, and mates in accordance with the fourth. All are alike officers of the United States, and, in accordance with the provisions of the acts of 1894 and 1906 above quoted, all are alike entitled to the benefits of the advancement provided for in the last mentioned act whenever otherwise qualified. * * *

"* * * While the effect of such advancement may not be to place them in a different grade from that which they now hold, they will obtain the rank and retired pay belonging to the next higher grade in the service, namely, that of the lowest grade of warrant officers."

Following the reasoning of the Attorney-General in this opinion, all of which applies with equal force to section 11 of the personnel act, supra, as to the act of June 29, 1906, I am of opinion that Mate Jenney, if qualified with a creditable record (he had civil-war service), is entitled under the said section 11 to "three-fourths the sea pay of the next higher grade," viz, that of the lowest grade of warrant officers.

Five grades of sea pay are provided by section 1556 of the Revised Statutes for warrant officers, as follows:

"* * * during the first three years after date of appointment, when at sea, $1,200; * * * during the second three years after such date, when at sea, $1,300; * * * during the third three years after such date, when at sea, $1,400; * * * during the fourth three years after such date, when at sea, $1,600; * * * after twelve years from such date, when at sea, $1,800 * * *."

Mate Jenney is therefore entitled to three-fourths of $1,200, the sea pay of a warrant officer during the first three years after the date of his commission, that being the retired pay of a warrant officer of the lowest pay grade. See Rutherford *v.* United States. (18 Ct. Cl., 339.)

Respectfully,

L. P. MITCHELL,
Assistant Comptroller.

It appears that a bill (S. 5337) of like purport as H. R. 17059 was introduced in the Senate by Mr. HEYBURN on February 14, 1908, and was favorably reported from the Committee on Naval Affairs, March 30, 1908, by Mr. DICK, with amendments. Said bill and report are as follows:

A bill (S. 5337) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Be it enacted, etc., That Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list of the navy with the rank and pay of one grade above that actually held by them at the time of retirement by reason of their creditable civil-war service, under the provisions of the acts of Congress approved March 3, 1899, and June 29, 1906, shall be credited with all their prior actual service, either as officers or enlisted men, in the Army, Navy, and Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said acts.

[Senate Report No. 434, Sixtieth Congress, first session.]

WILLIAM JENNEY AND EIGHT OTHER RETIRED MATES OF NAVY.

Mr. DICK, from the Committee on Naval Affairs, submitted the following report, to accompany S. 5337:

The Committee on Naval Affairs, to whom was referred the bill (S. 5337) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, having considered the same, report thereon with a recommendation that it pass with the following amendments:

In line 3 of the bill strike out the word "mate" and insert the word "mates;" in line 3, after the word "Jenney," insert the following: "William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, and Silas T. C. Smith;" and in line 4 strike out the words "and the eight other retired mates."

The bill has the approval of the Navy Department, as will appear by a report from the Secretary of the Navy to the chairman of the House Committee on Naval Affairs on a like bill introduced in the House, which is herewith appended.

The statement of one of the proposed beneficiaries is also made a part of this report.

NAVY DEPARTMENT,
Washington, February 21, 1908.

SIR: I have the honor to acknowledge receipt of your letter of the 14th instant, requesting the department's views with reference to a bill (H. R. 17059) "For the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement."

Inasmuch as the Comptroller of the Treasury has held that the mates in question are entitled only to the lowest pay of warrant officers and not to the pay of warrant officers with the same length of service, the effect of the advancement provided for by the acts of March 3, 1899, and June 29, 1906, will be to give these officers no greater pay than that they previously received.

Favorable consideration of the bill H. R. 17059 is therefore recommended, for the purpose of extending to these mates the benefits of increased compensation on advance in rank, as was obviously intended by the acts of March 3, 1899, and June 29, 1906.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

NAVY DEPARTMENT,
Washington, March 27, 1908.

SIR: The receipt is acknowledged of your letter of the 25th instant, inclosing a bill (S. 5337) for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates, etc., and requesting, for the Committee on Naval Affairs, the names of the other retired mates who are now living be sent you.

They are the following: William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, Silas T. C. Smith.

Very respectfully,

V. H. METCALF,
Secretary.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

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196 SHURTLEFF STREET,
Chelsea, Mass., February 28, 1908.

DEAR SIR: I beg to request that you will kindly cause to be reported and passed immediately Senate bill 5337, for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

I was nominated and confirmed this session of Congress to be a mate on the retired list with the rank and pay of the next higher grade, but the comptroller rules that I do not get any higher pay, although everyone else benefited under the act of June 29, 1906, receives increased rank and pay by reason of civil-war service, and it was the intention of the law that I and my associates should likewise receive this increase.

I entered the service in 1856, at the breaking out of the rebellion, and was appointed master's mate; and in 1864 was appointed an acting ensign; served as such until October, 1868, when I received my honorable discharge. I reentered the service in 1870 as a mate. I also served in the Mexican war in 1847.

Most of these mates are about 80 years of age, and unless this law goes through immediately we will be dead before it can do us any good.

The bill has the recommendation of the Navy Department.

Trusting that this letter will appeal to you, I am,

Very truly, yours,

WM. W. BECK,
Mate, United States Navy, retired.

Hon. EUGENE HALE,
United States Senate, Washington, D. C.

The bill (S. 5337) passed the Senate on March 31, 1908, and was referred to the Committee on Claims and later to the Committee on Naval Affairs of the House, but was not reported because of the fact that the bill which I had introduced was already on the calendar of the House.

When H. R. 17059 went over on the objection of Mr. MANN, on March 7, 1908, I notified Mr. Clarence W. DeKnight. As already explained, he was the attorney for these mates, and had been successful in securing the opinion of the Attorney-General to the effect that they were officers and thereby entitled to the rank and pay of the next higher grade. At the suggestion of Mr. DeKnight I requested the Navy Department to refer the matter back to the Attorney-General for explanation of the words "lowest grade of warrant officers," which the Navy Department finally consented to do. The correspondence between the department and myself on this subject is as follows:

MARCH 17, 1908.

Hon. VICTOR HOWARD METCALF,
Secretary of the Navy, Washington, D. C.

DEAR MR. SECRETARY: Referring to the department's letter of March 11, 1908, to me, in the case of Mate William Jenney and others, I beg to suggest that a letter be written by the department to the Attorney-General, requesting to be informed if, in his opinion, in the case of the mates where he uses the words "lowest grade of warrant officers," he means the "lowest pay grade."

To quote from your letter:

"As a matter of fact, there is but one grade of warrant officers, and not two, as is the case in the grade of lieutenant or rear-admiral; so the comptroller decided that they should only receive three-quarters of the sea pay of the lowest pay grade of warrant officers who, it happens, receive exactly the same rate of pay as did the mates under consideration. The action of the comptroller therefore practically nullified the intent of the law which was beneficial in character."

It is reasonable to suppose that the Attorney-General did not mean to infer the lowest pay grade in his decision, and, if he should so state, it would probably put the comptroller in position to reverse his decision, which, from the department's letter, it appears is unjust and practically nullifies the intent of the law.

I make this suggestion because of the further fact that further on in your letter to me you state:

"The department believes that it was intended by the act to give the persons affected by it some benefit, and if these mates received three-quarters of the sea pay of a warrant officer of corresponding length of service the object would be accomplished. But in view of the comptroller's decision the act is rendered nugatory as far as these mates are concerned."

I think that these facts, if expressed to the Attorney-General, would bring the matter clearly to his attention.

Very truly, yours,

HIRAM R. BURTON.

NAVY DEPARTMENT,
Washington, March 26, 1908.

MY DEAR MR. BURTON: The receipt is acknowledged of your letter of the 17th instant, suggesting that information be requested of the Attorney-General concerning the construction to be placed upon the expression used in his opinion of October 15, 1907, namely, "the lowest grade of warrant officers."

A reference to Twenty-fifth Opinions of the Attorney-General, pages 302, 303, 304, indicates that in requesting an opinion the concurrent action of the comptroller should be secured, under the circumstances surrounding the present case. Accordingly, and agreeably to your request, a letter has been addressed to the comptroller, together with a memorandum on the subject, embodying the department's views, requesting his concurrence in the action proposed.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. H. R. BURTON,
House of Representatives.

When the matter was again before the Attorney-General, Mr. DeKnight made further argument, with the result that on April 18, 1908, the Attorney-General rendered an opinion again sustaining Mr. DeKnight's position. Said opinion (26 op., 600) is as follows:

DEPARTMENT OF JUSTICE,
April 18, 1908.

SIR: In your letter of April 1, 1908, with its inclosures, you informed me that a portion of the opinion of this department dated October 15, 1907 (ante, p. 433), is construed in a way which, perhaps, may do injustice to certain officers of the navy, there referred to, and you ask my opinion upon the following questions:

"1. Whether the expression 'the lowest grade of warrant officers' should be restricted to the lowest-pay grade?

"2. Whether a retired mate in the navy belonging to the category referred to in the Attorney-General's opinion of October 15, 1907, may be credited with his prior service in the navy at the date of his retirement in determining his classification for pay?

"3. When did Mate William Jenney, U. S. Navy, retired, become entitled to advancement, whether at the date of his retirement, September 26, 1899, or from the date of the department's notification to him of November 26, 1907?"

Your first question is answered in the negative. It was not the intention, in that opinion, to define any particular rate of pay which mates should receive on retirement, or to say more than that they were entitled, under the provision referred to, to the rank and retired pay of the next higher grade. The question of the particular rate of pay to which they were entitled was not before me and was not considered. There was nothing to inform me then how many grades there were of warrant officers, or whether more than one; but, following the uniform rule for the promotion of the lower officers of the navy, that is, by a single step from the lower to the next higher grade, I used the expression referred to in the opinion. And if, as appears to be the case, there is but one grade of warrant officers, the expression used refers to that, as being both the lowest and highest grade.

The questions now submitted are different, in that they inquire as to this rate of pay, and my views on this subject are expressed in the following answer to your second and third questions. Referring to these questions, section 11 of the navy personnel act of March 3, 1899 (30 Stat., 1007), provides for the retirement of certain officers with the rank and three-fourths the sea pay of the next higher grade. As Mate Jenney comes within the description of the officers there referred to, and was retired September 26, 1899, he should have been retired under that section, as of that date, with three-fourths the sea pay of a warrant officer, the next higher grade.

But, what is the sea pay of a warrant officer? By reference to section 1556, Revised Statutes, we find that this is a variable quantity, ranging by varying sums from $1,200 to $1,800 per annum by three-year periods of service; and that for the first three years a warrant officer gets $1,200; and after twelve years' service, $1,800 per annum, with other rates for intermediate three-year periods. Either one of these may, in one sense, be said to be the sea pay of a warrant officer; but neither one alone can, in any proper sense, be said to be the sea pay of that grade.

It is impossible to give to these mates, on retirement, three-fourths the sea pay of warrant officers, unless we give them just that amount, and upon the same terms and conditions affecting the amount as those affecting the pay of warrant officers; that is, if the amount of a warrant officer's pay depends upon certain terms or conditions, we can not give a mate three-fourths of the same pay, unless upon the same terms and conditions. If it is not increased by the same facts or if it is charged with greater burdens, it is not the same pay. If a warrant officer's pay is increased by length of service, instead of being fixed and stable, it is impossible to give mates three-fourths of the same pay unless that also is affected by corresponding length of service. The purpose of this section, when applied to this class of officers, was not to retire these mates with three-fourths of the lowest sea pay given to a warrant officer, and it was not so said, but was to give them three-fourths the varying sea pay of warrant officers upon the same conditions. The purpose of the section was to give to the retiring officer, broadly and generally, three-fourths of the compensation which, in the higher grade, is given for service at sea. If that is fixed and stable, so is that of the retiring officer. If it varies according to length of previous service, so also does the three-fourths thereof given to the latter officer, and from the same cause; so that the retiring officer receives three-fourths of the same pay that is given in the higher grade for sea service by one having the same length of previous service.

If Congress had intended either one of these particular rates of pay as the basis of this retired pay, it is certain that it would have said so. As it is not so said, it must be taken that it was not so intended. And this is made substantially certain, also, by the language of this section. It provides that the officers referred to shall be retired "with the rank and three-fourths the sea pay of the next higher grade." In this instance the sea pay of the "next higher grade" varies with three-year periods of service.

But it is this same varying rate of pay "of the next higher grade," and not any particular one of them, which is made the basis of the retired pay there referred to. The way to give these mates three-fourths of this varying sea pay of the next higher grade is, of course, plain. If one of them has had three years' service he gets three-fourths the pay of a warrant officer who has had that length of service. If he has had twelve years' service—and Mate Jenney has had much more than that—he get three-fourths the pay of a warrant officer with the same service. In short, the mate, being entitled to the rank and three-fourths the sea pay of warrant officers, should receive three-fourths of the same pay which they would receive if they were warrant officers, instead of mates, all other circumstances connected with them remaining the same. I know of no other way by which to give to retired mates three-fourths of the sea pay of the next higher grade.

It follows that Mate Jenney should have retired September 26, 1899, with three-fourths the sea pay of a warrant officer with twelve years of service, and that his advancement should be at and from that date and not from the date of the department's letter to him, November 26, 1907, referred to in your question.

But your questions refer more specifically to retirements under the act of June 29, 1906 (34 Stat., 554); and as this act refers as well to officers who had then been retired as to subsequent retirements, it is quite possible that Mate Jenney and others retired under section 11 of the personnel act may be retired under the act of 1906, if for any reason that is thought desirable.

As far as concerns any question here, the only difference in the pertinent provisions of the two acts is the substitution in the later act of the words "retired pay" for "three-fourths the sea pay" of the next higher grade. This would give to mates on retirement the retired pay of warrant officers, the next higher grade.

The act of March 3, 1873 (17 Stat., 547), provides, in substance, that the retired warrant officers, with other retired officers, shall receive "75 per cent of the present sea pay of the grade or rank which they held at the time of retirement."

This sea pay of warrant officers is fixed as above shown, varying from $1,200 to $1,800 per annum. So that if Mate Jenney, after being retired under section 11 of the personnel act, were now retired under the act of June 29, 1906, this would make no difference in the amount of his retired pay, for under the former act he would receive three-fourths the sea pay of a warrant officer and under the other he would receive the whole of the retired pay of warrant officers, which is three-fourths the sea pay of such officer.

And, with the changes made necessary by the changed language of the later act, what is said above as to the length of previous service in determining the rate of pay of warrant officers and, therefore, the retired pay of mates under section 11, referred to, is equally applicable in the cases of mates retired under the act of 1906. And they receive the retired pay of the next higher grade—that is, the retired pay of a warrant officer with the same length of previous service.

This, it is believed, covers the ground embraced in your second and third questions. Specifically, your second question is answered in the affirmative. And as to the third, I have to advise you that Mate Jenney, under the facts stated, was entitled to advancement from his retirement, September 26, 1899, and not from the date of the department's letter to him of November 26, 1907.

Respectfully,

CHARLES J. BONAPARTE.

The SECRETARY OF THE NAVY.

As the result of the foregoing opinion the comptroller reversed his decision of January 29, 1908. His second decision (14 Comp., 717) is as follows:

APRIL 28, 1908.

By your reference of February 12, 1908, of a communication from the Paymaster-General of the Navy you requested reconsideration of my decision of January 29, 1908, in the case of Mate William Jenney, U. S. Navy, retired, one of the 28 mates in the navy August 1, 1894, and entitled, by authority of an act of that date (28 Stat., 212), to

retirement under the laws regulating the retirement of warrant officers. In this decision it was held that the said Mate Jenney, having been retired under section 11 of the navy personnel act (act of March 3, 1899, 30 Stat., 1007), was entitled to three-fourths the sea pay of the next higher grade; that the pay of the next higher grade was that of a warrant officer in the first three years after date of appointment, and that he became so entitled on the date of his retirement.

You were informed by my letter of March 7, 1908, that a bill was before Congress providing that Mate Jenney and the other mates in a similar status shall be allowed credit for their previous service in computing their retired pay, and that it was contrary to the rule of this office to consider claims which were at the time pending before Congress.

By your letter of March 26, 1908, you suggested that the question as to the right of these retired mates to credit for longevity service be submitted to the Attorney-General, and invited my concurrence in the proposed submission. In my reply of March 28, 1908, I concurred in your request to the Attorney-General for his opinion and suggested an enlargement of the question by asking his opinion as to when Mate Jenney became entitled to advancement—whether at the date of his retirement, September 14, 1899, or the date of the department's notification to him, November 26, 1907.

In response to your request, the Attorney-General has rendered an opinion, dated April 18, 1908, and has held that the retired mates who receive the retired pay of warrant officers are entitled, in computing that pay, to be credited with their length of service. He says:

"The way to give these mates three-fourths of this varying sea pay of the next higher grade is, of course, plain. If one of them has had three years' service, he gets three-fourths the pay of a warrant officer who has had that length of service. If he has had twelve years' service—and Mate Jenney has had much more than that—he gets three-fourths the pay of a warrant officer with the same service. In short, the mates, being entitled to the rank and three-fourths the sea pay of warrant officers, should receive three-fourths of the same pay which they would receive if they were warrant officers instead of mates, all other circumstances connected with them remaining the same. I know of no other way by which to give to retired mates three-fourths of the sea pay of the next higher grade.

"It follows that Mate Jenney should have been retired September 26, 1899, with three-fourths the sea pay of a warrant officer with twelve years' service, and that his advancement should be at and from that date and not from the date of the department's letter to him, November 26, 1907, referred to in your question."

The opinion of the Attorney-General will be followed by this office, and Mate William Jenney is therefore entitled to retired pay at the rate of $1,350 per annum, that being three-fourths of the sea pay of a warrant officer after twelve years' service, the highest pay of a warrant officer, Jenney having had thirty years' service at the time of his retirement, and that he became entitled to that pay on the date of his actual retirement.

To the SECRETARY OF THE NAVY.

The effect of this decision was to give to the mates for whom I had introduced the bill that to which they were entitled and made it unnecessary for the bill to become a law. Hence, when the bill was reached at this session, it was passed over, and on February 5, 1908, when it was reached again, the bill was laid upon the table, on motion of Mr. ELLIS of Oregon, who made the following explanation:

[Extract from CONGRESSIONAL RECORD, vol. 43, pp. 1946-1947, February 5, 1909.]

MATE WILLIAM JENNEY.

The Clerk reported the bill (H: R. 17059) for the relief of Mate William Jenney, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

Mr. ELLIS of Oregon. Mr. Speaker, I ask unanimous consent that this bill may lie on the table. A recent ruling of the department has given all that can be given under the bill, and hence there is no necessity for its passage.

The SPEAKER. Is there objection to the request of the gentleman from Oregon that the bill do lie on the table? [After a pause.] The Chair hears none, and it is so ordered.

I am very glad indeed that these mates have been accorded the consideration to which they were entitled, as, in my opinion, they are among the most deserving officers on the retired list of the navy.

But only Mates Beck, Bonsall, Boyd, Griffin, Hill, Holler, Robinson, and S. T. C. Smith were accorded by the Navy Department the rank and pay of the next higher grade, under the opinions of the Attorney-General and decisions of the comptroller heretofore cited.

The following letter of the Navy Department affected the above-mentioned mates only:

NAVY DEPARTMENT,
Washington, November 5, 1907.

SIR: Referring further to your letter of July 12, 1907, relative to the right of certain mates on the retired list of the navy to advancement under the provisions of the act of June 29, 1906, I have to advise you that the Attorney-General, in an opinion rendered October 15, 1907, held that mates retired in accordance with the statute approved August 1, 1894 (28 Stat., 212), are entitled, in the discretion of the President, by and with the advice and consent of the Senate, to the benefit of advancement provided by the act approved June 29, 1906, under the circumstances enumerated in that act, and that the effect of such advancement will be to give them the rank and retired pay appurtenant to the lowest grade of warrant officers.

Appropriate instructions were issued to the Bureau of Navigation on the 16th ultimo, in accordance with the Attorney-General's opinion.

Very respectfully,

V. H. METCALF, *Secretary.*

Hon. THOMAS S. BUTLER,
House of Representatives, Washington, D. C.

In order to secure increased rank and pay for Mate Jenney it was necessary for Mr. DeKnight to prepare and submit an additional brief, as follows:

NOVEMBER 11, 1907.

To the honorable SECRETARY OF THE NAVY.

SIR: On behalf of Mate William Jenney, U. S. Navy, retired, I beg to submit that when he was retired, on September 26, 1899, he should have been retired with a higher rank and pay than that of mate.

It appears from the Naval Register that Mate Jenney was retired on attaining the age of 62 years, under the act of December 21, 1861, and amendments, section 1444, Revised Statutes. Said act reads as follows:

"When any officer below the rank of vice-admiral is 62 years old, he shall, except in the case provided in the next section, be retired by the President from active service."

Under the further provision of law, to wit, the act of March 3, 1899, Mate Jenney should, when retired, have been retired with the rank and three-fourths of the sea pay of the next higher grade. The act of March 3, 1899, reads as follows:

"That any officer of the navy with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

It appears from an indorsement, under date of October 1, 1907, put upon the papers of Mate Griffin, retired, in referring his case to the Attorney-General for an opinion, that the Bureau of Navigation stated it had always regarded mates as enlisted men. But it further appears that the Attorney General, in his opinion of October 15, 1907, in Mate Griffin's case, holds that—

"By Article II, section 2, clause 2 of the Constitution 'officers of the United States' can be appointed legally (1) by the President, by and with the advice and consent of the Senate; (2) by the President alone; (3) by the courts of law; or (4) by the heads of departments. Commissioned officers in the navy are appointed in the first method, warrant officers in accordance with the second, and mates in accordance with the fourth. All are alike officers of the United States."

Continuing, the Attorney-General says:

"On April 8, 1899, Attorney-General Griggs gave an opinion to your predecessor with regard to the construction of section 11 of the act approved March 3, 1899, and generally known as the 'personnel act.' In this opinion he held that, while officers of the Medical or Pay corps could not be given a higher position in the service than that of medical director or pay director, respectively, they might have conferred upon them a higher rank and higher pay than those of the officers bearing such titles."

In his words—

"The highest officer in the Medical Corps is a medical director, having relative rank of a captain. It would not be possible to promote a medical director to a higher place in the Medical Corps, but it would be possible to confer upon him a higher rank than that of captain. And, in my opinion, that is what section 11 is intended to do. The two officers whose cases are now under discussion will be retired, respectively, as medical director and pay director, but with a higher relative rank on the retired list than that which they are entitled to in the active service—namely, rear-admiral. I see no difficulty in giving to section 11 such a construction, nor do I see any inconsistency or embarrassment that will arise in its operation."

In view of Mate Jenney's civil-war record, it is respectfully submitted that the only reason why the department did not, when retiring Mate Jenney, retire him with the rank and three-fourths the sea pay of the next higher grade, was (1) because it did not regard him as an officer, and (2) because it believed that a mate could not be placed on the retired list with the rank and pay of one grade above that actually held at the time of retirement, for the reason that on the active list he could not promote to a higher place. The opinion of the Attorney-General, dated October 15, 1907, shows conclusively (1) that a mate is an officer; and (2) that, as in the case of a medical or pay director, who likewise could not promote to a higher place on the active list, a mate is entitled to be placed on the retired list with the rank and pay of the grade next above that held by him at the time of retirement.

The case of Mate Jenney is unlike that of the other mates on the retired list. He is the only mate retired for age since March 3, 1899, and therefore the only one who comes within the provisions of the act of that date. Possessing a creditable civil-war record, this act entitles him to be placed upon the retired list with increased rank and pay from the date of his retirement, to wit, September 26, 1899.

The Attorney-General, in his opinion of October 15, 1907, holds that the grade next above that of mate is that of the lowest grade of warrant officers.

Under the provisions of the act of June 29, 1906, mates with civil-war record who were retired prior to March 3, 1899, are entitled to be placed on the retired list with the rank and pay next above that held by them at the time of retirement, but then only in the discretion of the President, by and with the advice and consent of the Senate.

Mate Jenney is entitled under the provisions of the act of March 3, 1899, which reads as follows:

"That any officer of the navy, with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

It will be observed that this act is mandatory.

It is respectfully requested that the record of retirement of Mate Jenney be corrected, and that his name be entered upon the Naval Register as retired September 26, 1899, with the rank and three-fourths the sea pay of the next higher grade, that of the lowest grade of warrant officer.

Very respectfully,

CLARENCE W. DEKNIGHT,
Attorney for Mate William Jenney.

DECEMBER 3, 1907.

To the honorable SECRETARY OF THE NAVY.

SIR: On November 11 I addressed a communication to you on behalf of Mate William Jenney, U. S. Navy, retired, setting forth the reasons why he should have been retired with a higher rank and pay than that of mate.

Kindly inform me what action, if any, has been taken in this matter.

Very truly, yours,

CLARENCE W. DEKNIGHT,
Attorney for Mate William Jenney.

NAVY DEPARTMENT,
Washington, December 9, 1907.

SIR: Replying to your letter of the 3d instant, asking what action, if any, has been taken with respect to the claim of Mate William Jenney, U. S. Navy, retired, that his record should be corrected so as to show his retirement with the rank and three-fourths the sea pay of the next higher grade, you are advised that the papers were sent to the Bureau of Navigation, on the 22d ultimo, with the following indorsement:

"Returned to the Bureau of Navigation.

"It appears that Mate William Jenney 'served during the civil war,' and that he was placed on the retired list of officers of the navy September 26, 1899, under authority of the act of August 1, 1894 (28 Stat., 212). The Attorney-General has held (opinion of October 15, 1907) that mates so retired are officers of the navy and, in that respect, eligible to advancement on the retired list under the provisions of the act of June 29, 1906 (34 Stat., 554).

"Under these circumstances it would appear that if Mate Jenney's record was 'creditable' at the date of his retirement he should have been 'retired with the rank and three-fourths the sea pay of the next higher grade,' in pursuance of section 11 of the 'personnel act' (act of March 3, 1899, 30 Stat., 1007).

"The bureau will take appropriate action in the premises."

Very respectfully,

V. H. METCALF, *Secretary.*

Mr. CLARENCE W. DEKNIGHT,
Attorney at Law, Hibbs Building, Washington, D. C.

Mr. DeKnight then turned his attention to demonstrating that Mates Callander, Fuller, Neilsen, and Vennard had been erroneously retired under section 17 of the navy personnel act.

This section reads as follows:

That when an enlisted man or appointed petty officer has served as such thirty years in the United States Navy, either as an enlisted man or petty officer, or both, he shall, by making application to the President, be placed on the retired list hereby created, with the rank held by him at the date of retirement; and he shall thereafter receive 75 per cent of the pay and allowances of the rank or rating upon which he was retired: *Provided*, That if said enlisted man or appointed petty officer had active service in the Navy or in the Army or Marine Corps, either as volunteer or regular, during the civil or Spanish-American wars, such war service shall be computed as double time in computing the thirty years necessary to entitle him to be retired: *And provided further*, That applicants for retirement under this section shall, unless physically disqualified for service, be at least 50 years of age.

Mr. DeKnight contended that they should have been retired under section 1444, Revised Statutes, and section 11 of the navy personnel act.

His efforts were opposed by the Navy Department, as may be seen by the following communications:

NAVY DEPARTMENT,
Washington, February 7, 1908.

SIR: Referring to your communication of December 28, 1907, on behalf of Mate Harold Neilsen, U. S. Navy, retired, and to the department's letter of the 4th instant, I have to inform you that the Bureau of Navigation has been advised that the provisions of section 11 of the personnel act, so called, are not considered to apply to the case of Mate Neilson.

Very respectfully,

V. H. METCALF, *Secretary.*

Mr. CLARENCE DEKNIGHT,
Hibbs Building, Washington, D. C.

DEPARTMENT OF THE NAVY, BUREAU OF NAVIGATION,
Washington, D. C., December 10, 1907.

SIR: In reply to your letter of the 6th instant, requesting that the name of the late Mate Henry C. Fuller, U. S. Navy, retired, be submitted to the Senate for an advancement of one grade in accordance with the provisions of an act of Congress approved June 29, 1906, you are advised that for an officer to be eligible for advancement under the provisions of the law referred to he must have been transferred to the retired list on account of one of the following reasons: (1) "On account of wounds or disability incident to the service," (2) "on account of age," (3) "or after forty years' service."

Mate Fuller was transferred to the retired list after the completion of thirty years' service, in accordance with the provisions of section 17 of the navy personnel act, approved March 3, 1899. As he did not retire on account of one of the reasons above given, he is not entitled to advancement under the provisions of the act of June 29, 1906, which reads as follows:

"That any officer of the navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the Official Register of the Navy, and who has heretofore been or may hereafter be retired on account of wounds or disability incident to the service, or on account of age, or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the navy with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade at or since the date of his retirement or who has been restored to the navy and placed on the retired list by virtue of the provisions of a special act of Congress."

Very respectfully,

C. McR. WINSLOW,
Assistant to Bureau.

CLARENCE W. DEKNIGHT,
Attorney at Law, Hibbs Building, Washington, D. C.

Again I assisted in getting the Secretary of the Navy to refer the matter to the Attorney-General for opinion, as may be seen by the following correspondence:

HOUSE OF REPRESENTATIVES,
Washington, May 7, 1908.

Hon. TRUMAN H. NEWBERRY,
Acting Secretary of the Navy, Washington, D. C.

DEAR MR. SECRETARY: Just before leaving for my home in Delaware on May 1, I signed, and am under the impression that I mailed to you, a letter requesting that you refer the cases of Mates Fuller, Neilsen, Vennard, and Callander to the Attorney-General for an opinion as to their status under section 11 of the navy personnel act. Inasmuch as I have not received any acknowledgment, I believe now that I probably did not mail the letter.

It seems that the Attorney-General, on April 18, 1908, rendered an opinion explanatory of his opinion of October 15, 1907, relative to certain retired mates, and as a result the comptroller has reversed himself, and in computing their pay has given them credit for their prior service. It appears also that the cases of Mates Fuller, deceased, Neilsen, Vennard, and Callander were not before the Attorney-General for opinion, and I therefore request that you will kindly cause their cases to be sent to him for opinion, so that his opinion may be rendered in time for the auditor to act upon their cases in season to certify any amount that may be found due them to Congress for appropriation before adjournment.

I believe it only an act of justice that these mates should have their status passed upon by the Attorney-General the same as in the case of the other mates.

These officers were retired under section 17 of the personnel act, and it would seem, following the opinion of the Attorney-General, that they are entitled to be retired under section 11 of that act, which provides:

"That any officer of the navy, with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade."

The act of August 1, 1894, provided "that the law regulating the retirement of warrant officers of the navy shall be construed to apply to the 28 officers now serving as mates in the navy," and these mates were among the number. In the absence of any specific provision repealing this law with reference to these mates, it would seem that it was in effect at the time of their retirement.

The Attorney-General having held in his opinion of October 15, 1907, that a mate could be both an officer and enlisted man, it would seem only fair to apply both beneficial acts to these mates, especially in view of the fact that nowhere does it appear that there was any intention to repeal the act of August 1, 1894, as to them, and it is probable that under existing law they are entitled to the rank and pay of the next higher grade.

These mates having served honestly and faithfully during the civil war, and so far as known have a creditable record, it is probable that Congress intended that they should receive the benefits for such service during the war of the rebellion.

Thanking you in advance for your prompt attention to this matter, early presentation of which has been delayed by reason of my absence from the city, I am,

Very truly, yours,

H. R. BURTON.

NAVY DEPARTMENT, *Washington, May 12, 1908.*

SIR: The receipt is acknowledged of your letter of the 7th instant, with an inclosed brief, relative to the cases of Mates Fuller, Nielsen, Vennard, and Callander. This is the first letter that has reached the department concerning these individuals.

In reply I send herewith a copy of a memorandum covering the question as applicable to Mate Harold Nielsen, which was sent to the Bureau of Navigation on February 6, 1908. While the department desires to do whatever is possible in any case that appears to be doubtful, it does not seem that this matter comes within that category, and it is not believed that any other conclusion can properly be arrived at other than the one set forth in the accompanying memorandum. No objection, however, would be raised to appropriate legislative action having in view the application of the beneficial statutes of March 3, 1899, or of June 29, 1906, to the four mates above mentioned.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

Hon. H. R. BURTON,
House of Representatives.

MAY 13, 1908.

Hon. TRUMAN H. NEWBERRY,
Acting Secretary of the Navy.

DEAR MR. SECRETARY: I am in receipt of your letter of the 12th instant relative to the case of Mates Fuller, Nielsen, Vennard, and Callander. I have carefully considered the accompanying memorandum, and it seems to me that there is very grave doubt concerning the question involved, so much so that I would be glad if you could see your way clear to ask the opinion of the Attorney-General in this matter.

I gather that these mates were retired in conformity with the ruling of the department; that they were only entitled to be retired under section 17 of the personnel act, the same as enlisted men of the navy, although since the Attorney-General has held they are officers, I do not think that their case should be prejudiced by their accepting the views of the department at the time and going on the retired list under said section. I think that they should have the benefit of section 11, and it is my opinion, after considering the matter very carefully, that they would seem to be entitled to it.

It will be impossible to pass a bill for their relief at this session of Congress, and it is a matter of delay for a year at least before they can receive any benefits. Meanwhile, if the Attorney-General should hold that the department was in error, why, they could have their cases corrected and receive the benefits to which, in my opinion, they would seem to be entitled, and I would be spared the necessity of burdening Congress with the passage of additional legislation for the navy, of which it seems there has been a great deal in the last few years.

It will be remembered that in the case of Mate Jenney and the eight other mates the department held that they were not entitled to the benefits of section 11 or of the act of June 29, 1906, and it was only after persistent effort that the department was induced to call upon the Attorney-General for opinion, with the result that he decided that they were entitled. Furthermore, that the comptroller refused to put a proper construction upon the opinion of the Attorney-General, and when the matter was again referred to him he decided that the comptroller was in error. In both cases, therefore, where the Attorney-General was called upon he expressed the opinion that these departments had been in error. It is not improbable, therefore, that error may exist with reference to these four mates, and it would seem to be

only fair that the Attorney-General should be asked to pass upon their status, so that further legislation may be avoided if possible; or, if legislation is found to be required the opinion of the Attorney-General in these specific cases may be cited and we may not again be put in the position of proceeding with legislation concerning which, if the Attorney-General had first been called upon to express an opinion, it would have been found unnecessary.

I think you will agree with me that no harm can be done in referring the matter to the Attorney-General for opinion, while much good may come therefrom.

Trusting that you will therefore reconsider this matter, I am,

Very truly, yours,

HIRAM R. BURTON.

NAVY DEPARTMENT,
Washington, May 15, 1908.

MY DEAR MR. BURTON: The receipt is acknowledged of your letter of the 13th instant, in which you ask that the cases of Mates Fuller, Neilsen, Vennard, and Callandar be referred to the Attorney-General for his opinion as to whether they are entitled to the benefits of the provisions of section 11 of the act of March 3, 1899, or those of the act of June 29, 1906, as in the case of Mate Jenney and others.

In reply I have to inform you that the opinion of the Attorney-General will be requested, as you suggest.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

The Hon. H. R. BURTON,
House of Representatives.

On the matter reaching the Attorney-General's office, Mr. De Knight made an extended argument, and on June 5, 1908 (26 Op., 615), the Attorney-General rendered an opinion again sustaining Mr. DeKnight's position, said opinion being as follows:

DEPARTMENT OF JUSTICE,
June 5, 1908.

SIR: I have the honor to respond to the request contained in your note of May 26, 1908, for an opinion upon the case there stated, in substance as follows:

Mate Neilsen, retired, served as an enlisted man in the navy from January 22, 1862, to February 9, 1865, and from February 20, 1866, to October 4, 1869, and as a mate from March 29, 1870, until retired. He was retired March 31, 1899, under section 17 of the personnel act of March 3, 1899, upon his own application, after thirty years' service. And the question which you submit is "Whether * * * Mate Neilsen is not entitled to advancement to the next higher grade under the provisions of section 11 of the personnel act or the act of June 29, 1906; and if so, as to the date from which he is entitled to such advancement."

It is assumed that by the above expression, "the next higher grade," is meant the rank and pay of the next higher grade, as such officers are not advanced in grade on their retirement.

Much of what is here involved is covered by the two opinions of this department upon a similar subject, under dates of October 15, 1907, and April 18, 1908.

Following the ruling in The United States *v.* Fuller (160 U. S., 593, 595), it was held in those opinions that mates in the navy were officers within the meaning of section 11 of the navy personnel act and of the act of June 29, 1906 (34 Stat., 554).

As Mate Neilsen was retired March 31, 1899, he should have been retired under the former section, with the rank and three-fourths the sea pay of the next higher grade.

The Navy Department then held that Mate Neilsen could not be retired under section 11 of that act, but was entitled to be retired as an enlisted man under section 17 of that act, he having had more than thirty years of service in the navy, and he was thus retired upon his own application and with the rank he then held and three-fourths of the pay he was receiving at retirement.

The question to be determined is as to the effect of this retirement upon the right of Mate Neilsen to be now retired, as of some date, under section 11 of the personnel act or the act of June 29, 1906.

That act provides that "any officer of the navy not above the grade of captain who served with credit * * * during the civil war * * * and who has heretofore been, or may hereafter be, retired * * * may, in the discretion of the President * * * be placed on the retired list of the navy with the rank and retired pay of one grade above that actually held by him at the time of retirement."

The higher grade thus referred to is that of warrant officer, and the retired pay of that grade was 75 per cent of the sea pay of the grade, varying in amounts by three-year periods of service. (Act of March 3, 1873, 17 Stat., 547; and opinion of April 18, 1908, 26 op., 600.) Since the above act of June 29, 1906, embraces both officers who were then retired and those thereafter retired, Mate Neilsen, if otherwise entitled, may be retired under that act notwithstanding his former retirement.

I do not think that the retirement of Mate Nielsen under section 17 of the personnel act, upon his own application, is, under the circumstances, a bar to his retirement as an officer under section 11 of that act or under the act of 1906.

The Government having held that he could not be retired as an officer under section 11, but might be, under section 17, upon his own application, I do not think that by accepting this erroneous decision and acting upon it he waived or forfeited any legal right which he had to be retired otherwise.

I am of opinion that as Mate Nielsen was entitled to be retired under section 11 of the act referred to, his retirement of March 31, 1899, should be so corrected as to make it show such a retirement, and, following the above opinion of April 18, 1908, with the rank and retired pay of a warrant officer with twelve years of service and from said original retirement. This is giving to this officer, although at a later date, that to which, in law, he was then entitled.

In any event Mate Nielsen would be now, under the above opinion, entitled to be retired under the act of 1896 with the rank and retired pay of a warrant officer having twelve years' service. But since the advancement in such case would be from the date of retirement, this would deprive him during the intervening years of the increased pay to which he became entitled at and from his retirement, March 31, 1899.

As you informed me that there are on the retired list some other mates whose cases are essentially similar to this one, what is here said will apply to others also.

Respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

The honorable SECRETARY OF THE NAVY.

When this opinion reached the Navy Department, it was returned to the office of the Attorney-General on June 23, 1908, with a request for an explanation of a certain passage of the above opinion, said passage reading as follows:

I am of opinion that, as Mate Neilsen was entitled to be retired under section eleven of the act referred to (the personnel act), his retirement of March 31, 1899, should be so corrected as to make it show such a retirement, and following the above opinion of April 18, 1908, with the rank and three-fourths retired pay of a warrant officer with twelve years of service, and from said original retirement. This is giving to this officer, although at a later date, that to which, in law, he was then entitled.

The questions which the Navy Department raised were of such nature as to require a reconsideration of this opinion by the Attorney-General.

Meanwhile Mr. DeKnight had gone abroad, but on being cabled by his office immediately returned solely on this business and made a further argument and a reargument in support of his contention on behalf of these mates, with the result that on August 29, 1908, the Attorney-General again sustained Mr. DeKnight's position by rendering the following opinion:

DEPARTMENT OF JUSTICE,
August 29, 1908.

SIR: I have the honor to acknowledge the receipt of your letter of June 23, 1908, in which you request an explanation of a certain passage in my opinion of June 5, 1908 (26 Op., 615), in the case of Mate Harold Neilsen, U. S. Navy, retired. The passage to which you call my attention is as follows:

"I am of the opinion that, as Mate Neilsen was entitled to be retired under section 11 of the act referred to (the personnel act), his retirement of March 31, 1899, should be so corrected as to make it show such a retirement, and following the above opinion of April 18, 1908, with the rank and retired pay of a warrant officer with twelve years of service, and from said original retirement. This is giving to this officer, although at a later date, that to which, in law, he was then entitled."

It appears that this has been construed as meaning that Mate Neilsen was entitled to be retired under section 11 of the personnel act at the time when he was, in fact (although irregularly), retired under section 17 of the same act, and you point out that data contained in certain memoranda accompanying your letter of May 26, 1908, show that Mate Neilsen, at the time above mentioned, had neither served forty years nor attained the age of 62 years, and therefore he would not have been entitled to retirement had he then held the rank of a warrant officer. The passage in question is not, perhaps, as carefully expressed as it should have been, but it does not say, nor was it my intention to express the opinion, that Mate Neilsen was entitled to retirement under section 11 of the personnel act at the date of his irregular retirement above mentioned. In the two paragraphs immediately preceding the one to which you refer, I said:

"I do not think that the retirement of Mate Neilsen under section 17 of the personnel act, upon his own application, is, under the circumstances, a bar to his retirement as an officer under section 11 of that act or under the act of 1906.

"The Government having held that he could not be retired as an officer under section 11, but might be under section 17, upon his own application, I do not think that, by accepting this erroneous decision and acting upon it, he waived or forfeited any legal right which he had to be retired otherwise."

In other words, the material point, in my opinion, was that Mate Neilsen, having accepted a construction of his status and consequent rights which had been adopted by the Government itself, but which was subsequently held, upon appropriate consideration, to be erroneous, ought not to be deprived of any substantial benefit resulting from the change in the authoritative construction of the law by reason of his action taken while the error of construction was acted upon by his superiors. He was held not to be entitled to retirement as an officer; he therefore accepted retirement as an enlisted man. In point of fact, he should have been regarded, and should have regarded himself, as entitled to retirement as an officer, and, under the circumstances of this case, he ought not to suffer by reason of the consequences of a mistake for which he was not responsible. From the facts stated in your letter, and which were shown by the memoranda accompanying your previous letter, of May 26, it seems to be quite clear that Mate Neilsen would not have been entitled to retirement under section 11 of the personnel act until April 16, 1902, when he should have attained the age of 62 years. When that date came, however, he was assumed by the department, and also by himself, to be already upon the retired list by reason of his irregular retirement of March 31, 1899. But for this action of the Government Mate Neilsen would have been, as your letter states, undoubtedly retired on April 16, 1902, and when I say, in the passage you have quoted, "his retirement of March 31, 1899, should be so corrected as to make it show such retirement * * * with the rank and retired pay of a warrant officer with twelve years' service, and from said original retirement," this must be understood as meaning a retirement from the period at which he would have been eligible for retirement under section 11 of the personnel act, namely, April 16, 1902. With this modification—or, rather, explanation—the opinion of June 5, 1908, correctly expresses my views of the law as applied to the case of Mate Neilsen.

I remain, sir,

Yours, very respectfully,

CHARLES J. BONAPARTE,
Attorney-General.

The SECRETARY OF THE NAVY.

Both these opinions of the Attorney-General were then promulgated by the Navy Department, and the mates in question, Callander, Fuller, Neilsen, and Vennard, were, by the department, retired as officers, under the provisions of section 1444 of the Revised Statutes; and under section 11 of the act of Congress, approved March 3, 1899, were accorded the rank and pay of warrant officers, from the date on which they had each at-

tained the age of 62 years. The correspondence on this subject is as follows:

NAVY DEPARTMENT,
Washington, September 24, 1908.

SIR: In accordance with an opinion of the Attorney-General, dated June 5, 1908, the department's letter to you, dated March 31, 1899, transferring you to the retired list of officers of the navy from that date, in accordance with the provisions of section 17 of the act of Congress approved March 3, 1899, is so far modified that you will be regarded as a mate on the retired list of the navy, holding the rank of the lowest grade of warrant officers, from the date upon which you attained the age of sixty-two (62) years, April 16, 1902, upon which date you would have been eligible to retire under the provisions of section 1444 of the Revised Statutes, and with the rank of the next higher grade in accordance with the provisions of section 11 of the act of March 3, 1899.

Very respectfully, V. H. METCALF, *Secretary.*

Mate HAROLD NEILSEN, U. S. Navy, Retired,
2646 Atlantic Avenue, Brooklyn, N. Y.

NAVY DEPARTMENT,
Washington, September 24, 1908.

SIR: In accordance with an opinion of the Attorney-General, dated June 5, 1908, the department's letter to you, dated June 9, 1899, transferring you to the retired list of officers of the navy from that date, in accordance with the provisions of section 17 of the act of Congress approved March 3, 1899, is so far modified that you will be regarded as a mate on the retired list of the navy, holding the rank of the lowest grade of warrant officers, from the date upon which you attained the age of 62 years, September 22, 1900, upon which date you would have been eligible to retire under the provisions of section 1444 of the Revised Statutes, and with the rank of next higher grade, in accordance with the provisions of section 11 of the act of March 3, 1899.

Very respectfully, V. H. METCALF, *Secretary.*

Mate JOHN L. VENNARD, U. S. Navy, Retired,
United States Navy-Yard, Portsmouth, N. H. (Commandant).

NAVY DEPARTMENT,
Washington, October 23, 1908.

SIR: In accordance with an opinion of the Attorney-General, dated June 5, 1908, the department's letter to you, dated May 22, 1899, transferring you to the retired list of officers of the navy from that date, in accordance with the provisions of section 17 of the act of Congress approved March 3, 1899, is so far modified that you will be regarded as a mate on the retired list of the navy, holding the rank of the lowest grade of warrant officers, from the date upon which you attained the age of 62 years, April 16, 1908, upon which date you would have been eligible to retire under the provisions of section 1444 of the Revised Statutes, and with the rank of the next higher grade, in accordance with the provisions of section 11 of the act of Congress approved March 3, 1899.

Very respectfully, V. H. METCALF, *Secretary.*

Mate ALBERT F. CALLANDER, U. S. Navy, Retired,
349 Bergen street, Brooklyn, N. Y.

The increased pay which these and the other mates heretofore mentioned receive by reason of their being regarded as mates on the retired list of the navy holding the rank of the lowest grade of warrant officer is $450 per year, and this rate of pay in each instance dated back to the time when they should have been properly retired.

In the case of Jenney, he received about $4,000 as back pay, as may be seen by reference to the letter of the Auditor for the Navy Department, as follows:

TREASURY DEPARTMENT,
Washington, May 5, 1908.

C. W. DE KNIGHT,
Attorney, Washington, D. C.

SIR: The claim of your client, William Jenney, mate, U. S. Navy, retired, for the difference between pay at $900 and at $1,350 per annum from September 26, 1899, to December 31, 1907, has been settled, and $3,718.75 found due.

As there are no funds available for the payment of the sum that accrued before July 1, 1904 ($2,143.75), it will be reported to Congress for appropriation. A warrant for that sum will be issued in his favor and sent to him when this has been made, which will probably be about the close of the present session.

A warrant for the remainder ($1,575) will be issued and mailed to him probably within ten days.

Respectfully, R. W. TYLER, *Auditor.*

While efforts were in progress one of these mates, Neilsen, died, while Mate Fuller had died previously, so that only two of these four officers, who had been erroneously retired as enlisted men, lived to enjoy the actual benefit of the efforts of their attorney in their behalf.

As before explained, the bill which I introduced, now on the table, it is unnecessary to pass, for the reason that, through the skill of their attorney, Mr. DeKnight, sufficient justification was found in law to give these mates that to which they were entitled.

In reviewing the history of the service of these mates in the navy and the little they have secured by way of recognition, and then only after strenuous efforts, I feel that too high a tribute can not be paid to the persistence and skill of their attorney, who worked unremittingly in their behalf, who brought the matter to my attention, who convinced me of the justice of their contention, and thus caused me to attempt to assist these deserving officers on the floor of this House.

In closing my career in Congress, I desire to pay tribute to the memory of these mates by calling attention to their worth, as shown by the report and debate on the bill which became the act of 1894, then pending in this House.

The following is an extract from pages 6965 to 6967 of the CONGRESSIONAL RECORD of June 28, 1894, Fifty-third Congress, second session:

PAY AND RETIREMENT OF MATES IN THE NAVY.

Mr. CUMMINGS. I now call up the bill (H. R. 38) relating to the pay and retirement of mates in the United States Navy.

The bill was read as follows:

"*Be it enacted, etc.*, That the law regulating the retirement of warrant officers in the navy shall be construed to apply to the 28 officers now serving as mates in the navy, and the said mates shall be entitled to receive annual pay at the rates following: When at sea, $1,200; on shore duty, $900; on leave or waiting orders, $700: *Provided, however,* That nothing herein contained shall be so construed as to authorize any increase of pay for any time prior to the passage of this act."

Mr. CUMMINGS. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

Mr. DOCKERY. I think that the bill had better be considered in Committee of the Whole.

Mr. CUMMINGS. I move that the House resolve itself in Committee of the Whole House for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LESTER in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill, the title of which the Clerk will report.

The title was again reported.

Mr. HOLMAN. I hope the report will be read in the first instance.

Mr. CUMMINGS. If the gentleman will allow me, I will read nearly all the report in explaining the bill.

Mr. HOLMAN. Very well.

Mr. CUMMINGS. Mr. Chairman, by the act of July 15, 1870, the further appointment of acting masters' mates or mates in the United States Navy was stopped. It left the mates already in the navy on duty, and those mates, or what there are left of them, are carried on the Navy Register to-day. Death has laid its hand upon them. There are only 27 left. They were appointed under the act of July 24, 1861. Section 2 of the act of March 3, 1865, provided that acting masters' mates should be styled mates, and authorized the increase of their pay to a sum not exceeding $60 a month.

The act of July 2, 1864, designated boatswains, engineers, carpenters, and sailmakers as warrant officers; and under sections 1448 and 1455 of the Revised Statutes these warrant officers are retired the same as commissioned officers; but you will notice that the act left out the mates in the navy.

Mr. HOLMAN. That is the real point.

Mr. CUMMINGS. They were neither warrant nor commissioned officers. The omission was undoubtedly an inadvertence at the time, because everybody upon the floor of this House must know that a mate is a superior officer to a boatswain or a carpenter. They were thus deprived of the benefits of a law passed for the retirement of commissioned and warrant officers.

Mr. DOCKERY. Then, as I understand my friend, the effect of this bill under consideration is to increase the retired list to the extent of 27 mates.

Mr. CUMMINGS. The effect is to increase the retired list to the extent of 27 noncommissioned officers who ought to be on the list, or the retired list itself be abolished.

Mr. HOLMAN. Which is the proper thing?

Mr. CUMMINGS. One or the other.

Mr. HOLMAN. Which is the proper thing?

Mr. CUMMINGS. Are you going to legislate in favor of commissioned officers and against old tars? The injustice here, it seems to me, is perfectly apparent.

Mr. DOCKERY. What would be the cost?

Mr. CUMMINGS. I will come to that in a minute. I want to say that there are 27 of these old men in the service. They have served from twenty-five to forty-five years in the navy as acting masters' mates or mates. And in the face of all this service you discriminate against them. They are getting old and have families to support. Why, sir, some of these very men are to-day practically commanding vessels in the United States Navy.

This House will surely take into account the fact that boatswains and carpenters are on the retired list, while these gallant old tars, some of whom served in the Mexican war, and all of whom served in the last war, are to be left stranded through an inadvertence at the time the law was passed placing warrant officers on the retired list.

Now, I want to say that Secretary Chandler, Secretary Whitney, Secretary Tracy, and Secretary Herbert have all earnestly favored the passage of this bill. They have acknowledged its justice. It has repeatedly been favorably reported, both in the House and in the Senate, in different Congresses. Until to-day nobody has championed the rights of these old salts, but in almost every Congress you find men willing to champion the aspirations of commodores and admirals on the retired list who are seeking an increase of pay.

Now, Mr. Chairman, it is not necessary for me to expatiate further. The fact that these old jack tars have suffered from this injustice ever since 1864 ought to commend to you their demand for justice now.

I quote the following letter here, written on behalf of these mates. It reflects credit on the admirals, commodores, and commanders who have signed it:

WASHINGTON, D. C., *July 1, 1886.*

To the Naval Committees of the Senate and House of Representatives.

HONORABLE SIRS: The mates of the navy are efficient officers, having performed the duties of commanding, executive, and deck officers for many years, some having served upward of forty years as enlisted men and officers.

Nearly all served in the United States Navy during the late war, and some were in the service during the Mexican war.

They have the same uniform, mess bill, and other expenses that warrant officers have, and in line of duty take precedence of warrant officers.

They are the only ones who do not receive longevity pay, and should receive the same as warrant officers, and also the benefits of the retired list as now allowed to all other officers.

David D. Porter, Admiral; S. C. Rowan, Vice-Admiral; Thornton A. Jenkins, rear-admiral; John L. Worden, rear-admiral; C. R. P. Rodgers, rear-admiral; E. T. Nichols, rear-admiral; T. H. Patterson, rear-admiral; Henry Walke, rear-admiral; J. M. B. Clitz, rear-admiral; Wm. E. Leroy, rear-admiral; A. C. Rhind, rear-admiral; D. B. Harmony, commodore; W. W. Queen, commodore; L. A. Kimberly, commodore; Ralph Chandler, commodore; D. L. Braine, commodore; W. T. Truxton, commodore; Montgomery Sicard, captain; R. R. Wallace, captain; Geo. C. Remey, captain; J. Fyffe, captain; Albert Kautz, captain; R. L. Law, captain; Geo. Brown, captain; J. N. Miller, captain; M. Haxton, captain; A. P. Cook, captain; S. Casey, commander; A. H. McCormick, commander; J. H. Sands, commander; A. G. Kellogg, commander; M. L. Johnson, commander; H. B. Selly, commander; Theodore F. Kane, commander; J. C. Watson, commander; H. B. Robeson, commander; Wm. Whitehead, commander; Geo. W. Coffin, commander; P. F. Harrington, commander; C. M. Schoonmaker, commander; C. S. Cotton, commander; C. McGregor, commander; John McGowan, lieutenant-commander; Geo. M. Book, lieutenant-commander; Geo. N. Totten, lieutenant-commander; C. A. Schetky, lieutenant-commander; Jas. M. Forsyth, lieutenant-commander; O. W. Farenholt, lieutenant-commander.

I concur in the representation made in this communication.

WM. E. CHANDLER.

Mr. Chairman, I do not think it necessary to climb the heights of eloquence on behalf of these veteran and patriotic sea dogs of the American Navy. They were warrant officers, even if they did not receive their warrants. They ought to have received the courtesy at least that a corporal in the army gets from his colonel. You will find them acting as executive officers on men-of-war to-day, and in some instances even acting as commanders of vessels. The *Fishhawk*, used by the Fish Commission, has been under command of one of these mates. Still he was not even granted the courtesy of a warrant; he had no commission at all except his forty years' term of service.

Mr. Chairman, if no gentleman desires to oppose this bill, I would like to get a vote upon it. Let us give these old tars justice while we have the opportunity.

Mr. DOCKERY. Mr. Chairman, I wish to be heard on this question very briefly. The proposition presented by this bill is an extension of the retired list of the navy. So far as I know, Members of this House on both sides have been indisposed in recent years to extend the retired list, either of the army or of the navy.

This bill proposes to make eligible for retirement on the naval list 27 mates, who, as I see by the report, were not included in the provisions of the act of July, 1864, which permitted certain naval officers to be retired at certain ages.

Now, Mr. Chairman, I am not familiar with the laws relating to retirement of officers, either of the navy or of the army; but I am conversant with the general opposition which the people have expressed through their Representatives on this floor against the further extension of special retiring privileges, either to officers of the army or officers of the navy. Mr. Chairman, in times like these, when thousands, yea, hundreds of thousands, of men in this country are out of employment, with nothing to do, tramping the country, when manufactories are closed and general industrial paralysis extends over the country, is it wise for us as the Representatives of the people to add this burden to the taxpayers of the United States?

Mr. CUMMINGS. I suggest to the gentleman that it is wise to do justice to the defenders of this Union at any time. [Applause.]

Mr. DOCKERY. Then why was not this measure of justice meted out by the act of July 2, 1864, if this class of men were entitled to special recognition? The gentleman from New York says that it was doubtless an inadvertent omission, but——

Mr. CUMMINGS. And Secretary Chandler says so, too.

Mr. DOCKERY. But there is nothing shown in the report which I have hastily glanced over which indicates that such was the case. It seems, Mr. Chairman, to have been a deliberate purpose on the part of Congress at that time to make this omission. If not, I hope it will be the deliberate voice of this House, expressed in disapproval of this bill, that we will not, at least at this moment of industrial paralysis, add this burden to the people whom we have the honor to represent.

Mr. CUMMINGS. Mr. Chairman, there seems to be an impression in the House that by the retirement of these 27 mates somebody will be promoted to their positions. There is not the shadow of truth in such an insinuation. There are no mates in the United States Navy to-day except these men. The rank has been abolished, and it is a rank. These are the only mates left. In discriminating against them by retaining them in service in their old age you are practically punishing them for doing their duty toward the country.

Mr. HALL of Missouri. Will the gentleman allow me to ask him a question?

Mr. CUMMINGS. I will.

Mr. HALL of Missouri. My colleague [Mr. Dockery] makes the point that this bill will increase the burdens of taxation. I want to know whether, when anyone is retired from active service in the army or navy, he does not go on the retired list with less pay than he received when on active duty?

Mr. CUMMINGS. Certainly. It is cheaper to put these men on the retired list than to retain them in active service.

Mr. HALL of Missouri. Then, by passing this bill we shall decrease taxation instead of increasing it.

Mr. CUMMINGS. Practically so.

Mr. DOCKERY. Will the gentleman from New York [Mr. CUMMINGS] give us the figures showing a decrease of taxation? I should be glad to have that shown. If this is a measure to decrease taxation, I should like to know just how it accomplishes the result.

Mr. HALL of Missouri. Will the gentleman from New York allow me one other question in order to clear this matter up?

Mr. CUMMINGS. Mates receive, when on sea pay, $900; on shore-duty pay, $700; and on leave or waiting-order pay, $500.

Mr. HALL of Missouri. And if they go on this list they receive less?

Mr. CUMMINGS. If they go on the retired list they get three-quarters pay.

Mr. DOCKERY. But you give them pay for doing nothing when they are put on the retired list.

Mr. CUMMINGS. Does not an admiral get pay for doing nothing when he goes on the retired list? Is there not just as much justice and right in putting these men on the retired list when they are incapacitated by old age from active service?

Mr. COX. Let me ask the gentleman from New York a question.

Mr. CUMMINGS. Certainly.

Mr. COX. The proposition is to retire these men at a rate of compensation less than what the Government is now paying them?

Mr. CUMMINGS. Exactly.

Mr. COX. Now, when you retire them and put them on a less compensation than they are receiving now, do I understand it is stated correctly that there are none others to take the places of these men, and that the office is abolished?

Mr. CUMMINGS. There are none others to take their places. The rank is abolished.

Mr. COX. Then is it not a reduction of expenses to the Government?

Mr. CUMMINGS. Certainly; that is the practical effect.

Mr. BYNUM. Why is it a benefit to these men to reduce their salaries, then?

Mr. CUMMINGS. Because they are old and want to go home to their wives and families, the same as you do when it gets too hot in this House. [Laughter.]

Mr. BAILEY. Mr. Chairman, I always differ very reluctantly with my distinguished friend from New York [Mr. CUMMINGS], for I know that in most cases he is right. I may even go so far as to agree with him in his statement that if there is anybody on the retired list who ought to be there, these men ought to go on it. If there is any sense or any justice in putting men on the retired list who, when in active service, received a salary of $5,000 a year, there is greater sense and far more justice in putting a man on that list who in active service received only $900 a year.

But while agreeing with my friend from New York to that extent, my opposition to all bills of this kind is based upon the belief that no living man has a right, without working for it himself, to eat the bread that other people earn by their labor. If these men have suffered in the service of their country, there is a pension roll which is accessible to them, a roll that is maintained now and has been maintained by this Government every hour since the first Congress assembled under the Republic; and if they have won for themselves a right, by their services to their country, to be cared for by their countrymen, I will vote to put them upon it.

Mr. CUMMINGS. Does not that pension roll apply to admirals and commodores and other officers as well?

Mr. BAILEY. Certainly it does, but the gentleman from New York does not contradict me and can not make me appear inconsistent by that suggestion, because I have never supported a proposition to put an admiral on the retired list, and I never will.

Now, the truth is, and we had just as well understand it, that the aversion to men going on the pension roll instead of the retired list is this: If they go on the pension list, they continue to draw for twenty years, if they live that long, exactly what they got on the first day they were placed upon it; but, on the other hand, if they are placed on the retired list, they draw not only what they first began to draw, but for every five years they remain upon the list there is an increase of compensation of 10 per cent for each five years until the original compensation may be increased 40 per cent.

Now, we have the remarkable anomaly under this system that an officer of the army, who in active service gets $1, when he retires and does nothing, if he remains on the retired list long enough, he will get $1.15. In other words, he gets $1 when he works and $1.15 when he plays.

Mr. WHEELER of Alabama. One dollar and five cents.

Mr. BAILEY. No; he can get 40 per cent as longevity pay.

Mr. WHEELER of Alabama. And it amounts to $1.05, under the gentleman's statement.

Mr. BAILEY. The gentleman's arithmetic is bad. Forty per cent added to 75 makes 115 per cent.

Mr. COOMBS. But this would come to $1.05.

Mr. BAILEY. Well, Mr. Chairman, here is another gentleman whose arithmetic is worse than his politics, if that is possible. Both the gentleman from Alabama [Mr. Wheeler] and the gentleman from New York [Mr. Coombs] are mistaken.

The 10 per cent allowed for each five years, it is true, is computed on the retirement pay; but this 10 per cent can be allowed for each five years until it equals, in the language of the law, "40 per cent on the yearly pay of the grade" held by the officer when he retired. He retires on 75 per cent of his original salary, and he may be allowed longevity pay equal to 40 per cent—not of his retired pay, but 40 per cent of his original pay—and certainly gentlemen will not dispute that 40 added to 75 makes 115. I therefore repeat my statement that when he works he gets $1 and when he plays he gets $1.15, and this is the reason why gentlemen prefer the retired list to the pension roll.

Mr. Chairman, I believe this bill ought not to pass.

Mr. DOCKERY. Do I understand the gentleman from New York to state that this office is abolished?

Mr. CUMMINGS. It is abolished.

Mr. DOCKERY. What are these 27 men doing now?

Mr. CUMMINGS. They were left there by the law, which provided that no further mates should be appointed.

Mr. DOCKERY. What officers succeed them?

Mr. CUMMINGS. I do not know that any officers succeed them.

Mr. DOCKERY. Some one must be performing the duties heretofore performed by them.

Mr. CUMMINGS. Not necessarily. The change in the style of ships, and in the method of managing them, has brought about a change in the duties necessary to be performed. Ships do not depend upon wind any longer, as Congress seems to do at times. [Laughter.] Ships depend upon steam, and the mates of the old men-of-war are no longer required. Mr. Chairman, I move that the committee rise and report the bill to the House with a favorable recommendation.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. DOCKERY. Division!

The committee divided; and there were—ayes 111, noes 33.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Lester, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill (H. R. 38) relating to the payment and retirement of mates in the United States Navy, and had instructed him to report it to the House with the recommendation that it do pass.

Mr. CUMMINGS. I demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading, and was accordingly read a third time.

The question was taken on the passage of the bill, and the Speaker announced that the ayes seemed to have it.

Mr. DOCKERY. Mr. Speaker, I ask for a division on the passage of a bill that increases the retired list.

The House divided; and there were—ayes 103, nays 32.

So the bill was passed.

On motion of Mr. Cummings, a motion to reconsider the vote by which the bill was passed was laid on the table.

[House Report No. 851, Fifty-third Congress, second session.]

PAY AND RETIREMENT OF MATES IN THE UNITED STATES NAVY.

Mr. Cummings, from the Committee on Naval Affairs, submitted the following report to accompany H. R. 38:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 38) relating to the pay and retirement of mates in the navy, having duly considered the same, submit the following report:

The passage of the act of July 15, 1870, stopped the further appointment of acting masters' mates or mates in the United States Navy. It left the mates already in the navy on duty, and they are carried on the Navy Register to-day. They were appointed under the act of July 24, 1861. Section 2 of the act of March 3, 1865, provided that acting maters' mates should be styled mates, and authorized an increase of their pay to a sum not exceeding $60 per month. The naval appropriation bill of July 15, 1870, section 3, fixed the pay of mates as follows:

	Per annum.
Sea pay	$900
Shore-duty pay	700
Leave or waiting-orders pay	500

The act of July 2, 1864, designated boatswains, engineers, carpenters, and sailmakers as warrant officers, and under sections 1448 and 1455, Revised Statutes, they are retired the same as commissioned officers. Under existing law mates who were left in the service are not classed as either commissioned or warrant officers, and therefore can not receive the benefits of the laws providing for the retirement of officers of the navy. There are now 27 of these old mates in the naval service. They have served from twenty-five to over forty years in the navy as acting masters, acting ensigns, and mates. They are all getting old and have families to support. Their ages are from 50 to 65 years. The best days of their lives have been spent in the navy. They ask only for the benefit of the retired list the same as all other officers and enlisted men. Secretaries Chandler, Whitney, Tracy, and Herbert have all favored the passage of the bill, and it has been repeatedly reported favorably in both the House and Senate.

The following is a list of the mates now in the navy, with their ages and total length of service in the Navy, Army, and Marine Corps as acting ensigns, mates, and in other ratings to March, 1894:

No.	Name.	Age.	Years of service as shown in Navy Register.	Years of service not credited in Navy Register.	Total years service.
1	James W. Baxter	54	45	----------	45
2	W. W. Beck	66	32	----------	32
3	Thomas W. Bonsall	58	29	----------	29
4	William Boyd	58	27	----------	27
5	A. F. Callander	48	24	3	27
6	C. H. Cleaveland	52	30	----------	30
7	J. M. Creighton	47	27	----------	27
8	H. C. Fuller	55	30	----------	30
9	L. B. Gallagher	48	24	6	30
10	Samuel Gee	56	24	12	36
11	John Griffin	60	33	----------	33
12	James Hill	55	24	6	30
13	Frank Holler	61	27	6	33
14	William Jenney	58	30	----------	30
15	Hugh Kuhl	58	33	----------	33
16	L. M. Melchor	45	26	3	29
17	C. J. Murphy	52	29	4	33
18	Harold Neilsen	54	23	10	33
19	Benjamin G. Perry	70	28	9	37
20	Robert Robinson	54	32	4	36
21	J. A. Smith	54	32	----------	32
22	S. T. C. Smith	49	28	----------	28
23	William G. Smith	55	36	----------	36
24	C. H. Thorne	56	30	3	33
25	P. C. Van Buskirk	62	24	8	32
26	John L. Vennard	55	29	----------	29
27	Charles Wilson	57	28	8	36

Twenty-seven years' service	3
Twenty-seven to thirty-two years' service	12
Thirty-two to thirty-seven years' service	11
Forty-five years' service	1
	27

These mates have always taken precedence of warrant officers, who, under the law, are entitled to be placed on the retired list. There is no reason why this distinction should be made.

The following is an extract from the report of the Committee on Naval Affairs of the Fifty-first Congress, submitted by Mr. Boutelle:

"By the act of July 24, 1861 (12 Stat. L., 272), certain appointments for the temporary increase of the navy, including those of masters' mates, were authorized and ratified. Section 2 of the act of March 3, 1865 (13 Stat. L., 539), 'to increase the pay of midshipmen and others,' provided that acting masters' mates should be styled 'mates,' and authorized an increase of their pay to a sum not exceeding $60 per month.

"The naval appropriation bill of July 15, 1870 (16 Stat. L., 330), section 3, fixed the pay of mates as follows: Sea pay, $900; shore-duty pay, $700; leave or waiting-order pay, $500. This provision is now embodied in section 1556, Revised Statutes. The same act having repealed, except as to assistant surgeons, the authority for the appointment of temporary or acting officers in the navy, there have been, since the passage of the act of July 15, 1870, no further appointments of acting masters' mates, or mates, nor has there been since then any change in the status or pay of mates in the navy.

"The act of July 2, 1864, now section 1406, Revised Statutes, designates boatswains, gunners, carpenters, and sailmakers as 'warrant officers,' and under sections 1448–1455, Revised Statutes, they may be retired the same as commissioned officers.

"Under existing law, however, mates are not classed as commissioned or as warrant officers, and therefore can not receive the benefit of the laws providing for the retirement of officers of the navy.

"Section 1408, Revised Statutes, authorizes the Secretary of the Navy, should the exigencies of the service so require, to cause seamen and ordinary seamen who have enlisted for not less than two years to be rated as mates, with the pay now provided by law for that grade; but that provision would not be affected by this bill, the operation of which is confined to the mates now in the service.

"By section 1556, Revised Statutes, the pay of 'warrant officers,' i. e., boatswains, gunners, carpenters, and sailmakers, is fixed as follows:

Term of service.	At sea.	On shore duty.	On leave or waiting orders.
First three years after date of appointment	$1,000	$900	$700
Second three years after date of appointment	1,300	1,000	800
Third three years after date of appointment	1,400	1,300	900
Fourth three years after date of appointment	1,600	1,300	1,000
After twelve years from date of appointment	1,800	1,600	1,200

"As all the mates now in the service have served more than twelve years since the date of their appointment, their pay will be increased by this bill to $1,800 sea pay, $1,600 shore duty, $1,200 leave or waiting orders.

"It will be borne in mind that although the mates take precedence of warrant officers in line of duty their pay has always been much less, and they have been entirely deprived of the increase of pay for longevity of service which is given to all other officers.

"The committee find that some of these mates have been in the service upward of forty years as enlisted men or officers; that nearly all of them were appointed and served in the navy during the late war, while some were in the service in the Mexican war, and that many of them have performed the duties of commanding, executive, and deck officers, intrusted with the responsibilities that would be imposed upon ensigns and lieutenants. Their efficiency and usefulness is attested most cordially in memorials presented to the committee bearing the signatures of Admiral Porter, Vice-Admiral Rowan, Rear-Admirals Jenkins, Worden, Rodgers, Nichols, Patterson, Walke, Clitz, Leroy, and Rhind, Commodore Harmony, and many other of the foremost officers of the navy, who earnestly favor the placing of the mates on the same footing as the warrant officers, as do the last and the present Secretary of the Navy.

"In view of the long, faithful, and valuable service of these men, some of whom are now on the leave or waiting-orders pay of $500 per year, the committee believe that it will be but simple justice to grant them the benefits of longevity pay and of the retired list now enjoyed by warrant officers, and therefore recommend that bill H. R. 3301 do pass, with the following amendments:

"As one of the mates has died since this bill was introduced, amend by striking out the word 'four,' in line 5, and insert the word 'three,' so that it will read 'thirty-three officers,' etc. Also amend by striking out all of section 2 and insert as an addition to section 1 the following proviso:

"'*Provided, however,* That nothing herein contained shall be so construed as to authorize any increase of pay for any time prior to the passage of this act.'"

The case is very clearly stated in Senate Report No. 548 made to the Fifty-second Congress, first session, by Senator Chandler, formerly Secretary of the Navy. It says:

"Bills providing for the retirement of mates in the navy, and the regulation of their pay, have been favorably reported in the Fiftieth and Fifty-first Congresses, and justice to this small but efficient corps demands that action should be no longer delayed. When the first bill was reported the number of mates was only 33, and that number has dwindled down to 28. Of these 1 has served forty-three years, 14 over thirty years, and 13 over twenty years each. Most of them are well advanced in years and have families dependent upon them. Nearly all served during the late war, and some during the Mexican war.

"The pay of mates while on sea duty is $900 per year, on shore duty $700, and on leave or waiting orders $500. Of the 28 mates 22 are on shore duty, 1 is on waiting orders, and only 5 are on sea service. They take precedence of warrant officers in line of duty, and yet the warrant officers are paid for the first three years' service $1,200 per year while on sea duty and $900 while on shore duty, and those amounts are increased every three years until after twelve years' service, when they receive $1,800 for sea and $1,600 for shore duty. With equal duties, equal mess expenses, and equal responsibilities, and with over twenty years' service every mate should now be receiving the highest amount paid to any warrant officer—$1,800 per year for sea duty, $1,600 for shore duty, and $1,200 while waiting orders. The bill which this report accompanies provides for paying them only $1,200 for sea and $900 for shore duty, and $700 while waiting orders. This proposition is far from being an extravagant one, especially when it is considered that these veteran mates, who have suffered from injustice for years, are constantly diminishing in numbers and in a short time will all be gone. The final amendatory clause of the bill as reported authorizes the Secretary of the Navy in his discretion to place any of the mates upon the retired list, and it is probable that most of them will at an early day be so disposed of.

"As to the propriety of allowing these officers longevity pay, there can be but one opinion. They are morally as much entitled to it as any other officers of the navy. It should have been given to them in the act of 1870, by which it was granted to all naval officers except

them. The reason for the neglect was probably that, being a small and inadequately paid corps, they did not assert themselves as forcibly as they might, while the understanding that no more appointments were to be made caused less attention to be paid to them than otherwise would have been the case. But whatever the reason, they were overlooked, and it remains for Congress to repair the mistake and to give these mates the benefit of a retired list as allowed to other naval officers."

The feeling in the navy concerning the bill is shown in the following letter:

WASHINGTON, D. C., *July 1, 1886.*

To the Naval Committees of the Senate and House of Representatives.

HONORABLE SIRS: The mates of the navy are efficient officers, having performed the duties of commanding, executive, and deck officers for many years, some having served upward of forty years as enlisted men and officers.

Nearly all served in the United States Navy during the late war, and some were in the service during the Mexican war.

They have the same uniform, mess bill, and other expenses that warrant officers have, and in line of duty take precedence of warrant officers.

They are the only ones who do not receive longevity pay, and should receive the same as warrant officers, and also the benefits of the retired list as now allowed to all other officers.

David D. Porter, Admiral; S. C. Rowan, Vice-Admiral; Thornton A. Jenkins, rear-admiral; John L. Worden, rear-admiral; C. R. P. Rodgers, rear-admiral; E. T. Nichols, rear-admiral; T. H. Patterson, rear-admiral; Henry Walke, rear-admiral; J. M. B. Clitz, rear-admiral; Wm. E. Leroy, rear-admiral; A. C. Rhind, rear-admiral; D. B. Harmony, commodore; W. W. Queen, commodore; L. A. Kimberly, commodore; Ralph Chandler, commodore; D. L. Braine, commodore; W. T. Truxton, commodore; Montgomery Sicard, captain; R. R. Wallace, captain; Geo. C. Remey, captain; J. Fyffe, captain; Albert Kautz, captain; R. L. Law, captain; Geo. Brown, captain; J. N. Miller, captain; M. Haxton, captain; A. P. Cook, captain; S. Casey, commander; A. H. McCormick, commander; J. H. Sands, commander; A. G. Kellogg, commander; M. L. Johnson, commander; H. B. Selly, commander; Theodore F. Kane, commander; J. C. Watson, commander; H. B. Robeson, commander; Wm. Whitehead, commander; Geo. W. Coffin, commander; P. F. Harrington, commander; C. M. Schoonmaker, commander; C. S. Cotton, commander; C. McGregor, commander; John McGowan, lieutenant-commander; Geo. M. Book, lieutenant-commander; Geo. N. Totten, lieutenant-commander; C. A. Schetky, lieutenant-commander; Jas. M. Forsyth, lieutenant-commander; O. W. Farenholt, lieutenant-commander.

I concur in the representation made in this communication.

WM. E. CHANDLER.

Confident that the Government owes this act of justice to these veterans in the service, your committee respectfully recommend the passage of this bill.

I wish to state that when the bill (S. 5337) for the relief of Mate William Jenney and others (said bill being identical in purport with H. R. 17059, introduced by myself) was reported favorably to the Senate, the report thereon (S. 434) called attention to a letter from Mate Beck.

Said letter is as follows:

196 SHURTLEFF STREET,
Chelsea, Mass., February 28, 1908.

DEAR SIR: I beg to request that you will kindly cause to be reported and passed immediately Senate bill 5337, for the relief of Mate William Jenney, U. S. Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement.

I was nominated and confirmed this session of Congress to be a mate on the retired list with the rank and pay of the next higher grade, but the comptroller rules that I do not get any higher pay, although everyone else benefited under the act of June 29, 1906, receives increased rank and pay by reason of civil-war service, and it was the intention of the law that I and my associates should likewise receive this increase.

I entered the service in 1856, at the breaking out of the rebellion, and was appointed master's mate and in 1864 was appointed an acting ensign; served as such until October, 1868, when I received my honorable discharge. I reentered the service in 1870 as a mate. I also served in the Mexican war in 1847.

Most of these mates are about 80 years of age, and unless this law goes through immediately we will be dead before it can do us any good.

The bill has the recommendation of the Navy Department.

Trusting that this letter will appeal to you, I am,

Very truly, yours,

WM. W. BECK,
Mate, United States Navy, Retired.

Hon. EUGENE HALE,
United States Senate, Washington, D. C.

Since the writing of that letter Mate Beck has died, his death occurring February 1, 1909, so that he did not long enjoy the benefits of the higher rank and pay accorded him for civil-war service.

Mate William Boyd, another of the beneficiaries, passed away on November 1, 1908.

Mate W. G. Smith was entitled to the rank and pay of the next higher grade under the act of June 29, 1906, from that date, but died June 9, 1907, before receiving the increased rank and pay to which he was entitled.

During the present session of Congress his name was sent to the Senate and he was confirmed on December 17, 1908. (See CONGRESSIONAL RECORD, p. 381.) In other words, he was nominated and confirmed about one year and a half after his death. His widow, Lydia Smith, has received $423.75, the difference in pay to which he was entitled.

By way of parenthesis I will say that another of the mates who has died since is Mate Samuel Gee. He served in the navy prior to the civil war, but during that event was a civilian employee in the navy-yard at Washington, D. C. He reentered the service in 1869. During the civil war Mr. Gee rendered quasi military service and was under the command of the commandant of the navy-yard at Washington. The commandant required the civilian employees of the navy-yard to perform military duty in the defense of the city of Washington. Furthermore, during the war Mr. Gee was sent on expeditions up and down the Potomac River and as far as Old Point Comfort and Jamestown, and, it is claimed, was under fire, but Mr. Gee did not receive the benefits of section 11 of the personnel act or of the act of June 29, 1906, though morally entitled thereto, because at the time he was not actually in the naval service. On May 4, 1908, a private bill (H. R. 21569) was introduced for Mr. Gee's relief, but had not been acted upon up to the time of his death, January 17, 1909.

Mate Henry C. Fuller was entitled to the rank and pay of the next higher grade, under the act of March 3, 1899, from July 25, 1901, but he died on June 25, 1907, before receiving this increased rank and pay. Subsequently his record was corrected, and his sister, Mrs. C. C. Fryer, has received $2,177.35, the difference in pay to which he was entitled.

Mate Neilsen should have received the rank and pay of the next higher grade under the act of March 3, 1899, from April 16, 1902, but died June 25, 1908, before receiving this additional rank and pay. Subsequently his naval record was corrected, and his widow, Virginia Neilsen, has received $3,028.98, the difference in pay to which he was entitled.

As already shown, the back pay which Mate Jenney received amounted to about $4,000.

The back pay of Mates Vennard and Callender dated from September 22, 1900, and April 16, 1908, respectively.

Mates Beck, Bonsall, Boyd, Griffin, Hill, Holler, Robinson, and S. T. C. Smith received difference in pay at the rate of $450 per year from June 29, 1906, and all of the mates heretofore mentioned, still living, are receiving this rate of increase.

In reciting these facts I do not wish to be understood as criticising the Navy Department or the accounting officers of the Treasury Department, as I feel that they have always attempted, so far as the law would permit, to give to these mates everything to which they were entitled.

In conclusion, I can only again say I am glad that it has been within my power to assist in seeing this belated justice done these old mates. From a review of their contention, now that they have won, it seems strange, indeed, that it was necessary to secure two decisions of the Comptroller of the Treasury and four opinions of the Attorney-General in order to obtain for them that recognition to which they were entitled. It seems strange, indeed, that it has taken over forty years to correct an inadvertent error made by our predecessors in not recognizing them as officers, entitled under the Revised Statutes to be retired as such. It seems still more incredible that such unremitting work was necessary to correct this mistake, even after Congress had, in 1894, passed a special act for their retirement, especially in view of the fact that they had seen service in the civil war and many during the Mexican war, and had performed the duties of commanding, executive, and deck officers for many years, and to whose efficiency and faithfulness of service Admiral Porter, Vice-Admiral Rowan, Secretary Chandler, Secretary Whitney, Secretary Tracy, and Secretary Herbert, and a host of other naval officials, had all testified. And yet, strange as it may seem, a study of the documents which appear in my remarks will show that such unceasing work was necessary before these old mates, veterans of two or three wars, were recognized as officers and given the full privileges of such recognition on retirement.

I have only one regret, and that is that so many of these old officers passed away without realizing that their country, though often tardy, is nevertheless always willing and anxious to do justice and give full recognition to those who have given the better part of their lives to its service and in its defense.

The long, faithful, patriotic, and efficient service of these old mates has proved a credit to our navy and will ever obtain for them a deserving place of honor in American history.

Consolidation of Pension Agencies.

SPEECH

OF

HON. JOHN A. M. ADAIR,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, January 19, 1909,

On the bill (H. R. 26203) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1910, and for other purposes.

Mr. ADAIR said:

Mr. CHAIRMAN: The question before the House is one of vast importance and deserves careful consideration. It not only affects the interest and welfare of the soldiers and their widows, but it also affects the Treasury of the United States. To begin with, let me say that I am in hearty sympathy with the report of the Committee on Pensions and am strenuously opposed to the amendment offered by the gentleman from Ohio. The committee proposes to consolidate the 18 pension agencies as they now exist into one agency and place the payment of all pensions under the Commissioner of Pensions, through a disbursing officer at Washington.

I am strongly in favor of this plan because of the great saving made possible by such a change. There would be an immediate saving of $68,000 annually on salaries of pension agents, $4,500 on account of rent of offices for the New York agency, $1,500 for the examination and inspection of agencies, and from $150,000 to $200,000 on clerk hire. In fact, when the new system is once established I believe there will be a saving in the expense of paying pensions of at least $400,000 annually. I feel confident that such consolidation will result in the economical execution of the pension laws, the prompt and efficient payment of all pensions, that the work incident to the payment of pensions will be expedited, and that no delay or inconvenience will be experienced. The Secretary of the Interior and the Commissioner of Pensions, who have made a careful study of this question of consolidation, are in favor of it. They believe it would do away with what at present is a serious duplication of work. The various agencies report to the central office at Washington, and much of the clerical work is done over again, which makes the employment of numerous clerks necessary. By the concentration and the centralization of the handling of the work in Washington, with the present organization in the Pension Office and with the introduction of certain mechanical devices for the handling of these hundreds of thousands of vouchers and certificates, they could, without interfering in the least with the expedition with which the pensioners receive their claims, transact all of that business in Washington and mail the checks to the pensioners in various parts of the country just as quickly as it is now done under the separate agencies, and with a great deal less expense.

The Commissioner of Pensions, in a letter upon the subject, makes the following statement:

> All pension checks must now be printed in this city and forwarded through the mails to the various pension agencies throughout the country. All vouchers to be executed by the pensioners are printed here in this city by the Government Printing Office and are forwarded through the mails to the various pension agencies to be prepared and forwarded to the pensioners. More than 100 different forms of vouchers are now required for the 18 pension agencies. As an illustration: Fifty-four different forms of vouchers are now required for pensioners under the act of February 6, 1907, 3 forms for each different agent, 1 at the $12 rate, 1 at the $15 rate, and 1 at the $20 rate. If all the pensions were paid by one disbursing officer, only 3 forms of vouchers would be required under this act instead of 54. All certificates issued by the bureau must first be forwarded to the pension agency, there to be reentered upon a different set of books and mailed to the pensioner from the agency. If all pensioners were paid from this city, the certificates would be issued by the bureau and mailed to the pensioners upon the same date they are now mailed to the pension agency. The pensioners would therefore receive the new certificates much more promptly than they do now. All vouchers, after being paid by the pension agent, must be again mailed to this city, to the Treasury Department, where the accounts are audited. This bureau can not furnish the latest post-office address of a pensioner or the State where the pensioner was last paid without first securing a report from the pension agent upon whose rolls the pensioner's name is inscribed. If all pensioners were paid from this city, all such information would be immediately available, which would greatly assist in the prompt dispatch of the correspondence of this bureau. All pension claims, as you are aware, are adjudicated here in this bureau; and if all payments were made here, a complete history of each case would be readily available and the bureau enabled to make prompt response to all inquiries.

I am sure, Mr. Chairman, there is an abundant supply of substantial reasons why these agencies should be consolidated. Both economy and the interests of pensioners demand it. What we want is the best service at the least cost, and if I believed it would be impaired or the interest of the soldier compromised by such consolidation, I would oppose it, no matter how great the saving might be.

But, Mr. Chairman, I believe too much money is being needlessly and unnecessarily expended in the continuing of these agencies, and that the $400,000 that could be saved annually by consolidation should be paid to the defenders of our country in the way of increased pensions. Ever since I became a Member of Congress I have been struggling for more liberal pensions for soldiers of the civil war and their widows. If I had my way about it I would do away with all unnecessary expense of agencies, special examiners, and boards of examiners and distribute the vast sum of money spent in this way by increasing the pensions of those who went out in the dark days of '61 to '65 and endured hardships and privations that you and I might enjoy this united country.

Why not give this money to the old soldier instead of spending it for officers and clerks, which the Secretary of the Interior, the Commissioner of Pensions, and everybody else knows are not needed? If anything more is to be done for the old soldier it must be done quickly. One by one they are dropping off, and it will soon be too late to pay the debt we owe to them for their valuable service.

I have introduced two bills, now pending before the Committee on Invalid Pensions, one to increase the pensions of private soldiers and the other to amend the "widows' pension law," passed April 19, 1908, striking out the date of June 27, 1890, and making it apply to all widows married up to the time of the passage of the bill.

There was no sense or justice in fixing this arbitrary date, and no one can assign a single reason why a widow who married a soldier subsequent to June 27, 1890, and nursed and cared for him for ten or fifteen years prior to his death should not be pensioned as well as the widow who happened to marry a few days or a few years sooner. I would like to see both of these bills reported out of the committee and passed during this session, but when I undertake to press them I am met with the argument that we must economize; that the revenues of the Government are now running short of paying expenses from $11,000,000 to $12,000,000 per month, and as long as this condition continues we must limit appropriations.

Let me say now, I am in favor of economy. I am in favor of cutting appropriations, but I do not want to do so at the expense of the soldier and the widow. I know our appropriations have grown to enormous proportions, the Fifty-ninth Congress having appropriated nearly $2,000,000,000. I agree that it is time to call a halt. The taxpayers are already groaning under the burdens imposed upon them, but the trouble lies in the fact that thousands are needlessly and uselessly expended in payment of salaries of unnecessary officers and clerks kept on the pay roll at the expense of the people. I know great pressure is brought to bear on those Representatives who have agencies in their districts by the employees of such agencies insisting that they be continued in order that they may remain on the pay roll. But we must remember the people are to be considered first and the beneficiaries of the agencies afterwards. This is a Government by and for the people, and not a Government for officeholders.

I am for the consolidation of these agencies, because it means both economy and better service. Not only should we economize in this way, but I am in favor of cutting out unnecessary expenditures all along the line. I believe in retrenchment and reform. Why, Mr. Chairman, it is now proposed to increase the annual appropriation, which is now $25,000, to $37,000 for the use of the President in maintaining horses, carriages, and automobiles. Not only that, but I learn that the Senate has just passed a bill increasing the salary of the President from $50,000 to $100,000 per year. Plenty of money to spend that the President may ride in carriages and automobiles at the expense of $37,000 per year, and in addition draw an annual salary of $100,000, but no money to appropriate when a decent and deserving pension is asked for the old soldier, whose service made the greatness and grandeur of this country possible.

Mr. Chairman, so far as I am concerned, I shall stand by both the President and the soldier, but I believe the present salary of the President is ample and sufficient, and under no consideration will I vote to increase it to the extent proposed. Neither will I support the proposition to appropriate $37,000 annually, in lieu of $25,000, for the maintenance of horses, carriages, and automobiles for the use of the President-elect. All of our Presidents up to this time have been able to get along

on $25,000 annually for this purpose, and I am sure our incoming President, Judge Taft, who I hope and believe will make one of our greatest and best Presidents, can do likewise. So long as I am a Member of this House I shall oppose all extravagant expenditure of the people's money, no matter by whom expended; but I shall always vote for and insist upon liberal appropriations for the payment of pensions.

I hope the amendment of the gentleman from Ohio will be defeated, and that the 18 pension agencies will be consolidated, thereby saving at least $400,000 annually, and that this amount so saved will be used in the payment of increased pensions to soldiers of the civil war.

Eulogy on Hon. Daniel L. D. Granger.

REMARKS

OF

HON. W. BOURKE COCKRAN,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the following resolutions:

"*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of the Hon. DANIEL L. D. GRANGER, late a Member of this House from the State of Rhode Island.

"*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

"*Resolved*, That the Clerk communicate these resolutions to the Senate.

"*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased."

Mr. COCKRAN said:

Mr. SPEAKER: On the 14th day of February, 1909, Members of Congress approaching the Capitol saw the flag at half-mast and thus for the first time were apprised of a great loss that had befallen the public service. DANIEL L. D. GRANGER, a Representative in Congress from Rhode Island, died during the previous night. His last illness had been long and tedious, but he had persisted with such firmness in attempting to continue the performance of his duties that few realized the desperate state of his health when he appeared in the Committee on Ways and Means during the public hearings lately held on the tariff. This iron determination to remain at his post under conditions so painful that a man of less rugged fiber would have considered himself justified in employing all his time and thought in efforts to alleviate his physical suffering illustrates strikingly the scrupulous fidelity to duty which was the dominant feature of his character and which explains his long career of self-renunciation, of usefulness, and of honor.

It would be profitless to repeat here the account of his life and of his public services, already given in complete and loving detail by others among the colleagues who served with him and the friends who revere his memory.

There is, however, one aspect of his career which, I think, deserves special mention for the light it sheds upon the political system of which he was an important feature and on the quality of the citizenship which he adorned.

When we recall the length of his public service, the various offices he filled in his own State, as well as in the Nation, and the success he achieved in each, the fact that his death has been followed by no evil consequences to the body politic establishes conspicuously the excellence of our political system. In any other country the death of such a valuable public servant must have left a palpable void in the machinery of government. His sudden removal from the popular representative body, and from its most important committee, must have been followed by some impairment of its efficiency, if not by serious disturbance of its operations. The fact that notwithstanding his sudden abrupt removal the efficiency of the House remains unimpaired, the current of legislation uninterrupted, the stability of government unaffected prove conclusively that to the perfection of our political system no one life is absolutely essential.

While, however, no man is indispensable to the efficiency of our Government, it is nevertheless by the virtues and patriotic activities of all men subject to its authority that its functions must be performed, its vigor maintained, its excellence advanced. Effective maintenance of such a system is possible only where civic virtue of the highest order is a common possession of its citizens. To have become distinguished in such a citizenship establishes higher merit than to have become indispensable in a community composed of baser elements. The extent to which our late colleague achieved this distinction can be judged by the spontaneous expressions of regret which his death has provoked. The highest praise which a public servant under our system can deserve is that which the unanimous voice of his fellows bestows on DANIEL L. D. GRANGER. He took a foremost place in the foremost representative body of the foremost Nation of the world, and he proved himself worthy of it. To have merited this universal acknowledgment is the noblest crown that can reward a useful life of unwearied, unselfish public service.

That he has merited it fully and completely is shown by the profound respect in which all his associates, in common with the whole body of the American people, hold the character he established, the high value they place on the virtues he possessed, the deep gratitude with which they appreciate the services he rendered, the pride and affection with which they treasure the memory he has left.

Insufficiency of Appropriation Made for the Building of Colored Schools in the District of Columbia.

SPEECH

OF

HON. J. VAN VECHTEN OLCOTT,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909,

On the bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.

Mr. OLCOTT said:

Mr. SPEAKER: I feel it my duty to call attention to an error and oversight in H. R. 25392—

An act making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.

The error and oversight are in respect to the appropriations in the item of buildings and grounds for the colored public schools of the District of Columbia. H. R. 25392 contains items for colored public schools as follows:

(*a*) For erection of a four-room addition to Lovejoy School building, $32,000.

(*b*) For purchase of additional grounds adjacent to Garfield School, approximately 85,000 square feet, $3,000.

(*c*) That the appropriation of $26,000 made in the District of Columbia appropriation act for the fiscal year 1902, for 1 four-room building and site, Brookland (colored), seventh division, is hereby made available for the purchase of site and construction of a 2-room school building at such a point in or near Brookland as may be selected by the Commissioners of the District of Columbia.

The third of these items (*c*) is not a new appropriation, but a provision whereby an appropriation made eight years ago may now be applied to the building of a two-room schoolhouse in Brookland in place of the Bunker Hill Road School, instead of a four-room schoolhouse as originally provided. The second item (*b*) is not a new appropriation, but only a continuation and completion of a former appropriation for the Garfield School. The first item (*a*) is the only new appropriation included in H. R. 25392 for buildings and grounds of colored public schools in the District of Columbia. In a word, the aggregate appropriation for buildings and grounds for colored schools provided by the act is only $32,000.

On the other hand, it is a fact in the colored schools (1) that in the elementary grades over 11 classes above the second grade are now being taught upon a half-day basis in unavoidable violation of the law, because there are neither permanent nor portable buildings enough to accommodate these children; (2) that the colored elementary schools have not one adequately equipped manual-training center, in spite of the great need for hand as well as head training; (3) that the Armstrong Manual Training School—a high school—and the M Street High School are very greatly overcrowded, to the great injury of their instruction and training, and that this congestion grows worse each year; (4) that the normal school, which trains all the teachers in the colored elementary schools and consequently all the teachers of the vast majority of the colored children of Washington, is at present ludicrously housed in parts of two elementary school buildings to the grave embarrassment of its important work; (5) that some of the schoolhouses are unfit for use; for example, the dilapidated wooden structures at Fort Slocum, Chain Bridge road, Ivy City, Benning road, and Birney annex.

The most casual and superficial inspection of the facts make it clear that the colored public schools of the District of Columbia are in great need of appropriations for buildings and grounds.

In the management of the public schools and their expenditures it is recognized that the negro population and the negro pupils of the public schools comprise one-third of the whole enrollment. The supreme court of the District of Columbia has appointed three colored members of the board of education out of a membership of nine.

It is recognized by the board of education and the Board of Commissioners of the District of Columbia and by the committees of Congress that the appropriations for colored schools and white schools should be in this ratio. The board of education and the Commissioners of the District of Columbia accordingly joined in recommending to Congress new appropriations in the sum of $327,000 for the buildings and grounds of the colored public schools of the District of Columbia.

But H. R. 25392, as passed by the House of Representatives and by the Senate prior to conference, provides for new appropriations in the item of buildings and grounds for white schools aggregating $993,000, as against $32,000 for colored schools. This astonishing disproportion is a very serious matter. It seems to me to be contrary to the demands of justice and the public welfare when one-third of the whole enrollment of pupils in the public schools at the capital of the Nation receives in the item of buildings and grounds, as provided in the bill, only 3 per cent of the aggregate appropriation.

It is not necessary at this time to argue in regard to the necessity for making proper provision for the education of all children in the city of Washington, both white and black. In such education rests the safety of the community, and no expenditure of the Government can possibly be made more important than the proper housing of children who are educated at public schools. It does not seem possible that the appropriation in the expenditures for schools for the colored children and the white children could have been specifically brought to the attention of the subcommittee on appropriations that had charge of the bill for the appropriation for the District of Columbia. Provision must be made for all children in the District, both white and black, and such provision must include the erection of proper fireproof structures, and, even at a time when a deficit in the Treasury stares Congress in the face, it will be the falsest kind of economy not to provide suitable buildings for the education of children in the District.

I hope, when the Committee on Appropriations takes up the question of making provision for the care of the schools in the District at the next session of Congress, they will see that a proper sum is appropriated for the colored schools as well as the white schools, and I shall so use my best endeavors at the proper time to urge the committee to make such provision.

Ocean Mail.

SPEECH

OF

HON. CHARLES B. LANDIS,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Tuesday, March 2, 1909.

The House having under consideration the bill S. 28, having for its object the betterment of mail facilities between the United States and China, Japan, the Philippines, Australasia, and South America—

Mr. LANDIS said:

Mr. SPEAKER: I shall vote for this bill. I would vote for it if it were broader and more generous in its provisions. I sincerely trust it may prove a start toward such a rehabilitation of the American merchant marine as will restore our flag to the relative position it occupied in commerce and trade on the high seas many, many years ago. The only fear I have is that the inducements offered will not prove sufficiently attractive to American investors to lead them to take advantage of its provisions.

On a former occasion I voted against a bill similar to this. I cast that vote blindly. I was not informed. I was also influenced by prejudice. I contend that no man can fairly study and investigate this question without coming to the conclusion that it is vital to the Republic to at once take such steps as will lead to our participation in ocean commerce. If this bill passes, we will have made a modest start.

The application of this bill is limited to Australasia, Japan, China, the Philippines, and South America. Our tonnage on the Pacific has been cut in two within the past two years. Our ships have been unable to compete with the ships of Japan and other nations. The Pacific Mail would have gone out of business or taken a foreign flag ere this but for the fact that it was so intimately associated with the Hill system of railroads as to guarantee its life. The Chicago, Milwaukee and St. Paul will soon be built through to the coast. That road has, I understand, made arrangements with a Japanese steamship company to transport its shipments to the Orient. American vessels on the Pacific have been going out of business rapidly. They can not afford to remain in the business. They are being driven out by the cheap wages, the cheap food, and the cheap sleeping quarters, which are acceptable to sailors under foreign flags. The situation is embarrassing; it is humiliating. I contend that it is little less than a national menace.

That American vessels flying the American flag and carrying American products should go to China, to Japan, to the Philippines, and to Australasia can not, I submit, admit of dispute. But it is that provision of this bill which reaches out toward South America that is most attractive to me—toward all Latin America, the most inviting field for business conquests on the entire globe. I believe if this bill becomes a law, if this line is started to South America, it will prove a great trunk line for all Latin America, for Mexico, Central America, the West Indies, as well as for South America.

By the republics of Latin America I mean Mexico, and the republics of Central America—the republics of the West Indies and of South America—twenty of them in all. I mean those republics which joined with the United States last year in laying the corner stone of that building in this city which is to be the home of the International Bureau of the American Republics. Over that temple 21 flags, each representing a separate and distinct national sovereignty, will have a right to fly. No such a consummation in international society has ever before been reached, and I doubt if in the future it will ever have a parallel.

A century hence the historian will marvel at the apparent lack of interest this Republic has shown in those countries and in those people in this hemisphere, who, from every point of our national interest, should have been the objects of our keenest solicitude. Like ourselves they occupy territory far removed from the scene of Old World politics, and like ourselves, through stress and turmoil, they have been working out the problem of independent self-government.

It would seem that there would have been a kinship in mutual hope and ambition which, from the very start, would have cemented social and business bonds, resulting by this time in a hemispherical compactness that would forever forestall any or all European nations from gaining a primacy in the commercial affairs and general interests of the people to the south of us. But it has not worked out in this way. We find that the people of the United States have been too busy with their own affairs to give any particular attention to the affairs of their southern neighbors. Through the years there has been more or less trade between the United States and Latin America, but it has not been the result of negotiation nor cultivation nor neighborly exchange. What they have bought of us, or what we have bought of them has had upon it the absolute and unmistakable brand of advantage. It has never known the flavor of the neighborhood; it has never carried with it a touch of sentiment. I will not say it has been the fault of Latin America. It is a matter of record that on several occasions, in years long past, the strongest of those nations made overtures to us which, if accepted in the spirit offered, would have worked wonders through the years that followed. But there seemed to be an assumed loftiness on our part, a superlativeness that chilled and drove away those who should have been our most intimate neighbors and our most confidential friends.

Blaine saw the mistake and took the first great step to rectify it. His effort was followed in a way, but not with any great enthusiasm, by Harrison, Cleveland, and McKinley. It remained for the present occupant of the White House and his splendid Secretary of State, Mr. Root, to approach and surround and invest and inspire the situation so as to lift the Pan-American idea up, high up, so high up that the whole world is to-day eagerly watching whatever move we may make to regain lost ground and to effect an entrance into territory which we have not only neglected, but toward which we seem to have displayed a studied indifference.

Within the next four years the Panama Canal will be completed. The currents of ocean commerce in this Western Hemisphere are going to be changed. There will be one "crossroads" at which the world will meet. All at once, without having fully appreciated until recently what the completion of that gigantic undertaking would mean to them, Mexico, Central America, South America, and the islands of the West Indies are to find themselves lifted from the way station to headquarters. Never, never in all time has anything been done by the hand of man that means so much, directly, to so many peo-

ple as this canal means to them. And, unless we wake up, it will be proportionately detrimental to us. Our only hope of winning by this improvement rests in our taking steps, immediate steps, to share in the coming progress and prosperity of Latin America—to get into that broad and inviting market with energy and courage. [Applause.]

In my judgment, the time has come for the people of the United States to make a specialty of Latin America. We want to make up our minds to get better acquainted. There is every evidence that such a determination on our part would be heartily reciprocated by the people of those 20 republics. We not only want to get better acquainted with Latin America, but Latin America wants to get better acquainted with us. We have been doing a little visiting on both sides. We should do more. We have been doing a little trading on both sides. We should do more. More of us want to learn to speak the languages spoken in those countries, and we want more of them to learn to speak our language. Not 5 per cent of the people of the United States who go to Latin America speak their language. It is estimated that 90 per cent of the Europeans who go there speak the language of the country. It is no exaggeration to say that Latin America to-day offers richer opportunity for honorable ambition, for skill and genius, for intellectual and industrial triumphs and victories than any other part of the world. [Applause.]

Some one has referred to Latin America as the world's neutral market. By that I presume is meant a market open to the cultivation of all nations on equal terms. It is well applied to Latin America. But the application of that term robs no nation of natural advantage with reference to this neutral market. And that is what we have had. And that is what we have neglected. And that is what we will have to turn our attention to now, with the completion of the Panama Canal, or drop so far in the rear as to never be able to regain the advantage we have thus far all but sacrificed.

Some people are inclined to sneer when the statement is made that the trade of Latin America is worth cultivating—is worth going after with American ships. Such people do not know that those 20 republics are carrying on one-third of the foreign trade of the Western Hemisphere. Listen to these figures: During the year 1907 Latin America had a foreign trade of over $2,000,000,000. The balance in her favor was more than $228,000,000. Of that two billions of trade we got one-fourth, or five hundred millions. We should have had three-fourths. We should have had one billion five hundred millions.

If we take South America separate and distinct from the other Latin territory on this hemisphere, we find that we have fallen woefully behind. She had a foreign trade during the year 1907 of $1,500,000,000. Of that we got two hundred and thirty-three millions—barely one-seventh. The balance in her favor on this small trade was about seventy millions. Of the amount South America bought abroad in 1907 we furnished about one-eighth. We should have furnished seven-eighths.

Why have we lost out in Latin America? There are a number of reasons. In the first place, until comparatively recently we have been cultivating domestic and not foreign trade, and naturally what foreign trade we have had has been along the lines of latitude and not along the lines of longitude.

In the second place, they speak Spanish and French and Portuguese. We speak English. This has been a barrier that has greatly hindered.

In the third place, we have exaggerated notions of their tendency to revolution, and have failed to differentiate between the few republics that were unsettled and the many that were stable.

In the fourth place, we have been under the impression that epidemics that have scourged us in days gone by have come to us in infected ships from those ports, and the fear of pestilence is all but an insurmountable barrier to commerce.

But during recent years these hindrances have all but vanished. Being able to more than take care of our domestic trade, we are going after foreign trade. In the last ten years we have more than doubled our foreign trade, notwithstanding the fact that we have had no ships of our own worth mentioning on the sea. And we are taking up the language proposition. Since the Spanish-American war and our acquisition of the Philippines and Porto Rico and our new relation to Cuba hundreds of colleges and many high schools have inaugurated the teaching of Spanish. Our boys and girls are getting ready for their work. The boys and girls of the United States have not only kept abreast of the American Congress, but they have gone ahead of us. They are preparing to enter those inviting fields equipped to speak the language of the people with whom they come in contact. [Applause.]

I would say, too, Mr. Speaker, that the days of revolution in Latin America are, in my judgment, practically over. In recent years the threat and menace that come with political disturbances has been confined largely to a republic in the West Indies and to Venezuela. But our people are slow to differentiate, and all Latin America has been compelled to rest, more or less, under the stigma.

As a matter of fact, the other republics have been as free as our own in reflecting these unstable conditions. The republic in the West Indies to which I allude has calmed down and Venezuela seems, at least, to be at rest. Castro has gone. Thank God, Castro has gone! The flight of this man, who for many years has disturbed and distressed capital and conditions in Venezuela generally, was worth untold millions to the republics of Latin America. Well could they have afforded to send him abroad in a ship whose hull was made of silver and whose machinery and smokestacks and other trimmings were made of gold, for he was not only a continuous menace to the welfare, the development, the progress, and prosperity of his own country, but to the welfare, development, progress, and prosperity of Mexico and Central America and South America and the islands of the West Indies. I have said that we were slow to differentiate with reference to Latin America. We have been too prone to reason that in view of the fact that Venezuela is Latin and in view of the fact that the Republic of Venezuela has been disturbed by continuous revolution, therefore all the Latin republics are disturbed by revolution. There has been too much of a disposition to associate exaction, confiscation, assassination, the sword, and torch, and everything else that horrifies conservative society and alarms investment with all Latin America. This has been unfair to the great majority of those republics and is a reflection on our intelligence. Five-sixths of Latin America has been as free from revolution during the last quarter of a century as has the United States. And now Castro has gone. An orderly régime has succeeded him, and the people of Venezuela welcome the succession. With this disturber across the sea, with agreements pledging the settlement of disputes between that country or its people with other countries and other peoples to courts of law or arbitration fairly constituted, the last glaring, flaring, ever-present reproach to Latin America has disappeared, and, in my judgment, from this day on those 20 republics, with their 20 flags, will challenge the prosperity of the world, and in their ambition to lift themselves to the high plane occupied by those nations north of the equator will win the admiration of all Christendom. [Applause.]

In this connection I would also say, too, Mr. Speaker, that the epidemic proposition has been solved. Sanitation has been reduced to a science. We no longer fear a visitation of Asiatic cholera; we no longer fear yellow fever. We have conquered both germs. We not only rescued Cuba from outrage and oppression, but we rescued her from pestilence and disease. We taught her how she might live and fight the scourge. And the lessons we taught Cuba have been learned at Panama and along the miasmatic east coast of Central America and at Guayaquil on the west coast of South America, localities which ten years ago were synonymous with infection and contagion and death.

The whole situation with reference to Latin America has changed during the past decade, and that citizen of the United States who does not appreciate it is deaf and dumb and blind. Barriers which hindered those Republics, which reflected discreditably upon those Republics, which tended to erect around and about them the sign, "Dangerous, keep away," have vanished, and we find nearly all of them at the goal of independent, conservative, established self-government, equipped and ready from that base to struggle for other goals to be found in the arts, sciences, in commerce, and in trade in the great, broad, open field of civilized society. [Applause.] And these Republics are represented here in Washington by as dignified and brilliant diplomats as come from any other part of the globe. [Applause.]

Let us look at these republics. Let us see why we should have ships of our own in which to visit them. First, there comes Mexico, incalculably rich Mexico. Former Ambassador Creel told me recently that $800,000,000 of American capital had, during the last decade, been invested in Mexico. Soon she will have three transcontinental railroads. There should be nothing Mexico desires that we should not be prepared to furnish. There should be nothing she offers that we should not be ready to take. She has become so gridironed with railroads closely interwoven with our systems that there is really no reason why commercially we should not be one. We can now travel in a Pullman car from New York City to the northern boundary of Guatemala.

Beyond Mexico lies Central America, with her mountains and her lowlands, with her great forests and rich mines and splen-

did agricultural areas. There we find Guatemala, Nicaragua, Costa Rica, Honduras, and Salvador. The continental domain of every one of them, except Salvador, is washed by the waters of two great oceans, midway between the Orient and the Occident. Until 1821 all five of them constituted a Spanish kingdom. From then until 1847 they were known as the "Republic of Guatemala." Then they divided up into five independent republics, and there have been years of strife and bloodshed; but they worked their problem out. In this city one year ago, with the friendly assistance and advice of Mexico and the United States, they ratified a convention that puts the effort at The Hague to shame. That convention provides for a permanent court of arbitration, to which all disputes are referred and settled, and from which court there is no appeal. The ready and cheerful acquiescence of the interested nations in a decision recently made by this court, in a question that has been the subject of contention for nearly half a century, indicates that the republics of Central America have reached, at one splendid stride, that peaceful ground to attain which other nations have hoped and struggled in vain.

Mr. Speaker, you need not be surprised if the court of arbitration of Central America becomes recognized as the court of arbitration of the Western Hemisphere. It already has the sanction of the United States and Mexico and the confidence of the republics of the West Indies and South America. [Applause.]

These Central American States are building railroads. Each will soon have a transcontinental railroad. Thousands and tens of thousands of acres of the lowlands known as the "Mosquito Coast" have been reclaimed and planted in bananas. They are in close touch with Galveston and New Orleans and Mobile and New York. Those States have resources, wealth, and people. Salvador is more thickly populated than New Hampshire. With the advantage that will accrue to Central America with the construction of the Panama Canal, no prophet can be charged with being unduly enthusiastic, it matters not what picture he might paint of the future of those five republics.

Going on down we find Colombia and Panama, the latter the youngest child in the family. It was feared that the revolution that resulted in her separation from Colombia might have bred contention and animosity that could never be dissolved. But not so. Colombia and Panama have settled their disputes. They settled them peacefully and, with Venezuela, now demand the world's recognition and confidence. Panama, Colombia, and Venezuela, with their rich plateaus and valleys, with their mighty rivers, with mineral deposits that have barely been touched, offer one continuous invitation and temptation to the wit and ingenuity of man. [Applause.]

Mr. Speaker, $200,000,000 of American capital has gone into the republics of the West Indies during the last few years. If conservatism in government prevails, who can tell the story of their growth in wealth and glory during the next decade?

I am sure there is a lamentable lack of specific information in the United States relative to South America. A minister from one of those republics told me recently that there were more things published in one week in European newspapers about matters in South America than were published in the newspapers of the United States in an entire year. I believe there should be a campaign of education here in the United States with reference to South America. I believe it should receive every inspiration and encouragement from this floor. I believe that the greatness and promise of that continent should be proclaimed in the industrial centers, in our schools and colleges. I believe it should be impressed upon capital and labor, for there is not anywhere a more inviting market for the products of either. It should be impressed upon the minds of young men looking for fields of effort where genius can find wide scope and where intellectual and material victories can be won.

How many of our people know the extent to which the Amazon River country is being opened up to the world? That river flows three times as much water as is discharged by the Mississippi. It is true it is under the equator; but by reason of the plateaus that lift high up from its banks there are represented in that equatorial region the climates of both the Torrid and Temperate zones. One thousand miles up that stream is a modern city, the center of a rapidly developing territory.

How many people here in the United States know anything specific about Brazil? How many Members on this floor know that Brazil is larger than the United States—that we could place all continental United States within her area and have enough left over to accommodate the German Empire? How many people in the United States know anything specific about Rio de Janeiro—know that it is a city of almost a million people, and that it has spent more money for public improvements during the past year than any city in the United States except New York? How many people in the United States know that it is one of the most interesting national centers of civilization, industry, art, literature, and education in all the world? How many people know that Brazil in 1907 sold to the United States coffee and other products worth nearly one hundred millions, but bought our exports to the extent of but $15,000,000? How many people know the extent to which that splendid country is building railroads, improving her rivers, establishing systems of public schools, garnishing her cities, and by every known method lifting herself to the high standard of modern national comfort and equipment? Think of the millions upon millions of acres of land now inviting the immigration of the world! And the United States, proud United States, boastful United States, has no fast mail or express steamship going to and from Brazil! And there are men on this floor opposed to this modest start to establish a line! It would seem unthinkable. [Applause.]

How high a grade would the average citizen of the United States expect to make if compelled to pass a civil-service examination on Uruguay and Paraguay? How many of them know that Montevideo, a city of more than 300,000, is now spending $10,000,000 on her harbor? But the people of Europe know that Uruguay and Paraguay are coming to the front. The people of Europe are going to Uruguay and Paraguay in ships of their own. These two countries are anxious to get in touch with the world, and there is now being projected from Asuncion, the capital of Paraguay, an improvement of the river Parana, and a railroad system, that will bind her trade and commerce, her interests and ambitions, with Uruguay and Argentina on the one hand, and Brazil on the other.

These countries are offering every conceivable inducement for immigration, and they are getting it.

How ignorant our people are on the real status of Argentina among the nations of the world! The farmers in the West and Northwest know, in sort of an indefinite way, that Argentina raises enough wheat to in some way affect the Liverpool market, but they have never gone into particulars about Argentina. Every nation on earth except the United States knows that, as a matter of fact, Argentina is a marvel among nations. She has been described as "a wonderland of material progress." She might still be described as "wonderland of material promise." In former years, when I have seen Argentina on the map and spoken indefinitely of her, I have estimated her as about the size of the splendid Commonwealth of Illinois. I submitted the query, as to the extent of her geographical dimensions, to a coterie of intelligent fellow-citizens in the cloakroom here recently, and the most extravagant of them ventured the suggestion that Argentina was almost as large as Texas. That is true—Argentina is larger than Texas. Argentina is larger than New England and all the Atlantic States and all the Southern States combined. Aye, more, Argentina is as large as all that portion of the United States east of the Mississippi River, with the first chain of States to the west of that river added. We are looking toward China and Japan for foreign trade, and we do well, for China has a population of 300,000,000 and Japan has a population of 40,000,000. Argentine, however, with a population of only 6,000,000, has a greater foreign commerce than either China or Japan. [Applause.] Argentina has a larger foreign commerce than any nation in proportion to her population. Her foreign trade last year was $600,000,000, or $100 per capita. Buenos Aires, her capital, has 1,250,000 people, and is growing more rapidly than any city in the United States, except New York and Chicago. It is the largest city in the world south of the equator.

Paris is the only Latin city that outranks her in population. Among municipalities Buenos Aires is considered one of the wonders of the world. She has the finest system of docks and wharves in the world. She recently spent $40,000,000 in improving them. She is now getting ready to build an intricate system of underground railroads. Buenos Aires has the best equipped and most expensively housed newspaper on earth. She has an opera house that cost $10,000,000.

Argentina! Such is Argentina! She has been building railroads. The trip can be made by rail, with the exception of a small gap over the summit of the Andes, from Buenos Aires to Valparaiso, Chile, in forty-eight hours, and one can travel in a Pullman car from the borders of Bolivia, on the north, to the borders of Patagonia, on the south. It is not a matter of common information in the United States that Chile and Argentina are now being connected by the construction of the longest tunnel in the world. Three hundred and fifty thousand immigrants from Spain, Italy, England, and Germany passed into that country last year. They are getting people in South America. They are getting Germans, they are getting English, they are getting Swedes and Danes and Norwegians and

Belgians and Frenchmen and Italians. They are repeating down there what has been going on up here, and it is going to result in a blood, in a manhood and womanhood that will vie with us in the progress of the century. [Applause.]

The west coast of South America! Who knows anything specific about the west coast of South America? The Europeans. And so does Japan. And so does China. Last year that west-coast trade amounted to $300,000,000. We got fifty millions of it, which is one-sixth; we should have had five-sixths.

There are 12,000,000 people on that west coast. They are getting ready to spend $60,000,000 on their harbors within the next ten years. They have already contracted for $20,000,000 worth of harbor improvements at Valparaiso, the contractors being Frenchmen. The government gurantees them 5 per cent on their investment, and the material for that colossal improvement will be bought in France. They have coal in those mountains, and they have iron, but these deposits are practically inaccessible. They consume textiles and breadstuffs down there, but they get the greater part of them from countries other than the United States. Chile bought last year twice as much coal as she mined. She bought it from Australia and England. She should have bought it from the United States. Near the coast coal sells at from $15 to $18 per ton. In the inter-Andean regions it is $40 per ton. Up there the price of coal is so high that they fire engines with mountain moss. But we are permitting Japan and China, on the one side, and Great Britain, Germany, France, Italy, Belgium, and Austria, on the other, to crowd right in under the shadow of our coast lines and gain a commercial primacy, a foothold, that will put to the severest test the best genius of our captains of trade. Japan, far across the Pacific, has a subsidized steamship line between Yokohama and Chile, and has made an arrangement with the Chilean Government for a special system of money-order exchange to go into effect between the two nations. China also has a subsidized steamship line between Hongkong and the west coast of South America. China and Japan and European nations are cultivating South America. They know that that is the most promising field for the future. They know of the wealth of those mines. They know of the fertility of that soil. They know of the splendid possibilities of the incomparable water power stored up in the streams in those hills and mountains. Aye, more, they know that stable government is the rule and revolution the exception in South America. [Applause.]

They know that long ago nearly all of those countries got down to business; that they have small national debts and strengthened public credit; that the progress they have made has been second only to the progress that has been made here in the United States of America. They not only know this themselves, but they do not want us to know it, and they are working like beavers during these precious years to thoroughly establish themselves in that splendid territory with all its magnificent possibilities. Mr. Speaker, I contend the time has come to challenge the right of other nations to a practical monopoly of that market. [Applause.] I saw a statement, made by a prominent labor leader recently, that there were hundreds of thousands of idle workingmen in this country. Let us lay plans now to put them to work—put them to work on iron and steel and coal and foodstuffs for South America. [Applause.]

Far down toward the jumping-off place in South America is Chile, with her two great cities, Valparaiso and Santiago. Valparaiso is the largest city on the west coast of the Western Hemisphere excepting alone San Francisco. Chile is opening up her mountains and valleys to the world, which means in this instance, practically, to Europe, for we have no ships carrying our flag and products going there. We are apt to think that Chile is a small country, a little slice of the hemispherical watermelon lying snugly between the Andes and the Pacific. That is the impression we carry from the old geography, and we have learned little since to change that impression. But the extent of that country is greater than some of us imagine. Its average width is that of California, and if you were to take the country up and place its southern extremity at San Diego the northern line would be located in the middle of Alaska. That is Chile. Her capital city has 400,000 people.

The Chilean Congress has authorized the expenditure of $37,000,000 for a longitudinal railroad 800 miles long. She has obligated herself by treaty, to construct a line from Arica to La Paz, Bolivia, a distance of 320 miles. Chile and Peru are both getting ready for the completion of the Panama Canal. Each nation has taken steps to subsidize steamship lines between their countries and the canal. Peru is now constructing a floating dock that will cost half a million dollars. If we pursue the course that has characterized this Nation in the past, these subsidized lines will meet European products carried in European ships flying European flags at the west end of that canal and convey them to markets that by every rule of trade belong to us.

A little farther up the coast we find Bolivia and Peru and Ecuador. You could place Texas in Bolivia twice, and have enough room left for Kansas and Nebraska. You could place all the Atlantic States, from Maine to Georgia, in Ecuador with chances of having land left over. Without being specific with reference to these countries, I want to say that the prospect is not only alluring from the standpoint of trade, but it is enticing. There is a widening field down there for the products of American farms and the output of American factories. There is not a city in any of those countries that is not taking on new life, awakening to the possibilities of the future. These cities must be supplied with water power, with waterworks, with electric lights, with street cars, with sewerage systems. A well-known financial paper published in Berlin stated recently that within the next ten years $2,000,000,000 of European money would go into the railroads in South America. A prominent New York house recently floated a loan of several millions for Bolivia. Those republics down there are not only willing, but they are anxious for outsiders to come in with their brains and with their capital. Bolivia is offering a bounty to industries operated by steam and electricity. Those republics have given concessions for the establishment of wireless-telegraph stations all through the interior.

Bolivia, Peru, and Ecuador are extending telegraph and telephone lines toward the Amazon, bringing remote places into touch. They are now building a railroad from La Paz, Bolivia, through the Yungas region to the navigable waters of the Beni River, and on the entire line electricity will be used as the propelling force. The street cars of Lima, the capital of Peru, are now propelled by electricity brought 30 miles, from the River Chosita. The great mountains down there, with their splendid streams, coupled with the scarcity of coal, naturally mark that country, with its vast mineral and agricultural wealth, as the one place above all others where the many possibilities of electricity as the servant of man shall reach its highest development. Those republics are abreast of the times. Ecuador and Peru have the gold standard. Bolivia is now arranging to go to a gold basis, and Chile will join the procession next year. We know little about them, because we have not been visiting and trading with them, except to a limited extent. And the object of this bill is to change our policy. It is a start toward regaining what we have lost through neglect that seems little less than commercially criminal.

We are ignorant of Latin America from every standpoint. We are ignorant not only of the length and breadth of its nations and their material wealth, but we are ignorant of the history of these nations. We have never studied it. We have seemed to care nothing about it. We have blanketed it all under the broad and indefinite but all enveloping terms "revolutionary," "unstable," "unsettled," "unsafe," and let it go at that, failing to realize that against terrible odds, greater than we have faced, they were working out the same general problem of politics and civilization that confronted us. We know the names of few of their great heroes, warriors, statesmen, writers, and scholars; and yet at Lima, Peru, and Cordoba, in Argentina, are universities that antedate Yale and Harvard. Grouped in the capitals of their countries are the figures of scientists and philosophers who have made all time their debtor, whose names are familiar to the scholars of the Old World, and of heroes whose deeds of patriotism and valor have stirred the blood and implanted in the youthful breast the divine spark that oftentimes flames into great sacrifice for country. I shall never forget how, when a college boy, I was thrilled by the stories that came to us in the daily press and magazines of the naval engagements between Peru and Chile. That war between Chile, on the one hand, and Peru and Bolivia, on the other, was necessarily largely a naval war; and while the countries were small and the navies weak, as compared with the great navies, yet they were about evenly matched and afforded splendid opportunity for the display of skill and courage and daring. Both Chile and Peru lost the heads of their navies in battle, but each nation gained a name to be emblazoned on the wall of glory and heroism forever.

I recall the engagement between the Peruvian ship *Cochrane* and the Chilean ship *Esmeraldo*, the latter finally driven to bay and rammed by the enemy. Admiral Pratt, in command of the *Esmeraldo*, when the impact came, shouted, "Now, children, on board of her," and leaped to the deck of the victorious ship and to death. At the next impact, a lieutenant, with a handful of marines, followed, all to be slaughtered. Helplessly the *Esmeraldo* stood in the sea; her magazine was flooded; she had no more ammunition; her rudder had been shattered; her sur-

geon had been killed. The ship was motionless and helpless, but to the demand for surrender she returned no signal except that of defiance. The *Cochrane* delivered a last terrible ram and the boat went down with all on board, but when the waves closed in they found the Chilean band playing the national air.

Later the Peruvian *Huascar* found itself surrounded by two ironclads and a gunboat. Admiral Grau, who commanded, recognizing his desperate situation, signaled the officers of several smaller boats that were with him, which he deemed helpless in such a fight:

Save your ships. I will remain here fulfilling my duty.

The engagement that followed was indescribable in its ferocity and daring. As the battle hotly raged the Admiral, partly exposed in a conning tower, was in an instant swept out of existence by one of the 9-inch shells of the enemy. Three successive commanding officers of the *Huascar* were taken out of the conning tower dead. Three crews of the two guns in the turret were killed almost to a man. The dead bodies were pushed aside and fresh men replaced them. There was but one ending possible. The *Huascar*, disabled and a shambles of slaughtered men, surrendered. "Peru lost that day her best ship, but she gained what they now prize far more—a hero." From that day forward it has been and always will be the touching custom, when on dress parade in the Peruvian army and navy, when the roll is called, to call Admiral Grau's name first of all. An officer steps forward, salutes, and answers:

Admiral Grau not present, but accounted for. He is with the heroes.

Incidents like these remind us of Paul Jones, and Decatur, and Lawrence, and Perry, and others, who have made fame and history their everlasting debtor, and I am proud to claim those who did the deeds of daring and glory as Americans.

There was a time when Latin America was suspicious of the United States. Many of her people—some of them high in authority in government—gave ear to the continuous whisperings of other nations, jealous of that splendid market, that our ultimate aim was their absorption, bringing them under our dominion and our flag. We had done nothing to give cause for this insidiously whispered accusation, neither did we make any particular effort to dissipate it. We simply went our way, our cold and chilly way as far as paying any attention to the way Latin America viewed it, leaving our defense and vindication to time. The defense came and the vindication was complete. Not since the Spanish-American war has any nation or individual, in Europe or Latin America, had the audacity to intimate that this Nation is ambitious to extend its territory. The manner in which we entered upon that contest, the direct object of which was the rescue of the Cuban people from cruelty and oppression; the manner in which we assumed the burdens and responsibilities that came with that contest, unforeseen and unexpected; our treatment of the Filipinos, the plan contemplating as it does the gradual elevation of those people by education and participation in government until they are capable of taking care of themselves; our treatment of Porto Rico, broad, generous, and philanthropic; our attitude toward Cuba, establishing a republican form of government, going to her rescue when her flag was threatened by revolution, remaining with our army to protect from the professional political marauders the fair ideal for which her heroes and heroines had sacrificed for three hundred years, guarding and protecting her as a father would guard and protect a child—these, all these, plain, simple, and unaffected, carrying out the heart desire of the American people and fulfilling the pledge of William McKinley—have killed the innuendoes of the world, and not only calmed the fears, but won the admiration and affection of Latin America. [Applause.]

Latin America knows that what we desire for them is peace. Latin America knows that what we desire for them is better politics. Latin America knows that what we desire for them is better health. Latin America knows that what we desire for them is better homes. That conference two years ago at Rio de Janeiro meant something. That sanitary conference just adjourned at Santiago meant something. That conference of Central American States that resulted in the establishment of that permanent court of arbitration from which there is no appeal, which is now settling disputes among those nations, and which promises to become a court of arbitration for Pan-America—that means something. [Applause.]

Mr. Speaker, had we read the columns and columns of description and comment in European newspapers on the visit of our Secretary of State to South America in the summer of 1907 we would have been satisfied that over there they felt that that visit meant something.

In the years of our childhood our interest was awakened and our imagination excited by the picture printed in the old geography of Commodore Perry and his fleet in one of the harbors of Japan on the mission of opening up that country to the trade of the world. Fifty years from now the schoolbooks of this Republic will carry the picture of the reception in the harbor of Rio de Janeiro or Buenos Aires of the battle ship carrying our Secretary of State, Elihu Root, dispatched, not on a mission of war, but peace; not to demand indemnity for real or imaginary wrong, but with a message of friendship from the people of the United States.

There have been some eloquent words uttered upon supreme occasions in our history—words that will ring through the years. When opportunity demands, the right man says the right thing and in the right way. I doubt, sir, if any man has ever been more felicitous in his utterance, more timely and genuinely tactful than was Mr. Root in his formal address at the Rio de Janeiro conference, when he said:

These beneficent results the Government and people of the United States of America greatly desire. We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights or privileges or powers that we do not freely concede to every American republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit; but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all others to a common prosperity and a common wealth in order that we may all become greater and stronger together.

We have rarely had anything more lofty, more sublimely beautiful and inspiring in our language than that. That utterance answered years of innuendo and insinuation from the other side of the water. It constitutes a dignified disclaimer against the sinister charge lodged effectively by jealous contestants for cargoes and profits against this Nation of ours. That utterance constitutes genuine promise and is an utterance of awakened heart interest and neighborly sympathy and friendship on the part of eighty millions of people given by authorized proclamation. And if we follow up the advantage recently gained by getting into communication with those republics with our own ships, there will result a political hemispherical amalgamation, a Pan-Americanization that will, in my judgment, be not only an absolute shield against war between any of the nations in either North or South America, but go far toward forming an absolute guaranty of international peace.

There are two Americans whose names, in addition to that of Elihu Root, will always be associated with Colombia, Panama, and Venezuela, and the settlement of their troubles. I refer to John Barrett and William I. Buchanan. Mr. Barrett is now and has been for three years Director of the International Bureau of the American Republics. As minister to Siam, when little past his majority, he won his laurels. His record there commended him to the President when the Panama Republic was born.

He had been minister to Colombia. He knew her public men. He knew Panama, and the bloodless settlement of all disputes on the Isthmus is largely due to his diplomacy, to his tact, and skill, and genius. Indeed, in Latin America to-day the splendid personality of John Barrett has an admitted potentiality. He has navigated those rivers; he has explored those mountains; he has visited those homes; he has counseled with the public men in the capitals of all those republics. He has the affectionate confidence of the republics to the south of us, and some day the records in the State Department will give his countrymen the story of his real work. He has by his enthusiasm and energy and industry been sowing seed, the harvest of which will, if we but cooperate, amaze the people of the United States.

The other name is that of William I. Buchanan. In the little town in which I live is a frame blacksmith shop, which will some day be an object of more than local interest. It has the regulation forge and anvil and workbench, and displayed about the walls and overhead are shoes for horses' hoofs. Few people would take that blacksmith shop for a school of diplomacy, but it was there William I. Buchanan hammered iron. There is was he shod horses. Doubtless it was there he learned horse sense, which is the chief requisite in American diplomacy. Not far distant is the site of the little church in which he led the village choir. Buchanan, the Indiana blacksmith! Buchanan, leader of the village choir! His name it was the telegraph called—the query sent out by the State Department the night word came that Castro had left Venezuela and that a man was needed for the crisis. He was found in an inland city, whirled to the seashore by special train, placed on board a battle ship, a bundle of papers and telegrams crammed into his hands, and he was off for Venezuela. He has done his work and done it well. He is known in South America as the "Pacificator." As an arbitrator he settled the boundary dispute between Chile and Argentina.

I am told that the method he adopted was as unique as it was successful. He settled it in sections and made his an-

nouncements at the completion of each settlement. The settlement of the first section was a concession to the contention of Chile. Chile rejoiced and Argentina frothed. The settlement of the second contention was a concession to Argentina and Argentina rejoiced while Chile frothed. And thus alternately he gave each a thrill of joy and disappointment along the entire line, but when the final finding was recorded each one felt it had been vindicated in enough of its contentions to justify it in heartily indorsing the award. We have heard of "shirt-sleeve diplomacy," as applied to the American effort. I would suggest that the success we have had in South America would justify us in calling it "blacksmith diplomacy," in compliment and not in reproach.

I am reminded, Mr. Speaker, by this line of thought of a visit I paid to the little town of Salem, in southern Indiana, two years ago. I went there to worship at a shrine. I was led up an abandoned side street and halted before a little brick house covered with ivy. It was the birthplace of John Hay. His father was a poorly paid preacher, but that poor boy became the greatest diplomat of his day. You will pardon me if I say that Indiana takes pride in her contributions to American diplomacy. Indiana is proud of John Hay and William I. Buchanan, and in this connection I would suggest that all knowledge in the real school of diplomacy is not gleaned from the leaves of printed books. But I have digressed and I ask pardon for it.

Mr. Speaker, I marvel that we have any trade with the countries of South America. We have not only neglected them, treated them with indifference, but other nations have so combined the shipping with the industrial, mining, agricultural, and banking interests down there as to practically place us at their mercy. The men who own the steamships—the English, the German, the French, and the Belgian capitalists—also own the mines and the irrigation enterprises and the railroads and the sugar and coffee plantations and the banks. The European policy has been one of amalgamation of every imaginable commercial interest. There is not a citizen of the United States with a bank in all South America. Other nations have dotted that continent with banks. The tourist and business travel from South America is to Europe, not to North America. There are more people who leave Rio de Janeiro for Europe in one week than come to the United States in twelve months. More people bent on business or pleasure go from Buenos Aires in a single ship than come to the United States in a year on all ships. They go to Europe for business and pleasure and education. There is not a single fast passenger mail and express steamer plying regularly between this country and South America. There are some sailing vessels, but people traveling on business or pleasure rarely travel on a local freight, either on land or sea. Indeed, foreign nations, having control of the sea, seem to have established swift communication everywhere except between the United States and South America. The reason is apparent. They want that market for themselves—they want a monopoly of it. The flag of the United States is a stranger in South America, as it is in all other parts of the world, unless it flies from the masthead of a battle ship. A friend who recently traveled around South America wrote me as follows:

I left Colon, on the Caribbean side of the Isthmus, traveled east and south along the coast of Colombia; Venezuela; British, French, and Dutch Guiana; Brazil; Uruguay; and Argentina; and then came through the Straits of Magellan and went up the coast of Chile, Bolivia, Peru, and Ecuador to Panama, on the Pacific side of the Isthmus, a distance of 14,000 miles. During this trip, in stopping at some 50 ports, including such great ones as Rio de Janeiro, Montevideo, Buenos Aires, Valparaiso, Callao, and Guayaquil, I did not see the American flag flying over a single merchant steamship, although in all ports, ranging from nearly 100 merchant vessels in Buenos Aires down to 2 or 3 at Pernambuco, I saw everywhere, flying in abundance, the flags of foreign nations, including that of Japan. When we left Colon there was a vessel of the Panama Steamship Company in port flying the American flag. When we arrived at Panama, after a 14,000-mile journey, I saw other merchant vessels belonging to the Panama Steamship Company flying the American flag. The only steamships in the course of my long journey which were American were several men-of-war and 1 private yacht.

I repeat it, Mr. Speaker, I marvel that we have any trade with South America. With the Germans, English, French, Belgians, and Austrians controlling the shipping, and amalgamating their shipping interests with railroads, mines, banks, docks, and plantations, the dividend of the one depending on the prosperity of the other, how can we, without ships, without fast mail and express facilities of any kind, without banks, without traveling men speaking the language of those people, with our business intrusted to wholesale houses whose proprietors owe allegiance to other flags, commercially unfriendly and prejudiced, expect to do anything? And yet in 1907 we sold South America one-eighth of what she bought! Having done this under unpropitious conditions, what might we have done under propitious conditions, with our own ships, with our own banks, with our own wholesale houses, with our own traveling men speaking the Spanish, French, and Portuguese languages?

Trade follows the flag. We could not have fallen behind in this race for the markets of South America if we had our flag on the sea. I am in favor of putting it on the sea, and I would start it between North and South America. [Applause.] In the year ending June 30, 1905, there entered the port of Rio de Janeiro steamers and sailing vessels flying the flag of Austria-Hungary 120, of Norway 142, of Italy 165, of Argentina 264, of France 349, of Germany 657, of Great Britain 1,785, of the United States no steamers and 7 sailing vessels, 2 of which were in distress.

I have been a Member of this House for twelve years. During that time many questions upon which men and parties differed have come before this body. I have never cast but one vote that I can recall that I would change were it in my power to do so. That was the vote I cast against the bill that had for its object the bettering of mail facilities between this country and South America. [Applause.] I yielded my personal view to that of my constituency. Since then I have been serving on the Pan-American Committee, and I have learned something. That clamor that came from my State was the offspring of prejudice, unjustified prejudice. It was the same brand of prejudice organized long ago against the doctrine of protection, which, had not our fathers taken it by the throat, would have made us hewers of wood and drawers of water for Europe—an easy-going peasantry. It was the same prejudice, awakened in 1896, against the gold standard, which, had not the Republican party taken it by the throat, would have made us the most pitiable objects of chagrin and humiliation in all the world. It is this prejudice that has taken our flag from the sea—that has made it a stranger to every ship except the man-of-war. We are going to put it back on the sea. The manufacturers are going to help us put it back on the sea. The merchants are going to help us put it back on the sea. The farmers, east and west, and north and south, who have been misled, and who have more at stake than any other class of our people, they will learn the facts, prejudice will be dethroned, and they will help us put the American flag back upon the sea. [Applause.]

The plain truth is, the people of the United States have been so busy with transportation among themselves that they have given little attention to sea-carrying between and among other nations. I believe they are ready to take up that proposition now. They will be amazed when they learn the truth.

They will be amazed when they learn that our tonnage now is 200,000 less than it was one hundred years ago.

The people of the United States will be amazed to learn that we now carry less than 8 per cent of our foreign commerce. In 1861 we carried 65 per cent.

The people of the United States will be amazed to learn that American capitalists have invested $200,000,000 in the subsidized ships of other nations flying other flags.

The people of the United States will be amazed to know that when our American delegates went to the Pan-American Conference at Rio de Janeiro two years ago, they had to go under a foreign flag to England, or Germany, and thence under a foreign flag to the place of destination.

The people of the United States will be amazed to learn that of the 292 merchant steamships that passed through the Suez Canal last January, 173 were British, 42 were German, 14 were French, and 1 floated the flag of the United States.

The people of the United States will be amazed when they learn that we are paying approximately $500,000 a day to foreign ships for carrying our commerce.

The people of the United States will be amazed to learn that the six leading maritime nations have been paying for several years about $28,000,000 to their mail ships and merchantmen in the way of subsidies or subventions. We have paid practically nothing.

The people of the United States will be amazed to learn that when our battle-ship fleet started around the world it was accompanied by 27 transports carrying coal, all of these transports carrying foreign flags, and that if we had become involved in war during that cruise every one of them would have been compelled to abandon the fleet, thus leaving it as helpless as a traveler in the desert of Sahara without food or drink.

The people of the United States will be amazed to learn that Japan has to-day over 500 vessels she could convert into transports on a moment's notice. We are woefully deficient.

Gentlemen on the other side say, "Let down the bars on shipbuilding material. Let it in free, and that will give us American ships flying the American flag."

We have that to-day. The Dingley law provides for that.

Gentlemen say, "Give American register to foreign-built vessels on condition that they fly the American flag." Those two vessels we bought recently to ply between New York and Panama, they had that. And they had to go out of business, and we bought them at a 40 per cent discount. The *Kroonland* and the *Finland*, plying between New York and Europe, had that, and last week they surrendered, gave up the American flag, and now fly the Belgian flag.

Mr. Speaker, the people of the United States will soon realize that this proposition is as broad as all the sea and all the land. They know we have the largest coast of any nation. They know we have the great harbors. They know that we have the most and greatest navigable rivers and railroads connecting seaports with the interior. They know we have the most timber, the most ore, the most coal, the most agricultural products, and they will arise and break this monopoly that foreign ships have formed against us—foreign ships that carry our products where they please, when they please, and at whatever price they please.

The present situation is nothing more nor less than a conspiracy against the United States to restrain our trade on the high seas. We will soon have completed the Panama Canal. It will be the realization of the dream of generations. That canal is for the world—for the world's commerce and trade. I say to you that unless we awaken to the importance of the Central and South American and West Indian opportunity and the importance of rehabilitating our merchant marine, the construction of that canal will mean more to Europe and Asia than to the United States. It will not only rob us of hundreds of millions of dollars of transcontinental carriage, but it will enable our competitors to get in on both sides of us with their product at ballast prices. If we are alive to the opportunities offered and the advantages we enjoy, with the completion of the Panama Canal, I see the beginning of a new epoch—a mighty epoch for this hemisphere. It will be an epoch ushered in by the combined hope and ambition of 21 republics and 21 flags, all inspired by one splendid faith and promise—faith in the ability of the individual to secure his rights through processes of organized society, bedrocked upon the Golden Rule, and promise that the example given will be emulated by all nations and be an inspiration to all peoples. These 21 republics, connected by swift ships, by cable, by telegraph, by telephone, by a railroad extending from New York to Patagonia and Chile, with a court of arbitration to settle all disputes among themselves, would drive international hate into hiding and put war to shame. I can see how the Western Hemisphere can, within two decades, force disarmament in all the world and become the acknowledged and accepted umpire of this century. [Long and continuous applause.]

Companies B, C, and D of the Twenty-fifth U. S. Infantry.

SPEECH

OF

HON. CHARLES L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 27, 1909.

The House having under consideration the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof—

Mr. BARTLETT of Georgia said:

Mr. SPEAKER: I oppose this bill and its passage because the investigations made by the President and because the evidence taken in every investigation showed that these men who have been discharged, and whom you seek here in this extraordinary manner to reenlist, with full back pay and emoluments, do not deserve to again wear the uniform of the United States or to be intrusted with the honor of its flag, both of which they have so flagrantly dishonored. The President of the United States, in the first message that he sent to the Senate upon this subject, after having declared that he had carefully investigated all the facts in the case, said that he demanded and challenged the approval and support of every citizen of this country, whatever his color, "provided he has only in him the spirit of genuine and farsighted patriotism."

The President again, in 1907, sent a message to the Senate, in which he not only reiterated his message of December, 1906, but after further investigation declared he was still convinced of the guilt of these soldiers, and that the new testimony had strengthened his first conviction of their guilt. Not until March 11, 1908, was any suggestion made with reference to making the change in the status of these discharged negro soldiers by act of Congress, and that happened to be the time when the campaign for the nomination and election of President of the United States had begun and the vote of the colored citizen was needed both in the selection of delegates and at the polls in November.

To show what the state of mind of President Roosevelt was on the subject, I quote from his messages to the Senate on this subject.

In the message of December 19, 1906, he uses the following language:

> Precisely the same action would have been taken had the troops been white—indeed, the discharge would probably have been made in more summary fashion. General Garlington is a native of South Carolina; Lieutenant-Colonel Lovering is a native of New Hampshire; Major Blocksom is a native of Ohio. As it happens, the disclosure of the guilt of the troops was made in the report of the officer who comes from Ohio, and the efforts of the officer who comes from South Carolina were confined to the endeavor to shield the innocent men of the companies in question, if any such there were, by securing information which would enable us adequately to punish the guilty. But I wish it distinctly understood that the fact of the birthplace of either officer is one which I absolutely refuse to consider. The standard of professional honor and of loyalty to the flag and the service is the same for all officers and all enlisted men of the United States Army, and I resent with the keenest indignation any effort to draw any line among them based upon birthplace, creed, or any other consideration of the kind. I should put the same entire faith in these reports if it had happened that they were all made by men coming from some one State, whether in the South or the North, the East or the West, as I now do, when, as it happens, they were made by officers born in different States.
>
> Major Blocksom's report is most careful, is based upon the testimony of scores of eyewitnesses—testimony which conflicted only in nonessentials and which established the essential facts beyond chance of successful contradiction. Not only has no successful effort been made to traverse his findings in any essential particular, but, as a matter of fact, every trustworthy report from outsiders amply corroborates them.

And again he says:

> A blacker never stained the annals of our army. It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder. These soldiers were not schoolboys on a frolic. They were full-grown men, in the uniform of the United States Army, armed with deadly weapons, sworn to uphold the laws of the United States, and under every obligation of oath and honor not merely to refrain from criminality, but with the sturdiest rigor to hunt down criminality; and the crime they committed or connived at was murder. They perverted the power put into their hands to sustain the law into the most deadly violation of the law. The noncommissioned officers are primarily responsible for the discipline and good conduct of the men; they are appointed to their positions for the very purpose of preserving this discipline and good conduct, and of detecting and securing the punishment of every enlisted man who does what is wrong. They fill, with reference to the discipline, a part that the commissioned officers are of course unable to fill, although the ultimate responsibility for the discipline can never be shifted from the shoulders of the latter. Under any ordinary circumstances the first duty of the noncommissioned officers, as of the commissioned officers, is to train the private in the ranks so that he may be an efficient fighting man against a foreign foe. But there is an even higher duty, so obvious that it is not under ordinary circumstances necessary so much as to allude to it—the duty of training the soldier so that he shall be a protection and not a menace to his peaceful fellow-citizens, and above all to the women and children of the Nation. Unless this duty is well performed, the army becomes a mere dangerous mob; and if conduct such as that of the murderers in question is not, where possible, punished, and, where this is not possible, unless the chance of its repetition is guarded against in the most thoroughgoing fashion, it would be better that the entire army should be disbanded. It is vital for the army to be imbued with the spirit which will make every man in it, and, above all, the officers and noncommissioned officers, feel it a matter of highest obligation to discover and punish, and not to shield, the criminal in uniform.
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> Yet some of the noncommissioned officers and many of the men of the three companies in question have banded together in a conspiracy to protect the assassins and would-be assassins who have disgraced their uniform by the conduct above related. Many of these noncommissioned officers and men must have known, and all of them may have known, circumstances which would have led to the conviction of those engaged in the murderous assault. They have stolidly and as one man broken their oaths of enlistment and refused to help discover the criminals. * * *
>
> I have condemned in unstinted terms the crime of lynching perpetrated by white men, and I should take instant advantage of any opportunity whereby I could bring to justice a mob of lynchers. In precisely the same spirit I have now acted with reference to these colored men who have been guilty of a black and dastardly crime. In one policy, as in the other, I do not claim as a favor, but I challenge as a right, the support of every citizen of this country, whatever his color, provided only he has in him the spirit of genuine and farsighted patriotism.

In the message of January 14, 1907, the President says, in transmitting additional evidence concerning the Brownsville affair:

> The evidence, as will be seen, shows beyond any possibility of honest question that some individuals among the colored troops whom I have dismissed committed the outrages mentioned; and that some or all of the other individuals whom I dismissed had knowledge of the deed and shielded from the law those who committed it.
>
> The additional evidence thus taken renders it in my opinion impossible to question the conclusions upon which my order was based. I have gone most carefully over every issue of law and fact that has been raised. I am now satisfied that the effect of my order dismissing these men without honor was not to bar them from all civil employment under the Government, and therefore that the part of the order which consisted of a declaration to this effect was lacking in validity, and I have

directed that such portion be revoked. As to the rest of the order, dismissing the individuals in question without honor, and declaring the effect of such discharge under the law and regulations to be a bar to their future reenlistment either in the army or the navy, there is no doubt of my constitutional and legal power. The order was within my discretion, under the Constitution and the laws, and can not be reviewed or reversed save by another executive order. The facts did not merely warrant the action I took—they rendered such action imperative unless I was to prove false to my sworn duty.

On March 11, 1908, the President sent the following message to the Senate:

To the Senate:

On December 12, 1906, the Secretary of War by my direction issued the following order:

"Applications to reenlist from former members of Companies B, C, and D, Twenty-fifth Infantry, who were discharged under the provisions of Special Orders, No. 266, War Department, November 9, 1906, must be made in writing and be accompanied by such evidence, also in writing, as the applicant may desire to submit to show that he was neither implicated in the raid on Brownsville, Tex., on the night of August 13, 1906, nor withheld any evidence that might lead to the discovery of the perpetrators thereof."

Proceedings were begun under this order; but shortly thereafter an investigation was directed by the Senate, and the proceedings under the order were stopped. The Senate committee intrusted with the work has now completed its investigation, and finds that the facts upon which my order of discharge of November 9, 1906, was based are substantiated by the evidence. The testimony secured by the committee is therefore now available, and I desire to revive the order of December 12, 1906, and to have it carried out in whatever shape may be necessary to achieve the purpose therein set forth, any additional evidence being taken which may be of aid in the ascertainment of the truth. The time limit during which it was possible to reinstate any individual soldier in accordance with the terms of this order has, however, expired. I therefore recommend the passage of a law extending this time limit, so far as the soldiers concerned are affected, until a year after the passage of the law, and permitting the reinstatement by direction of the President of any man who in his judgment shall appear not to be within the class whose discharge was deemed necessary in order to maintain the discipline and morale of the army.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 11, 1908.*

It will be observed that the President in this last message recommended that these soldiers be reinstated who could show that—

He was neither implicated in the raid on Brownsville, Tex., nor withheld any evidence that might lead to the perpetrators thereof.

Yet the bill which is now to be passed, and which will be doubtless approved by the President, contains no such condition, but permits such soldiers of these companies to become eligible for enlistment whom the officers appointed shall find and report qualified for reenlistment. Nor does this bill make the fact that one of these soldiers participated in this or not or concealed the guilty a bar to his reenlistment. In fact, the passage of this bill is a complete surrender by both the President and the Congress to the demands of the political exigencies of the last presidential campaign.

The guilt of these negro soldiers of the outrage for which they were discharged has been as thoroughly and as frequently investigated, and by different people and different tribunals—probably more so—than any other event of like character that has occurred in the history of this country. From the beginning of the session of Congress in December, 1906, it has assumed the proportions of a national affair. Seven separate and distinct investigations have been made by individuals of high character, by courts, both civil and military, and by committees in Congress, and in every such investigation the conclusion has been reached that these negro soldiers were guilty.

The affray was first investigated immediately after it occurred by Major Penrose, the commanding officer of the post, in connection with a committee of the citizens of Brownsville. That committee was headed by Captain Kelly, an ex-federal soldier and a Republican, and its other members included citizens of the highest standing and respectability in the city of Brownsville. The events were fresh in the minds of the witnesses who testified before them, and the committee and Major Penrose were on the ground and were doubtless moved by an earnest desire to reach the truth. Both found and reported that the assault was made by soldiers of the Twenty-fifth Infantry.

The citizens' committee embodied its findings in a telegram to the President, of date August 15–16, 1906, a portion of which I quote:

The undersigned, a committee of citizens appointed at and by a mass meeting of the people of Brownsville, held in the federal court-house in this city on Tuesday, the 14th instant, to investigate the attack made on the city by negro troops stationed at Fort Brown, find as follows: That a few minutes before midnight on Monday, the 13th, a body of United States soldiers of the Twenty-fifth Infantry (colored), numbering between 20 and 30 men, emerged from the garrison inclosure, carrying their rifles and an abundant supply of ammunition, and also began firing in town and directly into dwellings, offices, stores, and at police and citizens. During the firing one citizen, Frank Natus, was killed in his yard, and the lieutenant of police, who rode toward the firing, had his horse killed under him and was shot through the right arm, which has since been amputated at the elbow. After firing about 200 shots, soldiers retired to their quarters. After the most diligent inquiry we find that no shots were fired from the town into or toward the garrison, nor any provocation given for the attack.

Major Penrose reported to the War Department of date August 15, 1906, in which he said, among other things:

The mayor again called upon me about 10 a. m. (August 14) and informed me that a few empty cartridge cases and used clips for our Springfield rifle had been found in the streets, and later in the morning he told me there had been picked up between 75 and 100 empty cases and used clips, as well as a few cartridges that had not been fired. Some of these I examined, and there is no doubt they are those manufactured by our Ordnance Department and issued to the troops.

Were it not for the evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so painfully before me, I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand.

Major Blocksom, an inspector-general of the army, was sent to Brownsville immediately after the affray, and after a thorough and exhaustive examination and investigation reported to the same effect—that the shooting was done by the negro soldiers. The grand jury of Cameron County, Tex., in which Brownsville is located, after a careful investigation, reported that the negro soldiers made the raid and did the shooting, but they properly found no indictment, because the proof failed to identify the individuals guilty of the crime. No indictment will lie against a battalion of men.

Mr. Purdy, an Assistant Attorney-General of the United States—a man of judicial temperament; a northern man and a Republican—after a searching investigation, reached the same conclusion of guilt on the part of the soldiers.

The Penrose court-martial, composed of eight officers of the highest character and standing, and certainly not prejudiced against the soldiers, after a hearing lasting four months, likewise found that the shooting was done by the enlisted men of the Twenty-fifth Infantry stationed at Brownsville.

It may be said that in the trial of Major Penrose the question of the guilt of these men did not properly arise, and hence that finding was gratuitous. But an examination of the specifications filed against Major Penrose shows that it was one of the questions raised. In fact, the chief contention raged about it, for if it could have been established that the soldiers did not commit the outrages of the night of August 13–14, then no blame could attach to Major Penrose, and he must go free.

And, finally, Mr. Speaker, the Military Committee of the Senate, after an investigation lasting for more than a year and of the most searching and exhaustive character, has found and reported to the Senate, by a majority of 9 to 4—

That in the opinion of this committee the shooting in the affray at Brownsville on the night of August 13–14, 1906, was done by some of the colored soldiers belonging to the Twenty-fifth U. S. Infantry, then stationed at Fort Brown, Tex.

So the verdict rendered and the conclusion reached in every investigation made has been that these negro soldiers are guilty. The purpose of this bill is to restore to them the right again to enter our army, to again wear its uniform, and to receive back pay and allowances; and in all probability to again dishonor and disgrace the uniform and the flag and to become heroes in the eyes of their own race, because they not only have escaped punishment for this outrageous crime and concealed the perpetrators, but have been made the especial objects of care and protection by the Congress of the United States. The country will be fortunate indeed if in the future the Brownsville affair is not again repeated by these same soldiers on the citizens of some other community. [Applause.]

Sundry Civil Appropriation Bill.

SPEECH

OF

HON. MOSES P. KINKAID,

OF NEBRASKA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, February 22, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 28245) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes—

Mr. KINKAID said:

Mr. CHAIRMAN: I rise for the purpose of addressing myself to the subject-matter of a bill not yet introduced, but which will be introduced very early in the approaching extra session of the Congress to be called for about March 15.

I refer to the bill which will be introduced for the revision of the tariff, which I am pleased to anticipate will be known and become celebrated as the "Payne bill." It may occur to some, Mr. Chairman, that discussion at this time of the bill to be introduced in the next Congess is premature; not so, not so, if

the course of the Ways and Means Committee may be taken as a criterion, and certainly the action of that committee is peculiarly a proper criterion for what may pertain to tariff revision. The fact is, it can justly be said to the credit of the membership of the Ways and Means Committee, that they have been very diligent and almost constantly devoting their attention to the work of revision during this entire session. In fact, this committee commenced giving hearings in the interest of revision some time last session. For my part, I regard it as highly laudable that the different members of the committee have done so much gratuitously, as it were, in this, the Sixtieth Congress, for the work, as it has been resolved and pledged, for the Sixty-first Congress. During my service in Congress, which covers only six years, I have not observed or learned of any committee having performed more diligent and arduous service for the work, even of pending business of the session, let alone of a future Congress, than has this committee been doing in anticipation of the work of the next Congress.

I have not learned of any committee which has worked so many hours per day or so many days of the week as has this committee. From my own observation it has appeared to me that the committee must have worked as much as sixteen hours per day some of the time; at any rate some of the members, I think, must have worked fully sixteen hours per day. I have been very much impressed, too, Mr. Chairman, with the painstaking way the committee has pursued to gather the information necessary to qualify its membership to draft a revision bill, and whatever differences may arise, of which there are sure to be many, with so many schedules to be gone over affecting so many interests, so many localities, and so many individual interests, directly and indirectly, I feel confident that the bill which will be introduced will, after the most extended discussion, carry the conviction that its provisions have been the result of the most careful and painstaking investigation, coupled with the purpose to conserve the best interests and greatest good of the progressive people and great Republic whom we have the honor to represent.

But, Mr. Chairman, now that the platforms of the two great parties pledge revision and that this was done in response and obedience to the prevailing sentiment, and that the President-elect very laudably has been taking steps, as far as his yet incomplete title to the office of Chief Executive may permit of it, to call an extra session of the Congress for an early date for the express purpose of revision, and as it has been therefore virtually decreed that a revision of the tariff shall be made as early as it may be practicable by the Sixty-first Congress, it therefore devolves upon the Congress in the interests of the country, in the interests of every business institution, in the interests of every individual, in the interests of the general prosperity of the country, that such revision shall be promoted without any unnecessary delay and the speedier and the quicker the better as far as haste may be consistent with the doing of justice to the many interests and the welfare involved; the speedier the better as far as rapidity may permit of arriving at correct conclusions. The decree for a revision has thus been rendered, and it is now up to the Congress to execute the decree.

Mr. Chairman, more or less sacrifice must be experienced and suffered by business interests and by everybody by a readjustment of the tariff schedules. Unavoidably there must be more or less of a pause in business undertakings, a slackening of the pace of current business, and especially must there result a suspension of the launching of new enterprises on account of the possibility or probability or even certainty that such changes in values may be affected by revision as may have much to do with particular undertakings which may be in contemplation. More or less loss must be experienced in the loss of business, in the loss of time, and perhaps in the loss of values, temporarily it is to be hoped may be the case, so that what the country must experience in tariff revision is not unreasonably comparable to that of an individual who must undergo a surgical operation. He must anticipate it, prepare for it, and even be chloroformed in order to make the operation feasible, and assuming the operation to be successful, he must have a short time in which to regain his normal vitality. Mr. Chairman, it should be the aim in the process of the present revision to limit the suspension of business and the time of apprehension and uncertainty as to what is going to be done and as to what the result will be to the shortest time which may be practicable, and this makes it pertinent to add that the action of the President-elect and of the Ways and Means Committee and of the Congress in preparing so far in advance and in preparing to the fullest extent practicable during the present Congress for the revision to be made in the next Congress should be regarded as highly laudable indeed.

Mr. Chairman, favoring tariff revision—which I do favor—I am not thereby renouncing my fealty to the policy of protection, not in the least degree. I am just as devout a protectionist as I have ever been, and I early espoused the doctrine. Our country, our people, are greatly indebted to the policy of protection for its achievements in the general amelioration of the conditions of the people and our national upbuilding.

Mr. Chairman, a table which I hold and shall ask to have made a part of my remarks shows a comparison of the conditions of the people of this country in 1860 and in 1905, during a period when the policy of protection prevailed. This table shows results most gratifying to protectionists. I regret I could not find it practicable to carry the comparison to 1907, as it would have been yet more favorable to the policy of protection.

The table shows the development of the country between 1860 and 1905. The comparison ends with 1905, because an industrial census was taken that year, and we can not make a complete comparison for a later year.

	1860.	1905.	Per cent increase.
Population	13,443,321	83,143,000	618
Wealth	$16,159,616,000	$107,104,211,917	563
Wealth per capita	$513.93	$1,310.11	155
Money circulation	$435,407,252	$2,587,882,653	494
Circulation per capita	$13.85	$31.08	124
Imports of merchandise	$353,616,119	$1,117,513,071	216
Exports of merchandise	$333,576,057	$1,518,561,666	355
Imports of gold and silver	$8,550,135	$81,133,826	849
Exports of gold and silver	$66,546,239	$141,442,836	113
Value of farms and farm property	$7,980,493,060	$20,514,001,838	157
Value of farm products	$1,958,030,927	$3,764,177,706	92
Manufacturing:			
Wage-earners	1,311,246	5,470,321	317
Wages	$378,879,966	$2,611,540,532	589
Value of product	$1,885,861,676	$14,802,147,087	685
Miles of railway	30,626	217,341	610

Mr. Chairman, several facts are brought out by this comparison which are deserving of special notice. The gain in things which contribute to securing the comforts of life is much greater even than the gain in population, which was certainly very great. The average individual we find to have been two and one-half times richer in the world's goods, or all of his possessions, both in property and money, in 1905 than in 1860. In money he had about two and one-fourth times as much in 1905 as in 1860, for the per capita circulation in 1860 was $13.85 and in 1905 $31.08, and at this time the per capita is a little over $35. I do not have the table here with me, but I hope I may be permitted to correct my remarks to include a table covering consecutively the years commencing with the last year of the Harrison administration, including the succeeding administration of Mr. Cleveland, and then the succeeding administrations of William McKinley and Theodore Roosevelt, the latter two under the operation of the Dingley bill, which presents a very instructive contrast, as it were, of "before taking and after taking" both the protection and tariff-for-revenue prescriptions. Under the Harrison administration our per capita increased; under the Cleveland administration our per capita decreased at a rate which, had such a policy been continued with the same continuous effect until this time, our per capita would have been reduced to about $12. However, after four years the country was rescued from the tariff-for-revenue policy, and tariff for protection was reinstated in the form of the Dingley bill. Since this, step by step, we have been climbing higher and higher in the rung of the ladder of prosperity until now our per capita circulation is over $35; and the increase of the wealth of individuals, of the people in general, has kept pace with this per capita increase of our currency.

As to the balance of trade, Mr. Chairman, in 1860 it was on the wrong side and the American people had to reach down into their pockets and dig out $20,000,000 in gold for goods imported, in addition to the value of all goods exported, while in 1905 we sold enough to foreign countries to pay for all we bought of them and put into our own pockets a balance of four hundred millions. Manufacturers gave employment to three times as many wage-earners in 1905 as in 1860 and paid them about six times as much money for the labor performed. In 1860 the average earnings of a wage-earner was $288.95, as against $470.44 in 1905. Here was a gain for labor of 65 per cent. Railway mileage had increased, due to the stimulus of the protective policy and due to the increase of business, and consequent increase of earnings; transportation rates had decreased four-fifths. Meanwhile, the attractions to wage-earners in foreign countries was so great that six times as many foreigners were attracted to our shores as had been added to our population in the whole of our previous history. No stronger testi-

monial, Mr. Chairman, in vindication of the beneficent results of the operation of an economic policy than we find in this table, which does but meager justice, in support of the policy of protection can be found in the records of the industries and commerce of any country. Contemplating this record of the policy of protection, I have been impelled to the conclusion that if it had never been inaugurated and that if we had adhered to the policy of tariff for revenue only or free-trade principles, always barren of results beneficial other than for revenue merely, that the population of our country would not have been, taking a very liberal view of it, more than one-third of what it is to-day and our wealth proportionately smaller, speaking with moderation. Mr. Chairman, it is not that I would now renounce the policy of protection, it is rather that I would preserve and conserve the policy that I favor a revision. There is a limit, and it has always been contemplated by protectionists, that there should and would be a limit to the time during which industries, or the most of them, would be accorded a protective duty.

One purpose of the policy has been to build up and develop infant industries, and while it has been expected that the people would suffer some sacrifices in the payment of higher prices for a time during such growth, it has always been promised that as a result of the development of the protected industry and the increased competition thereby resulting in that line, that lower prices would follow, and thus that a tenfold or hundredfold compensation would be reaped by the realization of such lower prices to the consumer, or the amount of goods greatly multiplied over what was before produced at the start, and that when such a condition was attained the infant industry, then grown to adultship, should be weaned of the fostering policy of protection. This promise, this pledge, made for the virtue of the policy of protection, has been fulfilled as to many industries, and in recognition of this fact and in fulfillment of promises made by protectionists the tariff was lowered as to some of these industries, and some of them were even put upon the free list when the very excellent McKinley bill was formulated. This same policy was observed in the making up of the Dingley bill, notwithstanding it supplanted the Wilson-Gorman bill of the Cleveland administration.

Such, Mr. Chairman, has been the Republican policy since 1860, though naturally not always adhered to with the strictest accuracy.

Mr. Chairman, conditions have changed since the enactment of the Dingley bill, and it is on account of these changed conditions, occurring in a great variety of ways, that a revision has come to be deemed expedient. Some of the protected industries are no longer of the infant class. By the fostering effects of protection, with other reasons added, some of them have grown to adultship; yes, to mature years. In my judgment, to longer continue protection as to some of these for the sake of protection merely would be equivalent to enacting an old-age protective-tariff law and continuing them indefinitely upon the protected list as beneficiaries, upon the theory that the time has passed when they may stand alone without the support of protection.

Mr. Chairman, it is my judgment that lumber belongs to this class.

Mr. Chairman, how shall we revise; upward or downward? In my judgment, we should revise both ways; that is, a reduction should be made as to some things—perhaps many things—and the duty taken off entirely as to others, and as to some or a few things the existing duty should be raised, and as to some entirely new resources or industries a protective duty should be imposed for the first time. In my judgment, it depends altogether upon the circumstances of each case—the existing conditions as to each individual item—as to what should be done with it. Each resource, business, or industry should receive individual attention, and each case should be decided upon its merits, standing alone. Revision downward or upward should be based upon good reason found to exist therefor. However, the same general policy as to tariff or duty or reduction should be applied throughout. I do not regard it as tenable that merely because one industry is to be accorded protection that some other industry shall be included in the protected list, yet the equivalent of this has been contended for in the hearings had by the Ways and Means Committee. Any duty imposed or maintained should be for its immediate or ultimate beneficial effects upon the interests or prosperity of the people in general.

Mr. Chairman, I am going to advocate the placing of lumber upon the free list, and first I desire to call attention to the duties now imposed on importations.

When the timber is sawed into boards, planks, or deals, or into joists or scantlings, a tariff of $2 per thousand feet board measure is imposed on lumber. To this duty there are exceptions. Lumber of whitewood, sycamore, and basswood bears a duty of $1 per thousand feet board measure; while sawed boards, planks, deals, and all forms of sawed cedar, lignum-vitæ, lance wood, ebony, box, grandilla, mahogany, rosewood, satinwood, and all other cabinet woods, not further manufactured than sawed, pay a duty of 15 per cent ad valorem, and veneers of wood and wood manufactured, not specifically provided for, must pay a duty of 20 per cent ad valorem.

For the present let us ignore the exceptional duties and go back to the duty of $2 per thousand feet on lumber not otherwise specified, the kind the most commonly in demand. When it is planed, an additional duty of 50 cents per thousand feet is imposed for each side so planed; and if it is tongued and grooved an additional 50 cents is imposed as duty. Thus planks for floorings would be taxed $3 per thousand feet, weather boarding $2.50 per thousand feet.

Mr. Chairman, the manufacture of lumber is no longer an infant industry. If the lumbering business in the United States has not been sufficiently developed, it never will be, because hundreds of mills have been shutting down for the want of more timber to saw—shut down because timber in the regions where they have been operating has been exhausted. The manufacture of lumber, Mr. Chairman, has become overdeveloped, because, as I contend, that when the consumption of any product is much greater than its production it is essentially overdeveloped as far as a resource to be continually drawn upon is concerned. We now consume three times as much as we produce, with the adverse conditions constantly increasing. We want lumber now; we have wanted lumber from the beginning; we want lumber more and more as our country develops and as our people progress. The demand for lumber as our country has developed and as our people have progressed has been increasing more and more in proportion to our population. The uses of lumber have been increased, many times increased, and the percentage of the consumption per capita has been increased, greatly increased, and continues to increase. For instance, it has been reliably ascertained that the lumber cut in 1880 was 18,000,000,000 feet; in 1890, 24,000,000,000 feet; and in 1900, 35,000,000,000 feet, while in 1907 the best judgment is that the cut was from 40,000,000,000 to 50,000,000,000 feet. This means lumber in the ordinary sense, Mr. Chairman. It does not mean the consumption of wood. The annual consumption of wood or timber for all purposes now amounts to 100,000,000,000 feet, the most conservative estimate, or to 140,000,000,000 to 150,000,000 feet, which may be said to be the maximum estimate.

Mr. Chairman, rapid as has been the increase of our population, the increase of lumber per capita has been yet faster. The increase in population from 1880 to 1900 was 52 per cent, while the increase in the consumption of lumber was 94 per cent. The average United States citizen is now using 400 board feet of lumber per annum, while the average European uses but 60 board feet. Vast as were our timber resources, vast as were our timber areas at the commencement and as young as our country is, already more than one-half of our timber resources have been exhausted; and, as I have already shown, the demand per individual for lumber has constantly been increasing. Mr. Chairman, I would regard it as absurd for anyone to contend that a duty upon lumber could be any longer justified for the purpose of developing the industry of the manufacture of lumber in the United States; and I am talking now merely as to the industrial and commercial propositions, omitting for the present the all-important consideration, the conservation of our natural resources, including timber.

Mr. Chairman, do those who advocate a continuance of a duty on lumber ask it upon any other ground than for the purpose of maintaining present prices, if not even for the purpose of promoting higher prices? If they have any reason at all, it must be for the sake of maintaining the present prices or in behalf of yet higher prices. But the legitimate question, Mr. Chairman, is, Will the welfare of the American people in general be better conserved by higher-priced lumber? Mr. Chairman, prices have been soaring for the last decade, with the exception of a little more than the last year, and that depression due to a cause which is sure to be but temporary. For several years—at least, until the fall of 1907—prices had been unreasonably, if not intolerably, high; prices had been and yet remain prohibitive to many otherwise would-be consumers, and have been for some time prohibitive for many purposes to which, if lower prices had prevailed, lumber would have been devoted.

That the prices of lumber, Mr. Chairman, have been rising, I quote from one of the most reliable authorities this statement:

Yellow pine advanced from $8.48 per thousand in 1899 to $15.02 in 1906; rise, 77 per cent; cedar rose from $10.91 to $18.12; rise, 66 per cent; cyprus from $13.32 to $21.94, and redwood from $10.12 to $16.64; rise, 64 per cent in each case; Douglas fir increased from $8.67 to $14.20; rise, 64 per cent; and poplar from $14.03 to $24.21, or 73 per cent.

Very noticeable increases are also shown by hickory, oak, spruce, western pine, hemlock, and ash. But, Mr. Chairman, this is the increase in prices of lumber merely, and while these increases are very great the percentages of increase are small, indeed, as compared with the increases of the values and prices of timber.

While the increases just cited in no case amount to 100 per cent, the increases in the prices of timber and of timber land for the sake of the value of the timber have varied from nominal figures to a thousand or even two thousand per cent. The manufacturers of lumber excuse themselves generally from the higher prices at which they sell lumber on the ground of the increased price of stumpage, which they must buy from the owners of timber, while some of the lumbermen who appeared before the Ways and Means Committee charged that retail lumber dealers are to an extent responsible for the unnecessarily high prices. However this may be, it is perfectly clear that the benefit to be derived from the increased price of lumber must inure largely to the owners of timber, for the higher the price of lumber the higher the price of stumpage is sure to go.

Wholly regardless of the merits of the contention of the manufacturers of lumber, regardless of the merits of their case or of their contention that their profits are not unreasonably high, it can not be gainsaid that a great monopoly exists on the ownership of timber, a monopoly upon one of the great natural resources of our country; upon a product the consumption of which is universal, and of course it is a necessity. I say a monopoly exists on the ownership of timber in this country because individuals have already acquired title to four-fifths of our remaining forest areas and because a very few men are the owners of the greater portion of this, say, at least three-fourths of the private ownership. It is well known that there are a few large timber owners in the United States who, respectively, own areas of timber lands greater in extent than all of the timber area that is contained in each of several European countries. Thus a few men own all the timber from which must be produced the lumber to be consumed by 90,000,000 of people with that population rapidly increasing.

Mr. Chairman, I contend that any benefit to be derived by maintaining a duty upon lumber will be secured by the owners of timber, who are not entitled to it upon any principle known to the policy of protection, rather than to the manufacturers of lumber, to encourage whom a duty was in the first instance imposed; and I submit to the membership of this House, as proof of this proposition, that while the prices of lumber have been going higher and higher, the prices of timber and of timber lands have increased at several times as great a rate.

Mr. Chairman, prices have been very high upon their face. They have been comparatively high—or, I might say, had been comparatively very high—until the financial flurry in the fall of 1907; but I shall demonstrate by better evidence than this that the prices of lumber have been unnecessarily high, unjustly high, by showing that the profits made by lumbermen have been unnecessarily and unreasonably large. Taking as a criterion either the ordinary interest rates on money or the net profits of various other branches of business, the profits of the lumber business appear to be very large indeed. They have been so high, so great, that if their businesses were stocked or capitalized for the amount actually invested, it is no telling at what premium the stocks would sell. It would, in some instances, sell for several times the amount of money invested, because of the large profits to be realized. Take, for instance, Mr. Chairman, a statistical table from the census of manufactories of lumber for 1905. It is shown that the lumber and timber products in the least advanced steps of manufacture for that year were worth $580,022,690. This large amount represented the receipts of the industry. Let us deduct the expenses:

Value of product		$580,022,690
Salaries	$19,878,092	
Wages	183,021,519	
Materials	183,786,210	
Miscellaneous	83,136,280	
		469,817,101
Net profits		110,205,589

This shows net profits upon an investment of $580,022,690 to have been $110,205,589. It requires but little calculation to show that the average profits of those establishments was over 21 per cent. I say 21 per cent was the average profit, and if 21 per cent was the average profit, assuming, as experience warrants, that in many instances little or no profits at all were realized by the poorer or poorest managed businesses, how much must have been the profit of the better and best managed businesses? We have a right, Mr. Chairman, to base our calculations upon the profits of a business reasonably well managed, and if 21 per cent is the average of good, bad, and indifferently managed companies a business reasonably well managed at the time we are talking about must have made a profit of—well, we can only guess at it, say 50 per cent and maybe 100 per cent or more. Now, these profits were realized, Mr. Chairman, upon the kinds of lumber for which there is the greatest demand, for which there is the largest amount of consumption, the ordinary everyday demand of the people at large.

Mr. Chairman, let us take a higher grade of the manufactures of lumber. A calculation similar to the one just made in regard to the less finished forms of lumber will show that the manufactures, the planing-mill products, including sash, doors, and blinds, made in 1905, and made at profits though not so large as were made upon the kind of lumber about which we have just been talking. I ask to be made a part of my remarks at this place a statistical table of the manufactures of sash, doors, and blinds:

Value of product in 1905		$247,441,955
Salaries	$9,960,230	
Wages	50,713,607	
Materials	143,137,662	
Miscellaneous	13,654,313	
		217,465,812
Profit		29,976,143
Capital		177,145,734
Rate of profit per cent		17

The table shows that the average rate of profit upon this class of manufactured lumber was 17 per cent, and in this connection we had just as well ask to add to the table a statistical table which I now hold as to the manufacture of furniture:

Value of product in 1905		$170,446,825
Salaries	$9,131,357	
Wages	49,883,235	
Materials	73,619,914	
Miscellaneous	16,719,082	
		149,353,588
Profit		21,093,237
Capital		152,712,732
Rate of profit per cent		14

While we are at it, permit me to add a table as to one more class of manufactures. I mean the business of the manufacturing of barrels. Mr. Chairman, I shall ask that the statistical table that I now hold in my hand be made a part of my remarks at this place:

Value of product		$49,424,294
Salaries	$1,891,802	
Wages	9,485,455	
Materials	31,092,679	
Miscellaneous	2,385,236	
		44,355,172
Profit		5,069,222
Capital		29,582,614
Rate of profit per cent		17

The result of the calculation shows an average profit of 17 per cent for the manufacture of barrels. What other branch of business pays such large profits as the different kinds of manufactures of lumber and of wood?

Mr. Chairman, the rate of profits upon the manufactures of lumber and of wood is the legitimate, the just concern of the people at large, or the consumers of lumber. Who is it pays these profits? Essentially it is the consumer and nobody else who pays the profits. I am frank to admit that with free and unrestricted trade, with no corner or monopoly existing upon ownership whereby high prices are promoted and maintained, that the consumer might not have a right to gainsay the right to high profits; but when a tariff has been accorded and for a long period maintained, and when the manufacturers of lumber are taking issue with the people in their demand that lumber be placed upon the free list, then it becomes the privilege of every citizen in the United States to protest, and I earnestly protest against legislating to further uphold or maintain prices and profits so needlessly and so unjustly high.

But, Mr. Chairman, another proposition: Why is it the lumber business can not succeed without protection as to the business done in the United States? Why is it our domestic lumbermen can not successfully compete with the lumbermen of foreign countries, say of Canada, as to our home market, yet can compete very successfully in the markets of the world with Canada and all other countries.

Why is it, Mr. Chairman, that our domestic lumbermen can not compete for our home market without the protection of an import duty, especially as against Canadian lumbermen, when they can ship lumber to all parts of the world and successfully compete with Canadian lumbermen and the lumbermen of all the other countries, yet without any protection or advantage whatever? They successfully compete without statutory advantage in foreign markets, with the cost of transportation over the seas added to the cost of lumber in the United States, yet

the business must be fostered, indulged, by an import duty imposed upon Canadian lumber, for the sole and direct purpose of securing to them our home market. Upon the face of it the proposition seems so unreasonable as to be unworthy of serious consideration, yet several explanations are offered by American lumbermen themselves in justification of such demands, and I shall notice some of these propositions directly. But I had intended before this to say that I would ask that a table which I now hold in my hands showing exportations of domestic lumber should be made a part of my remarks, and I shall offer it right here:

Country.	Lumber.	Furniture.
United Kingdom	$7,152,709	$666,857
Belgium	1,400,894	25,840
France	705,388	84,960
Germany	1,981,112	173,411
Italy	723,422	72,048
Netherlands	2,759,094	59,633
Other Europe	841,759	124,452
British North America	4,871,808	817,685
Central America and Honduras	1,268,731	309,371
Mexico	2,282,640	944,169
Cuba	2,330,867	609,498
Other West Indies and Bermuda	732,609	122,378
Argentine	5,715,982	421,036
Brazil	1,220,089	75,182
Chile	1,232,697	79,736
Other South America	1,438,310	159,282
China	975,629	27,046
Hongkong	99,335	23,331
Japan	159,021	20,712
British Australasia	1,553,300	275,667
Philippine Islands	107,695	52,207
Other Asia and Oceania	71,862	19,639
British Africa	460,600	150,910
All other Africa	367,627	46,457
All other countries	824	260
Total	40,613,504	5,377,768

Mr. Chairman, this table shows that our lumbermen of the United States have been exporting lumber to the different countries in Europe, Asia, and Africa.

The table shows that in 1905 our domestic lumbermen shipped to foreign countries common lumber to the value of $40,613,504, and of furniture the value exported was $5,377,768.

Mr. Chairman, it has been reliably estimated that at this time our total exports of lumber and wood products or forest products exceed in value $126,000,000, and essentially this is in successful competition in foreign markets with Canadian lumbermen. It is successful competition, else the business would not be continued.

Mr. Chairman, we exported even to Canada within the last fiscal year $10,000,000 worth of manufactured lumber and the manufactures of wood, and at the same time we exported of the manufactures of lumber and wood to the Republic of Mexico of our product to the value of $3,632,717. Mr. Chairman, we are asked to guard our home market in behalf of our home lumbermen against Canadian lumbermen, and this in face of the fact that we have been exporting to Canada about one-half as much lumber, and this without any duty imposed by the Canadian government, about one-half as much lumber as Canada has imported into the United States.

The British Columbia manufacturers of lumber do sell somewhat in American markets on the Pacific coast, while the manufacturers of lumber in the State of Minnesota return the compliment by availing themselves of the market immediately north and northwest, in Canada, extending to the eastern slope of the Rocky Mountains, in Alberta. Mr. Chairman, if American lumbermen can sell a bill of lumber across the ocean, say, in England or Germany, for $1,000, they ought to sell the same bill here in the United States for $900, for the transportation across the Atlantic costs at least $100. Whether it be true or not that lumber is sold in foreign markets by our domestic lumbermen cheaper than they sell it at home, as charged by some, by reason of the indulgence accorded by a protective duty at home; whether this charge be true or not, it is perfectly clear that it ought to be sold at least 10 per cent cheaper at home than in foreign markets, because it costs at least 10 per cent of the value of the lumber to ship it across the seas. I am reliably informed that as a matter of fact the freight charges even to the nearest points across the ocean are more than $100 on $1,000 worth of lumber.

The Monthly Summary of Commerce and Finance for June, 1907, shows freight rates on lumber from New York to different European and other foreign ports per hundredweight, and, without taking time here or the space in the RECORD to prove my proposition, I assert that this reliable authority will show conclusively the correctness of my statement that the cost of freight from the United States to foreign points amounts to or approximates 10 per cent of the value of the lumber shipped; so that it is mathematically plain that lumber should be sold in the United States at a price at least 10 per cent lower than that for which American lumber is sold in trans-Atlantic points.

It follows that if our exports of lumber are not sold in European markets at prices 10 per cent higher than in the United States, that the process of "dumping" is being practiced to maintain high prices here. But I do not make the charge that "dumping" is being practiced, as I have not had time to inform myself sufficiently about it.

And what have the people in general gained by the exportation or foreign sales of lumber? One result unquestionably has been to raise prices of lumber higher at home by reason of a reduction of the supply for the home market in proportion to the amount shipped abroad. At the same time our domestic lumbermen, who are exporting large amounts of the best grade lumber to foreign countries, insist that the duty now required to be paid by Canadian lumbermen on their importation into the United States, must be continued, and this can result in no other way than in diminishing the supply for the American home market. Both of these conditions operate against the interests of American consumers of lumber, and by greatly reducing the supply for the home market the price to the American consumer is thereby increased. Thus, Mr. Chairman, it appears to me that lumbermen are enjoying the benefit of preventing competition for our American home market, and at the same time the benefit of free trade in foreign markets, or the benefit of the privilege of exporting lumber from the United States into foreign countries. They are certainly enjoying this privilege at the expense of the American consumer, by preventing the incoming of lumber by the imposition of a duty and permitting the outgoing without the payment of an export duty. The result has increased the selling price of lumber in the United States with the benefit going direct to the lumberman at the cost of the consumer.

Mr. Chairman, another untenable reason—I might say remarkable contention—for the maintenance of a duty upon lumber is the advantage which it is claimed is afforded Canadian lumbermen by the Georgian Bay water transportation route, extending from Canada far south into the United States, whereby Canadian lumber may be shipped from numerous rivers in Canadian territory to the Georgian Bay and its larger tributaries of lakes and rivers into Lake Huron in the United States, and thence west and south and east to various markets and points in the United States. It is contended that this excellent water route affording facilities for such very cheap transportation rates secures to the Canadian lumbermen, in the localities that may enjoy it, advantages so far superior to transportation facilities enjoyed by the American manufacturers that in order to enable American lumbermen to have any chance at all for successful competition with the Canadian manufacturers that the present duty must be maintained. Mr. Chairman, I think this is carrying the doctrine of protection beyond reasonable limits. I regard it as peculiarly untenable that just at this juncture, when demands are being made from all parts of the country upon Congress for great appropriations, for the enactment of laws authorizing the issuance of bonds for the improvement of waterways, projects good and bad, feasible and impracticable—I regard it as peculiarly untenable right at this juncture that the Congress should be asked to legislate this great waterway transportation road, of which there are none better or more useful in the world, out of business; legislate to render it impotent for the purposes of commercial intercourse with Canada.

And at whose expense? The expense of the American consumer, for the direct benefit of the American manufacturer—American lumberman—and yet the less direct benefit of the owners of American timber who now enjoy the greatest corner, the greatest monopoly that has ever been enjoyed by the control of any natural product. Manufacturers of lumber in British Columbia, upon or near the Pacific coast, also possess water transportation facilities, for they may ship by the Pacific Ocean south along the western borders of the States of Oregon, Washington, and California with the greater costs of transportation to them over what it may cost the American lumberman a negligible quantity. It would be just as reasonable to legislate to deprive the American consumer of any indirect benefit to him to be possibly enjoyed by this Pacific coast condition as to grant it a legitimate consideration that a duty should be imposed for the purpose of nullifying the benefits of the Georgian Bay, Lake Huron, and other American lakes route or routes.

Mr. Chairman, it seems to me to be palpably plain that these great natural resources and advantages, or advantages of

cheaper transportation afforded by these great waterway routes, are of much greater advantage to the people and to the consumer of lumber directly than any artificial advantage which may be created by the imposition of a tariff upon Canadian importations of lumber. If the people have any divine rights at all, the enjoyment of these great water routes given them by the Creator himself must be one of their divine rights. To impose a duty, to grant protection as against the benefits of cheaper transportation by these great waterways, to grant protection for such reasons I would regard as the height of absurdity and a perversion of the natural laws of trade and commerce.

Mr. Chairman, in the foreign markets our domestic lumbermen must necessarily compete with the foreign manufactures of lumber from all points in the world. They must compete, and compete successfully, or they can not do business in foreign markets. The fact that they can compete successfully in foreign markets without any protection whatever, without any favor whatever, without any artificial or legislative advantage whatever is conclusive that they can successfully compete for our home market without the advantage of a protective duty imposed upon importations from foreign countries.

Mr. Chairman, they compete when shipping to foreign countries, while paying freight rates equivalent to 10 per cent of the value of the lumber transported; then, why not, when they can save this 10 per cent when availing themselves of our home market, why not be able to successfully compete for the home market with these same world competitors who must pay more freight to reach our home market than does the home manufacturer. It is extremely unreasonable that it should be contended that protection is essential to successful competition for the home market and at the same time can be dispensed with in behalf of $126,000,000 worth of yearly business in foreign markets with no protection or advantage afforded.

The explanation is that competition invokes the best possible efforts, the very best business management, the practice of doing business in the most economical way and upon the most advantageous lines practicable. And this proposition, Mr. Chairman, leads to the conclusion that the result arrived at by business competition, the costs of manufacture, the cost of transportation, and all other expenses attendant upon the producing of any article or merchandise of value, that such costs and expenses thus ascertained while in competition, which are the result necessarily of reasonably good management, are the true basis of calculation as to the costs of the manufactures or products of the businesses concerned. One of the purposes of the policy of protection is to promote ultimately, if not immediately, competition, with the result of lower prices, which is to constitute compensation for any possible disadvantage previously endured on account of the protection afforded.

Whether or not the duty imposed upon foreign lumber shipped into the United States has prevented reasonable competition between the domestic purchasers of lumber, it is perfectly clear it has reduced the necessity, it is perfectly clear that it has lessened competition or rendered competition with Canadian producers less necessary. It has given the American producer as to the home market an advantage over the Canadian producer in proportion, at least, equal to the amount of the duty imposed.

Mr. Chairman, lumber manufacturers claim that the business stands second only in number of men employed, in the amount of farm produce consumed, and in the amount of business done. They claim that for this reason the existing duty should be continued upon lumber in order that the prosperity of the industry shall be continued. Everyone will grant it is highly desirable that the lumbering business shall prosper; it is desirable that every legitimate industry shall prosper; it is to the interest of the public that every business and every individual following a lawful vocation shall prosper, because there is a community of interest in the prosperity of every industry and, we may say, of every individual; there is an interdependency existing between industries and individuals in their mutual welfare and prosperity. Prosperity in one line of business diffuses itself and promotes in a greater or less degree the success or prosperity of other branches of business carried on in the same locality. But while it is highly desirable that the lumbering business shall prosper, is consideration to be given alone to the interests of lumbermen or the lumbering industry without regard for the interests of consumers and the public in general? Must it be made to prosper at the expense of the much greater number of consumers and of the people in general not interested therein? In their contention for a continuance of a duty on lumber to insure its prosperity, I fear the lumbermen are just as selfish as I myself or other persons or as the average individual, and when advocating their cause to the Congress, I fear they sometimes fall into the attitude of the English statesman, who, in conversation with Hume, I believe it was, the question was propounded by one to the other:

"What is the proper rule of legislation?" The other lord replied: "The greatest good to the greatest number." The question was then asked: "What is the greatest number?" The reply was: "Number one."

Mr. Chairman, it can not be reasonably expected that those who have come before the Ways and Means Committee in behalf of the industries they represent will keep in mind all the time or much of the time the interests of the public as well as their own interests. It can not be expected that they will be good business men, looking after business interests, and statesmen and publicists at the same time. And yet it is those who own and operate industries who have come before the committee rather than the consumers of the manufactures of these industries. The industries, or the owners of the industries themselves, are enough interested to prompt and justify them to go to the expense of coming to Washington and making the best showing or best case possible for the maintenance of a duty. On the other hand, each individual consumer is interested so little that he feels that it will not justify him, neither could he afford the expense of coming to Washington and presenting his views.

While the interests of the consumers, considered all together, are paramount to that of the industries, still the people do not become organized in behalf of their interests; and as to the question as to whether a duty shall be continued upon lumber, they have had but very little representation here in Washington by agents or delegations sent for that particular purpose. It therefore behooves Congressmen, the people's chosen representatives, to scrutinize closely the arguments made by those directly interested in the lumbering business in behalf of the continuance of a duty in order to make sure that the best interests of the public at large may be conserved.

In revising, the rule of "the greatest good to the greatest number" should be faithfully observed and applied. But, Mr. Chairman, as to the prosperity of the lumber business, without the imposition of a duty on importation from foreign countries, it seems to me from the condition of things that the lumbering business is sure to prosper provided the manufacturer of lumber, who is not himself the owner of timber, shall not pay the timber owner too high a price for stumpage. As to what prices the manufacturer shall pay the timber owner is a question to be determined by the contracting parties; if the manufacturer shall pay a price too high to permit of his selling the manufactured lumber to the consumer at a reasonable profit, he should suffer the disadvantage.

But, Mr. Chairman, with one-half of our original timbered area already consumed, exhausted, with a comparatively great population which has been increasing at a rapid rate and promises to continue to so increase, with the uses to which lumber and the manufactures of wood are devoted constantly on the increase, and added to this that the use of lumber per individual has been increasing at the rate of 10 per cent yearly, the prospects are that the prices of lumber, wihout being afforded any protection at all, must continue to go higher and higher until the annual growth of the reproduction of our forests shall be made to equal the yearly consumption, and I regret that the estimates of reliable experts fix this but forty years hence. The law of supply and demand for the next forty years, Mr. Chairman, with the present tendency of things, with the supply of timber remaining in proportion to our population and its rate of increase, will, I regret to believe, having in view the interests of the consumers and the public in general, operate to the advantage of home owners and lumbermen by a gradual rise of prices. They will need no duty, and they will soon find it out.

Mr. Chairman, our people have been already too prodigal of the abundant bestowment of nature upon our fair land. We have not only consummated, wasted, and destroyed our timber resources with improvidence, prodigality, and even recklessness. We have besides this, even as to legitimate consumption, consumed in an uneconomic way, and this Georgian Bay proposition which I have just been discussing emphasizes my proposition. No apprehension would exist in the minds of American lumbermen tributary to Lake Huron or the other adjoining lakes if the great forests bordering upon these lakes had been conserved during the last fifty years, but instead of having been conserved, the process of their consumption, waste, and destruction has been proceeding at a devouring rate so that they have become now almost exhausted. Even the very localities which used to be covered with timber of extra qualities and of high commercial values, have now become timberless, treeless, and these very localities are dependent upon other regions for their lumber supplies. If these great forests along these lakes had

been conserved as they would have been had our people been provident in their management and consumption, enough timber would yet remain to supply all the country tributary to the lakes and, as it is now, tributary to the Canadian market by reason of the facilities of transportation by the Georgian Bay route.

This lake region, unfortunately, constitutes no exception, however, to the uneconomic course of the consumption of timber in the United States. It has been the same as to other regions where the lumber industry became first developed. A difficulty has been that the regions first developed supplied not only the country adjacent thereto, but, as well, other regions of the United States remote therefrom where the lumber industry had not become developed—at least, not so far developed; and the manufacturers of lumber, where a start was already made, were too willing to enjoy a monopoly of the trade, which, while an immediate profit to them, was all the time proving detrimental to the future of our country. The consequence has been that, of our several great regions of timber, the one first developed in the lumbering business commenced furnishing and kept on furnishing, and thus gained and held a monopoly on the trade in other regions of the United States, without regard to whether it was from a natural or geographical or commercial or transportation standpoint, legitimate territory or not. The only question was whether it was profitable or not to the lumbermen enjoying the trade. Regions remote from the places of manufacture, whether these regions were timbered or not; and if not timbered, whether other timber regions yet undeveloped were nearer or not than the regions furnishing the lumber, the region first developing the manufacture of lumber has continued to furnish the lumber until practically all the timber of such regions has become exhausted.

Mr. Chairman, then in turn the next or the last remaining timber region to develop the lumbering business has in turn been furnishing lumber to the timber region, now timberless, which was first devastated. In this way the wasteful process of shipping things needlessly to and fro has been practiced, and transportation rates aggregating millions have as a penalty been paid by the consumers of lumber. And right now, Mr. Chairman, when it has been agreed on all sides that we are annually consuming three times as much lumber as we are reproducing, that our timber areas have while our country is yet young been more than one-half exhausted, and that at the rate we have been going in the consumption and destruction of timber and our rate of reproduction, that within twenty or thirty years our timber resources will have been practically exhausted. Right here, with a lumber famine staring us in the face, our Congress is asked to so legislate as to keep foreign lumber out of the United States and yet at the same time to permit domestic lumber to be exported and shipped to all parts of the earth. We are asked to so legislate, confronted by the appalling spectacle that within twenty or thirty years at the same rate of prodigality and folly our country will have become practically timberless. Besides shipping lumber to the countries of Europe, Asia, and Africa, and the South American States as well, we have been even shipping to Canada, the principal competitor. We have shipped into Canada from Minnesota and other parts of the United States lumber of our American manufacturers, about one-half as much lumber as Canada has exported into the United States. We have also been supplying markets in the Republic of Mexico, where timber is abundant, as well as in Canada.

Continuing in this practice of the exportation of lumber, the necessary result is that sooner or later all lumber that we consume must be shipped and imported from foreign countries. Now, it is very plain, Mr. Chairman, that to foster a proposition of this kind is to pervert the purpose of the policy of protection. One of the original purposes of the policy of protection was to bring markets and consumers nearer together; to bring manufacturers and consumers nearer together. As a result of the operation of this wise policy great manufacturing industries are now in operation in this country, which, without it, their equivalent would have been going on in European countries and the labor employed in them, and the consumers of such manufactures in a large measure would constitute the population of foreign countries instead of a part of the population of the United States. Thus the result of the policy has been to reduce the practice of useless transportation across the Atlantic necessarily carried on at the expense of the consumer to a minimum.

It should not be forgotten in this connection that in the early history of our country it was the carrying trade, meaning transportation business upon the seas, that antagonized the policy of protection, and some of the most distinguished opponents of the policy based their opposition wholly upon the ground that it was inimical to the carrying trade.

But the fallacy consists in the buying of products in foreign countries which may be produced with equal facility in our own country and by our own labor—our own consumers—and foreign countries, perhaps, buying of us what they themselves can as well produce; and thus by a useless exchange of these commodities, by means of the operation of transportation lines over the seas, a carrying trade is maintained. This is a fallacy just as much as the piling of chips first in one pile and then piling them in another, and it is to the credit of the policy of protection that its tendency has been to do away with so useless and yet very expensive a practice.

A wise policy would at the start have dictated that the five principal large timber regions of the United States should have been preserved and conserved by the policy which is now being so laudably inaugurated so as to make the annual growth or reproduction equal the annual consumption at least with a view to affording permanently an adequate supply to the country or regions which geographically should be supplied by the particular region. In this way, needless transportation from east to west, and in turn west to east, north to south, and in turn south to north, and so on, as to the different timber regions, needless transportation at the expense of the consumers would have been avoided, but, unfortunately, the very reverse has been the practice. Not only this; with these two great lessons staring us in the face, we are asked to perpetuate this same line of folly, as I contend must be the result if a duty shall be continued upon lumber.

Mr. Chairman, the demands being made for a continuance of the duty upon lumber seem to be so prejudicial, so detrimental, to the interests of our people—to our country—as hardly to be deserving of serious consideration.

But, Mr. Chairman, our American lumbermen contend that they can not compete with Canada manufacturers because the price of stumpage, especially that owned and sold by the Canadian government, is lower than the price of stumpage in the United States. They contend also as another reason that the price of oriental labor, employed to an extent in British Columbia, is lower than the price of American labor. Granting, for the sake of argument, that these statements be true, are they a proper criterion for tariff legislation in the United States? How long will these same conditions continue in Canada? May not the Canadian government raise the price of stumpage next year or next month or to-morrow? And how long will the oriental labor remain in British Columbia? May not these laborers emigrate out of the timbered country, out of the lumbering districts?

But, Mr. Chairman, as to this proposition as to oriental labor, there was a good deal of evidence adduced before the Ways and Means Committee tending to show that this oriental labor employed in the manufacture of lumber is no cheaper than white or American labor. It is true that the per diem is some smaller than that paid to white labor in Canada, and also in the United States; but it is considered that the value of oriental labor, especially when employed in the manufacture of lumber, is correspondingly less than that of white labor, and those who employ both white and oriental laborers are of the opinion that the oriental labor is more expensive in proportion to the amount of labor performed, and white labor is preferred at the higher prices paid therefor.

I submit, Mr. Chairman, that the fact that there are a few Mongolians employed in the manufacture of lumber in British Columbia is a consideration too trivial to be taken into account in the making up of a bill for the revision of the tariff schedules of this great Republic.

Pacific coast lumbermen urge they can not compete with the manufacturers of lumber in British Columbia and must be afforded protection by the imposition of a duty against Canadian lumber for that reason. They make this contention in face of the fact that British Columbia has but 150,000,000,000 feet board measure as compared with 700,000,000,000 feet board measure for the States of Oregon, Washington, California, and Idaho.

The statistics accord to British Columbia 150,000,000,000 feet; Oregon, 225,000,000,000 feet; Washington, 196,000,000,000 feet; California, 180,000,000,000 feet; and Idaho and Montana, 100,000,000,000 feet. But some of the Pacific Coast lumbermen contend that while they may get along without much or any duty imposed upon higher qualities of British Columbia lumber, that the Pacific coast American product must be protected as to its lower grades. They grant that they can compete both in our home market and in foreign markets in sales of the best grades, but contend that they can not at all compete and will be driven out of business as to the lower grades, if no duty be imposed upon Canadian lower grades. They contend that without a duty they can not ship the American lower grade even to our

home markets, let alone to foreign markets, and compete with the British Columbia low-grade product, notwithstanding costs of transportation to be paid by the British Columbia manufacturers to the United States. They contend that if no duty be exacted of the British Columbia manufacturer upon his low grade, that of the trees felled in the United States for manufacture, the part thereof which will only make low-grade lumber must be left in the forests, and that it will constitute an obstacle and hindrance to the regrowth and reproduction of timber.

They therefore insist that in behalf of the conservation and reforestation of their own private holdings that a duty should be imposed. In effect, they are in favor of the conservation of their own timber, but recommend that the consuming public defray the necessary expenses. Forestation is thus offered as an excuse for the demand for the continuance of the duty, yet without any pledge or any statutory obligation whatever to be imposed that performance will be made. The duty is to be granted without any obligation whatever to be imposed upon the owners of the timber. Mr. Chairman, why not be businesslike as to the proposition? If an incentive is to be offered, let it be put in business form and so as to make the arrangement a mutual one. If the public is to be made to pay for the conservation of private forests, let it be paid for in the form of a bounty paid upon the preservation and growing of timber. Let it be required that an account be taken in a proper way of the work done for conservation and the growth of the timber as a result thereof. Let this be done, Mr. Chairman, if the public is to pay for the protection and conservation of timber, of forests owned by individuals; and right here, Mr. Chairman, a bounty granted for the growing and production of timber in the United States, considering the present state of depletion of our timber areas, with a rapidly increasing population and the prospects for an ultimate very great population—say, eight or ten or twelve hundred millions—a bounty paid for the protection of timber would be much more reasonable, laudable, and statesmanlike than a duty imposed upon importations into the United States from foreign countries, which must have a tendency to further deplete our already greatly reduced timber areas. But, Mr. Chairman, neither a duty upon importations from foreign countries nor a bounty to be paid for the growth of timber is necessary in order that the lumbering business may prosper or that our forests may be restored. The lumber business will take care of itself without a duty and at a profit, and the demands for lumber are getting to be so great as to furnish an incentive for reforestation and reproduction at the expense of the owners themselves.

A provident and patriotic policy would dictate not only the placing of lumber upon the free list, but in the further interests of the people of the Republic and the future welfare of the country that a duty be imposed upon the exportation of lumber to foreign countries. An export duty will necessarily tend to lessen the shipments as well as sales of lumber to foreign countries, with the effect of increasing the amount of the product to be sold in American markets to American consumers, so that the competition between manufacturers would be thereby increased, naturally with the effect of lowering prices to consumers. I therefore recommend the placing of a duty upon the exportation of lumber equal to the import duty now provided by law.

Duties should be taken off of lumber because the industry does not need it; should be taken off because consumers stand in need of lower prices, which the profits of the lumbering business can stand; should be taken off to prevent high prices from going even higher; should be taken off to prevent too rapid consumption of our forests, with the menace of a lumber famine as a consequence and the placing of ourselves at the commercial mercy of foreign producers and foreign countries.

The duty should be taken off of lumber because it is essential to our industrial independence and our economic welfare as a Nation. It is important to the individual, community, State, and Nation that our timber resources be preserved; that the supply shall continue to equal the demand, and that lumber be kept available at living prices. It is especially improvident, uneconomic, and detrimental to present and future interests that the exportation of lumber be facilitated or even fostered when the annual reproduction is not equal to the consumption; when, in fact, the annual consumption is more than three times the yearly growth or reproduction.

Mr. Chairman, I contend that for the present and the future welfare and good of the country the existing duty should be abolished upon importations, and instead a duty imposed upon exportations of our domestic product.

Naval Appropriation Bill.

SPEECH
OF
HON. THEODORE E. BURTON,
OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday, January 22, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes—

Mr. BURTON of Ohio said:

Mr. CHAIRMAN: In discussing this question it is well at the outset to call attention to the growth of our national expenditures. The amount carried in this bill—$135,000,000—is twice as great as the net expenditures of the Government for the fiscal year ending June 30, 1861, and yet at that time our country contained 35,000,000 of people. If we deduct the interest on the public debt, a legacy of the civil war, the amount of our net expenditures in 1878 was less than the amount carried in this single bill. Where will this increase of the burdens of taxation, of growing national expenditure stop? There is now in this country no opposition to this increasing expenditure which is at the same time aggressive and efficient. Party platforms declare against it. Speakers on the stump proclaim against the increase of our budgets, but individuals and parties alike must share the responsibility for the growing expenses of the Government. There is no task more thankless than that of him who takes a stand for economy in either branch of Congress or in the executive government. Yet there is no place where this growing expenditure can be checked so rationally as in this naval bill. Twenty years ago the cost of the navy was but a little over twenty millions per year; but at the present rate of increase an annual expenditure of two hundred millions—yes, of two hundred and fifty millions—is near at hand.

The amount of the naval budget hampers necessary increases of salary; it prevents the expenditure of money upon public works; it stands in the way of most desirable extensions of the public service; it requires additional and, no doubt, burdensome sources of revenue. I desire to especially emphasize the fact to-day that the building of these two battle ships is altogether unnecessary. We have now the second largest navy on the globe, notably in battle ships, and one which in efficiency is at the very forefront. What nation on earth is threatening us? This periodical war scare occurs whenever we have a naval bill up here for consideration. [Applause.] One time it is Germany, one time it is England; but they have all passed away like phantoms of the air. That which this Congress should do is to provide for the rational needs of the people, and not seek to guard against groundless fear or phantoms of the imagination. [Applause.] We may trust the traditional friendship of Japan, and we may also trust the fact that she is in no condition, from an economic standpoint, to wage war with a great nation. We may trust that she will not engage in aggressive movements which are unjustifiable against a powerful nation of the Caucasian race. I say this with the concession that in all candor I should call attention to a factor of growing importance among our people in the last ten or twenty years, and that is the increase of racial repulsion, an influence which must be taken into account and which should in every way be repressed both by the National Government and by the cooperation of individuals and state governments as well.

I usually agree with my friend from Iowa [Mr. HEPBURN], but I can not agree with his arguments to-day. He says we have had a war in each generation. The gentleman himself bore a noble part in one, for which he is entitled to all credit, but he adds we shall have another in each succeeding generation. That statement involves a careless reading of the history of the last one hundred years. The change from a condition, which a century ago or less was predominately one of war, to one now in which no nation can engage in conflict with another on light occasion, and in which the most serious differences are settled by peaceful means points to the morning dawn of peace and concord. An argument which he employs, it seems to me, may be used in support of this amendment providing for a lesser number of battle ships. He says we have entered each one of these wars unprepared. Did we not come out from each of them triumphantly? [Applause.] Yes, with honor; even with glory, and if we succeeded so well when we were unprepared, is it not certain that we would in the future succeed with that high degree of preparation which belongs to both the army

and navy? He states that our war for Cuba was one of sentiment. I can not agree with him in that. There was primarily trouble in that fertile island near at hand in which we had large commercial and other interests. Conditions there had become intolerable for us. Again, we could not sit idly by and see that island under the yoke of oppression and plunder, when we profess to the world that we are in the very vanguard of popular government and of the idea that the people must rule without oppression.

He states that any nation which attacks us must know their own peril in their assault. There is and always has been peril in assaulting the United States [applause], and that peril would be infinitely greater to-day than in any decade of our history; a peril due not only to a strong navy and a strong army, but to our unparalleled resources. Perhaps, I may say, a peril due more than all to the consideration of the future, to the conviction of statesmen that no one could idly or upon trifling occasion attack the United States, because it would mean a future which, if not of retaliation, would at least be of such diminished friendship and intercourse as to redound to the lasting injury of whatever country might attack us. Oh, but it is said, we must have a navy so that our contentions will be acquiesced in. What great contention in diplomacy which has made for the greatness of the American name was accomplished by a great navy? [Applause.] The Monroe doctrine was initiated and established and became a part of the settled policy of nations without the drawing of a sword or firing of a shot. It was initiated at a time when we were a weak, remote people, away from the great, powerful nations of the earth. The open door in China has been mentioned. What made our influence potent for securing that open door? Not the strength of our navy. If that were true, Great Britain and France and other powers, which have maintained powerful fleets in that locality for many years, would have secured it long ago. What did secure the open door? The confidence of the people of the great Flowery Kingdom in the justice and good intentions of the American people [applause], an influence which would have been diminished had we gone there with our battle ships and demanded anything of the kind.

In the brief time of this debate I can not go over ground which I have so frequently gone over before in this House; but I do wish to say that every nation, like an individual, has a work to do, a mission to perform. And no nobler mission could fall to the United States than to take a stand for peace. If we strike out this provision for the two battle ships, it will mean that we are at peace with all the world to-day and that we intend to be at peace with all the world in the future as well. [Applause.] It will mean to the struggling millions suffering from the tragedy of poverty or the pinching of want, to all those who desire enlarged opportunities and more of the comforts and conveniences of life, that we are aiding to lift the crushing weight of military expenses and duties from them. It will mean, even from the standpoint of enlargement of trade, that our prosperity will increase because their purchasing power will be increased. This problem is sure to be settled in the long run as an economic one. The nations of the earth can not go on in this mad rush for naval expansion. The burden, if not intolerable, will be intolerable in a very few years. Let us take the lead.

There were many notable events in that wondrous year of 1908, but that which will be longest recorded in history will be the appalling calamity in Italy. That will be remembered when many trivial and minor events shall have been forgotten in the dusty records of time. The most notable act, also, of this Congress will be the voting of $800,000 for the relief of suffering Italy. That measure passed here almost in silence, without a sound in opposition, and not a voice was needed in its support. The President had recommended it, and the sentiment of the American people demanded it. Our regard for humanity knew no distinction between republic and monarchy, no division by seas, but sent forth the declaration that bleeding, dying, suffering humanity awakened the sympathy and the affection of the American people. And so from our wealth, notwithstanding there might be constitutional questions, we gave from our abundance for the alleviation of the suffering of those people. Along that line, in measures which promote good will, which add to peace, which show that we are a part of the brotherhood of the nations and that humanity is one great whole, is our glory, and it will be not merely our glory but our very strength as a people. It will be remembered as an act of good will when naval bills making provision for battle ships are regarded as a reminiscence of the past and as due to useless rivalries and jealousies of nations, and when, in the larger view of humanity, in the great march of civilization, peace and good will prevail over all the earth. [Applause.]

Equal Treatment Abroad to All American Citizens—Catholic, Protestant, and Jew.

SPEECH

OF

HON. JOHN A. KELIHER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Monday, March 1, 1909,

On House joint resolution 235, concerning and relating to the treaty between the United States and Russia.

Mr. KELIHER said:

Mr. SPEAKER: It is to be hoped that the adoption of the pending resolution will have the effect of stimulating the incoming administration to early and vigorous action upon a subject which brings a blush of shame to the face of every virile American whose attention is called to it. That bona fide American citizens should be treated with deliberate disrespect while traveling within the borders of a friendly nation is hardly conceivable, but that a passport of the United States, presented by a citizen of that country, should be spurned by a power professing friendship, and its holder submitted to gross indignities, is a matter that demands immediate and, if necessary, forceful consideration upon the part of this great Nation.

Mr. Speaker, cases such as I have briefly pointed to are not by any means isolated ones. It is the fixed policy of Russia to make a distinction between American citizens when upon Russian soil; to respect such Americans as kneel at certain altars and to maltreat those who are embraced within the Jewish faith.

It has been demonstrated with cogency and force by the distinguished Member from New York [Mr. HARRISON], who has given considerable study to this question, that Russia willfully violates the provisions of the treaty of 1832, and it must be apparent to all that our submission to such action is nothing short of pusillanimous and manifestly repugnant to the American idea, that the world must respect the sons of Uncle Sam. Note the contrast, Mr. Speaker, between our manner of treating with these outrages which are being visited upon our citizens in Russia and Japan's attitude where the real or fancied rights of her citizens in this country are concerned.

We have just witnessed the spectacle of a sovereign State, through its legislature, disregarding the pronounced sentiment of its people by refraining from the enactment of laws that would unquestionably conduce to the welfare of its people, because, forsooth, the President of the United States held that such state laws would run counter to the provisions of a treaty between this Nation and Japan. Such solicitude as that displayed by President Roosevelt for the Japanese citizen in California would have challenged popular admiration and been hailed with applause if directed with equal vigor and perseverance toward protecting the clearly established right of the Jew of American birth or adoption to the treatment due from tottering Russia to all American citizens.

Mr. Speaker, we know no distinction in citizenship in our country, and thank God for it, and the policy which permits an effete nation like Russia, or would allow a powerful nation like Great Britain, to meet any citizen of the United States visiting within its jurisdiction in the spirit which Russia does law-abiding Jewish-American citizens gives a hollow sound to the claim that at last the world recognizes us as a world power. We have spent a stupendous sum of money in parading our great fleet upon the waters of every clime, ostensibly to display our friendship for all foreign powers, but in reality to flaunt our newly acquired naval prowess.

What does the expenditure of all these millions upon our navy avail us if the dignity and rights of American citizens are not respected by foreign governments? We are told by the advocates of a big navy that the most effective manner in which to command respect abroad is to develop our strength upon the seas. We have taken our place as a world power upon this theory, but almost every day we learn of the insulting and abusive treatment of citizens of influence in this country at the hands of the minions of the autocratic Czar, and no other reason is assigned than that the citizen so maltreated is a Jew.

Mr. Speaker, there is much in the national trait of the Japanese that does not appeal to me, but I must say that I admire the vigilance and protection which that nation exercises over its subjects, no matter where they may roam or be domiciled, and I believe that this country might well emulate that example of

Japan, particularly in Russia, with a view to guaranteeing equal protection and respect to the Jew of American birth or adoption that the Catholic and Protestant American enjoys while in Russia or elsewhere. Consequently, Mr. Speaker, I advocate the passage of this resolution and express the hope that it may arouse Mr. Taft, when he has assumed the duties of President, to the grave necessity of taking immediate steps toward terminating a condition of affairs at once unjust to a great element of our citizenship, unbecoming our dignity, and harmful to our national integrity.

Indian Appropriation Bill.

SPEECH

OF

HON. JOHN W. LANGLEY,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 13, 1909.

The House being in Committee of the Whole House on the state of the Union, and having under consideration the bill (H. R. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910—

Mr. LANGLEY said:

Mr. CHAIRMAN: I desire to repeat what I have had occasion to say heretofore on the floor of this House, that debate should always be confined to the general subject under consideration. It would tend to secure more thorough consideration of the subject and more intelligent action upon it, and would therefore aid in the expedition of the public business.

While we are engaged in the consideration of the bill providing means for continuing the administration of our Indian affairs I regard it as an opportune time to call attention to some things that have occurred in connection with that service. I desire to refer especially to the administration of the estate of the Choctaw and Chickasaw Indians. In the brief time allotted to me it will not be possible to go fully into the subject. I shall refer only to a few salient points, and I trust that I shall have the attention of the House, and particularly of the members of the Committee on Indian Affairs.

Mr. Chairman, I undertake to say that the administration of this Indian estate is little less than a national scandal. It has formed the most fruitful source of controversy and mismanagement of any Indian estate ever administered by our Government. The course of some government officers, charged by law with the duty of protecting the rights of individual claimants, has been characterized by mistakes and sometimes even by frauds so palpable that they can not fail to appeal to the conscience of any fair-minded man. I regret to make these statements, Mr. Chairman, because I do not like to indulge in this kind of criticism; but I make them upon my responsibility as a Member of this House and after the most painstaking investigation.

And one of the most startling facts of all is that these mistakes and frauds, which have resulted in denying to many legal claimants a share in this property, are now admitted by government officers themselves. Yet the Secretary of the Interior claims that he is powerless to afford these claimants any relief or protection under the present law. He has so informed the Senate of the United States. Notwithstanding that fact, Congress has failed thus far to enact legislation either to clothe the Secretary with power to correct these abuses or to confer jurisdiction upon the federal courts to do it. Various measures looking to these ends have been introduced in both Houses of Congress, but they are still pending in the hands of the committees to which referred. One of such bills was introduced by me at the last session. This bill provided that certain Indian descendants named in the bill should be admitted to enrollment. I became convinced that nothing could be accomplished by this method, and so the other day I introduced another bill, seeking to get at the matter by a different method. This bill, which has been referred to the Committee on Indian Affairs, where it is still pending, proposes to extend "to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes" the provisions of an act approved February 6, 1901, entitled:

An act amending the act of August 15, 1894, entitled "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes, for the fiscal year ending June 30, 1895, and for other purposes."

Mr. Chairman, I ask unanimous consent to insert a copy of my bill at this point in my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

The bill is as follows:

A bill (H. R. 26918) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes.

Be it enacted, etc., That the provisions of an act approved February 6, 1901 (ch. 217, U. S. Stat. L., 56th Cong.), entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" be, and the same is hereby, extended to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes; and in order to make said act applicable to any person claiming any such right in said property said act is hereby amended to read as follows:

"SEC. 2. That all persons who are in whole or in part of Choctaw or Chickasaw blood or descent and who are entitled to share in the common property of the Choctaw or Chickasaw Indians under any treaty with said Indians or law of Congress, or who claim to be so entitled under any treaty, grant, agreement, or act of Congress, or who claim to have been unlawfully denied or excluded from participating in the common property of the Choctaws and Chickasaws to which they claim to be lawfully entitled by virtue of any treaty, grant, agreement, or act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper district or circuit court of the United States; and said district and circuit courts are hereby given jurisdiction to hear, try, and determine any action, suit, or proceeding arising within their respective jurisdiction and involving the right of any person, in whole or in part of Indian blood or descent, to share in the common property of said Choctaw or Chickasaw Indians under any treaty, grant, agreement, or law of Congress (and in said suit the parties thereto shall be the claimant as plaintiff, and the Choctaw and Chickasaw nations or tribes jointly as party defendant); and the judgment or decree of any such court in favor of any claimant to share in the common property of said tribes shall have the same effect, when properly certified to the Secretary of the Interior, as if such judgment or decree had been allowed and approved by him: *Provided*, That the right of appeal shall be allowed to either party as in other cases, and that no act of Congress or agreement limiting the time in which an application or assertion of right should be made shall operate to defeat the rights of any person entitled to share in the said common property under any treaty with or grant to said Indians.

"SEC. 3. That the plaintiff shall cause a copy of his petition, filed under the preceding section, to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail copies of same, by registered letters, to the principal chief or governor of the Choctaw and Chickasaw nations, respectively, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letters. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Choctaw and Chickasaw nations in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Indian governments or tribes, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense whatsoever in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

"SEC. 4. That whenever it shall appear to the satisfaction of the court in which the proceeding has been instituted that there is in the possession of any department of the Government, or of any bureau, division, or commission thereof or thereunder, any record or records material to the proper determination of the issue being heard, or about to be heard, the head of the department in which such record is kept shall, upon request of the judge of said court, transmit a certified copy of the record or records on file in his department to the clerk of the court to be used at the trial of the case without any charge therefor: *And provided further*, That all records in the possession or custody of any government officer or department or division, bureau, or commission thereof or thereunder pertaining or appertaining to the rights of any such claimant shall, upon request of the claimant or his authorized attorney, be open to inspection: *Provided further*, That all suits brought under the provisions of this act shall be commenced within six months after the passage of this act, and the court, upon the request of either the plaintiff or defendant, shall advance any suit instituted under the provisions of this act on the dockets thereof to as early hearing as is consistent with the rights of the parties and the interests involved."

Mr. LANGLEY. Mr. Chairman, the effect of this bill would be simply to extend the provision of the general law, being the act of February 6, 1901 (ch. 217, U. S. Stat. L., 56th Cong.), so as to enable any Choctaw or Chickasaw claimant who claims to have been erroneously denied the right to share in the property of the tribe to go into the proper United States court and have his claim judicially determined. The records show that this law has enabled many claimants of the tribes to which it now applies to obtain their share of Indian tribal property after they had been denied recognition by the administrative officers of the Government. Can anyone give me a good reason why these tribes should be denied the protection of a statute that has proved so beneficial to members of other tribes who

would have lost their property rights had it not been for that statute? The necessity for giving the Choctaws and Chickasaws this access to the courts is far greater than it was for passing the law giving such access to all claimants where the title in fee was held by the Government—the Indian possessing only the right of occupancy—because the Choctaws and Chickasaws own the property absolutely, the title having passed from the United States by virtue of the patent issued by the President in 1842, and the Government having declared by act of Congress that it has no property interest therein. And an unanswerable reason, it seems to me, why this remedy in the courts should be given the Choctaws and Chickasaws is the admission of the Secretary of the Interior, to which I have already referred, that many of these claimants have been erroneously denied their rights and that he is powerless to remedy the wrong.

In his annual report for the fiscal year ending June 30, 1907, the Secretary says (p. 20):

> Requests have been presented, and doubtless efforts will be made, to reopen some if not all of these rolls, but it is to be hoped that such action will not be taken. Without doubt there are persons on the rolls who are not entitled to be there, and there are persons not on the rolls whose names should be there, but after the years of painstaking inquiry and determinations made by the citizenship court, by the commissioners to the Five Civilized Tribes, and finally by the Secretary of the Interior, it is believed that the cases of injustice or mistake are too few to justify an action that would surely result in thousands of claims being presented for readjudication.

Mr. Chairman, I respectfully dissent from this conclusion of the honorable Secretary. It being admitted that claimants have been erroneously denied by the Government their right to share in this property, I do not think that the Government is justified in refusing a remedy because of the amount of work or trouble that might be involved in giving it.

I shall not undertake, because I have not the time, to go into the history of all the legislation on this subject, including the creation of the Commission to the Five Civilized Tribes and the Choctaw-Chickasaw citizenship court, nor of the irregularities and errors that have characterized the administration of this estate, nor to show the departures from justice and from the law in adjudicating individual cases which are disclosed by the record.

The law required that every tribal roll should be taken into account in making up the final rolls.

Assistant Attorney-General Willis J. Van Devanter, in an opinion rendered for the guidance of the Secretary and the commission, under the act of June 28, 1898, under which the rolls were made, directed the enrollment of all persons whose names appeared upon any tribal roll and their descendants. The following is a complete list of the rolls which were in the custody and possession of the Commission to the Five Civilized Tribes and the Secretary, and were the only rolls used as a basis for the preparation of the so-called "final rolls," as will appear from an official report of the Secretary and printed as Senate Document No. 505, Sixtieth Congress, first session (p. 4 and 5):

> *Choctaw Nation.*—The 1885 census rolls; the 1893 census rolls; the 1896 census rolls; and memorandum rolls.
> *Chickasaw Nation.*—The 1893 pay rolls made by Maytubby; the 1896 Ieshatubby rolls; the 1896 census roll; and memorandum roll.

On page 3 of the same report the Secretary advises the Senate that none of these rolls are complete rolls of the Choctaw and Chickasaw Indians, and that most of the rolls omitted the names of persons included in entire counties and districts of the Choctaw and Chickasaw nations.

It is alleged that these rolls were made by Indian officials who were pecuniarily interested in the property. If so, this fact alone should, I think, have precluded their use at all, and certainly should have precluded their being used exclusively as the basis for the preparation of the so-called "final rolls." I think this observation is sustained by the language of the court in the case of New York Indians *v.* United States (40 Ct. Cls.), in which the court in deciding an identical question said:

> To accept as final the determination of such communities or societies on the question of a legal right to participate in the fund would be an evasion of judicial duty. It would be committing individual rights to the incompetent hands of those who have a direct pecuniary interest in the decision. Neither can the court accept the action of any community subsequent to the date of the treaty as being a legal determination on the question of communal membership; and where it appears that since the execution of the treaty a communal roll has been tampered with and persons who were not Indians have been admitted to communal membership from improper motives and by arbitrary methods, the court will not regard them as beneficiaries under the treaty or as persons entitled to participate in the fund. * * * In determining the persons who were termed "Indians" within the intent of the treaty, the court must resort to the actual communities then existing, so far as they can be ascertained, and must carry out the obvious intent of the treaty without being limited by Indian laws or customs which would defeat its chief purpose. * * * Consequently the court must adopt a rule of descent or participation which would embrace all persons whom it was the policy of the United States to remove, and this rule being ex necessitate rei, once established must continue. * * * This is not a question of Indian citizenship or tribal custom or communal ownership in Indian property, but simply a question of contract, of the subject-matter and purpose of contract, and of the intent of those who entered into it. * * * The court appreciates the work done by the direction of the Secretary of the Interior, and regrets that there should be a difference of opinion as to the distribution of the fund; but for the reasons hereinbefore given, the court can not regard this as simply a distribution of Indian property by Indian methods, according to Indian law, and at the dictation of Indian communities. The court, acting judicially, must be controlled by the purpose of the treaty and the terms of the jurisdictional act. It can not exclude from rolls Indians who were or whose ancestors were parties to the treaty of Buffalo Creek, and it can not admit as beneficiaries Indians who were not parties to the treaty of Buffalo Creek and whose ancestors were not. Neither can the court uphold the unsatisfactory, if not fictitious, rolls which some of the parties have framed, nor can the court allow Indian law or custom or decision to determine who shall participate in the distribution of this fund and in effect decide who were persons intended to be removed from New York and Wisconsin to the country west of the Mississippi.

LIST OF ROLLS NOT USED.

The following rolls prepared by government officers and agents, and which are authentic, reliable, and complete rolls, were in the possession and custody of the Secretary of the Interior and Secretary of the Treasury, but were never used or consulted by the commission or the department when the so-called "final rolls" were made. Upon these rolls appear the names of many persons who have been denied the right to share in this property or the names of their immediate ancestors (S. Doc. No. 505, 60th Cong., 1st sess.):

LIST OF ROLLS IN THE POSSESSION AND CUSTODY OF THE SECRETARY OF THE INTERIOR.

1. Register of Choctaw Indians claiming lands under the various provisions of the Choctaw treaty of 1830 and the supplement thereto, prepared by F. W. Armstrong in 1831.
2. In 1831, after the Choctaw lands had been surveyed, George W. Martin was sent to the ceded Choctaw country, in Mississippi, to make a record of those Choctaws who claimed land under the treaty and supplement, and of the description by government survey of the lands claimed. He was engaged in business until the year 1836, and his report is generally known as "Martin's Register."
3. Immediately after the ratification of the treaty of 1830 the Choctaw Indians began to complain that the agent had refused to make record of the desire of many of their number to remain east of the Mississippi and reap the benefits of the fourteenth article of that treaty. The proofs submitted to the War Department regarding the allegations of misconduct on the part of the agent were so convincing that Congress passed an act, approved March 3, 1837 (5 Stat. L., 180), providing for the appointment of commissioners to adjust the claims to land under the fourteenth article of the treaty.
4. The general emigration of the Choctaws under the treaty was begun in 1831 and ended early in 1833. The records of the Indians transported west by the Government during all these years are in the Indian Office.
5. Only half the scrip to which the Indians were entitled was delivered to them. Some of it was delivered west of the Mississippi and some east.
6. In 1855 Douglas H. Cooper, the agent of the Choctaws west, was directed to go to the Choctaw country in Mississippi, Louisiana, and Alabama and make a census of those members of the tribe still remaining in those States. Mr. Cooper visited the Choctaw country and made a roll.
7. In 1856 the tribal authorities of the Choctaw Nation presented schedules of claims made by individual citizens of the nation for the expense of self-emigration and for losses of property incident to the removal.

The rolls of the Chickasaws are as follows:

1. The emigration muster rolls compiled in 1837 by A. M. M. Upshaw.
2. The census roll made in 1839 by A. M. M. Upshaw.
3. Book No. 13, covering reservation claims of the heads of the Chickasaw families.

List of rolls in the office of the Auditor for the Interior Department, showing payments by sundry disbursing officers to the Chickasaw Indians.

No.	When prepared.	By whom prepared.	For what purpose prepared.
1	June 30, 1839	Capt. R. D. C. Collins	Incompetents, 1838.
2	No date	A. M. M. Upshaw	Incompetents, 1840.
3	do	do	Incompetents, 1841.
4	June 30, 1843	do	Incompetents, 1843.
5	No date	William Armstrong	Do.
6	December 21, 1844	A. M. M. Upshaw	Annuity, 1844.
7	June 18, 1846	do	Annuity, 1845.
8	No date	do	Annuity, 1846.
9	do	do	Annuity, 1847.
10	do	do	Annuity, 1848.
11	do	do	Do.
12	do	do	Annuity, 1849.
13	February 13, 1851	George W. Long	Annuity, 1850.
14	No date	Kenton Harper	Annuity, 1851.
15	December 25, 1852	A. J. Smith	Annuity, 1852.
16	February 28, 1854	do	Annuity, 1853.
17	January 1, 1855	do	Annuity, 1854.
18	January 12, 1856	D. C. Cooper	Annuity, 1855.
19	December, 1856	do	Trust fund interest, 1856.
20	December 11, 1858	do	Annuity, 1858.
21	No date	do	Annuity, 1859.
22	December 29, 1860	do	Annuity, 1860.

List of rolls in the office of the Auditor for the Interior Department showing payments by sundry officers to the Choctaw Indians.

No.	When prepared.	By whom prepared.	For what purpose prepared.	Settlement No.	Date of settlement.
1	1833	F. W. Armstrong.	Relinquishment	17219	May 11,1833
2	1833	do	do	17219	do
3	1833	do	do	17219	do
4	1833	do	do	17219	do
5	1833	do	do	17219	do
6	1833	do	do	17219	do
7	[a]July 25,1833	do	Supplies	18125	May 12,1834
8	do	do	do	18125	do
9	Feb. 1,1832	do	do	18125	do
10	Jan. 17,1832	do	do	18125	do
11	do	do	do	18125	do
12	do	do	do	18125	do
13	May 1,1832	do	do	18125	do
14	do	do	do	18125	do
15	May 1,1833	do	do	18125	do
16	Dec. 20,1833	do	do	18125	do
17	Nov. 8,1833	do	do	18125	do
18	Dec. 20,1833	do	do	18125	do
19	do	do	do	18125	do
20	do	do	do	18125	do
21	do	do	do	18125	do
22	Jan. 15,1834	do	Pensions	18125	do
23	No date.	do	Relinquishment	18125	do
24	do	do	Captain's receipt roll	18125	do
25	do	do	Relinquishment	18125	do
26	do	do	Captain's receipt roll	18125	do
27	do	do	Relinquishment	18125	do
28	do	do	Captain's receipt roll	18125	do
29	1832-1834	do	Supplies	30136	May —,1836
30	No date.	do	Relinquishment	30136	do
31	do	do	do	30136	do
32	do	do	do	30136	do
33	do	do	do	30136	do
34	Dec. 31,1839	Wm. Armstrong.	Annuity, 1839	5107	Nov. 6,1840
35	do	do	do	5107	do
36	do	do	do	5107	do
37	No date.	do	Annuity, 1840	6432 B	Nov. 23,1841
38	Nov. 28,1840	do	do	6432 B	do
39	do	do	do	6432 B	do
40	Sept. 1,1842	do	Interest roll, 1841	338	Nov. 24,1843
41	do	do	Annuity, 1841	338	do

[a] Treaty articles.

List of rolls in the office of the Auditor for the Interior Department showing payments by sundry officers to the Choctaw Indians.—Cont'd.

No.	When prepared.	By whom prepared.	For what purpose prepared.	Settlement No.	Date of settlement.
42	Sept. 1,1842	Wm. Armstrong.	Annuity, 1841	338	Nov.24,1843
43	do	do	do	338	do
44	Mar. —,1843	do	Annuity, 1842	338	do
45	do	do	do	338	do
46	do	do	do	338	do
47	Sept.15,1842	do	Interest roll	338	do
48	Mar. 29,1843	do	do	338	do
49	do	do	do	338	do
50	do	do	do	338	do
51	Dec. 20,1843	do	Annuity, 1843	1040	July 12,1844
52	do	do	do	1040	do
53	do	do	do	1040	do
54	Nov. 8,1844	do	Annuity, 1844	2564	Sept.26,1844
55	do	do	do	2564	do
56	do	do	do	2564	do
57	Sept.30,1845	do	Annuity, 1845	2822	Dec. 20,1845
58	do	do	do	2822	do
59	do	do	do	2822	do
60	Feb. 5,1841	do	Payment for interest on scrip.	6177	Mar. 21,1845
61	Dec. 10,1846	do	Annuity, 1846	5115	June 22,1847
62	do	do	do	5115	do
63	Dec. —,1849	John Drennen.	Annuity, 1849	10748	Aug. 30,1849
64	do	do	do	10748	do
65	do	do	do	10748	do
66	1849	do	Interest on scrip, 1849	10748	do
67	1851	Wm. Wilson.	Orphan roll, 1851	13529	Jan. 14,1853
68	1851	do	Annuity, 1851	13529	do
69	1851	do	do	13529	do
70	1851	do	do	13529	do
71	1851	do	Interest on scrip, 1851	13529	do
72	1854	D.H.Cooper	do	2237	Jan. 14,1855
73	Oct. —,1855	do	Average annuity	4410	1855
74	do	do	do	4410	1855
75	do	do	do	4410	1855
76	Mar. —,1856	do	Interest on scrip	4953	1857
77	May —,1856	do	do	4953	1857
78	{Nov. —,1856 / Dec. —,1856}	do	Orphan payment	{17785 / 5295}	

List of rolls in the office of the Auditor for the Interior Department, showing payment by United States Indian agents to Choctaw and Chickasaw Indians for the period from July 1, 1874, date when the Union Agency was established at Muskogee, Ind. T. (Oklahoma), to September 30, 1907.

No.	When prepared.	By whom prepared.	For what purpose prepared.	Tribe.	By whom and when paid.
1	Not shown	R. L. Owen	Annuity payment	Choctaw	R. L. Owen; voucher 16, fourth quarter 1886.
2	do	do	do	do	R. L. Owen; voucher 7, first quarter 1887.
3	do	do	do	do	R. L. Owen; voucher 15, second quarter 1887.
4	do	do	do	do	R. L. Owen; voucher 8, third quarter 1887.
5	do	do	do	do	R. L. Owen; voucher 10, first quarter 1888.
6	do	do	do	do	R. L. Owen; voucher 16, second quarter 1888.
7	do	do	do	do	R. L. Owen; voucher 1, third quarter 1889.
8	do	J. B. Shoenfelt	Per capita payment	Chickasaw	J. B. Shoenfelt; voucher 132, fourth quarter 1903.
9	do	do	do	do	J. B. Shoenfelt; voucher 281, first quarter 1904.
10	do	do	do	do	J. B. Shoenfelt; voucher 338, second quarter 1904.
11	do	do	Town-site fund payment	Choctaw	J. B. Shoenfelt; voucher 1, fourth quarter 1905.
12	do	do	do	Chickasaw	J. B. Shoenfelt, voucher 2, fourth quarter 1905.
13	do	Dana H. Kelsey	do	Choctaw and Chickasaw	Dana H. Kelsey; voucher 443, second quarter 1906.
14	do	do	do	Mississippi Choctaws	Dana H. Kelsey; voucher 438, second quarter 1906.
15	do	do	do	Choctaw and Chickasaw	Dana H. Kelsey; voucher 429, second quarter 1906.
16	do	do	Per capita payment	Chickasaw	Dana H. Kelsey; voucher 467, third quarter 1906.
17	do	do	do	do	Dana H. Kelsey; voucher 525, fourth quarter 1906.
18	do	do	do	do	Dana H. Kelsey; voucher 393, first quarter 1907.
19	do	do	do	do	Dana H. Kelsey; voucher 372, second quarter 1907.
20	do	do	do	do	Dana H. Kelsey; voucher 290, third quarter 1907.
21	do	do	Town-site fund payment	Choctaw	Dana H. Kelsey; voucher 1, third quarter 1907.
22	do	do	do	Mississippi Choctaws	Dana H. Kelsey; voucher 2, third quarter 1907.
23	do	do	do	Chickasaw	Dana H. Kelsey; voucher 2, third quarter 1907.
24	do	do	do	Choctaw and Chickasaw	
25	do	do	Per capita payment	Chickasaw	
26	do	do	Town-site fund payment	Choctaw and Chickasaw	

I am advised that there are other and additional rolls to those herein above enumerated, some of which were actually in the custody and possession of the Commission to the Five Civilized Tribes when the final rolls were made, and which additional rolls were never used or consulted by the commission in making up the so-called "final rolls" of citizenship of the Choctaws and Chickasaws, and which additional rolls were recently discovered by Assistant Attorney-General J. W. Howell during an investigation of this subject conducted in November, 1908, by direction of the department.

Mr. Chairman, on the rolls not consulted at all appear the names of many claimants, most of them known as the "Harper claimants," who live in my district, or the names of their ancestors. Their descent from Choctaw and Chickasaw ancestors is not questioned. They are just as much entitled, in equity and justice, to a share in this property as those who happened to pass the scrutiny of the final enrolling officials, and more so than some of them, because it is conceded that some of those who are enrolled were not entitled to enrollment. Many of these claimants are minor children, many widowed women, and nearly all of them are in need of the money that a just distribution of this property would bring to them.

The many complicated questions connected with this whole affair are of such a character that only a court should or can properly determine them. That is why I introduced the bill to which I referred in the outset, and I trust that the Committee on Indian Affairs will act upon it and act promptly. The estate is now practically intact, but the Secretary of the Interior says that inasmuch as he has no power under existing law to correct mistakes in the rolls that have been made up by officials of the department and approved by his predecessor, he must proceed to distribute the property according to that enrollment. If this is done, our Government will be responsible for diverting nearly half a billion dollars from the rightful owners, which it would

be in honor bound to make good. The way to avoid this is to give these claimants the right to a court review of their cases, and thus do even-handed justice to all concerned and put an end, once and for all, to this unfortunate controversy.

I have also introduced a bill extending the time for the Eastern Cherokee claimants to present their claims to share in the judgment of the Court of Claims, rendered on May 18, 1905, against the United States in the sum of $5,000,000, this being the amount found due the Eastern Cherokees under the treaty of 1838. There are a number of these claimants residing in my district who did not have actual notice of the limitation as to the date of filing their claims and others who did not understand their rights. Now that they do understand these matters and are seeking the privilege of filing their claims in order to establish their right, I do not think that Congress can afford, under the circumstances, to deny their request. I will insert here a copy of this bill:

A bill (H. R. 26213) extending the time in which the Court of Claims shall receive application of persons to share in the judgment of said court rendered May 18, 1905, in favor of the Cherokee Indians.

Be it enacted, etc., That the Court of Claims is hereby authorized and directed to receive for three months after the approval of this act the claim of any person to share in the moneys appropriated by the act approved June 30, 1906, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes," which appropriation was in satisfaction of the judgment rendered by the Court of Claims on May 18, 1905, in the consolidated cause No. 23129, and entitled "The Cherokee Nation *v.* The United States," "Eastern Cherokees *v.* The United States," and "Emigrant Cherokees *v.* The United States;" and any claim filed within said time shall receive the same consideration as though it had been filed prior to August 31, 1907, the limitation of time fixed by said court.

Mr. Chairman, it is manifest already that no legislation on these subjects can be secured at the present session. The people of my district have honored me with a seat in the next Congress, and one of the pledges I made to them was that I would endeavor to secure legislation that would restore the rights, unjustly denied, of these Indian descendants. In obedience to that promise I have spent much time in the investigation of the subject and have made every honorable effort that I could in their behalf. In obedience to that promise I have made this statement of their case to-day, and in further obedience to it I give notice now that I shall introduce these bills again in the next Congress and shall earnestly press them for early consideration.

Addition to Rock Creek Park.

SPEECH

OF

HON. THEODORE E. BURTON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, March 3, 1909.

The House having under consideration the bill (S. 4441) to acquire certain lands in the District of Columbia as an addition to Rock Creek Park—

Mr. BURTON of Ohio said:

Mr. SPEAKER: I do not know that I will require more than five minutes.

The bill adds to the parks of Washington approximately 100 acres of land. It extends Rock Creek Park across Connecticut avenue to Massachusetts avenue and includes an area excellently adapted for the purposes of a park. The proposed cost is $423,000, one half of which is to be paid by the District of Columbia and the other half by the United States. It involves a readjustment of boundary lines, but gives to Rock Creek Park a large front on Massachusetts avenue and makes it more readily accessible from other portions of the city. It also affords a place of resort and a playground in a very rapidly growing portion of the city of Washington. I am free to admit that I am not familiar with real-estate values in this city—that is, in any general or comprehensive sense—but I have made inquiry with reference to this property, and so far as my information extends it is a very reasonable price, because property is selling on all sides of it on a higher scale.

I am frank to admit a sentimental interest in the parks of the city of Washington, and especially in Rock Creek Park. In the Fifty-first Congress, twenty years ago, I was a member of the Committee on the District of Columbia. That committee was the first to make a recommendation for the establishment of Rock Creek Park which was crystallized into law. At that time there was strenuous opposition to the acquisition of the necessary lands for a park; and no one can make any remarks against this bill to-day without practically repeating what was said then. But Congress, and I think I may say the people of the country, were interested in the beautification and the adornment of this capital city. We are proud of it, and trust that it will become before many years, if it is not already, the most beautiful city in the world. Its attractiveness and beauty gained immensely by the acquisition of that park. I want to say that this addition is in the nature of essential growth and development, not merely of the parks, but of the city itself.

This bill is favorably reported by the Committee on Appropriations, where it was considered for a long time, and, I think I can say, comes to us with the general approval of citizens of Washington, if not their unanimous approval; and I hope the measure can pass.

Mr. SHERLEY. Before the gentleman takes his seat, will the gentleman yield to an inquiry or two?

Mr. BURTON of Ohio. Certainly.

Mr. SHERLEY. Does the gentleman know anything about the value of the land which is proposed to be given by the District for land to be given by certain property owners along the route?

Mr. BURTON of Ohio. There is a parcel of land, owned by private parties, fronting on Massachusetts avenue on the side toward the park, which is to be exchanged for property on the other side owned by the United States that is smaller in area.

Mr. SHERLEY. Does the gentleman know anything about the value of that exchange, and whether it is really a proper exchange or not?

Mr. BURTON of Ohio. I have not made any study of that subject, but my opinion is that the property outside which would be transferred to the private parties is less valuable than that which is acquired. This exchange is desirable for the private party because it is adjacent to other lands he has.

Mr. SHERLEY. If I understand the gentleman's position, it is desirable to add this tract to the parking system; but will he express his own opinion as to the value of the property to be bought?

Mr. BURTON of Ohio. As I said, I am not posted on real-estate values in the city of Washington. I have made considerable inquiry in regard to this, and the unanimous result, so far as these inquiries have extended, is that the price is extremely reasonable.

Mr. SHERLEY. But your proposition is the proposition that confronts the House. And I would thank the gentleman if he would give his personal opinion as to the value of that property.

Mr. BURTON of Ohio. As I have already said, I am not an expert on real-estate values in Washington.

Mr. SHERLEY. I want also to correct the impression given that the Committee on Appropriations as a whole favor this bill.

Mr. BURTON of Ohio. The report is here printed.

Mr. SHERLEY. I understand.

Mr. BURTON of Ohio (reading):

Mr. TAWNEY, from the Committee on Appropriations, submits the following report——

Mr. SHERLEY. And it is worth reading.

Mr. BURTON of Ohio (continuing):

from the Committee on Appropriations, to whom was referred Senate bill—

And so forth—

having considered the same, report it back with the recommendation for its passage.

If there was any minority report, I have not heard of it.

Mr. SHERLEY. There is not; but this is the fact in connection with that: The matter was reported out over a year ago and defeated by the House. Since then, so far as I know, there has been no formal reconsideration of the matter by the committee, and I know that I myself and some of my colleagues are opposed to the bill.

Mr. BURTON of Ohio. You have not filed any minority report, however.

Mr. SHERLEY. We have not. We considered the adverse action of the House on the matter sufficient.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him how the value placed on this land in the bill has been arrived at?

Mr. BURTON of Ohio. It is a proposition made by those who represent the owners. It is in the hands of trustees.

Mr. STEPHENS of Texas. And are we asked to pass the bill without any report as to the real value of the land?

Mr. BURTON of Ohio. As I understand it, the Committee on Appropriations were posted on the value of the property at that time.

Mr. STEPHENS of Texas. But how would it be possible for Members of the House to post themselves?

Mr. BURTON of Ohio. Why, from the information given by the committee. I will state that I myself have given it some degree of attention, though not so elaborate as I should have given it had there not been a prior investigation of the subject.

Mr. STEPHENS of Texas. I think we should have more time than is given us to investigate a matter of this importance. What is the amount of money carried in the bill?

Mr. BURTON of Ohio. Four hundred and twenty-three thousand dollars.

Mr. STEPHENS of Texas. How many acres of land are proposed to be added to the present park?

Mr. BURTON of Ohio. Approximately 100.

Mr. STEPHENS of Texas. For how much an acre—$400?

Mr. BURTON of Ohio. Oh, no; something over $4,000 an acre. One-half of that comes from the District of Columbia. The gentleman must bear in mind that this is in the territory between Massachusetts avenue and Connecticut avenue, in a locality where property is increasing in value as rapidly as anywhere in the city.

Mr. SHERLEY. Will the gentleman advise the House as to the topography of this land, and whether it has anything like the value for building purposes of other land which he has estimated the value of?

Mr. BURTON of Ohio. I will state that I have made some inquiry on that very subject, and sales have been made of all varieties of land about it, and again I repeat, after a careful examination, that it is equal to the average of land about it, and that it is here offered at a very materially less price than that at which sales have been made in the neighborhood.

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Mr. Speaker, this bill has awakened most unexpected opposition, and has involved some unusual accusations. One Member of the House has taken the position of claiming that there is dishonesty in connection with it, and says there is a Member of this House who is personally interested in this sale.

Mr. Speaker, I am tired of these vague accusations on the floor of this House or anywhere else. [Applause.] If the gentleman knows aught against any man on this side, or on the other side, in reference to this transaction, let him not make his accusation unnamed, but let him stand up here on the floor of this House and let the Members of the House of Representatives and let the country know who in this body is actuated by personal interest in this matter.

Mr. SIMS. I would give the name if the man who told me would permit.

Mr. FITZGERALD. Will the gentleman from Ohio yield for a question?

Mr. BURTON of Ohio. Certainly.

Mr. FITZGERALD. Is the gentleman from Ohio able to state the names of the owners of this land?

Mr. BURTON of Ohio. Except as stated in this bill. As I understand, a large share belongs to the estate of Mr. Waggaman, and two or three others own the other part.

Mr. FITZGERALD. Certain persons are named as trustees, and I endeavored to ascertain, when the matter was before the Committee on Appropriations, who the owners were, and the only names I could get were those of the trustees.

Mr. BURTON of Ohio. I am satisfied that these accusations of dishonesty are carelessly uttered and have been made without one particle of foundation. I have no interest in this bill, nor do I believe any other Member of this House has an interest. I have advocated it on the suggestion of some who knew of my original interest in Rock Creek Park twenty years ago. I was interested then, and I listened to the same kind of opposition, though not so loud in accusations of dishonesty.

Mr. SIMS. I deny having said anything about dishonesty. I said interest.

Mr. BURTON of Ohio. In the natural growth of the parks in the city of Washington the extension will be over this ground, and I say to this House that at some day this property will be a part of the park system of Washington. The modern development of parks is in separate localities, connected by driveways and otherwise. This is in the natural line of connection and development between them. If I had time, I would refer to the remarks of the gentleman from New York [Mr. ANDRUS]. He says that this property is only assessed at $235,000. Does not the gentleman know that the taxable value of property everywhere is not its full value, that property is sometimes taxed at only one-third or one-quarter of its value? It is taxed here on a basis of 66 per cent of the valuation of the property, as I am informed by my friend from Illinois [Mr. MADDEN]. The time when we can most advantageously obtain this property, which will no doubt be an integral part of the park system, is now.

Repeal of the Bankruptcy Law.

SPEECH

OF

HON. CHARLES L. BARTLETT,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, February 6, 1909.

The House having under consideration the bill (H. R. 21929) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903—

Mr. BARTLETT of Georgia said:

Mr. SPEAKER: Some of these amendments presented I am inclined to vote for; but rather than amend the law, I shall gladly vote for its repeal. I do not know that an opportunity will be given, but I wish the House had the opportunity to vote on the amendments separately. I apprehend, from indications that I have seen, that the House will not have that opportunity.

Mr. OLLIE M. JAMES. The Speaker ruled a moment ago that you could vote upon them separately.

Mr. BARTLETT of Georgia. The Speaker ruled that if we could avoid the previous question, which I have no doubt will be moved presently, we might get a chance to vote on them separately; but there will be no opportunity to vote after the motion for the previous question is called.

Mr. Speaker, I am one of those who voted for the repeal of this bill, and I was hoping that it would be repealed. If anyone will take the report of the Attorney-General and read what has been done in this country the last year and the preceding year, he will see that, so far as the creditor is concerned, it has been a most expensive administration to him.

In many jurisdictions, I may say in most jurisdictions, if this report is correct, and I am bound to take it as true, from Alabama to Wyoming—commencing alphabetically and going through the States—the creditor, out of the amount of the debts, gets from 10 to 12 per cent, and out of the assets realized there has been put upon it a charge of 15 to 35 per cent for the collection of these estates.

In my part of the country it is not the credit men, but the wholesale and retail merchants that are demanding its repeal, because it has been used as an engine and power to force the creditor to compromise with his dishonest debtor in many instances rather than seek the court, where the estate is paid out in expenses for collection to the officers and attorneys of the court.

Now, I do not confine that to my section of the country; but the report of the Attorney-General shows that it is generally characteristic all over the country. If you will take the amount of dividends, you will see that the creditors of the country have paid enormous sums in order to realize very small amounts upon their debts.

As to the tenth amendment proposed to the bankruptcy act, I have, so far as my State is concerned, a very strong opposition to it. We do not have in our State what is known as "judgment notes." Judgment can only be obtained after a suit in court and by the direction of the court. And yet by this amendment, if a man goes to court and sues upon a note overdue and obtains judgment—which by the law of my State is a lien from the day it is entered by the court—he knows it is a preference, and knows that the judgment will give him the money in preference to all others whose judgments are not older than his, and yet, by pursuing a simple remedy at law which my State permits you to pursue, bringing suit in court upon the note, aboveboard, and getting a judgment, that transaction is declared fraudulent, and against that amendment I want to enter my protest. The only remedy for the creditor, in my judgment, is to repeal the entire law, which already has remained too long on the statute book, because it has long since answered the purpose it was intended to serve.

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